

Journal of the Senate

FORTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 23, 2016, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, we take two or three minutes, at the beginning of each session, to pause and talk to You. Then we take hour after hour to talk among ourselves and with each other. When, Lord, the most beneficial talking we can do, is talking with You. And You said in 1 Thessalonians 5:17, that we should always be doing that. Let this prayer be the raising of our antennae...the logging on to Your internet, that at a moment's notice, no matter what we're engaged in, we'll be ready to receive from You. Let this opening be a prayer seed, to germinate and blossom into something continual...for we need to frequently talk TO You and regularly hear FROM You...that we might be guided BY You, all throughout the day. If and when we get disconnected, Lord, shut us down and give us a reboot. Let all that we do be done prayerfully. Let us now Lord, turn to those in Brussels and all across the land, both here and abroad, both victims and offenders. We ask for help, healing and wisdom for the victims and their responders. Then we ask, Master, for You to open the blinded eyes of the wrongdoers...of the misled...of the deceived; those, who in their confusion, call evil good and call good evil. Like those persons, trapped by a cave in, down in a mine, who didn't know they were blind, until the light was turned on, turn on the light of Your truth, so that those who have been trapped in blindness, may come to know it and be enlightened. Let this be to the good and glory of Your name on this earth. I come to You in the precious name of Jesus. Amen

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2665**.

Federal and State Affairs: **HCR 5022**.

Judiciary: **Sub HB 2054; HB 2553**.

Public Health and Welfare: **HB 2471**.

Ways and Means: **SB 514, SB 515; HB 2483, HB 2724, HB 2739**.

To Be Referred: **SB 516**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Haley and Pettey introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1784—

A RESOLUTION congratulating and commending the 2015-2016 Kansas City Kansas Community College Women's Basketball team on winning the 2016 National Junior College Athletic Association Division II Championship.

WHEREAS, The 2015-2016 Kansas City Kansas Community College (KCKCC) Women's Basketball team, the Lady Blue Devils, won the 2016 National Junior College Athletic Association (NJCAA) Division II Championship by beating Illinois Central with an 81-59 victory at Cavalier Gymnasium, Overland Park, Kansas, on March 19, 2016. The win marks the first time in KCKCC's history to win the Championship; and

WHEREAS, The 2016 NJCAA Division Champions are: Erin Anderson, Brooklyn Bockover, Aricca Daye, Ky'Ana French, Whitney Hazlett, Janay Jacobs, Kylie Jarrett, Cheyenne North, Sierra Roberts, Nimo Samana, Valencia Scott, Millie Shade, Brie Tauai and Brooklyn Wagler; and

WHEREAS, The head coach is Joe McKinstry and the assistant coaches are Chamissa Anderson and Dawn Adams; and

WHEREAS, The Lady Blue Devils were powered by a balanced offense that saw five players score in double figures, with Sierra Roberts leading the way with a game high of 16 points. Brooklyn Wagler tallied 15 points, while Cheyenne North and Erin Anderson each finished with 14 points. Brie Tauai came off the bench to chip in 11 points; and

WHEREAS, The Lady Blue Devils shot 46.2% from the field and converted 40% of their attempts from three-point distance. The team also controlled the boards as they out-rebounded Illinois Central 48-34, with Cheyenne North leading all players with 16 rebounds and Brooklyn Wagler finishing with 10 rebounds; and

WHEREAS, The only time the Lady Blue Devils trailed in the game was at the 9:42 mark of the first quarter. After surrendering the first basket of the game, the Lady Blue Devils never looked back, as they charged forward with a 12-2 point run; and

WHEREAS, The Lady Blue Devils kept the momentum into the second half and added a stifling defense to the mix, as they outscored Illinois Central 21-7 in the quarter, with the trio of Anderson, North and Roberts contributing 14 points in the period; and

WHEREAS, Despite a better second half from Illinois Central, the Lady Blue Devils maintained their advantage for the remainder of the contest, eventually pushing their lead to as much as 24 points down the stretch; and

WHEREAS, Cheyenne North was named the tournament's Most Valuable Player, Coach Joe McKinstry was named the Coach of the Tournament and Erin Anderson and Brooklyn Wagler were named to the All-Tournament Team: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2015-2016 Kansas City Kansas Community College Women's Basketball team on winning the 2016 National Junior College Athletic Association Division II Championship; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Senators Haley and Pettey.

On emergency motion of Senator Pettey **SR 1784** was adopted unanimously.
The senate honored team members, coaches and other guests with a standing ovation.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize Storytime Village, Inc. Literacy Day at the Capitol, as well as the organizers of the event. The goal of Storytime Village, Inc. is to inspire a lifelong love of reading for underserved Kansas children from birth to age 8.

Guests introduced were Prisca Barnes, Dr. Beryl New, Rose Palmer and Kenya Cox.
The senators honored the guests with a standing ovation.

ORIGINAL MOTION

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2056**.

The President appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2059**.

The President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2134**.

The President appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2156**.

The President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2441**.

The President appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2456**.

The President appointed Senators O'Donnell, Bowers and Kelly as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2502**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2547**.

The President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2610**.

The President appointed Senators Petersen, Wolf and Pettey as conferees on the part

of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2617**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2632**.

The President appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2696**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Baumgardner as a member of the Conference Committee on **S Sub HB 2008** to replace Senator Arpke.

The President announced the appointment of Senator Baumgardner as a member of the Conference Committee on **HB 2622** to replace Senator Arpke.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

MESSAGES FROM THE GOVERNOR

SB 175 approved on March 22, 2016

H Sub SB 245 approved on March 23, 2016

CHANGE OF CONFERENCE

The President announced the appointment of Senator Longbine as a member of the Conference Committee on **H Sub SB 168** to replace Senator Smith.

The President announced the appointment of Senator Hensley as a member of the Conference Committee on **H Sub SB 168** to replace Senator Haley.

The President announced the appointment of Senator Arpke as a member of the Conference Committee on **S Sub HB 2008** to replace Senator Baumgardner.

The President announced the appointment of Senator Arpke as a member of the Conference Committee on **HB 2622** to replace Senator Baumgardner.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator LaTurner in the chair.

On motion of Senator LaTurner the following report was adopted:

SB 480 be passed.

SB 424, SB 509 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 469 be amended by the adoption of the committee amendments, be further

amended by motion of Senator Baumgardner: on page 1, in line 12, after "(b)" by inserting "(1)"; following line 16, by inserting:

"(2) For purposes of administering such elections on a staggered basis, the secretary shall organize all boards of education into three groups and assign the year 2017, 2018 or 2019 to each group. On or before August 1, 2016, the secretary shall advise all boards of education and professional employees' organizations of the group designation and the year of their first triennial elections."

SB 469 be further amended by motion of Senator Baumgardner: on page 1, in line 23, by striking all after the comma; in line 24, by striking all before "the"; in line 26, after the period by inserting "If no election is held within the time period required under subsection (b), the secretary shall cause an election to be held pursuant to subsection (b) the following year."

SB 469 be further amended by motion of Senator Baumgardner: on page 1, in line 19, by striking "all" and inserting "votes cast by"; in line 22, by striking "all" and inserting "votes cast by"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 22; Nays 18; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Bowers, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, King, LaTurner, Longbine, Love, McGinn, Ostmeyer, Petersen, Pettey, V. Schmidt, Smith, Wilborn, Wolf.

Nays: Abrams, Arpke, Bruce, Denning, Donovan, Holmes, Kerschen, Knox, Lynn, Masterson, Melcher, O'Donnell, Olson, Pilcher-Cook, Powell, Pyle, Tyson, Wagle.

SB 469 be further amended by motion of Senator Pettey: on page 2, in line 25, by striking "seven" and inserting "14" and **SB 469** be passed as further amended.

A motion by Senator Holland to amend **SB 469** failed.

Two motions by Senator Pettey to amend **SB 469** failed.

The committee report on **SB 462** recommending **Sub SB 462** be adopted, and the substitute bill be passed.

The Committee report on **HB 2018** recommending a **Sub HB 2018** as reported in Senate Journal March 22, 2016 on page 2170 be amended by motion of Senator Schmidt: on page 13, in line 28, before the first "in" by inserting "(synthetic)";

On page 1, in the title, in line 3, by striking the second "and" and inserting a comma

S Sub HB 2018 be further amended by motion of Senator O'Donnell: on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2015 Supp. 65-2837a is hereby amended to read as follows: 65-2837a. (a) It shall be unlawful for any person licensed to practice medicine and surgery to prescribe, order, dispense, administer, sell, supply or give or for a mid-level practitioner as defined in ~~subsection (ii) of K.S.A. 65-1626(ii)~~, and amendments thereto, to prescribe, administer, supply or give any amphetamine or sympathomimetic amine designated in schedule II, III or IV under the uniform controlled substances act, except as provided in this section. Failure to comply with this section by a licensee shall constitute unprofessional conduct under K.S.A. 65-2837, and amendments thereto.

(b) When any licensee prescribes, orders, dispenses, administers, sells, supplies or gives or when any mid-level practitioner as defined in ~~subsection (ii) of K.S.A. 65-1626(ii)~~, and amendments thereto, prescribes, administers, sells, supplies or gives any

amphetamine or sympathomimetic amine designated in schedule II, III or IV under the uniform controlled substances act, the patient's medical record shall adequately document the purpose for which the drug is being given. Such purpose shall be restricted to one or more of the following:

- (1) The treatment of narcolepsy.
- (2) The treatment of drug-induced brain dysfunction.
- (3) The treatment of ~~hyperkinesia~~ attention-deficit/hyperactivity disorder.
- (4) The differential diagnostic psychiatric evaluation of depression.
- (5) The treatment of depression shown by adequate medical records and documentation to be unresponsive to other forms of treatment.
- (6) The clinical investigation of the effects of such drugs or compounds, in which case, before the investigation is begun, the licensee shall, in addition to other requirements of applicable laws, apply for and obtain approval of the investigation from the board of healing arts.
- (7) The treatment of obesity with controlled substances, as may be defined by rules and regulations adopted by the board of healing arts.

(8) The treatment of binge eating disorder.

(9) The treatment of any other disorder or disease for which such drugs or compounds have been found to be safe and effective by competent scientific research which findings have been generally accepted by the scientific community, in which case, the licensee before prescribing, ordering, dispensing, administering, selling, supplying or giving the drug or compound for a particular condition, or the licensee before authorizing a mid-level practitioner to prescribe the drug or compound for a particular condition, shall obtain a determination from the board of healing arts that the drug or compound can be used for that particular condition.";

On page 18, in line 15, after "Supp." by inserting "65-2837a,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "controlled substances; relating to"; also in line 1, by striking all after the semicolon; in line 2, after the semicolon by inserting "prescriptions of amphetamines;"; in line 3, after "Supp." by inserting "65-2837a,"; also in line 3, by striking the second "and" and inserting a comma

and **S Sub HB 2018** be passed as amended.

The committee report on **SB 356** recommending **Sub SB 356** be adopted, be amended by motion of Senator Tyson: on page 2, in line 10, after "(1)" by inserting "(A)"; in line 11, after "(d)" by inserting "(1) Subject to paragraph (2),"; in line 16, by striking "(1)" and inserting "(A)"; in line 20, by striking "(2)" and inserting "(B)"; in line 23, by striking "(3)" and inserting "(C)"; in line 26, by striking "(4)" and inserting "(D)"; following line 28, by inserting:

"(2) In allocating capital improvement state aid, the state board shall give higher priority to those school districts with a lower AVPP compared to the other school districts that are to receive capital improvement state aid under this section."

and **Sub SB 356** be passed as amended.

A motion by V. Schmidt to amend **Sub SB 356** failed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional

majority, and **SB 356**, **SB 424**, **SB 462**, **469**, **SB 480**, **SB 509**, **S Sub HB 2018**, were advanced to Final Action and roll call.

Sub SB 356, AN ACT concerning education; relating to school district capital improvement state aid; amending K.S.A. 2015 Supp. 75-2319 and repealing the existing section.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, McGinn, Pettey, V. Schmidt.

Present and Passing: Wolf.

The substitute bill passed, as amended.

SB 424, AN ACT concerning consumer protection; relating to identity theft and identity fraud; security of personal information; powers and duties of the attorney general; amending K.S.A. 2015 Supp. 50-6,139 and repealing the existing section; also repealing K.S.A. 2015 Supp. 50-7a03, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

Sub SB 462, AN ACT concerning civil procedure; relating to the protection from stalking act; amending K.S.A. 60-31a02 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed.

SB 469, AN ACT concerning public employees; relating to the professional negotiations act; relating to recertification of exclusive representation in professional negotiations; amending K.S.A. 72-5416, 72-5417 and 72-5418 and K.S.A. 2015 Supp. 72-5432 and repealing the existing sections; also repealing K.S.A. 72-5419, was considered on final action.

On roll call, the vote was: Yeas 22; Nays 18; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, Longbine, McGinn, Ostmeyer, Petersen, Pettey, V. Schmidt, Wilborn, Wolf.

The bill passed, as amended.

SB 480, AN ACT concerning crimes, punishment and criminal procedure; relating to conditions of parole or postrelease supervision; search and seizure; amending K.S.A. 2015 Supp. 22-3717 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

SB 509, AN ACT concerning state finances; creating a budget stabilization fund; relating to state general fund revenue and expenditures; review of risk-based practices by the legislative budget committee; amending K.S.A. 75-3722 and 75-6704 and K.S.A. 2015 Supp. 75-3721 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Pyle, Tyson.

The bill passed, as amended.

S Sub HB 2018, AN ACT concerning controlled substances; relating to the uniform controlled substances act; substances included in schedules I, III and IV; prescription of amphetamines; amending K.S.A. 65-4127e and K.S.A. 2015 Supp. 65-2837a, 65-4105, 65-4109 and 65-4111 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Olson, Pilcher-Cook.

The substitute bill passed, as amended.

MESSAGE FROM THE HOUSE

Announcing the House herewith transmits certificate of action by the House of Representatives on **House Substitute for SB 161**, AN ACT making and concerning

appropriations for the fiscal years ending June 30, 2016, June 30, 2017, and June 30, 2018, for the state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 75-3722 and K.S.A. 2015 Supp. 68-2320, 74-4914d, 74-4920, 74-50,107, 74-99b34, 75-2319 and 79-34,161 and repealing the existing sections, received and read on March 17, 2016.

Message from the Governor

I want to thank the members of the Legislature for their work in completing a budget bill at this relatively early stage of the session. As we all know, there is more work to be done, but this bill makes significant progress. I look forward to working with the Legislature on the remaining issues before us.

Pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return **House Substitute for Senate Bill 161** with my signature approving the bill, except for the items enumerated below.

Department of Commerce – STAR Bonds

Sections 35(g) and 36(f) are vetoed in their entirety. These provisions would bar any consideration or approval of STAR Bond projects in Wyandotte County until FY 2018. I do not believe there is any precedent for this kind of discrimination against one county in connection with economic development programs. The vetoed provisions here effectively would be repealed by the passage of other legislation containing certain STAR Bond reforms. My administration has been working with the Legislature on those reforms and will continue to do so. I look forward to receiving acceptable legislation before the end of the session. In my view, this approach to reform is much preferred over that taken in this bill.

Department for Aging and Disability Service – Mental Health Screenings

Section 48(o) is vetoed in its entirety. In October 2015, the Department for Aging and Disability Services discontinued its policy of requiring mental health screenings prior to admission to inpatient psychiatric beds at community hospitals and residential treatment facilities. The screenings were discontinued based on a threatened loss of funding from the federal government. The provision at issue here would return to the former policy, at a cost of \$1.8 million. While that cost may be justified by the benefits to be obtained from the screenings, approving this provision could additionally jeopardize substantial federal funding of inpatient Medicaid services. I would be pleased to revisit this issue if the state receives new and different assurances from the federal government on the matter.

Dated: March 4, 2016

Signed: Sam Brownback, *Governor of Kansas*

House Substitute for SB 161 , was approved by the Governor on March 4, 2016, except for the following line item vetoes:

Sec. 35. DEPARTMENT OF COMMERCE

(g) During the fiscal year ending June 30, 2016, notwithstanding the provisions of K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2016, from the state general fund or in any special

revenue fund or funds for such agency by chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 regular session of the legislature, to review, consider or approve a STAR bond project which is located in Wyandotte county except for refunding of existing bonds in Wyandotte county: *Provided however*, That if any legislation which provides amendments to the STAR bonds financing act, K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, and includes: (1) A clawback provision for projects that fail to meet the 50% requirement; (2) a requirement that the economic impact and marketing study be commissioned and directed by a state agency, conducted by an independent consultant and paid for by the local government; (3) a clarification as to what should be the base year for an expanded district; (4) a requirement that the boundaries of the STAR bond district closely align with the redevelopment itself; (5) an evaluation by the above agency to assess any project's viability and a determination that the project meets the statutory requirements; (6) an assessment by the above agency on the impact the projects will have on revenues into the state general fund and a certification by the above agency that the project will not reduce sales tax revenues to the state general fund; (7) a clarification as to the above agency's authority to approve substantial changes to the project; (8) an evaluation of the

practice to minimize the effect of existing businesses moving into the district; and (9) an evaluation of the method of revenue sharing on incremental sales tax growth above the base year, is passed by the legislature during the 2016 regular session and enacted into law, then the provisions of this subsection are hereby declared null and void and shall have no force and effect.

Sec. 36 DEPARTMENT OF COMMERCE

(f) During the fiscal year ending June 30, 2017, notwithstanding the provisions of K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2017, from the state general fund or in any special revenue fund or funds for such agency by chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, to review, consider or approve a STAR bond project which is located in Wyandotte county except for refunding of existing bonds in Wyandotte county: *Provided however*, That if any legislation which provides amendments to the STAR bonds financing act, K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, and includes: (1) A claw-back provision for projects that fail to meet the 50% requirement; (2) a requirement that the economic impact and marketing study be commissioned and directed by a state agency, conducted by an independent consultant and paid for by the local government; (3) a clarification as to what should be the base year for an expanded district; (4) a requirement that the boundaries of the STAR bond district closely align with the redevelopment itself; (5) an evaluation by the above agency to assess any project's viability and a determination that the project meets the statutory requirements; (6) an assessment by the above agency on the impact the projects will have on revenues into the state general fund and a certification by the above agency that the project will not reduce sales tax revenues to the state general fund; (7) a clarification as to the

above agency's authority to approve substantial changes to the project; (8) an evaluation of the practice to minimize the effect of existing businesses moving into the district; and (9) an evaluation of the method of revenue sharing on incremental sales tax growth above the base year, is passed by the legislature during the 2016 or 2017 regular session and enacted into law, then the provisions of this subsection are hereby declared null and void and shall have no force and effect.

These vetoes were returned by him with his objections and approved on March 15, 2016 by two-thirds of the members elected to the Senate notwithstanding the objections of the Governor; failed to receive the required two-thirds vote of the members elected to the House of Representatives on March 23, 2016 and the line item vetoes were sustained.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2713**

Announcing passage of **SB 314, SB 338, SB 443**.

Announcing passage of **SB 19**, as amended; **Sub SB 22**, as amended; **SB 224**, as amended; **SB 407**, as amended; **SB 408**, as amended; **SB 449**, as amended;

Announcing passage of **SB 280**, as amended by **H Sub SB 280**.

The House nonconcur in Senate amendments to **S Sub HB 2088**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Sawyer as conferees on the part of the House.

The House nonconcur in Senate amendments to **Sub HB 2289**, requests a conference and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2436**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2460**, requests a conference and has appointed Representatives Gonzalez, Pauls and Highberger as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2463**, requests a conference and has appointed Representatives Gonzalez, Pauls and Highberger as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub HB 2509**, requests a conference and has appointed Representatives Campbell, Sloan and Curtis as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 63** and has appointed Representatives Kleeb, Suellentrop and Sawyer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Sub for SB 99** and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 149** and has appointed Representatives Kleeb, Suellentrop and Sawyer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 168**

and has appointed Representatives Johnson, Thompson and Trimmer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 227** and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Sub SB323** and has appointed Representatives Highland, Lunn and Winn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 366** and has appointed Representatives Hutton, Mason and Frownfelter as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 373** and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 387** and has appointed Representatives Schwab, Kelly and Houston as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 388** and has appointed Representatives Highland, Lunn and Winn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 402** and has appointed Representatives Hawkins, Dove and Ward as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 418** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2713 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, University of Kansas Hospital Authority: K.S.A. 76-3304

Robba Moran, term expires March 15, 2018

The Committee on **Ways and Means** recommends **HB 2655**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2655," as follows:

"Senate Substitute for HOUSE BILL NO. 2655

By Committee on Ways and Means

"AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal year ending June 30, 2017, for the department of education; relating to the classroom learning

assuring student success act; amending K.S.A. 2015 Supp. 72-6463, 72-6465, 72-6474, 72-6476, 72-6481 and 74-4939a and repealing the existing sections.";

And the substitute bill be passed.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 19** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **Sub SB 22** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 407** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 408** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 449** and requested a conference committee be appointed.

The President appointed Senators O'Donnell, Bowers and Kelly as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2088**.

The President appointed Senators Donovan, Tyson and Holland as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **Sub HB 2289**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2436**.

The President appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2460**.

The President appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2463**.

The President appointed Senators Smith, Knox and Pettey as conferees on the part of

the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2509**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

REPORT ON ENROLLED BILLS

H Sub SB 245 reported correctly enrolled, properly signed and presented to the Governor on March 23, 2016.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, March 24, 2016.

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.
COREY CARNAHAN, *Secretary of the Senate*.

