

Journal of the Senate

FORTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 22, 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, You have privileged us to be citizens of this amazing country, and further privileged us to be in Kansas, in the heart of this nation, where history reveals that much has been achieved to benefit the whole. During this Easter week, Jesus' death and resurrection from the dead, is the focus. So, Lord, in tune with that, are there things that are good for us and this country, that have died, or are even in a comatose state? Let the things that need to be revived in this country, begin with us...Love for one another, regardless of who they are; patience with those who think and act unseemly; kindness and gentleness toward others, even when they get on our last nerve. You said in Galatians 5:23 that there is no law against these things. So, Lord, let the resurrection of those qualities begin right here, with me. I pray in the name of Jesus, Amen.

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 514, AN ACT concerning education; relating to the classroom learning assuring student success act; relating to tax levies for ancillary school facilities; amending K.S.A. 2015 Supp. 72-6474 and repealing the existing section, by Committee on Ways and Means.

SB 515, 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, 72-6476, 72-6481 and 74-4939a and repealing the existing sections, by Committee on Ways and Means.

SB 516, AN ACT concerning campaign finance; prohibiting certain contributions by contractors with public entities, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2576**, **HB 2595**.

CHANGE OF REFERENCE

The President withdrew **HB 2660** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ways and Means**.

MESSAGES FROM THE GOVERNOR

SB 312, SB 334, SB 376 approved on March 21, 2016

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Petersen moved the Senate concur in House amendments to **H Sub SB 245**.

H Sub SB 245, AN ACT concerning memorial signs; relating to a DUI memorial signage program; enacting the Kyle Thornburg and Kylie Jobe believe act; duties of the secretary of transportation.

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 Senate concurred.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 363, AN ACT concerning the state board of healing arts; relating to powers, duties and functions; licensure of acupuncturists; regulation of physical therapists; physical therapy scope of practice; amending K.S.A. 2015 Supp. 65-2872, 65-2901 and 65-2913 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, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Pilcher-Cook, Tyson.

The bill passed, as amended.

Upon the showing of five hands a Call of the Senate was requested.

SB 436, AN ACT concerning public health; relating to funding of entities that provide family planning services, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

The bill passed.

The Call was lifted.

Upon the showing of five hands a Call of the Senate was requested.

SB 437, AN ACT concerning healthcare; relating to withholding life-sustaining treatment from patients under 18 years of age; permission requirements and exceptions; dispute resolution, 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn.

Nays: Francisco, Kelly, Pettey.

The bill passed, as amended.

The Call was lifted.

EXPLANATION OF VOTE

Madam President: I voted "No" on **SB 437** not because I don't agree with the intent of the bill, but because it is fraught with unintended consequences. The bill was rushed through committee with little opportunity for certain stakeholders to testify or offer amendments that could have resulted in a bill that would work for all concerned. It is my hope that consensus can be reached when or if the bill moves to the House or Conference Committee.—LAURA KELLY

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Kelly on **SB 437**.

Madam President: **SB 437**, Simon's Law, is legislation brought forth by grieving parents, who found that Do Not Resuscitate orders had been placed in the medical charts of their special needs children, without their knowledge or consent. Infant Simon Crosier, and other children unfairly deemed to lack "quality of life," died in medical facilities where the parents had assumed their children would be given life-sustaining treatment without bias. These are compelling, tragic stories unrebutted by any opposition testimony, including any defense from the medical community. With the escalating threat of rationed health care, Simon's Law is necessary to insure that parental rights and vulnerable Kansas children are protected in the future. I vote "Aye."—JACOB LATURNER

Senator Baumgardner requests the record to show she concurs with the "Explanation of Vote" offered by Senator LaTurner.

Upon the showing of five hands as Call of the Senate was requested.

SB 439, AN ACT concerning impeachment; relating to other high crimes and misdemeanors; justices of the supreme court and constitutional officers of the executive department, was considered on final action.

On roll call, the vote was: Yeas 21; Nays 19; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Fitzgerald, Holmes, Knox, LaTurner, Love, Lynn, Masterson, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Bowers, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, Longbine, McGinn, O'Donnell, Pettey, V. Schmidt, Wilborn, Wolf.

The bill passed, as amended.

The Call was lifted

EXPLANATION OF VOTE

Madam President: I vote “No” on **SB 439**. Not only does this bill attempt to change the constitution without going through the required amendment process, it violates the separation of powers by subjecting justices to impeachment for vague, subjective, and political reasons. Allowing impeachment for ideological or political differences of opinion would completely undermine the independence of courts and the public’s confidence in their rulings. The intent behind this bill is to intimidate supreme court justices. The bill as introduced applied only to the judicial branch and committee amendments applying it to other executive branch officers are a smokescreen. There is no reason to modify the impeachment process or define in statute “high crimes and misdemeanors” to direct the Kansas House in its duties to impeach either supreme court justices or executive branch officers. The purpose of **SB 439** is to place inappropriate pressure on the judicial branch to make decisions according to legislative dictates.—

ANTHONY HENSLEY

Senators Hawk, Holland, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 439**.

Madam President: Alexander Hamilton said “Laws are a dead letter without courts to expound and define their true meaning and operation”. **SB 439** blatantly seeks to muzzle our Kansas Supreme Court, thereby compromising its ability to freely interpret and serve as the final arbiter of Kansas laws. I vote “No” on **SB 439**.—TOM HOLLAND

Senators Francisco, Haley, Hawk and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Holland on **SB 439**.

Madam President: Power corrupts, absolute power corrupts absolutely. When officials are allowed to have absolute power, we run a real risk to our democratic processes. We live in an era when people believe that independence of the courts and absolute power are synonymous. The authors of the US and Kansas constitutions did not equate independence with absolute power. **SB 439** is a compilation of grounds for impeachment as expressed by the Founders of the US constitution, and also from actual impeachment investigations at both the federal and state level. There is nothing new in **SB 439**. We have several recent examples of judicial activism. For example: disregarding the letter and spirit of the law, inconsistent application of principles in related cases, overturning the will of the people (marriage amendment), favoring partisan candidates for office, hosting a partisan fundraiser in the home of a Supreme Court justice against an explicit prohibition in the constitution. It’s time we revisit the fundamentals of our constitutional form of government and re-establish checks and balances on all 3 branches of government. “We the People” will have no recourse against a branch with absolute power.—MITCH HOLMES

Senators Abrams and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Holmes on **SB 439**.

Madam President: A phrase that has lost meaning in the 21st century— “High Crimes and Misdemeanors” is defined in **SB 439** using the meaning that the founders of our United States and Kansas Constitutions understood. High crimes are those breaches of duty committed by public officials because they violate the fiduciary responsibility of their high office to the people of the state of Kansas – they are not necessarily criminal acts nor do they have to be. This bill clarifies the checks and balances of the branches of Kansas government. I vote “Aye.”—GREG SMITH

Senators Abrams and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Smith on **SB 439**.

Upon the showing of five hands a Call of the Senate was requested.

SCR 1610, A CONCURRENT RESOLUTION reaffirming 10th Amendment rights, 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, 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.

Nays: Faust-Goudeau, Francisco, Haley.

The resolution was adopted.

S Sub HB 2056, AN ACT concerning bail enforcement agents; relating to licensure by the attorney general; sureties and bail agents; amending K.S.A. 22-2806 and K.S.A. 2015 Supp. 12-4516, 21-6614 and 22-2809a and repealing the existing sections; also repealing K.S.A. 2015 Supp. 12-4516d and 21-6614f, 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, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Arpke, Fitzgerald, Pilcher-Cook.

The substitute bill passed, as amended.

Upon the showing of five hands a Call of the Senate was requested.

S Sub HB 2059, AN ACT concerning water; relating to applications to appropriate; amending K.S.A. 2015 Supp. 82a-708a and repealing the existing section, 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, Bruce, Donovan, Faust-Goudeau, Fitzgerald, Hawk, Hensley, Holmes, Kerschen, King, Knox, LaTurner, Love, Masterson, O'Donnell, Ostmeyer, Petersen, Powell, Smith, Wagle, Wilborn.

Nays: Baumgardner, Bowers, Denning, Francisco, Haley, Holland, Kelly, Longbine, Lynn, McGinn, Melcher, Olson, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Tyson, Wolf.

The substitute bill passed, as amended.

The Call was lifted.

EXPLANATION OF VOTE

Madam President: Water challenges are facing communities and regions across the United States, impacting millions of lives and costing billions of dollars in damages. Recent events - including record-breaking drought in the West, severe flooding in the Southeast and the water quality crisis in Flint, Michigan - have elevated a national dialogue on the state of our Nation's water resources and infrastructure. I vote "Yes" on **S Sub 2059**.—LARRY POWELL

Senator Kerschen requests the record to show he concurs with the "Explanation of Vote" offered by Senator Powell on **S Sub 2059**.

HB 2134, AN ACT concerning consumer credit; relating to security freezes on protected consumer reports; amending K.S.A. 2015 Supp. 50-702 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.

S Sub HB 2156, AN ACT concerning water; relating to the division of water resources; groundwater; amending K.S.A. 2015 Supp. 74-506d, 75-2935 and 82a-303b 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 substitute bill passed.

S Sub HB 2441, AN ACT concerning education; creating a language assessment program for children who are deaf or hard of hearing, 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.

HB 2456, AN ACT enacting the interstate medical licensure compact, 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.

HB 2502, AN ACT concerning civil procedure; relating to habeas corpus; time limitations in motion to attack sentence; amending K.S.A. 60-1507 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.

HB 2518, AN ACT concerning vital statistics; relating to electronic filing of death certificates and related documentation; amending K.S.A. 2015 Supp. 65-2412 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.

HB 2547, AN ACT concerning wildlife, parks and tourism; relating to wildlife; the mined land wildlife area; nongame and endangered species act; amending K.S.A. 32-960a and 32-961 and repealing the existing sections, 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, 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.

Nays: Baumgardner.

The bill passed, as amended.

HB 2549, AN ACT concerning law enforcement; relating to requests for law enforcement assistance from jurisdictions located outside the state of Kansas, but within the United States, 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: Abrams, Arpke, Baumgardner, Bowers, Bruce, Donovan, Faust-Goudeau,

Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Denning, Melcher, Pilcher-Cook, Tyson.

The bill passed.

HB 2610, AN ACT designating the junction of interstate highway 70 and commerce parkway in Ellis county as the chief warrant officer 5 David Carter fallen veterans memorial interchange; a portion of U.S. highway 400 as the John Troy, Pete Hughes and Earl Seifert highway; the junction of interstate highway 235 and central avenue in Sedgwick county as the Captain Chris Norgren memorial interchange; a portion of K-148 as the SGT Lavern W Tegtmeier memorial highway, 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.

HB 2617, AN ACT concerning workers compensation; relating to compensation disallowances for substance abuse testing; eligibility for certain disability compensation; medical administrator; electronic filing for administrative hearings; records disclosure; amending K.S.A. 44-534 and 44-536a and K.S.A. 2015 Supp. 44-501, 44-510e, 44-510i and 44-550b 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.

HB 2632, AN ACT concerning the pooled money investment board; establishing the board as a separate state agency and eliminating certain administrative and budgetary duties relating to the board from the state treasurer; amending K.S.A. 2015 Supp. 75-4222 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.

HB 2696, AN ACT concerning law enforcement; relating to university police officers; jurisdiction; amending K.S.A. 2015 Supp. 22-2401a and 76-726 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, 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: Baumgardner, Tyson.

The bill passed, as amended.

ORIGINAL MOTION

On motion of Senator Powell, the Senate acceded to the request of the House for a conference on **HB 2480**.

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

On motion of Senator Love, the Senate acceded to the request of the House for a conference on **HB 2490**.

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

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

AFTERNOON SESSION

MESSAGE FROM THE GOVERNOR

SB 312, SB 334, SB 376 have been signed into law, March 21, 2016.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2054; HB 2471, HB 2483, HB 2553, HB 2665, HB 2724, HB 2739**.

Announcing adoption of **HCR 5022**.

Announcing passage of **SB 225, SB 349, SB 352, SB 362, SB 392, SB 438, SB 459, SB 484, SB 485**.

Announcing passage of **SB 99**, as amended; **Sub SB 323**, as amended; Announcing passage of **SB 326**, as amended; **SB 366**, as amended; **SB 373**, as amended; **SB 387**, as amended; **SB 388**, as amended; **SB 418**, as amended;

Announcing passage of **SB 63**, as amended by **H Sub SB 63; SB 149**, as amended by **H Sub SB 149; SB 168**, as amended by **H Sub SB 168; SB 227**, as amended by **H Sub SB 227; SB 402**, as amended by **H Sub SB 402**.

The House concurs in Senate amendments to **HB 2131**, and requests return of the bill.

The House nonconcurrs in Senate amendments to **Sub HB 2062**, requests a conference and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 245** 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 249** and has appointed Representatives Ryckman, Schwartz and Henry as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2054; HB 2471, HB 2483, HB 2553, HB 2665, HB 2724, HB 2739; HCR 5022 were thereupon introduced and read by title.

ORIGINAL MOTIONS

Citing Rule 54, Senator Holland motioned to advance **SCR 1612** above the line to first order of business.

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

On roll call, the vote was: Yeas 21; Nays 19; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, Lynn, McGinn, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Wolf.

Nays: Abrams, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, Love, Masterson, Melcher, Ostmeyer, Powell, Smith, Tyson, Wagle, Wilborn.

Failing to reach a required 2/3 majority, the motion failed.

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 Longbine in the chair.

On motion of Senator Longbine the following report was adopted:

SB 353 be passed.

SB 359; HB 2436, HB 2460, HB 2463; Sub HB 2289 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Haley to amend **Sub HB 2289** failed.

The committee report on **HB 2018** recommending **S Sub HB 2018** be adopted, and the substitute bill be passed.

The committee report on **HB 2088** recommending **S Sub HB 2088** be adopted, be amended by motion of Senator LaTurner: on page 1, by striking all in lines 6 through 17;

On page 7, in line 16, by striking "7" and inserting "6"; in line 20, by striking "7" and inserting "6";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "13-907,"; in line 3, after "sections" by inserting "; also repealing K.S.A. 13-907"

A motion by Senator King to further amend **S Sub HB 2088** failed.

S Sub HB 2088 be further amended by motion of Senator Melcher, on page 6, in line 22, after the semicolon by inserting "or"; in line 23, by striking all after "tax"; by striking all in lines 24 and 25; in line 26, by striking all before the period

A motion by Senator Holmes to further amend **S Sub HB 2088** failed.

S Sub HB 2088 be further amended by motion of Senator McGinn: on page 6, in line 36, by striking the second "or"; in line 41, after "emergency" by inserting "; or

(F) increased costs above the consumer price index for law enforcement, fire protection or emergency medical services"

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

On roll call, the vote was: Yeas 22; Nays 17; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Abrams, Arpke, Bruce, Denning, Fitzgerald, Knox, LaTurner, Lynn, Masterson, Melcher, O'Donnell, Olson, Pilcher-Cook, Powell, Pyle, Smith, Wagle.

Present and Passing: Donovan.

S Sub HB 2088 be further amended by motion of Senator Melcher: on page 6, in line 22, after the semicolon by inserting "or"; by striking all in line 23

A motion by Senator Hawk to further amend **S Sub HB 2088** failed and the following amendment was rejected: on page 6, in line 36, by striking the second "or"; in line 41, after "emergency" by inserting "; or

(F) expenditures incurred by a city or county for the construction, maintenance, repair or reconstruction of infrastructure related to a public facility which involves an initial expenditure of more than \$300 million by a public entity"

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

On roll call, the vote was: Yeas 11; Nays 24; Present and Passing 5; Absent or Not Voting 0.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Pettey.

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

Present and Passing: Donovan, McGinn, Petersen, V. Schmidt, Wolf.

A motion by Senator Hensley to further amend **S Sub HB 2088** failed and the following amendment was rejected: on page 5, in line 40, by striking all after the first "resolution"; by striking all in line 41; in line 42, by striking all before the period; also in line 42, after the period by inserting "The resolution shall be published in the official city or county newspaper, respectively, once each week for two consecutive weeks. The resolution shall take effect within 45 days of the final publication unless a petition signed by not less than 2% of the qualified electors of the city who voted in the last preceding city election or not less than 2% of the qualified electors of the county who voted at the last preceding November election is filed with the county election officer demanding the resolution be submitted to a vote of the electors. An election, if called, shall be held as provided in paragraph (2). If voters approve the resolution, the property tax increase shall be levied."

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

On roll call, the vote was: Yeas 8; Nays 32; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald,

Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

A motion by Senator Holland to further amend **S Sub HB 2088** failed.

S Sub HB 2088 be further amended by motion of Senator LaTurner: on page 6, in line 42, after "(3)" by inserting "Any increased property tax revenues generated for law enforcement, fire protection or emergency medical services shall be expended exclusively for these purposes but shall not be used for the construction or remodeling of buildings.

(4) ";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

and **S Sub HB 2088** be passed as amended.

An amendment was offered by Senator O'Donnell on **S Sub HB 2088**. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

A motion by Senator Hawk to amend **S Sub HB 2088** was withdrawn.

The committee report on **HB 2509** recommending **S Sub HB 2509** be adopted, be amended by motion of Senator Olson, on page 5, in line 24, by striking "5%" and inserting "1%"

and **S Sub HB 2509** be passed as amended.

ORIGINAL MOTION

Senator Bruce moved the Senate reconsider its action on **S Sub HB 2018**. The motion carried and the bill was returned to to the **Calendar** under the heading of **General Orders**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 353** was advanced to Final Action and roll call.

SB 353, AN ACT concerning property taxation; relating to exemptions; allowing county appraisers to exempt certain federal property without order of the board of tax appeals; amending K.S.A. 2015 Supp. 79-213 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.

SB 359, AN ACT concerning property taxation; relating to county appraisers; market study analysis; persons eligible to be appointed to office of appraiser, removal; amending K.S.A. 19-432 and 79-1460a 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: 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.

S Sub HB 2088, AN ACT concerning property taxation; amending K.S.A. 13-907, 79-1466 and 79-1467 and K.S.A. 2015 Supp. 79-5a27, 79-1801 and 79-2925b and repealing the existing sections.

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

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

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

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote "No" on **S Sub HB 2088**. The Kansas Legislature approved a property tax lid last year, and while this bill may seek to improve on what was passed last year, it is not at all clear that it does that. I am concerned that several good amendments that were offered failed to get on this bill. This legislature should accommodate cities and counties that are taking on expenditures for a significant public facility that stands to benefit the entire state, especially true in the case of the National Bio and Agro-Defense Facility. We should also be mindful of the extra expense we are adding with the requirement for an election, an expense that could be avoided in some cases if a petition was used to trigger such elections. Most importantly there has been no schedule established that gives a clear timeline for municipalities to consider the current year's property tax estimates, propose a budget and hold an election that would allow them to coordinate with an otherwise regularly scheduled elections, again, important in saving taxpayer dollars.—MARCI FRANCISCO

Senators Hawk, Hensley and Holland request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **S Sub HB 2088**.

Madam President: This legislation treats abated commercial property coming back onto the tax rolls differently than new unabated construction, thus shifting the costs of commercial infrastructure onto residential property owners. This legislation would also create significant financial uncertainty for communities planning both needed infrastructure projects as well as future development initiatives. I vote "no" on **S Sub HB 2088**.—TOM HOLLAND

Senators Francisco and Hensley request the record to show they concur with the "Explanation of Vote" offered by Senator Holland on **S Sub HB 2088**.

Madam President: The people of Kansas have long supported the concept of "local control" under which local citizens make the decisions that impact their communities. Decisions are made best by the policy makers closest to the voters. **S Sub HB 2088** usurps the decisions of locally elected leaders. Kansas voters already cast ballots to elect leaders whom they believe will make decisions with the best interests of their

communities and tax dollars in mind. If local elected officials make tax decisions that meet with disapproval, the voters can remove them from office. We need to put our own house in order and leave it to our local officials to do the job they were elected to do. Madam President, I vote "No" on **S Sub HB 2088**.—LAURA KELLY

Senators Faust-Goudeau, Francisco, Hawk, Hensley and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Kelly on **S Sub HB 2088**.

Madam President: I support Kansans having a direct vote on their property taxes. I voted for it as a member of the Kansas House. I voted for it last year in the Kansas Senate. Kansas already has a tax lid because of that vote. My vote on **HB 2088** is not against that tax lid. It is a vote against a bill that changes the tax lid to harm my Senate district. The people of Montgomery County have suffered for years from the valuation fight between the county and Coffeyville Resources. The current tax lid protects against layoffs and other dramatic consequences that would result if Montgomery County loses that fight. **S Sub HB 2088** eliminates those protections. I trust the voters of Montgomery County. I trust the voters of southeast Kansas. **S Sub HB 2088** does not. For that reason, I vote "No."—JEFF KING

Madam President: This is a great day for the people of Kansas and this body. Increasing property taxes at the rate of inflation should be sufficient to maintain quality service to the citizens but in the rare circumstance that it is not, the people will get to vote. The people of Kansas are smart, attentive, and capable and should be given the right to vote on property taxes. I trust the people of Kansas and am proud to support this bill. I vote "Aye" on **S Sub HB 2088**.—JACOB LATURNER

Senators Baumgardner, Lynn, O'Donnell and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator LaTurner on **S Sub HB 2088**.

Madam President: The one thing taxpayers dislike more than paying taxes is incorrect tax information. This bill makes it nearly impossible for city and counties to meet the timeline for notice with accurate information. Funding discretion and flexibility are key components of effective local fiscal management, and local officials are best situated to respond to growth in a timely manner and make necessary investments in the future of their communities. This tax policy does not meet the needs of our communities. I vote "No" on **S Sub HB 2088**.—PAT PETTEY

Senators Francisco and Hawk request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **S Sub HB 2088**.

Sub HB 2289, AN ACT concerning driving; relating to driving under the influence of alcohol or drugs; test refusal or failure; suspension of license; administrative hearing; procedure; amending K.S.A. 2015 Supp. 8-1002 and 8-1020 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: 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, as amended.

HB 2436, AN ACT concerning motor vehicles; relating to drivers' licenses, examinations, motorcycles; amending K.S.A. 2015 Supp. 8-240 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, as amended.

HB 2460, AN ACT concerning the Kansas offender registration act; regarding violations of the act; amending K.S.A. 2015 Supp. 22-4903 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, as amended.

HB 2463, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal history; juvenile adjudications; probation and postrelease supervision; violation sanctions; amending K.S.A. 2015 Supp. 21-6810, 21-6811 and 22-3716 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: 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.

S Sub HB 2509, AN ACT concerning the department of commerce; relating to administrative cost recovery fees for department-administered community finance, economic development and tax incentive programs; amending K.S.A. 74-5060 and K.S.A. 2015 Supp. 12-17,164 and 74-50,150 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: 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, as amended.

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **S Sub HB 2056**, requests a conference and has appointed Representatives Gonzalez, Pauls and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2059**, requests a conference and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2134**, requests a conference and has appointed Representatives Schwab, Kelly and Houston as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2156**, requests a conference and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2441**, requests a conference and has appointed Representatives Highland, Lunn and Winn as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2456**, requests a conference and has appointed Representatives Hawkins, Dove and Ward as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2502**, requests a conference and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2547**, requests a conference and has appointed Representatives Schwartz, Boldra and Victors as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2610**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2617**, requests a conference and has appointed Representatives Hutton, Mason and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2632**, requests a conference and has appointed Representatives Schwab, Kelly and Houston as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2696**, requests a conference and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **Sub HB 2062**.

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

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **H Sub SB 63** and requested a conference committee be appointed.

The President appointed Senators Donovan, Tyson and Holland 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 99** and requested a conference committee be appointed.

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

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **H Sub SB 149** and requested a conference committee be appointed.

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

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **H Sub SB 168** 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 **H Sub SB 227** and requested a conference committee be appointed.

The President appointed Senators Powell, Kerschen and Francisco 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 323** and requested a conference committee be appointed.

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

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 366** and requested a conference committee be appointed.

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

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 373** and requested a conference committee be appointed.

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

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 387** and requested a conference committee be appointed.

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

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 388** and requested a conference committee be appointed.

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

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **H Sub SB 402** and requested a conference committee be appointed.

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

On motion of Senator Bruce the Senate nonconcurred in the House amendments to **SB 418** 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.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **SB 456** be amended on page 1, in line 9, by striking all after "after"; in line 10, by striking all before the semicolon and inserting "notifying the adult care home of the resident's intent to conduct electronic monitoring"; in line 11, after "means" by inserting "a surveillance instrument used to broadcast or record activity or sound occurring in a room, including"; in line 15, by striking all after "(b)"; in line 16, by striking all before "to" and inserting "A resident shall be permitted"; in line 20, after "person" by inserting "or otherwise retaliate against a resident or person"; also in line 20, by striking "a request to conduct" and inserting "conducting or consenting to"; in line 23, by striking "make a request to" and inserting "notify";

On page 2, in line 5, by striking "and"; in line 7, after "device" by inserting: "

(3) making reasonable accommodations and exhausting all reasonable options if a resident in a multi-resident room wishes to conduct electronic monitoring pursuant to this section and the resident or residents with whom the resident shares the room do not consent to the monitoring, including offering to move the resident who wishes to conduct electronic monitoring to another shared room which is available or becomes available; and

(4) making reasonable accommodations and exhausting all reasonable options if a resident wishes to conduct electronic monitoring and another resident begins residing in the multi-resident room who does not consent to the monitoring before moving the resident wishing to conduct electronic monitoring";

Also on page 2, in line 11, by striking "(1)"; by striking all in lines 15 through 18; in line 33, after "(6)" by inserting "restrictions that a resident may elect to place on electronic monitoring conducted in the resident's room, including, but not limited to:

- (A) Prohibiting video recording;
 - (B) prohibiting audio recording;
 - (C) turning off the device or blocking the visual recording component of the device during an exam or procedure administered by a healthcare professional;
 - (D) turning off the device or blocking the visual recording component of the device while the resident is dressing or bathing; or
 - (E) turning off the device or blocking the visual recording component of the device during a resident's visit with a spiritual advisor, ombudsman, attorney, financial planner, intimate partner or other visitor; and
- (7)";

Also on page 2, in line 35, after "(i)" by inserting "Any electronic monitoring device installed or operated pursuant to this section shall comply with the requirements of the national fire protection association 101 life safety code, or other standards determined by the secretary for aging and disability as having substantially equivalent requirements.

(j) (1) A person is prohibited from knowingly hindering, obstructing, tampering with or destroying, without the consent of the resident or individual who authorized electronic monitoring, an electronic monitoring device installed in a resident's room in accordance with this section.

(2) A person is prohibited from knowingly hindering, obstructing, tampering with or destroying, without the consent of the resident or individual who authorized electronic monitoring, a video or audio recording obtained in accordance with this section.

(3) (A) Any person who violates this subsection shall be guilty of a class B nonperson misdemeanor.

(B) Any person who violates this subsection with the intent to commit or conceal the commission of a misdemeanor offense shall be guilty of a class A nonperson misdemeanor.

(C) Any person who violates this subsection with the intent to commit or conceal the commission of a felony offense shall be guilty of a severity level 4, nonperson felony.

(k)"; and the bill be passed as amended.

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

REPORT ON ENROLLED BILLS

SB 329, SB 330, SB 412 reported correctly enrolled, properly signed and presented to the Governor on March 22, 2016.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, March 23, 2016.

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

