

# Journal of the Senate

TWENTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 17, 2016, 2:30 p.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.:

As Your Chaplain, I'm led to say this as a prelude to the prayer today. God leads me to come to Him on behalf of all of us. And the purpose of prayer is more to bring us in line with the heart of God, than to bring God in line with our issues. So, as your Chaplain, I seek Him for the content and He doesn't lead me to do prayers of special interest. His desire is to draw us to His will and His way and show unity in diversity. So, let us pray...

Heavenly Father, teach us the wonderful principle learned by the farmer in Galatians 6:7-10...that we reap as we have sown. What is put in the dirt is what sprouts. Like a tiny seed can influence the nature and greatness of the harvest, the influence of planting a little goodness can determine the nature and greatness of the end result. Whereas the planting of a little ugliness will be reflected in the DNA of the outcome. Lord, we know that there are times when we do have to fight...when we have to battle for what we believe in. But once we've gotten our point across, make it plain to us, when to declare a cease fire. Don't let our scuffles turn into all-out war. So, when attitudes or actions or even the atmosphere gets dirty or ugly, remind us that dirt is where quality seeds tend to prosper. So, show us how to sow that which is clean and beautiful, remembering that what we put in, is what we're going to get. And as the farmer is patient, knowing that the return comes later and is greater than what was invested, encourage us along the same premise...that if we put in just a little...a little joy...a little smile...if we give someone just a little hope, the reward we reap, may come later, but it will be greater. In conclusion Lord, help us show Your love for one another, even when we don't like what they're doing. In Jesus' name, Amen.

The Pledge of Allegiance was led by President Wagle.

## **POINT OF PERSONAL PRIVILEGE**

Senator Lynn rose on a Point of Personal Privilege to introduce seven high school foreign exchange students serving as pages.

Students introduced included Mohammed Abumuailaq from Gaza; Erlend Brunnes from Denmark; Elna Ciesielski from Germany; Reem Halaby from Egypt, Liana Karapetyan from Armenia; Estu Pawestri from Indonesia and Olha Ter-Vartanova from Ukraine.

The senators honored the students with a standing ovation.

#### **POINT OF PERSONAL PRIVILEGE**

Senator Tyson rose on a Point of Personal Privilege to congratulate the achievement of the Plaza Cinema in Ottawa, Kansas, which has been projecting motion pictures since 1905, five years before Hollywood was founded. Currently, they are working to certify The Plaza for the Guinness Book of World Records as being the world's oldest movie theater in continuous use.

Guests introduced were Peach Madl, Executive Director, Scott Zaremba, Peggy Armstrong, Bill Shaffer, Kristi Lee, Jeanny Sharp, Deborah Barker and Richard Wellman.

The senators honored the guests with a standing ovation.

#### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 461**, AN ACT concerning the attorney general; relating to duties to investigate and prosecute; law enforcement officers, by Committee on Federal and State Affairs.

**SB 462**, AN ACT concerning regulation of drones; dealing with private property rights, by Committee on Federal and State Affairs.

**SB 463**, AN ACT concerning funds in the state treasury; abolishing the expanded lottery act revenues fund, the Kansas endowment for youth fund, the children's initiatives fund and the state economic development initiatives fund; duties of the Kansas children's cabinet; transfers to the state general fund; amending K.S.A. 2-226, 38-2101, 38-2102 and 38-2103 and K.S.A. 2015 Supp. 12-5256, 38-1901, 74-8316, 74-8734, 74-8738, 74-8744, 74-8747, 74-8766, 74-8768, 76-7,141, 79-34,157, 79-3620, 79-3710, 79-4803 and 79-4804 and repealing the existing sections; also repealing K.S.A. 38-2104 and 38-2105 and K.S.A. 2015 Supp. 74-50,151, by Committee on Ways and Means.

**SB 464**, AN ACT concerning schools; relating to the Kansas state high school activities association; relating to the system for classification of high schools; amending K.S.A. 2015 Supp. 72-130 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 465**, AN ACT concerning certain controlled substances; amending K.S.A. 2015 Supp. 65-2837a and repealing the existing section, by Committee on Ways and Means.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SCR 1612**.

Federal and State Affairs: **SB 458**, **SB 459**.

Ways and Means: **SB 460**.

#### **CHANGE OF REFERENCE**

The President withdrew **S Sub HB 2059** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Natural Resources**.

**MESSAGE FROM THE HOUSE**

Announcing passage of **Sub HB 2062, Sub HB 2289; HB 2454, HB 2456, HB 2480, HB 2490, HB 2518, HB 2547.**

Announcing passage of **SB 247.**

The House adopts the Conference Committee report on **H Sub SB 161.**

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**Sub HB 2062, Sub HB 2289; HB 2454, HB 2456, HB 2480, HB 2490, HB 2518, HB 2547** were thereupon introduced and read by title.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1767—

A RESOLUTION congratulating Dr. Cynthia Lane  
on being named Kansas Superintendent of the Year.

WHEREAS, Dr. Cynthia Lane was named Kansas Superintendent of the Year by the Kansas School Superintendents' Association; and

WHEREAS, G.A. Buie, executive director of the Kansas School Superintendents' Association said: "Dr. Lane is a passionate advocate not only in her district, but for students across Kansas. She has demonstrated a clear commitment to preparing students for success by partnering with the Kansas City community to work to provide the best possible education for all children"; and

WHEREAS, Dr. Lane is superintendent of the Kansas City, Kansas Public Schools (KCKPS), which serves 22,000 students in Kansas City, Kansas; and

WHEREAS, The KCKPS serves 22,000 students preK through 12<sup>th</sup> grade, almost 90% of whom qualify for free or reduced lunch. The district's focus is on college and career preparation for each student. The Diploma+ program, which began in 2014, has established the goal of graduating each student with a high school diploma, along with at least one of the following: At least one year of college completed; a technical degree or credential; or at least a 21 on the ACT; and

WHEREAS, Candidates for Superintendent of the Year are assessed according to their professionalism, communication, community involvement and leadership in meeting the needs of students; and

WHEREAS, Dr. Lane has worked in education for more than 30 years, including the last 14 as an administrator in the Kansas City District, having served as an Assistant Superintendent, Director of Special Education, Associate Director of Special Education and a building principal, after beginning her career as a teacher; and

WHEREAS, Dr. Lane is a member of the American Association of School Administrators, the Kansas-Missouri Superintendent Forum and the Kansas Department of Education Assessment Advisory Committee; chairs the Kansas School Superintendents' Association legislative committee; has been extremely active with the United School Administrators of Kansas, where she was recently honored with a USA|Kansas Outstanding Service Award; and began her leadership career as a member of the Kansas Association of Special Education Administrators; and

WHEREAS, Dr. Lane is actively engaged in the community, serving as a board member on the Kansas City, Kansas Chamber of Commerce, Parents and Child Empowerment Services and the Country Club Bank Advisory Board: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate Dr. Cynthia Lane on being named Kansas Superintendent of the Year. We thank her for her great service to the students of Kansas, and we extend our best wishes for her success in the future; and

*Be it further resolved:* That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Pettey.

On emergency motion of Senator Pettey **SR 1767** was adopted unanimously.

Guests introduced were Dr. Cynthia Lane, Brenda Jones, Dr. Evelyn Hill, Janet Waugh and Bill Reardon.

The senate honored Dr. Lane and guests with a standing ovation.

### CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor, Senate President and Senate Minority Leader to the Senate for confirmation were considered.

Senator Bruce moved the following appointments be confirmed as recommended by the Committees on Assessment and Taxation, Commerce and Ways and Means.

*By the Senate Minority Leader*

On the appointment to the:

*Kansas Bioscience Authority:*

Ken Buchele, 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: 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 appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Board of Tax Appeals:*

James (Jay) Cooper, 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: 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 appointment was confirmed.

*By the Senate President*

On the appointment to the:

*Kansas Bioscience Authority:*

Pat George, 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: 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 appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Employment Security Board of Review:*

Valerie Jacobs, 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: 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 appointment was confirmed.

*By the Governor*

On the appointment to the:

*Department of Administration:*

Sarah Shipman, At the pleasure of the governor

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Hensley, Kelly.

Present and Passing: O'Donnell.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Board of Tax Appeals:*

Devin Sprecker, 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: 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 appointment was confirmed.

**FINAL ACTION ON CONSENT CALENDAR**

**SB 325**, having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered for final action.

**SB 325**, AN ACT concerning the revised Kansas code for care of children; relating to child in need of care files; prosecutor access; amending K.S.A. 2015 Supp. 38-2211 and repealing the existing section.

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.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 329**, AN ACT concerning water; relating to multi-year flex accounts; amending K.S.A. 2015 Supp. 82a-708c and 82a-736 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: 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.

**SB 334**, AN ACT concerning the attorney general; relating to notice and opportunity to appear or intervene before statute or constitutional provision declared invalid or unconstitutional; amending K.S.A. 60-1712 and K.S.A. 2015 Supp. 60-224 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: 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 337**, AN ACT concerning water; relating to the water appropriation act; annual water use report; amending K.S.A. 2015 Supp. 82a-732 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: 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, Wagle, Wilborn, Wolf.

Nays: Tyson.

The bill passed, as amended.

**SB 358**, AN ACT concerning the nurse educator service scholarship; relating to the definition of school of nursing; amending K.S.A. 2015 Supp. 74-32,220 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, as amended.

**SB 369**, AN ACT concerning the Kansas mortgage business act; relating to the state bank commissioner; amending K.S.A. 9-2206 and K.S.A. 2015 Supp. 9-2201, 9-2202, 9-2203, 9-2205, 9-2208, 9-2209, 9-2211, 9-2212, 9-2216 and 9-2216a 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: 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 370**, AN ACT concerning insurance; relating to the payment of certain insurance proceeds; cities and counties; amending K.S.A. 40-3901, 40-3902, 40-3903, 40-3904, 40-3905 and 40-3907 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: 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 390**, AN ACT concerning the state banking code; relating to the state bank commissioner; amending K.S.A. 2015 Supp. 9-519, 9-534, 9-701, 9-801, 9-802, 9-803, 9-804, 9-808, 9-809, 9-811, 9-812, 9-814, 9-815, 9-816, 9-901a, 9-902, 9-903, 9-904, 9-906, 9-907, 9-1101, 9-1102, 9-1104, 9-1111, 9-1112, 9-1114, 9-1122, 9-1124, 9-1127c, 9-1130, 9-1137, 9-1213, 9-1304, 9-1401, 9-1402, 9-1405, 9-1408, 9-1504, 9-1506, 9-1601, 9-1607, 9-1609, 9-1611, 9-1704, 9-1712, 9-1715, 9-1720, 9-1721, 9-1722, 9-1724, 9-1807, 9-1902, 9-1905, 9-1906, 9-1907, 9-1908, 9-1909, 9-1910, 9-1915, 9-

2007, 9-2101, 9-2104, 9-2107 and 9-2108 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: 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, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

### 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 Abrams in the chair.

On motion of Senator Abrams the following report was adopted:

**SB 352** be passed.

**Sub SB 323** recommending **Sub SB 323** be adopted, and the substitute bill be passed.

**SB 361** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 395** be amended by motion of Knox: on page 1, by striking all in lines 16 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 31; in line 32, by striking "46-137e,"; also in line 32, by striking all after "46-157"; in line 33, by striking all before "hereby" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all before "amending"; also in line 2, by striking "46-137e,"; also in line 2, by striking all after "46-157"; in line 3, by striking all before the second "and"; in line 4, by striking "sections" and inserting "section", and **SB 395** passed as amended.

Senator Olson moved **SB 395** be rereferred to the Committee on Judiciary. The motion failed.

A motion by Francisco to amend **SB 395** failed.

**S Sub HB 2056** was passed over and retained a place on the calendar.

On motion of Senator Bruce, the Senate recessed until 5:15 p.m.

### CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 161** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 4, following line 34, by inserting:

"Litigation expenditures \$50,000";



On page 6, by striking all in lines 39 through 43;

On page 7, following line 16, by inserting:

"Sec. 27.

STATE CORPORATION COMMISSION

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the public service regulation fund of the state corporation commission to the state general fund.

Sec. 28.

STATE CORPORATION COMMISSION

(a) On July 1, 2016, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the public service regulation fund of the state corporation commission to the state general fund.";

On page 10, following line 30, by inserting:

"(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 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 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.";

On page 11, following line 15, by inserting:

"(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.";

On page 14, by striking all in lines 23 through 30;

On page 15, by striking all in lines 4 through 11;

On page 16, by striking all in lines 12 through 38;

On page 22, following line 14, by inserting:

"(f) In addition to the other purposes for which expenditures may be made by the Kansas children's cabinet from the children's cabinet administration account of the Kansas endowment for youth fund for fiscal year 2017 by section 111(d) of chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures shall be made by the Kansas children's cabinet from the children's cabinet administration account for fiscal year 2017, to determine which state agency shall be the administrative authority for the programs and services funded by the CIF grants account of the children's initiatives fund during the fiscal year ending June 30, 2017: *Provided*, That if the Kansas children's cabinet determines that the administrative authority for any such program or service is different than the administrative authority for such program or service in fiscal year 2016, the Kansas children's cabinet shall certify such change to the director of the budget and the director of legislative research: *Provided further*, That upon receipt of such certification, the director of the budget shall direct the director of accounts and reports to create a new account in the children's initiatives fund in the newly appointed administrative authority and transfer any moneys authorized to be expended on such program or service during fiscal year 2017 from the CIF grants account of the children's initiatives fund to the newly created account of the children's initiatives fund: *Provided however*, That the provisions of this subsection shall not apply to the infants and toddlers program of the department of health and environment – division of public health.";

On page 25, following line 29, by inserting:

"(c) On July 1, 2016, of the \$101,798,358 appropriated for the above agency for the fiscal year ending June 30, 2017, by section 127(a) of chapter 104 of the 2015 Session Laws of Kansas from the state general fund in the operating expenditures (including

official hospitality) account, the sum of \$6,215,861 is hereby lapsed.

(d) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Salina, college of technology.....\$6,215,861";

On page 27, in line 43, after "(a)" by inserting "There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

Geological survey (682-00-1000-0170).....\$100,000

(b) ";

On page 28, in line 17, after "(a)" by inserting "There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Geological survey (682-00-1000-0170).....\$100,000

(b) ";

On page 30, following line 14, by inserting:

"Evidence based juvenile programs.....\$2,000,000";

Also on page 30, in line 29, by striking "\$673,000" and inserting "\$2,673,000"; by striking all in lines 35 through 43;

On page 31, by striking all in lines 1 through 5;

On page 46, following line 32, by inserting:

"Sec. 101. On the effective date of this act, notwithstanding the provisions of any statute, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal years ending June 30, 2016, or June 30, 2017, as authorized by chapters 4, 81 or 104 of the 2015 Session Laws of Kansas, this or any other appropriation act of the 2016 or 2017 regular session of the legislature, to include in the health care compact, pursuant to K.S.A. 2015 Supp. 65-6230, and amendments thereto, the administration of medicare (42 U.S.C. § 1395 et seq.) unless the Kansas legislature passes legislation and such legislation is enacted into law specifically authorizing inclusion of the medicare program in such compact.

Sec. 102. (a) During the fiscal year ending June 30, 2017, no expenditures shall be made by any state agency named in this act from moneys appropriated from the state general fund for fiscal year 2017 as authorized by chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, to issue additional state obligations payable from the state general fund if the resulting annual debt service for all state obligations payable from the state general fund exceeds the limitation imposed by this section. The maximum annual debt service in fiscal year 2017 on state obligations payable from the state general fund may not exceed an amount equal to 4% of the average of state general fund revenues, excluding revenues constitutionally dedicated for purposes other than payment of state obligations, for the immediately preceding three fiscal years. Such amount shall be determined by the director of the budget in consultation with the director of legislative research.

(b) For the purposes of this section, "state obligations payable from the state general fund" means obligations, including, but not limited to, bonds and lease-purchase agreements in a principal amount greater than \$250,000, which are authorized or reasonably expected to be repaid by appropriations from the state general fund. "State obligations payable from the state general fund" shall not include obligations with

respect to which the state director of the budget certifies are reasonably expected to be paid from sources other than the state general fund.

Sec. 103. During the fiscal year ending June 30, 2017, no expenditures shall be made by any state agency named in this act from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2017 as authorized by chapter 4, 81 or 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, to issue bonds or other obligations in a principal amount greater than \$5,000,000 issued to finance or refinance activities and projects of such state agency, using any entity other than the Kansas development finance authority in accordance with the provisions of K.S.A. 74-8901 et seq., and amendments thereto.

Sec. 104. (a) During the fiscal year ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the secretary for children and families, from moneys appropriated from the state general fund or any special revenue fund or funds for the Kansas department for children and families for fiscal year 2017 by this act or any other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures shall be made by the secretary for children and families from the state general fund or from any special revenue fund or funds for fiscal year 2017, for the secretary, on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Neosho county, Kansas, subject to the provisions of this section:

The South Half of the Southeast Quarter (S/2 SE/4) of Section Nineteen (19), Township Twenty-seven (27) South, Range Eighteen (18) East of the 6th P. M., excepting therefrom five (5) tracts of land described as follows:

a. The North Ten (10) acres of the Southeast Quarter of this Southeast Quarter (SE/4 SE/4) of said section Nineteen (19);

b. Beginning at a point on Plummer Avenue, 330 feet south of the northeast corner of the South Half of the Southeast Quarter (S/2 SE/4) of said Section Nineteen (19), thence west parallel with the north line of said eighty, 1320 feet; thence south 330 feet on a line parallel with the east line of said eighty; thence east 1320 feet on a line parallel with the north line of said eighty; thence north along said east line to the point of beginning, containing 10 acres;

c. Beginning at a point 495 feet north of the southeast corner of said Section Nineteen (19), thence north 165 feet to the southeast corner of 10-acre tract previously sold to Guy Umbarger; thence west along the south line of said Umbarger 10-acre tract, 792 feet; thence south on a line parallel to the east line, 165 feet; thence east on a line parallel to said Umbarger tract to point of beginning, containing approximately 3 acres;

d. Beginning at the southeast corner of said Section Nineteen (19), thence west along the south line of said section 690 feet; thence northerly 445 feet; thence easterly 690 feet to a point on the east line of said section, 445 feet north of the southeast corner of said section; thence south along said east line 445 feet to the point of beginning. The above includes 30 feet of road right-of-way along the south side used for Seventh Street and 30 feet of road right-of-way along the east side used for Plummer Avenue. Including the road rights-of-way, the above includes 7.05 acres, more or less; and

e. Beginning at a point 30 feet north of and 690 feet west of the southeast corner of the Southeast Quarter (SE/4) of said Section Nineteen (19); thence west along right-of-way line of present road, 1950 feet, more or less, to the west line of said Southeast

Quarter (SE/4); thence north along the west line of said Southeast Quarter (SE/4), 10 feet; thence east parallel to and 10 feet north of the present right-of-way, 1950 feet, more or less, to a point 690 feet west of and 40 feet north of the southeast corner of said Southeast Quarter (SE/4); thence south 10 feet to the point of beginning, containing .44 acres, more or less, condemned for highway purposes.

(b) During fiscal years 2016 and 2017, the real property described in subsection (a) shall be sold or conveyed to the Neosho memorial regional medical center, at the price agreed upon between the parties.

(c) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary for children and families without having first advised and consulted with the joint committee on state building construction.

(d) Prior to the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(e) When the sale is made, the proceeds thereof shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the appropriate account of the state general fund or special revenue fund of the Kansas department for children and families as determined by the secretary for children and families. The secretary for children and families shall transmit a copy of such determination to the director of legislative research.

(f) The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 2015 Supp. 75-6609, and amendments thereto.

(g) In the event that the secretary for children and families determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

(h) On the effective date of this act, the provisions of section 175(b) of chapter 104 of the 2015 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.";

On page 55, in line 30, by striking "97" and inserting "98"; in line 42, by striking "97" and inserting "98";

And by redesignating sections, subsections, paragraphs, subparagraphs and clauses accordingly;

And your committee on conference recommends the adoption of this report.

RON RYCKMAN, JR

SHARON SCHWARTZ

*Conferees on part of House*

TY MASTERSON

JIM DENNING

*Conferees on part of Senate*

Senator Masterson moved the Senate adopt the Conference Committee Report on **H Sub SB 161**.

On roll call, the vote was: Yeas 22; Nays 16; Present and Passing 1; Absent or Not Voting 1.

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

Nays: Baumgardner, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, LaTurner, Longbine, McGinn, Olson, Pettey, Pyle, V. Schmidt, Tyson, Wolf.

Present and Passing: Wilborn.

Absent or Not Voting: Hawk.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Madam President: I vote "No" on **H Sub SB 161**. If a budget is a statement of priorities and values it is clear that the majority of Senators do not value K-12 education, public employees or the long-term fiscal stability of the state. This budget epitomizes Kansas' fiscal mismanagement caused by a reckless and irresponsible tax policy. As a result of this policy, critical services have been cut year after year -- and this budget is no different. This budget is shored up by using one-time fund transfers that create an unstable fiscal environment and an insufficient ending balance. Additionally, this budget uses our state employee retirement system as a credit card to make it balance and it destroys the Parents as Teachers program, despite hearing testimony and pleas from countless Kansans to the contrary. I'm voting "No" on this budget bill because Kansans deserve better.—ANTHONY HENSLEY

Senators Faust-Goudeau, Francisco, Haley, Holland, Kelly and Pettey request the record show that they concur with the "Explanation of Vote" offered by Senator Hensley on **H Sub SB 161**.

#### REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 392** be passed.

Committee on **Public Health and Welfare** recommends **SB 363** be passed.

Committee on **Transportation** recommends **SB 335** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 335," as follows:

"Substitute for SENATE BILL NO. 355"

By Committee on Transportation

"AN ACT concerning motor vehicles; relating to vehicle registration, fees; creating the Kansas highway patrol staffing and training fund; law enforcement training center fund; amending K.S.A. 2015 Supp. 8-145 and repealing the existing section.";

And the substitute bill be passed.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, February 18, 2016.

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

FEBRUARY 17, 2016

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