

Journal of the Senate

SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 17, 2017, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

The President introduced guest chaplain Reverend Gary Roten from Emmanuel Baptist Church, Topeka, who delivered the following invocation:

Jesus, thank You for these gathered here today. As a United States citizen, as a Kansas citizen, Jesus, as a Christian, I pray to You this day. Remind these here today they are public servants. Help them be our agents of stability in the state of Kansas. I pray for these in our Kansas Senate. I pray they will either continue to see or find God in their lives, for You are a God who is ALIVE. Jesus, in our state we still keep hearing a lot about money. We hear words like, taxes, gas prices, groceries, jobs, renewable energy. We hear about rising healthcare cost. We hear of wasting money and that we need to provide for education. We hear we need to get control of costs and rebuild our economy. We keep hearing the state is not receiving enough taxes to fund current programs. Those who now gather have decisions to make. Those who now gather carry the burden of helping to choose the direction of our state. Give them the wisdom to solve our state's funding and budget challenges. Give them the courage to solve our state's funding and budget challenges. Help them. Guide them. I also pray for the individuals in this room. Some of them are also carrying burdens and worries in their personal life. You also brought me here this day to tell them that You love them. That You know of their challenges and Your desire for them to trust You. Amen

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 31, AN ACT concerning cities; relating to the rehabilitation of abandoned property; amending K.S.A. 2016 Supp. 12-1750 and 12-1756a and repealing the existing sections; also repealing K.S.A. 2016 Supp. 12-1756e, by Committee on Ethics, Elections and Local Government.

SB 32, AN ACT concerning medical student and resident loan assistance; relating to medical student loan agreements; practice commitment agreements; providing for agreements for the practice of psychiatry; amending K.S.A. 76-387 and K.S.A. 2016 Supp. 76-381, 76-383 and 76-384 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 33, AN ACT concerning the Robert G. (Bob) Bethell joint committee on home

and community based services and KanCare oversight; relating to membership thereon; amending K.S.A. 2016 Supp. 39-7,160 and repealing the existing section, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 28, SB 29, SB 30.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1704—

A RESOLUTION congratulating and commending Timothy (Tim) R. Graham for his years of dedicated service to Senate Democratic Leader Anthony Hensley, the Kansas Senate Democratic Caucus, and the people of Kansas.

WHEREAS, Timothy (Tim) R. Graham graduated from Fort Hays State University in May of 2000 with a Bachelor of Arts degree in Political Science and a minor in History. He was admitted to Pi Sigma Alpha, the National Political Science Honor Society, which recognizes students for high academic achievement in the field of political science; and

WHEREAS, Prior to his graduation from Fort Hays State University, Tim served as an intern in the Kansas House of Representatives for Eber Phelps, driving from Hays to Topeka at least once a week to spend a full day at the Statehouse. Later that year, he took off a semester from school to work full-time as a Field Director for the Kansas Democratic Party in the 1998 election campaigns; and

WHEREAS, Tim first started working for Senator Hensley in the 2000 elections as a field organizer in Sedgwick County. His first session working in the Kansas Senate was in 2001, where he was the Special Assistant on Redistricting for the Senate Democratic Caucus. Tim was instrumental in drafting a Senate redistricting map initially approved by a bi-partisan group of 21 Senators, but vetoed by Governor Graves with suggested changes that would meet the Governor's approval. The final version of the map passed with 29 Senators voting for it and the Governor signing it into law; and

WHEREAS, Tim became Chief of Staff for Senator Hensley in August 2003, where he served continuously, except for nine months in 2010 when he was the Assistant Kansas Secretary of State. He worked in 16 legislative sessions and three special sessions under four different Governors and with 97 different Senators. Upon his resignation last month, only two Senators had served in the Senate longer than Tim's tenure working as legislative staff in the Senate; and

WHEREAS, In his 16 years of public service, Tim forged many lasting friendships among Democratic and Republican members of both the Kansas Senate and House of Representatives. Although he worked as a partisan staff person, he was widely respected for his integrity and honest dealings with people across the political spectrum; and

WHEREAS, The political process and the Kansas Legislature have played such a significant role in Tim's life, as he and his wife, Amalia, were married in the Kansas Senate chamber on August 22, 2009. Tim and Amalia are the proud parents of their son, Reid, who is a kindergarten student at Langston Hughes Elementary School in

Lawrence: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Timothy (Tim) R. Graham for his 16 years of dedicated service to Senate Democratic Leader Anthony Hensley, the Kansas Senate Democratic Caucus, and the people of Kansas; and

Be it further resolved: That the Secretary of the Senate shall provide five enrolled copies of this resolution to Senator Anthony Hensley.

On emergency motion of Senator Hensley **SR 1704** was adopted unanimously.

Guests introduced were Amalia Graham, Reid Graham, Wayne Graham, Sharon Graham and Lillie Mendez.

The senators honored Tim and guests with a standing ovation.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The senate met pursuant to recess with President Wagle in the chair.

COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

SR 1703 be amended by motion of Senator Longbine; on page 11, in line 18, by striking "upon the objection of any three members" and inserting "any member may object"; in line 19, by striking the comma and inserting "and"

SR 1703 be further amended by motion of Senator Longbine; on page 9, in line 18, by striking "four" and inserting "five"

SR 1703 be further amended by motion of Senator Olson; on page 16, after line 7, by inserting:

"(3) Notwithstanding any other rule of the Senate to the contrary, no shall request and be the primary sponsor of more than three Senate resolutions or concurrent resolutions which congratulate, commemorate, commend, honor or are in memory of any individual, entity or event during a legislative session of the Senate, except upon approval of the President."

SR 1703 be further amended by motion of Senator Hensley; on page 5, in line 19, after the period, by inserting "If a committee recommends amendments to a bill or resolution referred to it which strike out all of the material in the bill or resolution subsequent to the enacting clause or resolving clause and inserts new material, and the bill or resolution was sponsored by an individual member or members, the committee becomes the sponsor of the bill or resolution and the committee name will be printed on the bill or resolution as the sponsor."

SR 1703 be amended by motion of Senator Holland; on page 5, in line 25, by striking "27" and inserting "24"; On page 6, in line 15, by striking "27" and inserting "24"

and the resolution be adopted as amended.

A motion by Senator Holland to amend **SR 1703** failed and the following amendment was rejected: on page 15, in line 27, by striking all after the second “by” and inserting “an affirmative vote of 24”; in line 28, by striking “then elected (or appointed) and qualified”

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

On roll call, the vote was: Yeas 17; Nays 21; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hawk, Hensley, Holland, Masterson, Pettey, Pilcher-Cook, Pyle, Rogers, Suellentrop, Taylor.

Nays: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Hardy, Kelly, Kerschen, LaTurner, Longbine, Lynn, McGinn, Olson, V. Schmidt, Skubal, Sykes, Tyson, Wagle, Wilborn.

Present and Passing: Baumgardner, Petersen.

A motion by Senator Olson to amend **SR 1703** was withdrawn.

HB 2017 be passed.

HCR 5002 be adopted.

Motions by Senators Holland and Kelly to amend **HCR 5002** failed

A motion by Senator Kelly to amend **HCR 5002** was withdrawn.

CONSIDERATION OF APPOINTMENTS

In accordance with Senator Rule 56, the following appointments submitted by the Governor and Attorney General to the Senate for confirmation were considered.

Senator Denning moved the following appointments be confirmed as recommended by the Committee on **Confirmation and Oversight**.

By the Governor

On the appointment to the:

State Corporation Commission:

Shari Albrecht, Term ends March 15, 2020

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Secretary of Revenue

On the appointment to the:

Department of Revenue Division of Alcoholic Beverage Control:

Debra Beavers, At the pleasure of the governor

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Kirk Benson, Term ends March 15, 2018

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

Department of Transportation:

Richard Carlson, At the pleasure of the governor

On roll call, the vote was: Yeas 32; Nays 6; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Holland, Kerschen, LaTurner, Longbine, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Hensley, Kelly, McGinn, Pettey, Rogers, V. Schmidt.

Present and Passing: Faust-Goudeau, Francisco.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Banking Board:

Frank Carson, Term ends March 15, 2019

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Romano Delcore, Term ends March 15, 2018

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson,

Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Indigents Defense Services:

Beverly Gossage, Term ends January 15, 2019

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Long Term Care Ombudsman:

Barbara Hickert, Term ends March 15, 2020

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

Department for Aging and Disability Services:

Tim Keck, At the pleasure of the governor

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

Pooled Money Investment Board:

Casey Lair, Term ends March 15, 2020

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley,

Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

Pooled Money Investment Board:

Rodney Miller, Term ends March 15, 2020

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Racing and Gaming Commission:

David Moses, Term ends January 15, 2020

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

Department of Corrections:

Joseph Norwood, At the pleasure of the governor

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Banking Board:

Norman Pishny, Term ends March 15, 2019

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes,

Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Indigents Defense Services:

Roman Rodriguez, Term ends January 15, 2019

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Attorney General

On the appointment to the:

Kansas Crime Victims Compensation Board:

Suzanne Valdez, Term ends March 15, 2020

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SR 1703**; **HB 2017**; **HCR 5002** were advanced to Final Action and roll call.

SR 1703, A RESOLUTION adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2017 regular session of the Legislature.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Handy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Haley.

The resolution was adopted, as amended.

EXPLANATION OF VOTE

Madam President: After a vigorous debate, it is apparent to me that the newly adopted Rules of our Kansas Senate are too far from "adequate" to unanimously adopt. Realizing that we must have some rules, I can only vote to "Pass." —DAVID HALEY

HB 2017, AN ACT concerning elections; dealing with vacancies in the office of United States representative to congress; amending K.S.A. 25-3502, 25-3504 and 25-3507 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Handy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

HCR 5002, A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2017-2018 biennium.

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

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Handy, Hawk, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Haley, Hensley, Holland.

The resolution was adopted.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, January 18, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

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