

Journal of the Senate

FIFTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 29, 2017, 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 T. Washington:

Gracious Master, we stand here today in the Senate...in this room where decisions are being made and laws are being voted up or down that affect individuals, families, businesses and almost all aspects of life here in Kansas.

In James 1:5-6, Your word declares that if we want to know what You want us to do, that all we need to do is ask You and You'd give us Your wisdom in abundance. In verse 6, You said that when we ask for it, we should be asking in confidence, trusting, expecting and anticipating Your guidance; like asking You for rain and making sure to bring an umbrella.

I know Lord, that we don't have to remind You of the things You say. We're the forgetful ones. We need the confident assurance that comes from reminding ourselves of the things You say. Because rehearsing this promise, that You will give us the wisdom we need, helps us to increase our faith and believe that the decisions we're making will ultimately be used by You to bless Your people.

So Lord, when we're tossing and turning over what to do, over which way to go, arrest our restlessness.

Remind us to ask for Your guidance, then remind us of Your promise to provide it.
Father, I come to You in the mighty Name of Jesus. Amen and Amen

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **HB 2386**.

Financial Institutions and Insurance: **SB 241, SB 242**.

Judiciary: **HB 2306**.

Public Health and Welfare: **HB 2047**.

Ways and Means: **SB 240; HB 2280**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1734—

A RESOLUTION congratulating and commending the
2017 Shawnee Heights High School boys basketball team.

WHEREAS, The Shawnee Heights High School boys basketball team won the 2017 Kansas State High School Activities Association (KSHSAA) Class 5A Championship with a 66-49 victory over Kansas City Schlagle High School in the finals of the 2017 Class 5A State Tournament in Topeka on March 11, 2017; and

WHEREAS, The Thunderbirds entered the 2017 Class 5A State Tournament as the number four-seeded team, and they won a thrilling 57-55 overtime game over the number one-seeded Goddard-Eisenhower team in the semifinals to reach the finals; and

WHEREAS, The Thunderbirds finished the season with a record of 22 wins and 3 losses, and they won their first boys basketball state championship since 2002 and their fifth boys basketball state championship in school history; and

WHEREAS, During the 2016-2017 season, in addition to winning the Class 5A State Championship, the Thunderbirds won the Ralph Miller Classic Tournament in Chanute, finished second place in the Centennial League, and won their Class 5A Sub-State Tournament; and

WHEREAS, Trey Brown was named to the 2017 All-State, Class 5A, All-Centennial League, and All-City first teams, was named City Player of the Year by the Topeka Capital-Journal, and was also named to the Class 5A first team by the Wichita Eagle; Poncho Freeman was named to the 2017 Class 5A second team and the All-Centennial League and All-City first teams by the Topeka Capital-Journal, and was also given Class 5A honorable mention by the Wichita Eagle; Jesse Moss was named Class 5A and All-Centennial League honorable mention, and to the All-City third team by the Topeka Capital-Journal; Michael Brooks was named Class 5A and All-Centennial League honorable mention, to the All-City third team by the Topeka Capital-Journal, and Class 5A honorable mention by the Wichita Eagle; and Tyler Zentner was named Class 5A and All-City honorable mention by the Topeka Capital-Journal; and

WHEREAS, The Thunderbird's head coach, Steve Wallace, was named All-State and All-City Coach of the Year by the Topeka Capital-Journal, and All-State Coach of the Year by the Wichita Eagle; and

WHEREAS, The members of this championship team were Trey Brown, Tyce Brown, Michael Brooks, Ben Buchanan, Grant Cooney, Poncho Freeman, Dane Grabauskas, Michael Hoffer, Jerome McFalls, Jesse Moss, Tyler White and Tyler Zentner. The head coach was Steve Wallace; the assistant coaches were Mike Nash, Matt Shulman and Jeni Daley; and the team managers were Hayli Daughtery and Sierra Jones; and

WHEREAS, The team received statewide recognition for their athletic abilities and fine sportsmanship. The success of this team was a result of their unselfish teamwork, competitive spirit and relentless defense. The team also had the enthusiastic support from the school's administrators, teachers and staff, fellow students, parents and the entire Shawnee Heights community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Shawnee Heights High School boys basketball team and head coach Steve Wallace for winning the 2017 Kansas High School Activities Association Class 5A Championship; and

Be it further resolved: That the Secretary of the Senate shall send 25 enrolled copies

of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1734** was adopted unanimously.

The senate honored Coach Steve Wallace and team members with a standing ovation.

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

SENATE RESOLUTION No. 1735—

A RESOLUTION congratulating and commending
the 2016 Shawnee Heights High School volleyball team.

WHEREAS, The Shawnee Heights High School volleyball team won the 2016 Kansas State High School Activities Association Class 5A Volleyball Championship by defeating St. James Academy in the final match of the State Tournament in Topeka on October 29, 2016; and

WHEREAS, The Thunderbirds reached the finals by beating their Centennial League rival, Emporia High School, in the semifinal match; and

WHEREAS, The Thunderbirds finished the season with a record of 38 wins and six losses, and won their first state championship since winning back-to-back titles in 1999 and 2000; and

WHEREAS, Jazz Sweet was named the 2016 Kansas Volleyball Association's Player of the Year, and was also named to the All-State, All-City and All-Centennial League first teams; Megan Cooney was named to the All-State, All-City and All-Centennial League first teams; Faith Rottinghaus was named to the All-State second team, and was also named to the All-City and All-Centennial League second teams; Amaya Tillman was named All-State honorable mention, and was also named to the All-City and All-Centennial League first teams; Valerie Golder was named to the All-City and All-Centennial League second teams; and Mickey Murphy was named All-City and All-Centennial League Newcomer of the Year; and

WHEREAS, The Thunderbirds were led by head coach Laura Curry, who was named All-State, All-City and All-Centennial League Coach of the Year; and

WHEREAS, Members of the team include: Megan Cooney, Faith Rottinghaus, Jazz Sweet, Amaya Tillman, Valerie Golder, Lydia Ostenson, Hannah Wilson, Kirsten Johnson, Abbey Fischer, Briley Ginter, Mickey Murphy, Jaycee Ginter and Megan Stretton. The head coach is Laura Curry, and the assistant coaches are: Sara Brun, Danielle Faylor and Kayla Moylan. The managers are D'Mya Valdivia and Kelsey Riedel; and

WHEREAS, The Thunderbirds received statewide recognition for their athletic abilities and fine sportsmanship. The success of this team was due to their unselfish teamwork, competitive spirit and relentless pursuit of success. The team also had the enthusiastic support from the school's administrators, teachers and staff, fellow students, parents and the entire Shawnee Heights community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Shawnee Heights High School volleyball team and head coach Laura Curry for winning the 2016 Kansas State High School Activities Association Class 5A Volleyball Championship; and

Be it further resolved: That the Secretary of the Senate shall send 25 enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1735** was adopted unanimously. The senate honored Coach Laura Curry and team members with a standing ovation.

Senator Faust-Goudeau introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1736—

A RESOLUTION recognizing Storytime Village, Inc.
for its work in giving young Kansas children the opportunity
for a better future through its literacy programs.

WHEREAS, According to the Annie E. Casey Foundation, children who are proficient in reading by the end of third grade are more likely to graduate from high school and be economically successful in adulthood; and

WHEREAS, 58% of Caucasian, 80% of Hispanic and 85% of African-American fourth graders in Kansas scored below the "proficient" reading level in a 2015 study conducted by the National Assessment for Educational Progress (NAEP); and

WHEREAS, Many underserved populations in Kansas are lacking the quality literacy skills essential for future success in school and life; and

WHEREAS, The 2015 NAEP study also shows that the gap in proficiency between low-income and high-income Kansas students grew from 25% to 34% from the years 2009 to 2015; and

WHEREAS, Storytime Village, Inc., under the leadership of Director Prisca Barnes, has been working since 2009 to help Kansas children, beginning at birth through age eight, thrive in partnerships that provide early childhood development, family engagement involving reading, and access to books; and

WHEREAS, Storytime Village, Inc. is currently the only nonprofit organization based in Kansas that focuses exclusively on children's literacy; and

WHEREAS, With the support of parents and the help of many dedicated volunteers, Storytime Village, Inc. inspires children, regardless of their socio-economic background, race or gender, to read by providing them free books and literacy resources; and

WHEREAS, March 29, 2017, is marked as Literacy Day at the Capitol, which will focus on addressing the literacy gap in Kansas by mobilizing high school students to raise their voices through meetings with legislators, panel discussions, and an advocacy workshop, with the theme: "Why Reading Matters": Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize Storytime Village, Inc. for its work in giving young Kansas children the opportunity for a better future through its literacy programs; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Prisca Barnes and Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1736** was adopted unanimously.

Guests introduced were Prisca Barnes, Lai-L Daugherty, Rev. Bobby Love and Chase Bowman.

The senate honored the guests with a standing ovation.

Senator Doll introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1737—

A RESOLUTION congratulating and commending
the 2017 Hugoton High School girls and
Holcomb High School and boys basketball teams.

WHEREAS, The Hugoton High School Lady Eagles basketball team won the 2017 Kansas State High School Activities Association Class 3A Championship by defeating Cheney High School in the tournament final in Hutchinson on March 11, 2017; and

WHEREAS, The Lady Eagles finished the season with a perfect record of 26 wins and zero losses, and they earned their second state championship within three seasons; and

WHEREAS, Several Lady Eagles earned state and local commendations, including Kathryn Heger, Amy Scott, Dallie Hoskinson, Sydney Hein, JoHanna Rawlins and Melissa Fabela; and

WHEREAS, The Lady Eagles were led by head coach Andy Gillen, who has earned many coach of the year awards, and assistant coaches Jeff Ramsey and Keenan Thompson; and

WHEREAS, Members of the team include: Brooklyn Harper, Dallie Hoskinson, Laney Hoskinson, Sydney Hein, Jacquelynn Armendariz, Amy Scott, JoHanna Rawlins, Melissa Fabela, Britta Beesley, Marisol Don Juan, Kathryn Heger and Rebecca Johnson, and the team managers are Luz Romo and Hanna Coziah; and

WHEREAS, The Holcomb High School Longhorns boys basketball team won the 2017 Kansas State High School Activities Association Class 4A-Division II Championship by defeating Pratt High School 60-45 in the tournament final in Emporia on March 11, 2017; and

WHEREAS, The Longhorns finished the season with a record of 24 wins and only one loss, and they earned their second state championship within three seasons; and

WHEREAS, Several Longhorns earned state and local commendations, including Conner Vanleave, Trey Gilbert, Kobe Dickson and Brandon Stegman; and

WHEREAS, The Longhorns are led by head coach Chad Novack, who earned the Garden City Telegram's All-Area Coach of the Year honor, and assistant coaches Trevor Sapp, Aaron Miller and Trenton Specht; and

WHEREAS, Team members include: Michael Roth, Brandon Stegman, Steven Crain, Devin Mader, Garrett Williams, Trey Gilbert, Carter Blackburn, Caleb Clumsky, Zeke Leyva, Conner Vanleave, Damon Kepley and Kobe Dickson, and the team managers are Paden Cornelsen and Kaden Tichenor: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2017 Hugoton High School girls and Holcomb boys basketball teams for winning their respective state championship games. We celebrate with them in this accomplishment and wish them the best of luck in the future; and

Be it further resolved: That the Secretary of the Senate shall send 10 enrolled copies of this resolution to Senator Doll.

On emergency motion of Senator Doll **SR 1737** was adopted unanimously.

The senate honored the coaches and team members with a standing ovation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2006, AN ACT concerning counties; relating to the expansion of the board of county commissioners; amending K.S.A. 2016 Supp. 19-203 and repealing the existing

section, was considered on final action.

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

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

The bill passed, as amended.

HB 2043, AN ACT concerning insurance; relating to financial examination; requirements; amending K.S.A. 40-2912 and K.S.A. 2016 Supp. 12-2620 and 44-584 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2067, AN ACT concerning the uniform insurance agents licensing act; relating to fingerprinting of applicants for licensure; amending K.S.A. 2016 Supp. 40-4905 and repealing the existing section, was considered on final action.

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

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

Nays: Pilcher-Cook, Tyson.

The bill passed, as amended.

HB 2094, AN ACT concerning municipalities; concerning contracts; dealing with the interlocal cooperation act; amending K.S.A. 12-2908 and K.S.A. 2016 Supp. 12-2904 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2102, AN ACT concerning counties; dealing with the board of county commissioners; concerning certain appointments by the board of county commissioners; amending K.S.A. 19-206 and K.S.A. 2016 Supp. 75-2550 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2110, AN ACT concerning financial institutions; relating to trust companies; establishment of nonresident entities; requirements; amending K.S.A. 2016 Supp. 9-2111 and repealing the existing section, was considered on final action.

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

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

The bill passed.

HB 2118, AN ACT concerning health care providers; relating to the health care provider insurance availability act; liability exceptions; provider exemptions; inactive provider coverage limits; inactive licensure of advanced practice registered nurses; amending K.S.A. 2016 Supp. 40-3401, 40-3408, 40-3424 and 65-1131 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

HB 2128, AN ACT concerning the Kansas open meetings act; relating to closed or executive meetings; governor's domestic violence fatality review board; amending K.S.A. 2016 Supp. 75-4319 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

HB 2136, AN ACT concerning weights and measures; relating to service companies; technical representatives; amending K.S.A. 2016 Supp. 83-402 and repealing the existing section, was considered on final action.

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

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

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

The bill passed.

HB 2137, AN ACT concerning cities and counties; dealing with certain volunteer activities of governing body members; amending K.S.A. 19-205 and repealing the existing section, was considered on final action.

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

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

Nays: Masterson, Pilcher-Cook.

HB 2140, AN ACT concerning firefighting; relating to interstate compacts; great plains interstate fire 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: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

HB 2191, AN ACT concerning the Kansas department of wildlife, parks and tourism; relating to licenses, permits, stamps and other issues of the department; citations; amending K.S.A. 2016 Supp. 32-1001, 32-1041 and 32-1049 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

S Sub HB 2304, AN ACT concerning child care facilities; relating to infant sleeping equipment and sleeping areas; individuals maintaining or residing, working or volunteering in such facilities; background checks; amending K.S.A. 2016 Supp. 65-508 and 65-516 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco,

Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

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

The substitute bill passed, as amended.

HB 2329, AN ACT concerning employment security law; relating to the effect of separation pay on benefits; amending K.S.A. 2016 Supp. 44-704 and repealing the existing section, was considered on final action.

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

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

The bill passed.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub SB 74**.

Announcing passage of **SB 40**, as amended by House **H Sub SB 40**; **SB 101**, as amended by **H Sub SB 101**.

Announcing passage of **SB 46**, as amended; **SB 50**, as amended; **SB 89**, as amended; **SB 124**, as amended.

The House nonconcurrs in Senate amendments to **HB 2212**, requests a conference and has appointed Representatives Aurand, Dierks and Winn as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2213**, requests a conference and has appointed Representatives Aurand, Dierks and Winn as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2026**, requests a conference and has appointed Representatives Hawkins, Concannon and Wilson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 21** and has appointed Representatives Kelly, Powell and Finney as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 112** and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2096**.

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

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Kerschen the Senate nonconcurrs in the House amendments

to **SB 46** and requested a conference committee be appointed.

The President appointed Senators Kerschen, Estes and Francisco as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurrred in the House amendments to **H Sub SB 40** and requested a conference committee be appointed.

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

On motion of Senator Wilborn the Senate nonconcurrred in the House amendments to **SB 50** and requested a conference committee be appointed.

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

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 89** and requested a conference committee be appointed.

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

On motion of Senator Wilborn the Senate nonconcurrred in the House amendments to **H Sub SB 101** and requested a conference committee be appointed.

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

On motion of Senator Wilborn the Senate nonconcurrred in the House amendments to **SB 124** and requested a conference committee be appointed.

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

COMMITTEE OF THE WHOLE

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

SB 202 be amended by motion of Senator LaTurner; on page 1, following line 15, by inserting:

"Sec. 2. (a) The compact relating to cigarette sales, taxation and escrow collection between the Sac and Fox Nation of Missouri in Kansas and Nebraska and the state of Kansas submitted by the governor to the senate and house of representatives of the state of Kansas and received and printed in the journal of the senate on March 16, 2017, and the journal of the house of representatives on March 15, 2017, is hereby approved and adopted by reference as the law of this state.

(b) The secretary of the senate is directed to send a copy of such compact to the secretary of state. The secretary of state shall cause such compact to be published in the Kansas register.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, after the semicolon by inserting "approving a compact between the Sac and Fox Nation of Missouri in Kansas and Nebraska and the state of Kansas;" and **SB 202** be passed as amended

HCR 5003 be adopted.

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

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

COMMITTEE OF THE WHOLE

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

On motion of Senator Schmidt, the morning report and the following afternoon report were adopted.

SB 135 be passed.

A motion by Senator Hensley to amend **SB 135** failed and the following amendment was rejected; on page 1, following line 30, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

(a) Chosen by election or appointment to fill an elective office;

(b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;

(c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;

(d) all employees in the office of the governor;

(e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;

(f) chancellor, president, deans, administrative officers, student health service physicians, pharmacists, teaching and research personnel, health care employees and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer's employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution and county extension agents, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors; as used in this subsection (1)(f), "health care employees" means employees of the university of Kansas medical center who provide health care services at the university of Kansas medical center and who are medical technicians or technologists or respiratory therapists, who are licensed professional nurses or licensed practical nurses, or who are in job classes which are designated for this purpose by the chancellor of the university of Kansas upon a finding by the chancellor that such designation is required for the university of Kansas medical center to recruit or retain personnel for positions in the designated job classes; and employees of any institution under the state board of regents who are medical technologists;

(g) operations, maintenance and security personnel employed to implement agreements entered into by the adjutant general and the federal national guard bureau, and officers and enlisted persons in the national guard and the naval militia;

(h) persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;

(i) persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;

(j) officers and employees in the office of the attorney general and special counsel to state departments appointed by the attorney general, except that officers and employees of the division of the Kansas bureau of investigation shall be in the classified or unclassified service as provided in K.S.A. 75-711, and amendments thereto;

(k) all employees of courts;

(l) client, patient and inmate help in any state facility or institution;

(m) all attorneys for boards, commissions and departments;

(n) the secretary and assistant secretary of the Kansas state historical society;

(o) physician specialists, dentists, dental hygienists, pharmacists, medical technologists and long term care workers employed by the Kansas department for aging and disability services;

(p) physician specialists, dentists and medical technologists employed by any board, commission or department or by any institution under the jurisdiction thereof;

(q) student employees enrolled in public institutions of higher learning;

(r) administrative officers, directors and teaching personnel of the state board of education and the state department of education and of any institution under the supervision and control of the state board of education, except that this subsection (1)(r) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors;

(s) all officers and employees in the office of the secretary of state;

(t) one personal secretary and one special assistant to the following: The secretary of administration, the secretary for aging and disability services, the secretary of agriculture, the secretary of commerce, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of labor, the secretary of revenue, the secretary for children and families, the secretary of transportation, the secretary of wildlife, parks and tourism and the commissioner of juvenile justice;

(u) one personal secretary and one special assistant to the chancellor and presidents of institutions under the state board of regents;

(v) one personal secretary and one special assistant to the executive vice chancellor of the university of Kansas medical center;

(w) one public information officer and one chief attorney for the following: The department of administration, the Kansas department for aging and disability services, the department of agriculture, the department of commerce, the department of corrections, the department of health and environment, the department of labor, the department of revenue, the Kansas department for children and families, the department of transportation, the Kansas department of wildlife, parks and tourism and the

commissioner of juvenile justice;

(x) if designated by the appointing authority on or before June 30, 2017, persons in newly hired positions, including any employee who is rehired into such position and any current state employee who voluntarily transfers into, or is voluntarily promoted or demoted into such position, on and after July 1, 2015, and before July 1, 2017, in any state agency;

(y) one executive director, one general counsel and one director of public affairs and consumer protection in the office of the state corporation commission;

(z) specifically designated by law as being in the unclassified service;

(aa) any position that is classified as a position in the information resource manager job class series, that is the chief position responsible for all information resources management for a state agency, and that becomes vacant on or after the effective date of this act. Nothing in this section shall affect the classified status of any employee in the classified service who is employed on the date immediately preceding the effective date of this act in any position that is a classified position in the information resource manager job class series and the unclassified status as prescribed by this subsection shall apply only to a person appointed to any such position on or after the effective date of this act that is the chief position responsible for all information resources management for a state agency;

(bb) positions at state institutions of higher education that have been converted to unclassified positions pursuant to K.S.A. 2016 Supp. 76-715a, and amendments thereto; and

(cc) on and after July 1, 2015, and before July 1, 2017, notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569, 74-631, 74-1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014, 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-3148, 75-3702c, 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-5910, 75-7028, 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-12a05, 76-12a08, 76-12a16, 76-3202 and 82a-1205 and K.S.A. 2016 Supp. 39-1911, and amendments thereto, any vacant position within the classified service may be converted by the appointing authority to an unclassified position.

(2) The classified service comprises all positions now existing or hereafter created which are not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible pools which so far as practicable shall be competitive. No person shall be appointed, promoted, reduced or discharged as an officer, clerk, employee or laborer in the classified service in any manner or by any means other than those prescribed in the Kansas civil service act and the rules adopted in accordance therewith.

(3) For positions involving unskilled, or semiskilled duties, the secretary of administration, as provided by law, shall establish rules and regulations concerning certifications, appointments, layoffs and reemployment which may be different from the rules and regulations established concerning these processes for other positions in the classified service.

(4) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose

employees are exempt from the provisions of the Kansas civil service act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate pools of eligibles maintained by the division of personnel services.

(5) On and after the effective date of this act, any state agency that has positions in the classified service within the Kansas civil service act to satisfy any requirement of maintaining personnel standards on a merit basis pursuant to federal law or the rules and regulations promulgated thereunder by the federal government or any agency thereof, shall adopt a binding statement of agency policy pursuant to K.S.A. 77-415, and amendments thereto, to satisfy such requirements if the appointing authority has made any such position unclassified.";

Also on page 1, in line 31, by striking "is" and inserting "and 75-2935 are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking "examiners,"; also in line 2, after "74-2015" by inserting "and 75-2935"; in line 3, by striking "section" and inserting "sections"

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

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

Yeas: Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes.

Nays: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Pilcher-Cook, Pyle, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

The amendment was rejected.

HB 2041, HB 2085, HB 2301 be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2158 be amended by the adoption of the committee amendments, be further amended by Senator Faust-Goudeau; on page 10, following line 22, by inserting:

"Sec. 7. K.S.A. 25-2701 is hereby amended to read as follows: 25-2701. (a) The county election officer shall determine the area to be served by each voting place at every election and shall ~~make the same known to any public officers having need of such information in due time for appropriate publication notices or other matters provide notice of such voting places as~~ required by law. Any precinct having less than 20 registered voters shall be included with an adjacent precinct or precincts in a single area to be served by a common voting place. The location of voting places shall be designated by the county election officer as provided by K.S.A. 25-2703, and amendments thereto.

(b) For any election to which this section is applicable, wherever a city is located in two counties, the county election officer of the county in which the greater population of the city is located may designate a voting place located in a portion of the city in the other county to serve an area within that portion of the city within the county in which the greater population of the city is located.

(c) At voting places serving two or more precincts, one or more of which have less than 20 registered voters, all ballots which are identical shall be deposited in the same ballot box or boxes and such votes shall be counted and canvassed in ~~such~~ a manner as to minimize the possibility of identifying the ballots cast by any voter.

(d) (1) The county election officer may not change a voting place prior to an election without providing mailed notice to the voters affected at least 30 days prior to the election. If an emergency is declared by the county election officer, the mailed notice requirement shall be waived.

(2) Failure to receive notice of a change in the voting place shall not give rise to a cause of action challenging the results of the election.

New Sec. 8. The secretary of state shall issue a press release and post a notice on the secretary of state's website notifying the public whenever the online voter registration website is unavailable for a period of 24 hours or more.";

Also on page 10, in line 23, by striking the first "and" and inserting a comma; also in line 23, after "25-1136" by inserting "and 25-2701";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the second semicolon by inserting "polling places;"; in line 2, by striking the first "and" and inserting a comma; also in line 2, after "25-1136" by inserting "and 25-2701"

and **HB 2158** be passed as further amended.

SB 86 be amended by the adoption of the committee amendments, be further amended by motion of Senator Holland; on page 1, following line 22, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 45-217 is hereby amended to read as follows: 45-217. As used in the open records act, unless the context otherwise requires:

(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this state or by the respective political subdivision of this state.

(b) "Clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person, including information that may pose a risk to a person or property and is not of legitimate concern to the public.

(c) (1) "Criminal investigation records" means: ~~(1)~~ (A) Every audio or video recording made and retained by law enforcement using a body camera or vehicle camera as defined by K.S.A. 2016 Supp. 45-254, and amendments thereto; and ~~(2)~~

(B) records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701, and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law; ~~but~~

(2) "Criminal investigation records" does not include: (A) Police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2016 Supp. 21-5406, and amendments thereto; ~~and~~

(B) criminal investigation records, other than the identity of any confidential source or undercover agent, in regard to missing person investigations where the person has been missing for more than 25 years and such records were collected 15 or more years ago.

(d) "Custodian" means the official custodian or any person designated by the official custodian to carry out the duties of custodian of this act.

(e) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

(f) (1) "Public agency" means the state or any political or taxing subdivision of the state or any office, agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" shall not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; or (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court.

(g) (1) "Public record" means any recorded information, regardless of form, characteristics or location, which is made, maintained or kept by or is in the possession of:

(A) Any public agency; or

(B) any officer or employee of a public agency pursuant to the officer's or employee's official duties and which is related to the functions, activities, programs or operations of any public agency.

(2) "Public record" shall include, but not be limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund.

(3) Notwithstanding the provisions of subsection (g)(1), "public record" shall not include:

(A) Records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds. As used in this subparagraph, "private person" shall not include an officer or employee of a public agency who is acting pursuant to the officer's or employee's official duties;

(B) records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state; or

(C) records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this subparagraph shall not apply to records of employers of lump-sum payments for contributions as described in this subparagraph paid for any group, division or section of an agency.

(h) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.";

On page 2, in line 7, after "(d)" by inserting "(1)"; following line 17, by inserting:

"(2) For public records requests for those records listed in K.S.A. 45-217(c)(2)(B), and amendments thereto, the public agency shall furnish copies within 30 days of receiving the request. If such request is made by a parent, child, sibling or grandparent of the person whom the records concern, no fee shall be charged to the person requesting copies of such records.";

On page 4, following line 10, by inserting:

"Sec. 5. K.S.A. 2016 Supp. 45-221 is hereby amended to read as follows: 45-221.

(a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by

federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2016 Supp. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2016 Supp. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) ~~(A)~~ Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

~~(A)(i)~~ Is in the public interest;

~~(B)(ii)~~ would not interfere with any prospective law enforcement action, criminal investigation or prosecution;

~~(C)(iii)~~ would not reveal the identity of any confidential source or undercover agent;

~~(D)(iv)~~ would not reveal confidential investigative techniques or procedures not known to the general public;

~~(E)(v)~~ would not endanger the life or physical safety of any person; and

~~(F)(vi)~~ would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this

subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of ~~paragraphs (A) subparagraphs (i) through (F) (vi)~~ that necessitate closure of that public record.

(B) Paragraph (A) shall not apply to records listed in K.S.A. 45-217(c)(2)(B), and amendments thereto.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information which the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an

offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information which would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to K.S.A. 40-409(b), and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under K.S.A. 40-2,156(a), and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third-party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign

limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers, DD Form 214. Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with K.S.A. 44-532(h)(1), and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(49) An individual's e-mail address, cell phone number and other contact information which has been given to the public agency for the purpose of public agency notifications or communications which are widely distributed to the public.

(50) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to the Kansas 911 act, and amendments thereto, upon request of the party submitting such records.

(51) Records of a public agency on a public website which are searchable by a keyword search and identify the home address or home ownership of a law enforcement officer as defined in K.S.A. 2016 Supp. 21-5111, and amendments thereto, parole officer, probation officer, court services officer or community correctional services officer. Such individual officer shall file with the custodian of such record a request to have such officer's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such officer's identifying information from such public access. Such restriction shall expire after five years and such officer may file with the custodian of such record a new request for restriction at any time.

(52) Records of a public agency on a public website which are searchable by a keyword search and identify the home address or home ownership of a federal judge, a justice of the supreme court, a judge of the court of appeals, a district judge, a district magistrate judge, a municipal judge, the United States attorney for the district of Kansas, an assistant United States attorney, a special assistant United States attorney, the attorney general, an assistant attorney general, a special assistant attorney general, a county attorney, an assistant county attorney, a special assistant county attorney, a district attorney, an assistant district attorney, a special assistant district attorney, a city attorney, an assistant city attorney or a special assistant city attorney. Such person shall file with the custodian of such record a request to have such person's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such person's identifying information from such public access. Such restriction shall expire after five years and such person may file with the custodian of such record a new request for restriction at any time.

(53) Records of a public agency that would disclose the name, home address, zip code, e-mail address, phone number or cell phone number or other contact information for any person licensed to carry concealed handguns or of any person who enrolled in or completed any weapons training in order to be licensed or has made application for such license under the personal and family protection act, K.S.A. 2016 Supp. 75-7c01 et seq., and amendments thereto, shall not be disclosed unless otherwise required by law.

(54) Records of a utility concerning information about cyber security threats, attacks or general attempts to attack utility operations provided to law enforcement agencies, the state corporation commission, the federal energy regulatory commission, the department of energy, the southwest power pool, the North American electric reliability corporation, the federal communications commission or any other federal, state or regional organization that has a responsibility for the safeguarding of telecommunications, electric, potable water, waste water disposal or treatment, motor fuel or natural gas energy supply systems.

(55) Records of a public agency containing information or reports obtained and prepared by the office of the state bank commissioner in the course of licensing or examining a person engaged in money transmission business pursuant to K.S.A. 9-508 et seq., and amendments thereto, shall not be disclosed except pursuant to K.S.A. 9-513c, and amendments thereto, or unless otherwise required by law.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.";

On page 6, in line 33, after "Supp." by inserting "45-217,"; also in line 33, after the comma by inserting "45-221,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first semicolon by inserting "dealing with criminal investigation records;"; in line 3, after "Supp." by inserting "45-217,"; in line 4, after the comma by inserting "45-221," and **SB 86** be passed as further amended.

HB 2092 be amended by the adoption of the committee amendments, be further amended by Senator Pilcher-Cook; on page 1, by striking all in lines 9 through 36;

By striking all on pages 2 through 13;

On page 14, by striking all in lines 1 through 40;

On page 23, in line 17, by striking all after "Supp."; by striking all in line 18; in line 19, by striking "6205,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "loss values;"; in line 3, by striking "21-"; by striking all in line 4; in line 5, by striking all before "22-2302", and **HB 2092** be passed as further amended.

The committee report on **SB 189** recommending **Sub SB 189** be adopted, and be amended by motion of Senator McGinn; on page 33, in line 27, by striking "\$700,343" and inserting "\$150,343";

On page 37, in line 14, by striking "\$700,343" and inserting "\$150,343";

On page 236, following line 19, by inserting:

"Community aid (039-00-1000-3004) \$20,057,484

Provided, That any unencumbered balance in the community aid account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019."

Sub SB 189 be further amended by Senator McGinn; on page 481, following line 23, by inserting:

"Sec. 161. (a) On July 1, 2017, the amount authorized to be expended from each appropriation from the state general fund during the fiscal year ending June 30, 2018, in this act for employer contributions for the state of Kansas and for eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4920 and 74-4939, and amendments thereto, in the aggregate, is hereby decreased by \$140,207,477.

(b) On July 1, 2017, the amount authorized to be expended from each appropriation from the state water plan fund during the fiscal year ending June 30, 2018, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, is hereby decreased by \$11,523.

(c) On July 1, 2017, the amount authorized to be expended from each appropriation from the state economic development initiatives fund during the fiscal year ending June 30, 2018, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, is hereby decreased by \$64,154.

(d) On July 1, 2017, the amount authorized to be expended from each appropriation from the children's initiatives fund during the fiscal year ending June 30, 2018, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, is hereby decreased by \$671.

(e) On July 1, 2017, the amount authorized to be expended from each special revenue fund during the fiscal year ending June 30, 2018, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, in the aggregate, is hereby decreased by \$5,510,173.

(f) (1) On and after the date certified by the director of the budget under subsection (f)(2), and notwithstanding the provisions of K.S.A. 74-4914b and 74-4920, and amendments thereto, or any other statute, no state agency shall pay to the Kansas public employees retirement system any amounts during the remainder of the fiscal year ending June 30, 2018, that constitute employer contributions for the state of Kansas.

(2) During the fiscal year ending June 30, 2018, the director of the budget shall continuously monitor the status of the state general fund and any special revenue fund or funds with regard to expenditures for any item of appropriation for employer contributions to the Kansas public employee retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto. Periodically, the director of the budget shall estimate such expenditures in fiscal year 2018 and the total amount of anticipated expenditures, demand transfers and encumbrances of moneys in the state general fund or in any special revenue fund or funds for such expenditures during the remainder of fiscal year 2018. Based on such expenditure estimates, the director of the budget shall determine the effective date under subsection (f)(1) necessary to provide the expenditure reduction in subsections (a) through (e) and shall certify such effective date to the board of trustees of the Kansas public employees retirement system. At the same time as the director of the budget transmits such certification to the board of trustees of the Kansas public employees retirement system, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(g) The house of representatives committee on appropriations and the senate

committee on ways and means shall review the amounts lapsed or decreased pursuant to this section prior to passing the omnibus reconciliation spending limit bill for fiscal year 2018.

Sec. 162. (a) On July 1, 2018, the amount authorized to be expended from each appropriation from the state general fund during the fiscal year ending June 30, 2019, in this act for employer contributions for the state of Kansas and for eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4920 and 74-4939, and amendments thereto, in the aggregate, is hereby decreased by \$198,540,609.

(b) On July 1, 2018, the amount authorized to be expended from each appropriation from the state water plan fund during the fiscal year ending June 30, 2019, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, is hereby decreased by \$20,634.

(c) On July 1, 2018, the amount authorized to be expended from each appropriation from the state economic development initiatives fund during the fiscal year ending June 30, 2019, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, is hereby decreased by \$114,492.

(d) On July 1, 2018, the amount authorized to be expended from each appropriation from the children's initiatives fund during the fiscal year ending June 30, 2019, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, is hereby decreased by \$943.

(e) On July 1, 2018, the amount authorized to be expended from each special revenue fund during the fiscal year ending June 30, 2019, in this act for employer contributions to the Kansas public employees retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto, in the aggregate, is hereby decreased by \$7,918,810.

(f) (1) On and after the date certified by the director of the budget under subsection (f)(2), and notwithstanding the provisions of K.S.A. 74-4914b and 74-4920, and amendments thereto, or any other statute, no state agency shall pay to the Kansas public employees retirement system any amounts during the remainder of the fiscal year ending June 30, 2019, that constitute employer contributions for the state of Kansas.

(2) During the fiscal year ending June 30, 2019, the director of the budget shall continuously monitor the status of the state general fund and any special revenue fund or funds with regard to expenditures for any item of appropriation for employer contributions to the Kansas public employee retirement system for the state of Kansas pursuant to K.S.A. 74-4920, and amendments thereto. Periodically, the director of the budget shall estimate such expenditures in fiscal year 2019 and the total amount of anticipated expenditures, demand transfers and encumbrances of moneys in the state general fund or in any special revenue fund or funds for such expenditures during the remainder of fiscal year 2019. Based on such expenditure estimates, the director of the budget shall determine the effective date under subsection (f)(1) necessary to provide the expenditure reduction in subsections (a) through (e) and shall certify such effective date to the board of trustees of the Kansas public employees retirement system. At the same time as the director of the budget transmits such certification to the board of

trustees of the Kansas public employees retirement system, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(g) The house of representatives committee on appropriations and the senate committee on ways and means shall review the amounts lapsed or decreased pursuant to this section prior to passing the omnibus reconciliation spending limit bill for fiscal year 2019.";

And by renumbering remaining sections accordingly, and **Sub SB 189** be passed as amended.

A motion by Senator Masterson to further amend **Sub SB 189** failed and the following amendment was rejected; on page 481, following line 23 by inserting:

"Sec. 161. (a) Of each amount appropriated for a state agency for the fiscal year ending June 30, 2018, by this act from the state general fund, the sum equal to the difference between the amount of such appropriation minus the amount in the governor's recommendation for fiscal year 2018, as specified in 2017 Senate Bill No. 189, is hereby lapsed.

(b) Of each amount reappropriated for a state agency for the fiscal year ending June 30, 2018, by this act from the state general fund, the sum equal to the difference between the amount of such reappropriation minus the amount in the governor's recommendation for fiscal year 2018, as specified in 2017 Senate Bill No. 189, is hereby lapsed.

(c) Of each amount appropriated for a state agency for the fiscal year ending June 30, 2019, by this act from the state general fund, the sum equal to the difference between the amount of such appropriation minus the amount in the governor's recommendation for fiscal year 2019, as specified in 2017 Senate Bill No. 189, is hereby lapsed.

(d) Of each amount reappropriated for a state agency for the fiscal year ending June 30, 2019, by this act from the state general fund, the sum equal to the difference between the amount of such reappropriation minus the amount in the governor's recommendation for fiscal year 2019, as specified in 2017 Senate Bill No. 189, is hereby lapsed.

(e) The house of representatives committee on appropriations and the senate committee on ways and means shall review the amounts lapsed prior to passing the omnibus reconciliation spending limit bill for fiscal year 2018 and fiscal year 2019.

(f) The director of the budget, in consultation with the director of legislative research, shall determine the amounts specified by this section to be lapsed. The director of the budget shall certify such amounts to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall lapse such amounts.

(g) At the same time that any certification is made by the director of the budget to the director of accounts and reports under this section, the director of the budget shall transmit a copy of such certification to the director of legislative research.";

And by renumbering remaining sections accordingly

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

On roll call, the vote was: Yeas 15; Nays 25; Present and Passing 0; Absent or Not Voting 0.

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

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

The amendment was rejected.

A motion by Senator Masterson to amend **Sub SB 189** was withdrawn.

HB 2313, HB 2153 be amended by the adoption of the committee amendments,
A motion by Senator Fitzgerald to amend **HB 2313** was withdrawn.

HB 2313, HB 2153 be passed over and retain a place on the calendar.

MESSAGES FROM THE GOVERNOR

SB 15, SB 17, SB 66, SB 68, SB 166 approved on March 28, 2017

SB 32 approved on March 29, 2017

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Thursday, March 30, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

