

Journal of the Senate

THIRTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 22, 2017, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Lord, with heads bowed down in humility, we stand before You. You have blessed us in this country, to be able to pray in public. What a blessing it is to be able to post, broadcast and publicly engage in open prayer.

But, I'm again reminded of the counsel George Washington's mother gave him, as he set out to pursue public service. She said don't neglect the duty of secret prayer.

Her advice to her son was right in line with Your advice to us. In addition to the privilege of public prayer, you said, in Matthew 6:6, "when you pray, go into your most private room, and, closing the door, pray to your Father, who is in secret; and your Father, who sees in secret, will reward you in the open."

Lord, help our prayers to not just be a display for the public, but during this moment, and for many moments to come, guide each of us into a secret place of connecting with You.

Then let the rewards of these time with You, be openly displayed in us, in our loved ones, in these halls of government and in all our affairs.

In the name of the Christ, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 209, AN ACT concerning utilities; relating to electric rates, billing standards; concerning the state corporation commission, powers and duties; electric rates and billing, by Committee on Federal and State Affairs.

CONSIDERATION OF APPOINTMENTS

In accordance Senate Rule 55, the following appointments submitted by the Governor to the Senate for confirmation were considered.

Senator Denning moved the following appointments be confirmed as recommended by Committee on **Assessment and Taxation** and Committee on **Commerce**.

By the Governor

On the appointment to the:

Department of Revenue:

Samuel Williams, At the pleasure of the governor

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

Nays: Hensley, Kelly, Rogers.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Public Employee Relations Board:

Joshua Hofer, 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.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 25, AN ACT concerning wildlife, parks and tourism; relating to cabins; fees; amending K.S.A. 2016 Supp. 32-999 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Taylor.

Nays: Baumgardner, Bollier, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Sykes, Tyson, Wagle, Wilborn.

The bill passed, as amended.

SB 26, AN ACT concerning wildlife, parks and tourism; relating to vessels; registration fees; amending K.S.A. 2016 Supp. 32-1172 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; 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, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Olson, Pilcher-Cook, Pyle, Tyson.

The bill passed.

SB 32, AN ACT concerning medical student resident loan assistance; relating to medical student loan agreements; practice commitment agreements; providing for agreements for the practice of psychiatry; establishing the psychiatry medical loan repayment fund and the rural health bridging psychiatry fund; concerning mental healthcare facilities; amending K.S.A. 76-387 and 76-12a07 and K.S.A. 2016 Supp. 75-3373, 76-381, 76-382, 76-383 and 76-384 and 76-385 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, 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, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Baumgardner, Olson, Pilcher-Cook, Pyle, Suellentrop.

The bill passed, as amended.

SB 36, AN ACT concerning the state corporation commission; relating to motor carriers, definitions, registration; amending K.S.A. 66-125 and K.S.A. 2016 Supp. 8-135, 8-2703, 16-121, 66-1,108, 66-1,108b, 66-1,109 and 66-1,139 and repealing the existing sections, 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: 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 bill passed, as amended.

SB 50, AN ACT concerning the legislature; relating to membership of the advisory committee on uniform state laws and the joint committee on special claims against the state; amending K.S.A. 46-407a and K.S.A. 2016 Supp. 46-912 and repealing the existing sections, 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: 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 bill passed, as amended.

SB 51, AN ACT concerning the state board of pharmacy; relating to emergency scheduling of controlled substance analogs and new drugs; amending K.S.A. 2016 Supp. 21-5701, 65-4101 and 65-4102 and repealing the existing sections, 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: 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 bill passed.

SB 52, AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, II and V; amending K.S.A. 2016 Supp. 65-4105, 65-4107 and 65-4113 and repealing the existing sections, 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: 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 bill passed, as amended.

SB 56, AN ACT concerning elections; relating to reports of contributions preceding an election; filing location requirements; amending K.S.A. 2016 Supp. 25-4148b 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: 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 bill passed.

SB 60, AN ACT concerning agriculture; relating to the Kansas department of agriculture; certain fees; amending K.S.A. 2-3710 and K.S.A. 2016 Supp. 2-1205, 2-2204, 2-2212, 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-2469, 2-3304, 2-3306, 82a-303b, 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-727 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, 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, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Olson, Pilcher-Cook, Pyle, Tyson.

The bill passed, as amended.

SB 65, AN ACT concerning alcoholic beverages; pertaining to alcoholic liquors pledged as collateral; relating to sale by creditors thereof; amending K.S.A. 41-1125 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: 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 bill passed.

SB 66, AN ACT concerning state boards, commissions and authorities; relating to the state banking board; terms of service; amending K.S.A. 74-3004 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: 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 bill passed, as amended.

SB 67, AN ACT concerning financial institutions; relating to banks and banking; pertaining to general powers of state-chartered banks; amending K.S.A. 2016 Supp. 9-1101 and repealing the existing section, 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: 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, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Pilcher-Cook, Pyle.

The bill passed.

Sub SB 74, AN ACT concerning persons needing assistance with cognition; relating to motor vehicles, placards, identification cards; state-issued identification cards and driver's licenses; amending K.S.A. 2016 Supp. 8-243 and 8-1324 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Hardy, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Masterson, Olson, Petersen, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Bollier, Haley, Hawk, Lynn, McGinn, Pettey, Pilcher-Cook, Pyle, Sykes, Tyson.

Present and Passing: Francisco.

The substitute bill passed as amended.

EXPLANATION OF VOTE

Mr. Vice President: Senate Substitute for **SB 74** is a well-intended bill that, I fear, will not solve the problem it is attempting to solve. The bill is so broad that it is untenable for medical and mental health professionals to make a proper diagnosis and for police officers to determine the proper course of action. In addition, it calls into question whether people who “need assistance with cognition” should even qualify for a

driver's license. Had the bill been limited to those persons on the autism spectrum, and had the bill stipulated additional training for those people as well as for the police officers who might deal with them, I could have been a proponent of the bill. As it stands now, the bill is ineffective and could cause more problems than it solves. It is with deep concern and sympathy for the family of Joey Weber and other families affected by autism that I vote NO on **Sub SB 74**.—TOM HAWK

Senators Baumgardner, Bollier, Francisco, Haley, Lynn and Senator Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **Sub SB 74**.

SB 75, AN ACT concerning community college boards of trustees; providing an additional member to the Cowley county community college board of trustees; amending K.S.A. 71-1403 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: 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 bill passed.

SB 87, AN ACT concerning financial institutions; relating to credit services organizations; pertaining to the Kansas credit services organization act; amending K.S.A. 50-1118, 50-1119, 50-1120, 50-1121, 50-1122, 50-1123, 50-1124, 50-1125, 50-1126, 50-1127, 50-1128 and 50-1129 and K.S.A. 2016 Supp. 50-1117 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, 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, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Pilcher-Cook, Pyle, Tyson.

The bill passed, as amended.

SB 92, AN ACT concerning crimes, punishment and criminal procedure; relating to evidence; videotaping of certain felony, custodial interrogations, 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: 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 bill passed, as amended.

SB 110, AN ACT concerning the state board of regents; relating to supplemental health insurance coverage; authorizing the purchase thereof for certain state employees; amending K.S.A. 2016 Supp. 75-4101 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 1; 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, Wagle, Wilborn.

Nays: Tyson.

The bill passed.

SB 126, AN ACT concerning child care facilities; relating to individuals maintaining or residing, working or volunteering therein; background checks; amending K.S.A. 2016 Supp. 65-516 and repealing the existing section, 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: 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, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Pilcher-Cook, Pyle.

The bill passed, as amended.

SB 144, AN ACT regulating traffic; concerning the operation of a motor vehicle in a school zone and a road construction zone; use of a wireless communication device; amending K.S.A. 2016 Supp. 8-2118 and repealing the existing section, was considered on final action.

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

Yeas: Berger, Bollier, Bowers, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Hardy, Hensley, Holland, Kelly, Kerschen, Longbine, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Billinger, Denning, Doll, Estes, Haley, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Present and Passing: Hawk, McGinn.

The bill passed, as amended.

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 McGinn in the chair.

The morning session recommended:

SB 88, SB 89, SB 93, SB 124 be passed.

SB 46, SB 48, SB 61, SB 62, SB 63, SB 100, SB 101, SB 154, SB 181 be amended

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

A motion by Senator Pilcher-Cook to further amend **SB 100** failed and the following amendment was rejected; on page 2, in line 26, after the period by inserting "To qualify for a scholarship under the nursing service scholarship program, a nursing student shall be a citizen of the United States or have lawful immigration status."

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

On roll call, the vote was: Yeas 19; Nays 20; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Denning, Estes, Fitzgerald, Kerschen, LaTurner, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Present and Passing: Holland.

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

The senate met, pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

Announcing the House here with transmits the veto message from the Governor, together with the enrolled copy of **Substitute HB 2178**, AN ACT concerning income taxation; relating to determination of Kansas adjusted gross income, rates, itemized deductions; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117 and 79-32,120 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269., which was received and read on February 22, 2017.

Message from the Governor

My veto of Substitute for **House Bill 2178** is based in my belief that, as the elected public servants of Kansas, we must not choose to resolve budget challenges on the backs of middle income Kansans with retroactive personal income tax increases.

We should be clear about what this bill will do. The proposed tax increase will raise income tax liability for married Kansans filing jointly earning at least \$30,000 per year from 4.6% to 5.25%, and from 4.6% to 5.45% for those married filers earning more than \$100,000 per year. At the same time, income tax rates for small businesses will increase from 0% up to 5.45%, depending on income. More to the point, any single full-time worker earning more than \$9.74 per hour will see an income tax increase.

Working families and small businesses are the backbone of our economy, and we should not punish them.

Moreover, applying a retroactive tax increase on our citizens is irresponsible and will ultimately harm families and individuals who are working to make ends meet. Were this bill to become law, the majority of Kansans would see a significant reduction in their pay check immediately. This is unfair.

I also reject the idea that we must choose to either make large cuts to public

education or burden every hard working Kansan with a higher tax rate. This dichotomy is false. In my budget proposal, I suggested modest revenue measures on targeted consumption and taxes paid by businesses. I have also proposed adoption of efficiencies recommended by the study commissioned by the Legislature, all of which result in a structurally balanced budget by Fiscal Year 2019. It is irresponsible to raise taxes on low and middle income Kansans without first ensuring we are doing everything we can to keep the cost of government low.

Kansas has pioneered new ground to generate small business growth and thus create jobs and economic opportunity for more Kansans. We have seen record levels of new business formation and consistently low unemployment. These efforts have been successful, and reversing course now will have a long term negative impact on growing business and opportunity in Kansas. Instead, this bill would raise the tax burden on every small business in the state, create a new tax bracket, raise the income tax liability of Kansans, and would result in undermining the economic health of our state and the opportunity for every Kansan to provide for themselves and their families.

It is our responsibility to make the decisions to build a brighter future for Kansas and to ensure that we do everything we can to provide high quality government service at the lowest cost to Kansans.

Over the coming weeks, I will remain committed to working with legislative leadership to develop a plan that structurally balances our budget without permanently harming hard working Kansans.

Accordingly, pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto House Bill 2178.

Vetoed: February 22, 2017

Signed, Sam Brownback, Governor of Kansas

A motion was made that **Substitute HB 2178** be passed notwithstanding the Governor's veto. By vote of 85 Yeas and 40 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing passage of **HB 2070, HB 2128, HB 2136, HB 2140, HB 2153, HB 2176, HB 2186, HB 2268, HB 2301, HB 2333.**

Announcing passage of **SB 30**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2070, HB 2128, HB 2136, HB 2140, HB 2153, HB 2176, HB 2186, HB 2268, HB 2301, HB 2333 were thereupon introduced and read by title.

ACTIONS ON VETO MESSAGE

A motion by Senator Masterson on **Sub HB 2178** be passed notwithstanding the Governor's veto.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn,

Petty, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Denning, Estes, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

A two-thirds constitutional majority not having voted in favor of overriding the Governor's veto, the motion failed and the veto was sustained.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole, for further consideration of bills under the heading of General Orders with Senator McGinn in the chair.

On motion of Senator McGinn the reports for the morning and the following afternoon session were adopted:

SB 42 be passed.

An amendment was offered by Senator Haley. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules determined the amendment not germane.

SB 57 be amended by motion of Senator Skubal; on page 1, in line 18, after "address" by inserting ", which such email address shall be optional,"; in line 21, after the second "address" by inserting ", which such email address shall be optional,";

On page 2, in line 12, after the second "addresses" by inserting ", which such email addresses shall be optional," and **SB 57** be passed as amended.

A motion to amend by Senator **Skubal** to amend **SB 57** was withdrawn.

SB 112 be amended by the adoption of the committee amendments, and the bill be passed as amended.

An amendment was offered by Senator Petty. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules determined the amendment not germane.

The committee report on **SB 8** recommending a **Sub SB 8** be adopted, and be further amended by motion of Senator Francisco; on page 5, in line 8, after "postmarked" by inserting "or are otherwise indicated by the United States postal service to have been mailed" and **Sub SB 8** substitute bill be passed as amended.

On motion of Senator Denning the Senate adjourned until 10:00 a.m., Thursday, February 23, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

