

Journal of the Senate

FIFTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 30, 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:

Lord, God of Heaven and Earth, You created us with a tendency to be gregarious; an inclination to hook up with other human beings. The problem we struggle with is that we are all different. We have different, sometimes opposing views. Sometimes, we're like a magnet and we attract. Yet, at other times, we show a different side and we repel.

You said in Ecclesiastes 4:9, that two are better than one, because they have a good reward for their labor. So, Lord, for our good, and for the good of the work, help us rise above our differences. And even though diverse opinions exist, blend our efforts together like a Master Chef combines the different contents of a well-planned recipe...one that winds up being good for everybody.

And, when You finish with us, when the people of this state are blessed by what You've done, let it be said that it was by Your Divine hand.

I come to You this morning, in the Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1738—

A RESOLUTION commemorating the reactivation of the 924th Air Refueling Squadron under the 931st Air Refueling Wing at McConnell Air Force Base on April 2, 2017.

WHEREAS, Prior to reforming as the 924th Air Refueling Squadron (924th), the squadron originally operated as the 24th Transport Squadron stationed at Morrison Field in Florida from 1942 to 1943. The 24th Transport Squadron transported soldiers across the South Atlantic ferrying route during World War II; and

WHEREAS, The 924th was activated in 1959 at Castle Air Force Base (AFB) and was assigned to the 93rd Bombardment Wing; and

WHEREAS, The 924th was equipped with Boeing KC-135 Stratotankers, used to refuel the B-52 Stratofortress, and was tasked with training KC-135 aircrews for Strategic Air Command tanker units; and

WHEREAS, During the Vietnam War, the 924th Air Refueling Squadron was

reassigned to assist in combat missions overseas. The 924th also participated in both Operation Desert Shield and Operation Desert Storm; and

WHEREAS, Family members of 924th personnel supported their aviators while they were on deployment during times of peace and times of conflict and took care of family responsibilities until they were once again reunited; and

WHEREAS, During periods of inaction, the 924th kept half of its aircraft fully fueled and at the ready in the event of a Soviet attack during the Cold War; and

WHEREAS, It is significant to note that Strategic Air Command's first all-female flight crew was activated within the 924th in 1982; and

WHEREAS, The 924th was deactivated in 1992 as a result of the military drawdown at the conclusion of the Cold War and the closure of Castle AFB; and

WHEREAS, On April 2, 2017, the 924th will be reactivated at McConnell AFB as a reserve unit under the 931st Air Refueling Wing and will be equipped with the newly commissioned KC-46A Pegasus aircraft: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate the reactivation of the 924th Air Refueling Squadron under the 931st Air Refueling Wing at McConnell Air Force Base on April 2, 2017; and

Be it further resolved: That we honor and remember all service members, past and present, and we are forever thankful for their commitment to service; and

Be it further resolved: That family members are to be commended for their deep sense of patriotism and for supporting members of the 924th during family separations; and

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

On emergency motion of Senator Goddard **SR 1738** was adopted unanimously.

Guests introduced were Colonel Caroline Evernham, Lt. Colonel Terrence McGee, SM Sgt. James Guldjord and TSGT Abigale Klein.

The senate honored the guests with a standing ovation.

Senator Berger introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1739—

A RESOLUTION congratulating and commending the Hutchinson Community
College men's basketball team for winning the 2017 National Junior
College Athletic Association Division I National Championship.

WHEREAS, The Hutchinson Community College men's basketball team won the 2017 National Junior College Athletic Association (NJCAA) Division I National Championship against Eastern Florida State College with an 84-58 victory; and

WHEREAS, The Blue Dragons finished the season with 35 wins and only two losses, and won their first men's basketball national championship since 1994 and the third in the school's history; and

WHEREAS, Steve Eck is the head basketball coach for the Blue Dragons, who, during his two decades of coaching at the collegiate level, has compiled an incredible career record of 553-97. Coach Eck's staff includes assistant coaches Jay Cyriac and Cortland Carney; and

WHEREAS, Members of the team include: Shakur Juiston, who was named Tournament MVP; James Conley; Devonte Bando; Tiyler Cotton; Fatir Hines;

Samajae Haynes-Jones, who was named to the All-Tournament team; J.J. Rhymes, who was named to the All-Tournament team; Dabon Gill; Sal Nuhu; Roman Young; Kai Mitchell; Randall Douvier; Trent Webster; Nikola Scekcic; and Kyle Patrick: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Hutchinson Community College men's basketball team for winning the 2017 National Junior College Athletic Association Division I National Championship. We applaud their incredible accomplishments and wish them future success; and

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

On emergency motion of Senator Berger **SR 1739** was adopted unanimously.

The senate honored the coaches and students with a standing ovation.

ORIGINAL MOTION

On motion of Senator V. Schmidt, the Senate acceded to the request of the House for a conference on **S Sub HB 2026**.

The President appointed Senators V. Schmidt, Bollier and Kelly as conferees on the part of the Senate.

On motion of Senator Baumgardner, the Senate acceded to the request of the House for a conference on **HB 2212**.

The President appointed Senators Baumgardner, Doll and Hensley as conferees on the part of the Senate.

On motion of Senator Baumgardner, the Senate acceded to the request of the House for a conference on **HB 2213**.

The President appointed Senators Baumgardner, Doll and Hensley as conferees on the part of the Senate.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 86, AN ACT concerning the Kansas open records act; relating to openness in government; dealing with criminal investigation records; Kansas open meetings act; relating to the recording of minutes of meetings; amending K.S.A. 45-218 and K.S.A. 2016 Supp. 45-217, 45-219, 45-221, 46-1207a and 75-4318 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 9; Present and Passing 1; Absent or Not Voting 0.

Yeas: Baumgardner, Billinger, Bollier, Denning, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Tyson, Wagle, Wilborn.

Nays: Alley, Berger, Bowers, Doll, Hardy, Kerschen, Pettey, Pilcher-Cook, Taylor.

Present and Passing: Pyle.

The bill passed, as amended.

SB 135, AN ACT concerning the department of revenue; relating to driver's license examiners, unclassified service; amending K.S.A. 2016 Supp. 74-2015 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.

Sub SB 189, AN ACT making and concerning appropriations for fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2016 Supp. 2-223, 12-5256, 55-193, 74-50,107, 74-99b34, 75-6702, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804, 82a-953a and repealing the existing sections, was considered on final action.

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

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

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

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote AYE on **SB 189**. During the most recent debate on a revenue package, many argued we needed a budget first so that we would know how much money we would need from a revenue package. This is a budget that gives us a solid start, and is a clear rejection of Governor Brownback's recommendations. Our work, however, is not done as this budget does not include funding for Medicaid expansion, K-12 education, the highway fund, or the water plan. With this budget we begin to restore cuts to higher education and ensure the stability of the Children's Initiatives Fund by not securitizing the tobacco settlement funds. These are positive steps in proving the value of adequately funding education at all levels. We give state employees a pay increase, which, for some, will be the first in almost a decade. We also provide a rate increase to Home and Community Based Services, which helps elderly and disabled Kansans receive quality care in their homes. For these reasons, I vote AYE on **SB 189**.—ANTHONY HENSLEY

Senators Faust-Goudeau, Hawk, Kelly, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 189**.

Madam President: I vote AYE on the **S Sub SB 189**. This bill makes a good start towards building a budget for Kansas for the next two years. The proposal eliminates the securitization of tobacco proceeds, makes expenditures from the Children's Initiative Fund, removes ill-thought out proposals for health insurance and procurement in K-12 schools, provides both a 2% salary increase for state employees and a 5% rate increase for providers of Home and Community Based Services, and restores unfair cuts to Kansas State University and the University of Kansas. I am aware that there is still

much work ahead to address revenue needs including healthcare, highway construction, school funding, the Kansas Public Employees Retirement Fund, and the State Water Plan. However, with this beginning the Senate has a much better idea of the scope of our revenue needs. I stand ready to continue work on a budget and on a revenue package that balance to address the needs of our state.—MARCI FRANCISCO

Senators Faust-Goudeau, Haley, Hawk and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **S Sub SB 189**.

SB 202, AN ACT concerning tribal-state compacts; approving a compact between the Kickapoo Tribe in Kansas and the state of Kansas; approving a compact between the Sac and Fox Nation of Missouri in Kansas and Nebraska and the state of Kansas; relating to cigarette and tobacco sales, taxation and escrow collection, 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 2041, AN ACT concerning courts; relating to court fees and costs; judicial branch surcharge fund; collection of debts owed to the courts; amending K.S.A. 2016 Supp. 8-2107, 8-2110, 20-169, 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 21-6614g and 21-6614h, 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 2085, AN ACT concerning crimes, punishment and criminal procedure; relating to post-trial motions, correction of sentence; postrelease supervision; persons convicted of a sexually violent crime; amending K.S.A. 22-3504 and K.S.A. 2016 Supp. 22-3717 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 2092, AN ACT concerning crimes, punishment and criminal procedure; relating to warrants, disclosure of affidavits or sworn testimony; conditions of probation, revocation; amending K.S.A. 2016 Supp. 22-2302 and 22-3716 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: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, 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.

Nays: Doll.

The bill passed, as amended.

HB 2158, AN ACT concerning elections; dealing with advance voting procedures; polling places; amending K.S.A. 25-1132, 25-1133, 25-1134, 25-1136 and 25-2701 and K.S.A. 2016 Supp. 25-1122 and 25-3107 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 2301, AN ACT concerning public records; relating to trial jurors; legislative review of exceptions to disclosure of public records; amending K.S.A. 22-3408 and K.S.A. 2016 Supp. 45-229 and 75-7d08 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 45-229c, 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.

HCR 5003, A CONCURRENT RESOLUTION urging Congress to propose the regulation freedom amendment to the Constitution of the United States, 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: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Hensley,

Holland, Kelly, Pettey, Rogers, Skubal.

The resolution was adopted.

EXPLANATION OF VOTE

Madam President: I'm not an expert in the Constitution of the United States but I don't think passing **HCR 5003** in such a slipshod manner is what our Founding Fathers expected. While suggesting a resolution to Congress is only the 1st step, it should be done in a serious, studious manner. A thorough vetting of the pros and cons needs to be done at a minimum. That was not done. No proponents came to the hearing. No questions were asked or answered. The committee spent all of 10 minutes discussing this before full passage. No one likes excessive regulation but this resolution steps over the bounds of Executive privilege. It will cause the work of the Congress to get bogged down into every major regulatory action. Do we realize that formulating, amending, or repealing regulations would also be covered? That's part of rule making. I think it's safe to say with the current atmosphere of Washington DC, every regulation going forward would be challenged. Perhaps that is a good thing, but do we know the potential consequences? I think we owe it to Kansans to be more thoughtful in our legislation and that's why I cannot vote for this resolution at this time.—LYNN ROGERS

Senators Francisco, Haley, Hawk and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **HCR 5003**.

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 Masterson in the chair.

HB 2313, (adoption of the committee amendments, see Senate Journal March 29, 2017, page 395) and the bill be passed as amended.

A motion by Senator Fitzgerald to amend **HB 2313** failed and the following amendment was rejected; on page 13, following line 27, by inserting:

"Sec. 9. K.S.A. 2016 Supp. 74-8744 is hereby amended to read as follows: 74-8744. (a) In accordance with rules and regulations adopted by the commission, the executive director shall have general responsibility for the implementation and administration of the provisions of this act relating to racetrack gaming facility operations, including the responsibility to:

(1) Certify net electronic gaming machine income by inspecting records, conducting audits, having agents of the Kansas lottery on site or by any other reasonable means; and

(2) assist the commission in the promulgation of rules and regulations concerning the operation of racetrack gaming facilities, which rules and regulations shall include, without limitation, the following:

(A) The number of electronic gaming machines allocated for placement at each racetrack gaming facility, subject to the provisions of subsection (b);

(B) standards for advertising, marketing and promotional materials used by racetrack gaming facility managers;

(C) the kind, type, number and location of electronic gaming machines at any racetrack gaming facility; and

(D) rules and regulations and procedures for the accounting and reporting of the

payments required from racetrack gaming facility managers under K.S.A. 2016 Supp. 74-8766, and amendments thereto, including the calculations required for such payments.

(b) Rules and regulations establishing the minimum and maximum number of electronic gaming machines allocated for placement at each racetrack gaming facility shall be adopted and published not later than 120 days after the effective date of this act. Such rules and regulations shall be subject to the following:

(1) At least 600, ~~but not more than 1,400~~, electronic gaming machines shall be allocated to and placed at each racetrack gaming facility.

(2) The total number of electronic gaming machines allocated to and placed at all racetrack gaming facilities in the state shall not exceed 2,800. ~~Until lottery gaming facility management contracts for lottery gaming facilities in all gaming zones become binding, the total number of electronic gaming machines placed at all racetrack gaming facilities shall not exceed 2,200. When lottery gaming facility management contracts for lottery gaming facilities in all gaming zones have become binding, the lottery commission shall take privilege fee bids from the lottery gaming facility manager and racetrack gaming facility manager in each gaming zone for the remaining electronic gaming machines allocated to but not yet placed at the racetrack gaming facility in such zone. The minimum bid shall be a privilege fee of \$2,500 per electronic gaming machine. If the racetrack gaming facility manager submits the highest bid, the lottery commission shall place the remaining electronic gaming machines at the racetrack gaming facility. If the lottery gaming facility manager submits the highest bid, the commission shall not place any additional electronic gaming machines at the racetrack gaming facility.~~

(3) In addition to any privilege fee paid pursuant to paragraph (2), each racetrack gaming facility manager shall pay a privilege fee of \$2,500 for each electronic gaming machine placed at the racetrack gaming facility for which a privilege fee is not paid pursuant to paragraph (2).

(4) The racetrack gaming facility manager shall pay the privilege fees provided by this subsection to the executive director, who shall remit the entire amount to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the expanded lottery act revenues fund.

Sec. 10. K.S.A. 2016 Supp. 74-8746 is hereby amended to read as follows: 74-8746. (a) Except as provided in subsection (b):

(1) No electronic gaming machines shall be operated at a parimutuel licensee location in Sedgwick county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 100 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 with at least 13 live races conducted each day for not less than five days per week.

(2) No electronic gaming machines shall be operated at a parimutuel licensee location in Wyandotte county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts live horse racing programs for at least 60 days, with at least 10 live races conducted each program, and must offer and make a reasonable effort to conduct a minimum number of three live races restricted for quarter horses each day

and seven live thoroughbred races each day, of which not less than two races each day shall be limited to registered Kansas-bred horses apportioned in the same ratio that live races are offered, except that the licensee shall not be required to conduct the second live race restricted to Kansas-bred horses unless there are at least seven qualified entries for such race, ~~and with at least 100 live greyhound races each calendar week for at least the same number of weeks raced during calendar year 2003, with at least 13 live races conducted each day for not less than five days per week.~~

(3) No electronic gaming machines shall be operated at a parimutuel licensee location in Crawford county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 85 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 in Sedgwick county, with at least 12 live races conducted each day for not less than five days per week.

(4) If a parimutuel licensee has not held live races pursuant to a schedule approved by the Kansas racing and gaming commission in the preceding 12 months, the Kansas racing and gaming commission shall hold a hearing to determine the number of days of live racing required for the remaining days of the first calendar year of operation to qualify for operation of electronic gaming machines. At such hearing, the commission shall receive testimony and evidence from affected breed groups, the licensee and others, as the Kansas racing and gaming commission deems appropriate concerning the schedule of live race days. The operation of electronic gaming machines shall not commence more than 90 days prior to the start of live racing at such facility.

(b) The Kansas racing and gaming commission may not grant exceptions to the requirements of subsection (a) for a parimutuel licensee conducting live racing unless such exception is in the form of an agreement which: (1) Is between the parimutuel licensee and the affected recognized greyhound or recognized horsemen's group, as defined in K.S.A. 74-8802, and amendments thereto; (2) has been approved by the appropriate official breed registering agencies; and (3) has been submitted to and approved by the commission. In the case of emergencies, weather related issues or immediate circumstances beyond the control of the licensee, the Kansas racing and gaming commission may grant an exception.

Sec. 11. K.S.A. 2016 Supp. 74-8747 is hereby amended to read as follows: 74-8747. (a) Except as provided in section 12, and amendments thereto, net electronic gaming machine income from a racetrack gaming facility shall be distributed as follows:

(1) To the racetrack gaming facility manager, an amount equal to 25% of net electronic gaming machine income;

(2) 7% of net electronic gaming machine income shall be credited to the live horse racing purse supplement fund established by K.S.A. 2016 Supp. 74-8767, and amendments thereto, ~~except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;~~

(3) 7% of net electronic gaming machine income shall be credited to the live

greyhound racing purse supplement fund established by K.S.A. 2016 Supp. 74-8767, and amendments thereto, except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;

(4) (A) ~~if the racetrack gaming facility is located in the northeast Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 3% of the racetrack gaming facility revenues to the county in which the racetrack gaming facility is located; or (B) if the racetrack gaming facility is located in the northeast Kansas gaming zone and is located within a city, include provision for payment of an amount equal to 1.5% of the racetrack gaming facility revenues to the city in which the racetrack gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;~~

(5) (A) ~~if the racetrack gaming facility is located in the southeast or south central Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 2% of the racetrack gaming facility revenues net gaming machine income to the county in which the racetrack gaming facility is located and an amount equal to 1% of such revenues to the other county in such zone; or (B) if the racetrack gaming facility is located in the southeast or south central Kansas gaming zone and is located within a city, provide for payment of an amount equal to 1% of the racetrack gaming facility revenues net gaming machine income to the city in which the racetrack gaming facility is located, an amount equal to 1% of such revenues to the county in which such facility is located and an amount equal to 1% of such revenues to the other county in such zone;~~

(6) (5) 2% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2016 Supp. 79-4805, and amendments thereto;

(7) (6) 1% of net electronic gaming machine income shall be credited to the Kansas horse fair racing benefit fund established by K.S.A. 74-8838, and amendments thereto;

(8) (7) 40% of net electronic gaming machine income shall be credited to the expanded lottery act revenues fund; and

(9) (8) 15% of electronic gaming machine income shall be used for gaming expenses, subject to agreement between the Kansas lottery and the racetrack gaming facility manager.

(b) A racetrack gaming facility management contract may include provisions for a parimutuel licensee or any other entity to pay the parimutuel licensee's expenses related to electronic gaming machines, as the executive director deems appropriate, subject to the requirements of subsection (a)(9)(8).

New Sec. 12. (a) Net electronic gaming machine income from a racetrack gaming facility located in the northeast Kansas gaming zone shall be distributed as follows:

(1) To the racetrack gaming facility manager, an amount equal to 64.5% of net electronic gaming machine income during the first and second full years the racetrack gaming facility is in operation and 60.5% during the third full year and all subsequent years the racetrack gaming facility is in operation;

(2) 10% of net electronic gaming machine income shall be credited to the live horse

racing purse supplement fund established by K.S.A. 2016 Supp. 74-8767, and amendments thereto, during the first and second full years the racetrack gaming facility is in operation and 14% during the third and subsequent years the racetrack gaming facility is in operation;

(3) 2% of the net electronic gaming machine income shall be credited to the county in which the racetrack gaming facility is located;

(4) 0.5% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2016 Supp. 79-4805, and amendments thereto;

(5) 1% of net electronic gaming machine income shall be credited to the Kansas horse fair racing benefit fund established by K.S.A. 74-8838, and amendments thereto; and

(6) 22% of net electronic gaming machine income shall be credited to the expanded lottery act revenues fund.

(b) A racetrack gaming facility management contract may include provisions for a parimutuel licensee or any other entity to pay the parimutuel licensee's expenses related to electronic gaming machines, as the executive director deems appropriate.

Sec. 13. K.S.A. 2016 Supp. 74-8751 is hereby amended to read as follows: 74-8751. The Kansas racing and gaming commission, through rules and regulations, shall establish:

(a) A certification requirement, and enforcement procedure, for officers, directors, key employees and persons directly or indirectly owning a ~~0.5%~~ 5% or more interest in a lottery gaming facility manager or racetrack gaming facility manager. Such certification requirement shall include compliance with such security, fitness and background investigations and standards as the executive director of the Kansas racing and gaming commission deems necessary to determine whether such person's reputation, habits or associations pose a threat to the public interest of the state or to the reputation of or effective regulation and control of the lottery gaming facility or racetrack gaming facility. In the case of a publicly traded company subject to the jurisdiction of the United States securities and exchange commission, such certification requirements shall include such security, fitness and background investigations and standards for officers, directors, key gaming employees and persons directly or indirectly owning a 5% or more interest in such entity, and shall specify that such publicly traded company annually provide a list of all identifiable shareholders. In the case of institutional investors in a publicly traded company, the certification requirement shall provide a procedure for issuance of waivers of the background investigation requirement by the executive director of the Kansas racing and gaming commission. Any person convicted of any felony, a crime involving gambling or a crime of moral turpitude prior to applying for a certificate hereunder or at any time thereafter shall be deemed unfit. The Kansas racing and gaming commission shall conduct the security, fitness and background checks required pursuant to this subsection. Certification pursuant to this subsection shall not be assignable or transferable;

(b) a certification requirement, and enforcement procedure, for those persons, including electronic gaming machine manufacturers, technology providers and computer system providers, who propose to contract with a lottery gaming facility manager, a racetrack gaming facility manager or the state for the provision of goods or

services related to a lottery gaming facility or racetrack gaming facility, including management services. Such certification requirements shall include compliance with such security, fitness and background investigations and standards of officers, directors, key gaming employees and persons directly or indirectly owning a ~~0.5%~~ 5% or more interest in such entity as the executive director of the Kansas racing and gaming commission deems necessary to determine whether such person's reputation, habits and associations pose a threat to the public interest of the state or to the reputation of or effective regulation and control of the lottery gaming facility or racetrack gaming facility. In the case of a publicly traded company subject to the jurisdiction of the United States securities and exchange commission, or equivalent foreign securities law, such certification requirements include such security, fitness and background investigations and standards for officers, directors, key gaming employees and persons directly or indirectly owning a 5% or more interest in such entity, and shall specify that such publicly traded company annually provide a list of all identifiable shareholders. In the case of institutional investors in a publicly traded company, the certification requirement shall provide a procedure for issuance of waivers of the background investigation requirement by the executive director of the Kansas racing and gaming commission. Any person convicted of any felony, a crime involving gambling or a crime of moral turpitude prior to applying for a certificate hereunder or at any time thereafter shall be deemed unfit. If the executive director of the racing and gaming commission determines the certification standards of another state are comprehensive, thorough and provide similar adequate safeguards, the executive director may certify an applicant already certified in such state without the necessity of a full application and background check. The Kansas racing and gaming commission shall conduct the security, fitness and background checks required pursuant to this subsection. Certification pursuant to this subsection shall not be assignable or transferable;

(c) provisions for revocation of a certification required by subsection (a) or (b) upon a finding that the certificate holder, an officer or director thereof or a person directly or indirectly owning a 0.5% or more interest therein: (1) Has knowingly provided false or misleading material information to the Kansas lottery or its employees; or (2) has been convicted of a felony, gambling related offense or any crime of moral turpitude; and

(d) provisions for suspension, revocation or nonrenewal of a certification required by subsection (a) or (b) upon a finding that the certificate holder, an officer or director thereof or a person directly or indirectly owning a 0.5% or more interest therein: (1) Has failed to notify the Kansas lottery about a material change in ownership of the certificate holder, or any change in the directors or officers thereof; (2) is delinquent in remitting money owed to the Kansas lottery; (3) has violated any provision of any contract between the Kansas lottery and the certificate holder; or (4) has violated any provision of the Kansas expanded lottery act or any rule and regulation adopted hereunder.

Sec. 14. K.S.A. 74-8836 is hereby amended to read as follows: 74-8836. (a) Any organization licensee that conducts at least ~~150~~ 60 days of live racing during a calendar year or is in compliance with provisions of K.S.A. 2016 Supp. 74-8746, and amendments thereto, or a fair association that conducts fewer than 22 days of live racing during a calendar year may apply to the commission for a simulcasting license to display simulcast horse or greyhound races and to conduct intertrack parimutuel

wagering thereon. If the organization licensee conducts races at a racetrack facility that is owned by a facility owner licensee, both licensees shall join in the application. ~~A simulcasting license granted to a fair association that conducts fewer than 22 days of live racing shall restrict the fair association's display of simulcast races to a number of days, including days on which it conducts live races, equal to not more than twice the number of days on which it conducts live races.~~

(b) (1) A simulcasting license granted to an organization licensee other than a fair association shall authorize the display of simulcast races at the racetrack facility where the live races are conducted so long as the licensee conducts at least eight live races per day and an average of 10 live races per day per week or is in compliance with provisions of K.S.A. 2016 Supp. 74-8746, and amendments thereto. If a simulcasting licensee conducts live horse races on a day when simulcast races are displayed by the licensee and the licensee conducts fewer than an average of 10 live horse races per day per week, not less than 80% of the races on which wagers are taken by the licensee during such week shall be live races conducted by the licensee unless approved by the recognized horsemen's group or upon a finding by the commission that the organization licensee was unable to do so for reasonable cause. If a simulcast licensee conducts live greyhound races on a day when simulcast races are displayed by the licensee and the licensee schedules fewer than 13 live greyhound races during a performance on such day, not less than 80% of the races on which wagers are taken by the licensee during such performance shall be live races conducted by the licensee.

(2) A simulcasting license granted to a fair association shall authorize the display of simulcast races at the racetrack facility where the races are conducted ~~only if live races are scheduled for two or more days of the same calendar week, except that the licensee may conduct simulcast races in the week immediately before and immediately after a live meeting if the total number of days on which simulcast races are displayed does not exceed the total authorized in subsection (a). In no case shall the live meet or simulcast races allowed under this subsection exceed 10 consecutive weeks. For purposes of this subsection, a calendar week shall be measured from Monday through the following Sunday.~~

~~(3) Notwithstanding the provisions of subsection (a), (b)(1) or (b)(2), a fair association may apply to the commission for not more than five additional days of simulcasting of special events. In addition, the commission may authorize a fair association to display additional simulcast races but, if such fair association is less than 100 miles from an organization licensee that is not a fair association, it also shall secure written consent from that organization licensee.~~

~~(4)(3) Notwithstanding the provisions of subsection (b)(1), if an emergency causes the cancellation of all or any live races scheduled for a day or performance by a simulcasting licensee, the commission or the commission's designee may authorize the licensee to display any simulcast races previously scheduled for such day or performance.~~

~~(5)(4) Notwithstanding the provisions of subsection (b)(1), the commission may authorize the licensee to display simulcast special racing events as designated by the commission.~~

(c) The application for a simulcasting license shall be filed with the commission at a time and place prescribed by rules and regulations of the commission. The application shall be in a form and include such information as the commission prescribes.

(d) To qualify for a simulcasting license the applicant shall:

(1) Comply with the interstate horse racing act of 1978 (15 U.S.C. 3001 et seq.) as in effect December 31, 1991;

(2) submit with the application a written approval of the proposed simulcasting schedule signed by: (A) The recognized horsemen's group for the track, if the applicant is licensed to conduct only horse races; (B) the recognized greyhound owners' group, if the applicant is licensed to conduct only greyhound races and only greyhound races are to be simulcast; (C) both the recognized greyhound owners' group and a recognized horsemen's group, if the applicant is licensed to conduct only greyhound races and horse races are to be simulcast; (D) the recognized greyhound owners' group, if the applicant is licensed to conduct both greyhound and horse races, only greyhound races are to be simulcast and races are to be simulcast only while the applicant is conducting live greyhound races; (E) the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound and horse races, only horse races are to be simulcast and races are to be simulcast only while the applicant is conducting live horse races; or (F) both the recognized greyhound owners' group and the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound races and horse races and horse races are to be simulcast while the applicant is conducting live greyhound races or greyhound races are to be simulcast while the applicant is conducting live horse races; and

(3) submit, in accordance with rules and regulations of the commission and before the simulcasting of a race, a written copy of each contract or agreement which the applicant proposes to enter into with regard to such race, and any proposed modification of any such contract or agreement.

(e) The term of a simulcasting license shall be one year.

(f) A simulcasting licensee may apply to the commission or its designee for changes in the licensee's approved simulcasting schedule if such changes are approved by the respective recognized greyhound owners' group or recognized horsemen's group needed throughout the term of the license. Application shall be made upon forms furnished by the commission and shall contain such information as the commission prescribes.

(g) Except as provided by subsection (j), the takeout for simulcast horse and greyhound races shall be the same as it is for the live horse and greyhound races conducted during the current or next live race meeting at the racetrack facility where the simulcast races are displayed. For simulcast races the tax imposed on amounts wagered shall be as provided by K.S.A. 74-8823, and amendments thereto. Of the balance of the takeout remaining after deduction of taxes, an amount equal to a percentage, to be determined by the commission, of the gross sum wagered on simulcast races shall be used for purses, as follows:

(1) For greyhound races conducted by the licensee, if the simulcast race is a greyhound race and the licensee conducts only live greyhound races;

(2) for horse races conducted by the licensee, if the simulcast race is a horse race and the licensee conducts only live horse races;

(3) for horse races and greyhound races, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast race is a greyhound race and the licensee does not conduct or is not currently conducting live greyhound races; or

(4) for horse races and greyhound races, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast is a horse race and the licensee does not conduct or is not currently conducting live horse races. That portion of simulcast purse money determined to be used for horse purses shall be apportioned by the commission to the various horse race meetings held in any calendar year based upon the number of live horse race dates comprising such horse race meetings in the preceding calendar year.

(h) Except as provided by subsection (j):

(1) If a simulcasting licensee has a license to conduct live horse races and the licensee displays a simulcast horse race: (A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall remit any such proceeds received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto; and (B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall remit any such proceeds received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto.

(2) If a simulcasting licensee has a license to conduct live greyhound races and the licensee displays a simulcast greyhound race, breakage and unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8821 and 74-8822, and amendments thereto, for breakage and unclaimed winning ticket proceeds from live greyhound races.

(3) If a simulcasting licensee has a license to conduct live racing of only horses and the licensee displays a simulcast greyhound race, unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8822, and amendments thereto, for unclaimed winning ticket proceeds from live greyhound races. Breakage for such races shall be distributed for use to benefit greyhound racing as determined by the commission.

(4) If a simulcasting licensee has a license to conduct live racing of only greyhounds and the licensee displays a simulcast horse race: (A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall remit any such proceeds received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto; and (B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall remit any such proceeds received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments

thereto.

(i) The commission may approve a request by two or more simulcasting licensees to combine wagering pools within the state of Kansas pursuant to rules and regulations adopted by the commission.

(j) (1) The commission may authorize any simulcasting licensee to participate in an interstate combined wagering pool with one or more other racing jurisdictions.

(2) If a licensee participates in an interstate pool, the licensee may adopt the takeout of the host jurisdiction or facility. The amount and manner of paying purses from the takeout in an interstate pool shall be as provided by subsection (g).

(3) The tax imposed on amounts wagered in an interstate pool shall be as provided by K.S.A. 74-8823, and amendments thereto. Parimutuel taxes may not be imposed on any amounts wagered in an interstate combined wagering pool other than amounts wagered within this jurisdiction.

(4) Breakage for interstate combined wagering pools shall be calculated in accordance with the statutes and rules and regulations of the host jurisdiction and shall be allocated among the participating jurisdictions in a manner agreed to among the jurisdictions. Breakage allocated to this jurisdiction shall be distributed as provided by subsection (h).

(5) Upon approval of the respective recognized greyhound owners' group or recognized horsemen's group, the commission may permit an organization licensee to simulcast to other racetrack facilities or off-track wagering or intertrack wagering facilities in other jurisdictions one or more races conducted by such licensee, use one or more races conducted by such licensee for an intrastate combined wagering pool or use one or more races conducted by such licensee for an interstate combined wagering pool at off-track wagering or intertrack wagering locations outside the commission's jurisdiction and may allow parimutuel pools in other jurisdictions to be combined with parimutuel pools in the commission's jurisdiction for the purpose of establishing an interstate combined wagering pool.

(6) The participation by a simulcasting licensee in a combined interstate wagering pool does not cause that licensee to be considered to be doing business in any jurisdiction other than the jurisdiction in which the licensee is physically located.

(k) If the organization licensee, facility owner licensee if any and the recognized horsemen's group or recognized greyhound owners' group are unable to agree concerning a simulcasting application, the matter may be submitted to the commission for determination at the written request of any party in accordance with rules and regulations of the commission.

(l) This section shall be part of and supplemental to the Kansas parimutuel racing act.;"

Also on page 13, in line 28, by striking the first "and" and inserting ", 74-8836 and"; in line 29, after "74-8723" by inserting ", 74-8744, 74-8746, 74-8747, 74-8751";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the second semicolon by inserting "amending the Kansas expanded lottery act;"; in line 4, by striking the first "and" and inserting ", 74-8836 and"; also in line 4, after "74-8702" by inserting "74-8711, 74-8744, 74-8746, 74-8747, 74-8751, "; in line 5, by striking the first "and" and inserting a comma; also in line 5, by striking " and 74-8711"

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

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

Yeas: Baumgardner, Bowers, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hensley, Holland, Kerschen, LaTurner, Lynn, Masterson, Olson, Suellentrop, Tyson, Wilborn.

Nays: Alley, Berger, Billinger, Bollier, Denning, Doll, Estes, Hardy, Hawk, Kelly, Longbine, McGinn, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

Present and Passing: Francisco.

The amendment was rejected.

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

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2319**, **HB 2362**, **HB 2391**.

Announcing passage of **SB 55**; **Sub SB 85**; **SB 174**.

Announcing passage of **SB 149**, as amended.

The House accedes to the request of the Senate for a conference on **H Sub SB 40** and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 46** and has appointed Representatives Hoffman, Thompson and Carlin as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 50** and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 89** and has appointed Representatives Proehl, Francis 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 101** and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 124** and has appointed Representatives Finch, Patton and Carmichael as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2319, **HB 2362**, **HB 2391** were thereupon introduced and read by title.

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 Masterson in the chair.

On motion of Senator Masterson, the morning report and the following report was

adopted:

SB 179, SB 205; HB 2054, HB 2095, HB 2111, be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2170 be amended by the adoption of the committee amendments, be further amended by motion of Senator Petersen; on page 1, in line 6, by striking "at nighttime" and inserting "between sunrise and sunset"; in line 9, by striking all after "rear"; in line 12, by striking "emitting" and inserting "that shall emit"; in line 15, by striking "clothing" and inserting "a device"; also in line 15, after "emits" by inserting "a red or amber"; also in line 15, by striking "at" and inserting "from"; in line 20, by striking all after "reflector"; in line 21, by striking "transportation", and **HB 2170** be passed as further amended.

SB 138 be amended by the adoption of the committee amendments, be further amended by motion of Senator Longbine; on page 8, in line 37, before "On" by inserting:

"A participating employer may employ a retirant without regard to the compensation limitation in this subsection for a period of one calendar year or one school year, as the case may be, if the following requirements are met:

(i) The employer certifies to the board that the position being filled has been vacated due to an unexpected emergency or the employer has been unsuccessful in filling the position;

(ii) the employer pays to the system a 30% employer contribution based on the retirant's compensation during any such period of employment. On or before July 1, 2019, and at least every three years thereafter, the board, in consultation with the system's consulting actuary, shall evaluate the plan's experience with employment of such retirants and the corresponding employer contribution rate to assess whether the employer contribution rate can be expected to fund adverse experience or higher liabilities accruing under the system in connection with employment of such retirants, to the extent that such liability can be ascertained or estimated. Based on this evaluation of the plan's experience, the board may certify to the division of the budget, in the case of the state, and to the agent for each other participating employer, a new rate if needed to more fully fund such adverse experience or additional liabilities, but such rate shall not be less than 30%; and

(iii) the employer maintains documentation of its efforts to fill the position with a non-retirant and provides such documentation to the joint committee on pensions, investments and benefits upon request of the committee.

The provisions of this paragraph shall expire on January 1, 2018.

(e) An employer may submit a written assurance protocol to the system to extend the exception provided for in subsection (7)(d) by one-year increments for a total extension not to exceed three years. A written assurance protocol shall be submitted to the system for each one-year increment extension. If a school district submits a written assurance protocol, such written assurance protocol shall be signed by the superintendent and the board president of such school district. If a municipality, as defined in K.S.A. 75-1117, and amendments thereto, other than a school district, submits a written assurance protocol, such written assurance protocol shall be signed by the governing body or such governing body's designee for such municipality. Such written assurance protocol shall state that the position was advertised on multiple platforms for a minimum of 30 calendar days and that at least one of the following

conditions occurred:

- (i) No applications were submitted for the position;
- (ii) if applications were submitted, none of the applicants met the reference screening criteria of the employer; or
- (iii) if applications were submitted, none of the applicants possessed the appropriate licensure, certification or other necessary credentials for the position.

The provisions of this paragraph shall expire on January 1, 2018.

(f) ";

Also on page 8, in line 42, by striking "(e)" and inserting "(g)";

On page 11, in line 34, by striking all after "retirants"; in line 35, by striking all before "who";

On page 16, following line 21, by inserting:

"(4) (a) On and after July 1, 2016, a school district may hire a retired licensed professional to fill a special teacher position as defined in K.S.A. 72-962, and amendments thereto, if such retirant is hired not prior to 60 days after such retirant's retirement date without any prearrangement with such school district in the manner prescribed in this subsection. The participating employer shall enroll all retirants and report to the system when compensation is paid to a retirant as provided in this subsection. Such notice shall contain a certification by the appointing authority of the participating employer that any hired retirant has not been employed by the participating employer within 60 days of such retirant's retirement and that there was no prearranged agreement for employment between the participating employer and the hired retirant. Upon request of the executive director of the system, the participating employer shall provide such information as may be needed by the executive director to carry out the provisions of this subsection.

(b) A retirant hired under the provisions of this subsection may continue to receive such retirant's full retirement benefit for a period not to exceed three school years or 36 months, whichever is less, and shall not be subject to the provisions of K.S.A. 74-4914(5), and amendments thereto, which relate to a compensation limitation which when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in a position as described herein. Such retirant may be employed by such employer for some or all of a school year, and in subsequent school years if the employer is unable to permanently fill the position with active members, so long as the retirant's total term of employment with all employers under this subsection does not exceed 36 months or three school years, whichever is less. After such period, the retirant shall be subject to the provisions of K.S.A. 74-4914(7), and amendments thereto, which relate to a compensation limitation which when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in a position as described herein. The participating employer of such retirant shall pay to the system a 30% employer contribution based on the retirant's compensation during any such period of employment. On or before July 1, 2019, and at least every three years thereafter, the board, in consultation with the system's consulting actuary, shall evaluate the plan's experience with employment of such retirants and the corresponding employer contribution rate to assess whether the employer contribution rate can be expected to fund adverse experience or higher liabilities accruing under the system in connection with employment of such retirants, to the extent that such liability can be ascertained or estimated. Based on this evaluation of

the plan's experience, the board may certify to the division of the budget, in the case of the state, and to the agent for each other participating employer, a new rate if needed to more fully fund such adverse experience or additional liabilities, but such rate shall not be less than 30%. The provisions of this subsection shall not apply to retirants employed as substitute teachers. The provisions of K.S.A. 74-4914(5), and amendments thereto, shall be applicable to retirants employed as special teachers, except as specifically provided in this subsection.

(c) Each school district that uses the provisions of this subsection to hire retirants shall maintain documentation describing their recruiting efforts to obtain non-retirant employees to fill the special teacher positions. Upon request of the joint committee on pensions, investments and benefits, an employer shall provide such documentation to the committee. If the committee finds that an employer has not made sufficient efforts to hire a non-retirant for the position or if the committee finds evidence of prearrangement in violation of this section, the three-year exemption provided pursuant to this subsection may be revoked. The committee shall notify the executive director of the system that a retirant's exemption has been revoked within 30 days of making such a determination.

(d) An employer may submit a written assurance protocol to the system to make a one-time extension to the exception provided for in this subsection by one year. Such written assurance protocol shall be signed by the superintendent and the board president of the school district. Such written assurance protocol shall state that the position was advertised on multiple platforms for a minimum of 30 calendar days and that at least one of the following conditions occurred:

- (i) No applications were submitted for the position;
- (ii) if applications were submitted, none of the applicants met the reference screening criteria of the employer; or
- (iii) if applications were submitted, none of the applicants possessed an appropriate teaching license for the state of Kansas or possessed the appropriate credentials to receive any type of teaching license from the state of Kansas.

(e) Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature.

(f) The provisions of this subsection shall expire on January 1, 2018.

(5) (a) On and after July 1, 2016, a school district may hire a retired licensed professional to fill a non-special teacher position if such retirant is hired not prior to 60 days after such retirant's retirement date without any prearrangement with such school district, and if such school district hires a retirant for a hard-to-fill position in the manner prescribed in this subsection. The participating employer shall enroll all retirants and report to the system when compensation is paid to a retirant as provided in this subsection. Such notice shall contain a certification by the appointing authority of the participating employer that any hired retirant has not been employed by the participating employer within 60 days of such retirant's retirement and that there was no prearranged agreement for employment between the participating employer and the hired retirant. Upon request of the executive director of the system, the participating employer shall provide such information as may be needed by the executive director to carry out the provisions of this subsection.

(b) The state board of education shall annually certify the top five types of licensed

positions that are hard to fill. A school district may hire a retirant to fill a hard-to-fill position for some or all of a school year and in subsequent school years if the employer is unable to permanently fill the position with an active member. A retirant first hired under the provisions of this subsection may be retained by an employer even if such retirant's type of position is no longer one of the five types of positions certified by the state board of education. A retirant hired under the provisions of this subsection may continue to receive such retirant's full retirement benefit for a period not to exceed three school years or 36 months, whichever is less, and shall not be subject to the provisions of K.S.A. 74-4914(5), and amendments thereto, which relate to a compensation limitation which when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in a position as described herein. Such retirant may be employed by such employer for some or all of a school year, and in subsequent school years if the employer is unable to permanently fill the position with active members, so long as the retirant's total term of employment with all employers under this subsection does not exceed 36 months or three school years, whichever is less. After such period, the retirant shall be subject to the provisions of K.S.A. 74-4914(7), and amendments thereto, which relate to a compensation limitation which when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in a position as described herein. The participating employer of such retirant shall pay to the system a 30% employer contribution based on the retirant's compensation during any such period of employment. On or before July 1, 2019, and at least every three years thereafter, the board, in consultation with the system's consulting actuary, shall evaluate the plan's experience with employment of such retirants and the corresponding employer contribution rate to assess whether the employer contribution rate can be expected to fund adverse experience or higher liabilities accruing under the system in connection with employment of such retirants, to the extent that such liability can be ascertained or estimated. Based on this evaluation of the plan's experience, the board may certify to the division of the budget, in the case of the state, and to the agent for each other participating employer, a new rate if needed to more fully fund such adverse experience or additional liabilities, but such rate shall not be less than 30%. The provisions of this subsection shall not apply to retirants employed as substitute teachers. The provisions of K.S.A. 74-4914(5), and amendments thereto, shall be applicable to retirants employed as described in this subsection, except as specifically provided in this subsection.

(c) Each school district that uses the provisions of this subsection to hire retirants for hard-to-fill positions shall maintain documentation describing their recruiting efforts to obtain non-retirant employees to fill the hard-to-fill positions. Upon request of the joint committee on pensions, investments and benefits, a school district shall provide such documentation to the committee. If the committee finds that a school district has not made sufficient efforts to hire a non-retirant for the position or if the committee finds evidence of prearrangement in violation of this section, the three-year exemption provided pursuant to this subsection may be revoked. The committee shall notify the executive director of the system that a retirant's exemption has been revoked within 30 days of making such a determination.

(d) An employer may submit a written assurance protocol to the system to make a one-time extension to the exception provided for in this subsection by one year. Such written assurance protocol shall be signed by the superintendent and the board president

of the school district. Such written assurance protocol shall state that the position was advertised on multiple platforms for a minimum of 30 calendar days and that at least one of the following conditions occurred:

- (i) No applications were submitted for the position;
 - (ii) if applications were submitted, none of the applicants met the reference screening criteria of the employer; or
 - (iii) if applications were submitted, none of the applicants possessed an appropriate teaching license for the state of Kansas or possessed the appropriate credentials to receive any type of teaching license from the state of Kansas.
- (e) Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature.

(f) The provisions of this subsection shall expire on January 1, 2018.";

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

Also, on page 16, following line 38, by inserting:

"Sec. 4. K.S.A. 2016 Supp. 74-49,204 is hereby amended to read as follows: 74-49,204. The normal retirement date for a member of the system first employed by a participating employer on or after July 1, 2009, shall be the first day of the month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 60 days, or 180 days as provided in K.S.A. 74-4914(10), and amendments thereto, and the attainment of age 65 with the completion of five years of credited service, or age 60 with the completion of 30 years of credited service. The provisions of this section shall apply to a member of the retirement system who is in school employment and who is subject to K.S.A. 74-4940, and amendments thereto.";

Also on page 16, in line 39, by striking "and" and inserting a comma; also in line 39, after "74-4937" by inserting "and 74-49,204";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking the first "and" and inserting a comma; also in line 4, after "74-4937" by inserting "and 74-49,204", and **SB 138** be passed as further amended.

A motion by Senator Olson to amend **SB 138** was withdrawn.

HB 2153, (adoption of the committee amendments, see Senate Journal March 29, 2017, page 395) be amended by motion of Senator Tyson; on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2016 Supp. 50-6,109a is hereby amended to read as follows: 50-6,109a. (a) The attorney general is hereby given jurisdiction and authority over all matters involving the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act including to:

- (1) Employ or appoint agents as necessary to implement, administer and enforce the act;
- (2) contract;
- (3) expend funds;
- (4) license and discipline;
- (5) investigate;
- (6) issue subpoenas;

(7) keep statistics; and

(8) conduct education and outreach programs to promote compliance with the act.

(b) In accordance with the rules and regulations filing act, the attorney general is hereby authorized to adopt rules and regulations necessary to implement the provisions of the scrap metal theft reduction act.

(c) There is hereby established in the state treasury the scrap metal theft reduction fee fund to be administered by the attorney general. All moneys received by the attorney general from fees, charges or penalties collected under the provisions of the scrap metal theft reduction act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount thereof in the state treasury to the credit of the scrap metal theft reduction fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee. All moneys credited to the scrap metal theft reduction fee fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(d) Before ~~July January 1, 2016~~ 2019, the attorney general shall establish and maintain a database which shall be a central repository for the information required to be provided under K.S.A. 2016 Supp. 50-6,110, and amendments thereto. The database shall be maintained for the purpose of providing information to law enforcement and for any other purpose deemed necessary by the attorney general to implement and enforce the provisions of the scrap metal theft reduction act.

(e) The information required by K.S.A. 2016 Supp. 50-6,110, and amendments thereto, maintained in such database by the attorney general, or by any entity contracting with the attorney general, submitted to, maintained or stored as part of the system shall:

(1) Be confidential, shall only be used for investigatory, evidentiary or analysis purposes related to criminal violations of city, state or federal law and shall only be released to law enforcement in response to an official investigation or as permitted in subsection (d); and

(2) not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2020, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.

Sec. 2. K.S.A. 2016 Supp. 50-6,109c is hereby amended to read as follows: 50-6,109c. (a) Any scrap metal dealer who violates any of the provisions of the scrap metal theft reduction act, in addition to any other penalty provided by law, may incur a civil penalty imposed pursuant to subsection (b) in an amount not less than \$100 nor more than \$5,000 for each violation.

(b) The attorney general, upon a finding that a scrap metal dealer or any employee or agent thereof or any person or entity required to be registered as a scrap metal dealer has violated any of the provisions of the scrap metal theft reduction act may impose a civil penalty as provided in this subsection upon such scrap metal dealer.

(c) A civil penalty shall not be imposed pursuant to this section except upon the written order of the attorney general to the scrap metal dealer who is responsible for the violation. Such order is a final order for purposes of judicial review and shall state the

violation, the penalty to be imposed and the right of such dealer to appeal as provided in the Kansas judicial review act.

(d) ~~This section shall take effect on and after January 1, 2016. This section shall be unenforceable and shall not apply from the effective date of this act to January 1, 2019.~~

Sec. 3. K.S.A. 2016 Supp. 50-6,110 is hereby amended to read as follows: 50-6,110. (a) It shall be unlawful for any person to sell any item or items of regulated scrap metal to a scrap metal dealer, or employee or agent of a dealer, in this state unless such person meets the requirements of this subsection.

(1) Such person shall present to such scrap metal dealer, or employee or agent of such dealer, at or before the time of sale, the following: The seller's name, address, sex, date of birth and the seller's driver's license, military identification card, passport or personal identification license. An official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller.

(2) Such person shall complete and sign the statement provided for in subsection (b)(10).

(b) Every scrap metal dealer shall keep a register in which the dealer, or employee or agent of the dealer, shall at the time of purchase or receipt of any item for which such information is required to be presented, cross-reference to previously received information, or accurately and legibly record at the time of sale the following information:

(1) The time, date and place of transaction;

(2) the seller's name, address, sex, date of birth and the identifying number from the seller's driver's license, military identification card, passport or personal identification license; the identifying number from an official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller;

(3) a copy of the identification card or document containing such identifying number;

(4) the license number, color and style or make of any motor vehicle in which the junk vehicle or other regulated scrap metal property is delivered in a purchase transaction;

(5) a general description, made in accordance with the custom of the trade, of the predominant types of junk vehicle or other regulated scrap metal property purchased in the transaction;

(6) the weight, quantity or volume, made in accordance with the custom of the trade, of the regulated scrap metal property purchased;

(7) if a junk vehicle or vehicle part is being bought or sold, a description of the junk vehicle or vehicle part, including the make, model, color, vehicle identification number and serial number if applicable;

(8) the price paid for, traded for or dealt for in a transaction for the junk vehicle or other regulated scrap metal property;

(9) the full name of the individual acting on behalf of the regulated scrap metal dealer in making the purchase; and

(10) a signed statement from the seller indicating from where the property was obtained and that: (A) Each item is the seller's own personal property, is free of encumbrances and is not stolen; or (B) the seller is acting for the owner and has

permission to sell each item. If the seller is not the owner, such statement shall include the name and address of the owner of the property.

(c) Every scrap metal dealer shall photograph ~~both the seller and~~ the item or lot of items being sold at the time of purchase or receipt of any item for which such information is required to be presented. Such photographs shall be kept with the record of the transaction and the scrap metal dealer's register of information required by subsection (b). Failure to comply with the provisions of this subsection between the effective date of this act and January 1, 2019, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.

(d) The scrap metal dealer's register of information required by subsection (b), including copies of identification cards and signed statements by sellers, and photographs required by subsection (c) may be kept in electronic format. Failure to comply with the provisions of this subsection between the effective date of this act and January 1, 2019, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.

(e) Every scrap metal dealer shall forward the information required by this section to the database described in K.S.A. 2016 Supp. 50-6,109a, and amendments thereto.

(f) Notwithstanding any other provision to the contrary, this section shall not apply to transactions in which the seller is a:

- (1) Registered scrap metal dealer;
- (2) vehicle dealer licensed under chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or
- (3) scrap metal dealer or vehicle dealer registered or licensed in another state.

(g) (1) Except as provided in subsection (g)(2), this section shall not apply to transactions in which the seller is known to the purchasing scrap metal dealer to be a licensed business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.

(2) The attorney general may determine, by rules and regulations, which of the requirements of this section shall apply to transactions described in subsection (g)(1).

(h) The amendments made to subsection (e) by section 13 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from the effective date of this act to January 1, 2019.

Sec. 4. K.S.A. 2016 Supp. 50-6,112a is hereby amended to read as follows: 50-6,112a. (a) A scrap metal dealer shall not purchase any regulated scrap metal without having first registered each place of business with the attorney general as herein provided.

(b) The attorney general shall establish a system for the public to confirm scrap metal dealer registration certificates. Such system shall include a listing of valid registration certificates and such other information collected pursuant to the scrap metal theft reduction act, as the attorney general may determine is appropriate. Disclosure of any information through use of the system established by the attorney general shall not be deemed to be an endorsement of any scrap metal dealer or determination of any facts, qualifications, information or reputation of any scrap metal dealer by the attorney general, the state, or any of their respective agents, officers, employees or assigns.

(c) A registration for a scrap metal dealer shall be verified and upon a form approved by the attorney general and contain:

(1) (A) The name and residence of the applicant, including all previous names and aliases; or

(B) if the applicant is a: Corporation, the name and address of each manager, officer or director thereof, and each stockholder owning in the aggregate more than 25% of the stock of such corporation; or partnership or limited liability company, the name and address of each partner or member;

(2) the length of time that the applicant has resided within the state of Kansas and a list of all residences outside the state of Kansas during the previous 10 years;

(3) the particular place of business for which a registration is desired, the name of the business, the address where the business is to be conducted, the hours of operation and the days of the week during which the applicant proposes to engage in business;

(4) the name of the owner of the premises upon which the place of business is located; and

(5) the applicant shall disclose any prior convictions within 10 years immediately preceding the date of making the registration for: A violation of article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2016 Supp. 21-5801 through 21-5839 or K.S.A. 2016 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2016 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2016 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2016 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(d) Each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of not less than \$500 nor more than \$1,500, as prescribed by the attorney general for each particular place of business for which a registration is desired.

(e) The attorney general shall accept a registration for a scrap metal dealer as otherwise provided for herein, from any scrap metal dealer qualified to file such registration, to purchase regulated scrap metals. Such registration shall be issued for a period of one year.

(f) If an original registration is accepted, the attorney general shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not been revoked as provided by law. The renewal fee shall be not more than \$1,500, as prescribed by the attorney general.

(g) Any registration issued under the scrap metal theft reduction act shall not be transferable.

(h) This section shall not apply to a business licensed under the provisions of K.S.A. 8-2404, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components.

(i) The amendments made to subsections (d) and (f) by section 15 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from the effective date of this act to January 1, 2019.

Sec. 5. K.S.A. 2016 Supp. 50-6,112b is hereby amended to read as follows: 50-

6,112b. (a) After examining the information contained in a filing for a scrap metal dealer registration and determining the registration meets the statutory requirements for such registration, the attorney general shall accept such filing and the scrap metal dealer shall be deemed to be properly registered.

(b) No scrap metal registration shall be accepted for:

(1) A person who is not a citizen or legal permanent resident of the United States.

(2) A person who is under 18 years of age and whose parents or legal guardians have been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under the scrap metal theft reduction act.

(3) A person who, within 10 years immediately preceding the date of filing, has pled guilty to, entered into a diversion agreement for, been convicted of, released from incarceration for or released from probation or parole for committing, attempting to commit, or conspiring to commit a violation of: Article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2016 Supp. 21-5801 through 21-5839 or K.S.A. 2016 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2016 Supp. 21-5903 and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2016 Supp. 21-5904 and amendments thereto; interference with judicial process, K.S.A. 2016 Supp. 21-5905 and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(4) A person who within the 10 years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration.

(5) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar filing within the last 10 years.

(6) A partnership or limited liability company, unless all partners or members of the partnership or limited liability company are otherwise qualified to file a registration.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason.

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration.

(9) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under the scrap metal theft reduction act.

(10) A person who does not own the premises upon which the place of business is located for which a license is sought, unless the person has a written lease for at least $\frac{3}{4}$ of the period for which the license is to be issued.

(c) Any person filing a scrap metal dealer registration may be subject to a criminal history records check and may be given a written notice that a criminal history records

check is required. The attorney general may require such applicant to be fingerprinted and submit to a state and national criminal history record check. If required, such fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The attorney general shall submit any fingerprints provided to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the attorney general in the taking and processing of fingerprints of applicants. The attorney general may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the applicant and in the official determination of whether the scrap metal dealer registration shall be accepted. If the criminal history record information is used to disqualify an applicant, the applicant shall be informed in writing of that decision.

(d) The amendments made to subsections (b)(10) and (c) by section 16 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from the effective date of this act to January 1, 2019.;

On page 4, in line 16, by striking "is" and inserting "and K.S.A. 2016 Supp. 50-6,109a, 50-6,109c, 50-6,110, 50-6,112a and 50-6,112b are"; in line 18, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "the" by inserting "attorney general's enforcement of the scrap metal theft reduction act;"; in line 2, after "and" by inserting "K.S.A. 2016 Supp. 50-6,109a, 50-6,109c, 50-6,110, 50-6,112a and 50-6,112b and"; in line 3, by striking "section" and inserting "sections" and HB 2153 be passed as further amended.

A motion by Senator Tyson to amend **HB 2153** was withdrawn.

The committee report on **HB 2053** recommending **S Sub HB 2053** be adopted, and the substitute bill be passed.

The committee report on **HB 2174** recommending **S Sub HB 2174** be adopted, and the substitute bill be passed.

CONSIDERATION OF APPOINTMENTS

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

Senator Denning moved the following appointments be confirmed as recommended by the Committee on **Ways and Means** and the Committee on **Assessment and Tax**.

By the Governor

On the appointment to the:

Kansas Public Employees Retirement Board of Trustees:

Kelly Arnold, Term ends January 15, 2021

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Tax Appeals:

Ronald Mason, Term ends January 15, 2021

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Tax Appeals:

Arlen Siegfried, Term ends January 15, 2021

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Development Finance Authority:

Nancy Toelkes, Term ends January 15, 2019

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

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

Nays: Kelly.

The appointment was confirmed.

FINAL ACTION

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 138, SB 179, SB 205; S Sub HB 2053; HB 2054, HB 2095, HB 2011, HB 2153, HB 2170; S Sub 2174; HB 2313** were advanced to Final Action and roll call.

SB 138, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; earnings limitation; exemptions; amending K.S.A. 2016 Supp. 46-2201, 74-4914, 74-4937, and 74-49,204 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 74-4914f.

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

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

The bill passed, as amended.

SB 179, AN ACT concerning human trafficking and related crimes; creating the crimes of unlawful use of a communication facility, promoting travel for child exploitation, internet trading in child pornography and aggravated internet trading in child pornography; relating to training for commercial driver's license applicants; sexual exploitation of a child; buying sexual relations; commercial sexual exploitation of a child; offender registration; expungement of juvenile adjudications; victim compensation; amending K.S.A. 2016 Supp. 12-4120, 21-5426, 21-5510, 21-6421, 21-6422, 22-4902, 22-4906, 38-2312, 74-7305 and 75-759 and repealing the existing sections.

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

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

The bill passed, as amended.

SB 205, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; participating service credit; amending K.S.A. 74-4913 and 74-4956 and repealing the existing sections.

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

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

S Sub HB 2053, AN ACT enacting the asbestos bankruptcy trust claims transparency act; providing for disclosures regarding asbestos bankruptcy trust claims in civil asbestos actions.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Pettey, Rogers, Sykes, Taylor.

Present and Passing: Haley.
The substitute bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I vote NO on **Senate Substitute for House Bill 2053**. This legislation comes from the American Legislative Exchange Council, and negatively affects veterans. Testimony provided by the Commander of the Military Order of the Purple Heart, indicates that exposure to asbestos is the only known cause of mesothelioma, and 30% of all mesothelioma deaths are U.S. veterans. The testimony also says, "This legislation robs veterans of their constitutional right to a trial by jury by giving asbestos corporations the power to run out the clock on sick and dying veterans. Our veterans who suffer from mesothelioma, if they are lucky enough to determine a specific defendant who may be liable, should not have their cause of action delayed while they do or do not pursue claim against a personal injury trust....This also forces veterans to wait indefinitely while their attorney files a claim with little, or no, chance for a meaningful recover. This legislation may well result in a suit not being adjudicated prior to the veteran's death or incapacity to participate in their own trial." For our veterans, I vote NO on **Senate Substitute for House Bill 2053**.—ANTHONY HENSLEY

Senators Holland and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **S Sub HB 2053**.

Mr. Vice President: This legislation robs victims of mesothelioma of their constitutional right to a trial by jury by giving asbestos corporations the power to run out the clock on sick and dying victims. Veterans make up 30% of deaths but, teachers, firefighters, construction workers and mechanics all face on-the-job exposure. Kansas laws have already been enacted to protect asbestos companies, and ensure fairness and transparency. I vote NO on **S Sub HB 2053**.—PAT PETTEY

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Pettey on **S Sub HB 2053**.

HB 2054, AN ACT concerning state agencies; relating to records and reports of the department of labor; providing data and information to the Kansas sentencing commission; amending K.S.A. 2016 Supp. 44-714 and 74-9101 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, 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 2095, AN ACT concerning the uniform act regulating traffic; relating to gross weight limits of certain vehicles, special permits; amending K.S.A. 2016 Supp. 8-1908 and repealing the existing section.

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

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

Nays: Skubal.

The bill passed, as amended.

HB 2111, AN ACT concerning retirements and pensions; relating to the Kansas police and firemen's retirement system; providing certain death benefits to surviving spouses; amending K.S.A. 74-4959 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: 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 2153, AN ACT concerning certain state agencies; relating to the attorney general's enforcement of the scrap metal theft reduction act; transfer of fees; notification of such transfer; amending K.S.A. 75-3036 and K.S.A. 2016 Supp. 50-6,109a, 50-6,109c, 50-6,110, 50-6,112a and 50-6,112b and repealing the existing sections.

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

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

The bill passed, as amended.

HB 2170, AN ACT concerning bicycles; relating to safety equipment; lamps and reflectors; amending K.S.A. 8-1592 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: 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.

S Sub HB 2174, AN ACT concerning motor vehicles; relating to registration, decals for persons with disabilities; distinctive license plates; decals for certain military medals or badges; amending K.S.A. 8-1,126 and K.S.A. 2016 Supp. 8-1,125 and 8-1,156 and repealing the existing sections.

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

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

Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, 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 substitute bill passed.

HB 2313, AN ACT concerning the Kansas lottery; dealing with lottery ticket vending machines {and revenues derived therefrom}; repealing the lottery sunset; {debt setoff agreements with third party vendors;}; amending K.S.A. 74-8719 {and 75-6203} and K.S.A. 2016 Supp. 74-8702{, 75-6202, 75-6204} {and 74-8711} and repealing the existing sections; also repealing K.S.A. 2016 Supp. 74-8723.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Baumgardner, Berger, Doll, Fitzgerald, Pilcher-Cook, Pyle, Sykes, Taylor, Tyson, Wagle.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SB 186** be amended on page 1, in line 11, by striking "state fiscal year" and inserting "reporting period"; in line 17, after "persons" by inserting "or providers"; also in line 17, after "licensed" by inserting "or permitted"; in line 18, by striking "and includes" and inserting "including hospitals and";

On page 3, in line 1, after the period by inserting "The department may utilize intergovernmental transfers or certified public expenditures to implement this section subject to the same provisions and requirements of section 2, and amendments thereto."; in line 9, by striking all after "transport"; by striking all in line 10; in line 11, by striking "providers"; in line 12, by striking "for increased reimbursement" and inserting "to transfer public funds to the state"; in line 14, by striking "state fiscal year" and inserting "reporting period"; in line 19, after "persons" by inserting "or providers"; also in line 19, by striking "by"; in line 20, by striking all before "to" and inserting "or permitted"; in line 21, after "Kansas" by inserting ", including hospitals and private entities to the extent permissible under federal law"; in line 26, by striking "for covered ground emergency medical transportation services"; in line 28, by striking all after "be"; by striking all in line 29; in line 30, by striking all before "to" and inserting ", at a minimum, in actuarially determined amounts"; in line 32, by striking "all"; in line 34, by striking "eligible providers" and inserting "medicaid managed care plans"; in line 35, by striking all after "shall"; by striking all in lines 36 through 38; in line 39, by striking all before the period and inserting "enter into contracts or contract amendments with eligible providers for the disbursement of increased capitation payments made pursuant to this section";

On page 4, in line 1, after the period by inserting "To the extent permissible under federal law,"; in line 3, by striking "permitted by federal law" and inserting "approved by the federal centers for medicare and medicaid services"; and the bill be passed as

amended.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5014**.

HCR 5014, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2017 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Denning, **HCR 5014** was adopted by voice vote.

REPORT ON ENROLLED BILLS

SR 1732, SR 1733, SR 1734, SR 1735, SR 1736, SR 1737 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 30, 2017.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Monday, April 3, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

