

Journal of the Senate

FORTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 19, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.

The roll was called with 38 senators present.

Senators Hawk and Pettey were excused.

Vice President King introduced the guest Chaplin, Reverend Trevor Jacobs of Jesus Saves Ministries who delivered the invocation. He is a guest of Senator Tyson.

Dear Lord God, Creator of Heaven and Earth. We thank You for giving us this beautiful day. We thank You for friends and family that You have blessed us with. We thank You that You are Holy and Pure in all Your ways God. Your Word is Truth and knowing Your Truth will set us free. God, help us in this great time of need for our nation, for our state, and for our families. God, direct our hearts, not for what we want but for others and for Your glory. God, remind us that You have placed us here not to be served but to serve. We ask for Your wisdom to make God honoring decisions for those we serve. We ask for the strength and boldness to do what is right in Your eyes. Teach us Lord, to be humble, as You have called us to be. Show us how to bless those around us with Your Divine love and mercy. Lord, help us to be compassionate to those who are in need, to be a voice for the voiceless, to be strong and defend the weak. God, give us the courage to follow through with the commitments we have made to You. In Jesus Holy Name, Amen.

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 294, AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal year ending June 30, 2016, for the department of education; creating the education finance act of 2015; amending K.S.A. 12-1677, 12-1775a, 72-1414, 72-6757, 72-8230, 72-8233, 72-8236, 75-1120a, 79-2001 and 79-5105 and K.S.A. 2014 Supp. 10-1116a, 12-1770a, 72-1398, 72-1923, 72-64b01, 72-64c05, 72-67,115, 72-8187, 72-8251, 72-8316, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213 and 79-2925b and repealing the existing sections; also repealing K.S.A. 2014 Supp. 79-213f, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 291, SB 292.**

Corrections and Juvenile Justice: **HB 2382.**

Ways and Means: **SB 293; HB 2268.**

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2089, HB 2125, HB 2191, HB 2223, HB 2331.**

The House accedes to the request of the Senate for a conference on **SB 113** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2089, HB 2125, HB 2191, HB 2223, HB 2331 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Faust-Goudeau and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1727—

A RESOLUTION recognizing the members of Delta Sigma Theta Sorority, Inc.
for their outstanding service to the citizens of our state,
our nation and the international community, and for their
promotion of sisterhood, scholarship and service.

WHEREAS, Delta Sigma Theta Sorority, Inc. is a private, not-for-profit organization whose purpose is to provide assistance and support through established programs in local communities throughout the world. The organization is a sisterhood of predominantly black, college-educated women; and

WHEREAS, On January 13, 2015, Delta Sigma Theta Sorority, Inc. celebrated 102 years of thoughtful service to and conscientious leadership in communities throughout the United States and the world in diverse fields relating to public service and the organization's five-point programmatic thrust: economic development, educational development, international awareness and involvement, physical and mental health and political awareness and involvement; and

WHEREAS, On January 13, 1913, Delta Sigma Theta Sorority, Inc. was founded at Howard University in the District of Columbia by: Osceola Macarthy Adams, Marguerite Young Alexander, Winona Cargile Alexander, Ethel Cuff Black, Bertha Pitts Campbell, Zephyr Chisom Carter, Edna Brown Coleman, Jessie McGuire Dent, Frederica Chase Dodd, Myra Davis Hemmings, Olive Jones, Jimmie Bugg Middleton, Pauline Oberdorfer Minor, Vashti Turley Murphy, Naomi Sewell Richardson, Mamie Reddy Rose, Eliza Pearl Shippen, Florence Letcher Toms, Ethel Carr Watson, Wertie Blackwell Weaver, Madree Penn White and Edith Motte Young; and

WHEREAS, In March 1913, the founders of Delta Sigma Theta Sorority, Inc. participated in the Women's Suffrage March in the District of Columbia, the sorority's first public act; and

WHEREAS, Since its founding, more than 200,000 women have joined the organization. Delta Sigma Theta Sorority, Inc. has eight chapters within Kansas and

1,000 chapters in the United States, England, Japan, Germany, the Virgin Islands, Bermuda, the Bahamas and South Korea: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the members of Delta Sigma Theta Sorority, Inc. for their outstanding service to the citizens of our state, our nation and the international community, and for their promotion of sisterhood, scholarship and service; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Faust-Goudeau, Senator Haley, Carly Cooper, Daphne Maxwell, Sue Wilson, Barbara Wright, Montika Allen-Atkinson, Trudy Baker, Lula McCray, Tami Farr Smith, Bernice Bullard, Stephanie Bullard-Nurse, Jenya Rhone, Chevelle Wagstaff, Alexis Barnett-Sherrill, Meika Berry, Breda Burkhalter, Donna M. Douglas, Tempie Hurssey, Saundra Jones-Lyons, Barbara Mackey and Emile McGill.

On emergency motion of Senator Faust-Goudeau **SR 1727** was adopted unanimously.

Guests present included: Carly Cooper, Daphne Maxwell, Barbara Wright, Montika Allen-Atkinson, Trudy Baker, Lula McCray, Tami Farr Smith, Stephanie Bullard-Nurse, Bernice Bullard, Breda Burkhalter, Donna Douglas, Emile McGill, Dr. Mildred Edwards, Krista Hill Combs, MaKayla Harding, Marygrace Mba and Kerisha Broadus.

The Senate honored the guests with a standing ovation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub SB 155, AN ACT concerning insurance; relating to surplus lines coverage; defining terms; relating to gross premiums and tax thereon; nonadmitted insurers authorized to write excess coverage on Kansas risks; amending K.S.A. 2014 Supp. 40-246b, 40-246c and 40-246e and repealing the existing sections; also repealing K.S.A. 2014 Supp. 40-5701, 40-5702 and 40-5703, was considered on final action.

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

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

Absent or Not Voting: Hawk, Pettey.

The bill passed.

SB 161, AN ACT concerning the state board of regents; relating to university support staff; amending K.S.A. 2014 Supp. 76-715a and 76-715b and repealing the existing sections, was considered on final action.

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

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

Absent or Not Voting: Hawk, Pettey.

The bill passed.

SB 246, AN ACT concerning the department of administration; relating to energy audits; requirements; amending K.S.A. 2014 Supp. 75-37,128 and repealing the existing section, was considered on final action.

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

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

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

HB 2006, AN ACT concerning veterans; relating to license plates for disabled veterans; pertaining to parking in certain public parking spaces; amending K.S.A. 2014 Supp. 8-161 and repealing the existing section, was considered on final action.

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

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

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

HB 2025, AN ACT concerning the Kansas law enforcement training act; amending K.S.A. 2014 Supp. 74-5616 and 74-5622 and repealing the existing sections, was considered on final action.

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

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

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

HB 2231, AN ACT concerning oil and gas; relating to oil and gas wells, licensing of well operators, fees; relating to the abandoned oil and gas well fund, extension; amending K.S.A. 2014 Supp. 55-155 and 55-193 and repealing the existing sections, was considered on final action.

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

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

Present and Passing: Francisco.
 Absent or Not Voting: Hawk, Pettey.
 The bill passed, as amended.

COMMITTEE OF THE WHOLE

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

On motion of Senator Smith the following report was adopted:
SB 86, SB 175; HB 2023, HB 2066, HB 2085, HB 2267 be passed.

A motion by Senator Hensley to amend **HB 2023** failed and the following amendment was rejected: on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2014 Supp. 45-217 is hereby amended to read as follows: 45-217. As used in the open records act, unless the context otherwise requires:

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

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

(c) "Criminal investigation records" means records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701, and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2014 Supp. 21-5406, and amendments thereto.

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

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

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

(2) "Public agency" shall not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court; or (C) any officer or employee of the state or political or taxing subdivision of the state if the state or political or taxing subdivision does not provide the officer or employee with an office which is open to the public at least 35 hours a week.

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

public agency including, but not limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund. Public record includes any recorded information made, maintained or kept on a personal electronic device by a public agency in furtherance of the public agency's duties related to the functions, activities, programs or operations funded by public funds.

(2) "Public record" shall not include records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds or records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state.

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

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

On page 6, in line 30, after "Supp." by inserting "45-217,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "the open records act; relating to public records and personal electronic devices;"; in line 2, after "Supp." by inserting "45-217,"

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

On roll call, the vote was: Yeas 6; Nays 32; Present and Passing 0; Absent or Not Voting 2.

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

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

Absent or Not Voting: Hawk, Pettey.

SB 98, SB 276; HB 2010, HB 2364 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **S Sub HB 2090** recommending **S Sub HB 2090** be adopted, and the substitute bill be passed.

SB 42 be amended by the adoption of the committee amendments, be amended by motion of Senator Pyle, on page 1, in line 6, before "with" by inserting "shall file"; also in line 6, by striking "shall file"; in line 7, after "from" by inserting ": (1)"; also in line 7, after "entity" by inserting "; or (2) any association or organization which receives public funds"; in line 9, after "lobbyist" by inserting "and which association or organization which receives public funds hired such lobbyist"; in line 16, by striking "(b)"; also in line 16, after "to" by inserting "this"; also in line 17, by striking "(a)"; in line 19, by striking "(c)" and inserting "(b)

SB 42 be further amended by motion of Senator Pyle, on page 1, in line 6, before "with" by inserting "shall file"; also in line 6, by striking "shall file"; in line 16, by striking "(b)"; also in line 16, after "to" by inserting "this"; in line 17, by striking "(a)"; following line 18, by inserting:

"(b) Any governmental entity that is required to publish any appropriation or budget pursuant to K.S.A. 79-2925b(c), and amendments thereto, shall publish the information required by this subsection in the same manner that such governmental entity publishes an appropriation or budget pursuant to K.S.A. 79-2925b(c), and amendments thereto. The information required shall be:

(1) An itemized listing of all public funds used by such governmental entity for the purpose of:

- (A) Employing or contracting for the services of a lobbyist;
- (B) paying membership dues or providing any other type of financial support to an association that employs a lobbyist; or
- (C) paying membership dues or providing any other type of financial support to an association that has an affiliated organization that employs a lobbyist and the name of the affiliated organization.

(2) An itemized list of all lobbyists who received public funds from such governmental entity, all lobbyists hired by any association which receives public funds from such governmental entity and an itemized list of all lobbyists hired by associations and affiliated organizations that receive public funds from such government and **SB 42** be passed as further amended.

SB 193 be amended by the adoption of the committee amendments, be amended by motion of Senator Melcher, on page 2, in line 20, by striking "initial federal student loan" and inserting "degree investment"

SB 193 be further amended by motion of Senator Francisco, on page 1, in line 5, by striking "January" and inserting "July"; following line 15, by inserting:

"(3) the expected number of years to obtain the degree from such postsecondary educational institution;"

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

Also on page 1, in line 34, by striking "three" and inserting "six";

By striking all on page 4 and inserting:

by motion of Senator Petersen, on page 10, following line 27, by inserting:

"Sec. 9. K.S.A. 2014 Supp. 8-1344 is hereby amended to read as follows: 8-1344.

(a) Every driver as defined in K.S.A. 8-1416, and amendments thereto, who transports a child under the age of 14 years in a passenger car as defined in K.S.A. 8-1343a, and amendments thereto, or an autocycle as defined in section 1, and amendments thereto, on a highway as defined in K.S.A. 8-1424, and amendments thereto, shall provide for the protection of such child by properly using:

(1) For a child under the age of four years an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213;

(2) for a child four years of age, but under the age of eight years and who weighs less than 80 pounds or is less than 4 feet 9 inches in height, an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213; or

(3) for a child eight years of age but under the age of 14 years or who weighs more than 80 pounds or is more than 4 feet 9 inches in height, a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208.

(b) If the number of children subject to the requirements of subsection (a) exceeds the number of passenger securing locations available for use by children affected by such requirements, and all of these securing locations are in use by children, then there is not a violation of this section.

(c) If a securing location only has a lap safety belt available, the provisions of subsection (a)(2) shall not apply and the child shall be secured in accordance with the provisions of subsection (a)(3).

Sec. 10. K.S.A. 2014 Supp. 8-1345 is hereby amended to read as follows: 8-1345.

(a) It shall be unlawful for any driver to violate the provisions of K.S.A. 8-1344, and amendments thereto, and upon conviction such driver shall be punished by a fine of \$60. The failure to provide a child safety restraining system or safety belt for more than one child in the same passenger car, or autocycle as defined in section 1, and amendments thereto, at the same time shall be treated as a single violation. Any conviction under the provisions of this subsection shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(b) The \$60 fine provided for in subsection (a) shall be waived if the driver convicted of violating ~~subsection (a)(1) or (a)(2) of~~ K.S.A. 8-1344 (a)(1) or (2), and amendments thereto, provides proof to the court that such driver has purchased or acquired the appropriate and approved child passenger safety restraining system. At the time of issuing the citation for a violation of ~~subsection (a)(1) or (a)(2) of~~ K.S.A. 8-1344 (a)(1) or (2), and amendments thereto, the law enforcement officer shall notify the driver of the waiver provisions of this subsection.

(c) No driver charged with violating the provisions of this act shall be convicted if such driver produces in the office of the arresting officer or in court proof that the child was 14 years of age or older at the time the violation was alleged to have occurred.

(d) Evidence of failure to secure a child in a child passenger safety restraining system or a safety belt under the provisions of K.S.A. 8-1344, and amendments thereto, shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(e) From and after the effective date of this act, and prior to July 1, 2007, a law

enforcement officer shall issue a warning citation to anyone violating ~~subsection (a)(2)~~ of K.S.A. 8-1344(a)(2), and amendments thereto.";

Also on page 10, in line 29, after "234b," by inserting "8-1344, 8-1345,";

And by renumbering sections accordingly; On page 1, in the title, in line 2, after the first semicolon by inserting "child passenger safety restraints;"; in line 3, after "8-234b," by inserting "8-1344, 8-1345," and **HB 2044** be passed as further amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 42, SB 86, SB 98, SB 175, SB 193, SB 276; HB 2010, HB 2023, HB 2044, HB 2066, HB 2085; S Sub HB 2090; HB 2267** and **HB 2364** were advanced to Final Action and roll call.

SB 42, AN ACT concerning governmental ethics; relating to use of public funds for lobbying.

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

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

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: It is said that imitation is the sincerest form of flattery. I am proud to see that the light that started shining in 2013 with **S Sub HB 2141** is inspiring other lights. When it comes to government transparency and accountability there is no such thing as too much light. I vote "Aye" on **SB 42**.—DENNIS PYLE

SB 86, AN ACT creating the Kansas transparency act; concerning legislative meetings; providing for live audio broadcasts.

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

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

Absent or Not Voting: Hawk, Pettey.

The bill passed.

SB 98, AN ACT concerning openness in government; amending K.S.A. 2014 Supp. 45-219, 46-1207a and 75-4318 and repealing the existing sections.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen,

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

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

SB 175, AN ACT concerning postsecondary education; relating to the exercise of religious beliefs by student associations.

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

On roll call, the vote was: Yeas 30; Nays 8; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, McGinn, Schmidt.

Absent or Not Voting: Hawk, Pettey.

The bill passed.

The Call of the Senate was lifted.

EXPLANATION OF VOTE

Mr. Vice President: I vote “No” on **SB 175**. Despite the pre-text of strict inclusion of only “like-minded” members of religious organizations on college campuses; this bill goes potentially further and can afford organizations opportunity to openly discriminate as to the make up of their body politics based ambiguous standards. What are the litmus tests of your own faith, Mr. Vice President? Shouldn’t an organization on a campus of higher learning be a place to affiliate to learn, to affirm... or even to change? As a former Republican but now a many multi-year Democrat, I know views can change if exposed to differing, but persuasive, intellect and reason. What better place to learn than on campus? **SB 175** codifies certain tenets of discrimination that should never be considered in any civil state legislature. When Sammy Davis Jr. was asked by Archie Bunker (on the situation comedy “All in the Family”) “I know you were born black, you had nothing to do with that, but whatever made you become a Jew?!” Bigotry can sometimes be comic, but the open ability for quasi-taxpayer supported organizations (along with student fees) to potentially discriminate openly should not be supported in this state and time.—DAVID HALEY

Senators Faust-Goudeau, Francisco and Hensley request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **SB 175**.

SB 193, AN ACT concerning postsecondary educational institutions; relating to degree program transparency.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Schmidt.

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I appreciate the effort to have a consistent reporting template for post-secondary institutions in Kansas through the passage of **SB 193**, and for the amendments made in committee and on the floor that I believe improve the template for the prospectus. I am concerned, however, that the requirements for postsecondary institutions to report the salary distribution among their students who become employed in the degree field mean that each institution will need to obtain such specific information from their graduates. That data will likely be less consistent and much more expensive than reliance on existing entry and median salary data that is currently available. I cannot in good conscience, in this year when we have again reduced funding for our post-secondary institutions, add this expensive and possibly misleading requirement. I vote “No” on **SB 193**.—MARCI FRANCISCO

SB 276, AN ACT concerning corporations and business entities; relating to business filings with the secretary of state; limited liability companies; amending K.S.A. 17-6601, 17-6602, 17-7002, 56-1a152 and 56-1a153 and K.S.A. 2014 Supp. 17-7673, 17-7674, 17-7675, 17-7677, 17-7680, 17-7681, 17-76,128, 17-76,143, 17-76,146, 17-7910, 17-7912, 17-7916, 17-7918, 17-7931, 17-7932, 17-7933, 17-7934 and 17-7937 and repealing the existing sections; also repealing K.S.A. 17-7304, 17-7308 and 56-1a508 and K.S.A. 2014 Supp. 17-7664, 17-7666, 17-7673a, 17-7674a, 17-7676, 17-7677a, 17-7678, 17-7683, 17-76,121, 17-76,121a, 17-76,122, 17-76,123, 17-76,124, 17-76,125, 17-76,127 and 56-1a156.

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

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

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

HB 2010, AN ACT concerning information technology; relating to the office of information technology services; providing for information technology audits; amending K.S.A. 46-1128 and repealing the existing section.

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

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

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

HB 2023, AN ACT concerning legislative review of exceptions to open records; amending K.S.A. 2014 Supp. 45-229 and 60-3351 and repealing the existing sections.

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

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

Absent or Not Voting: Hawk, Pettey.

The bill passed.

HB 2044, AN ACT concerning motor vehicles; relating to autocycles; definitions; safety belts; child passenger safety restraints; requirements; amending K.S.A. 8-1438 and 8-1594 and K.S.A. 2014 Supp. 8-126, 8-234b, 8-1344, 8-1345, 8-1486, 8-1598 and 8-2503 and repealing the existing sections.

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

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

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

HB 2066, AN ACT concerning insurance companies; relating to investments; amending K.S.A. 40-2a05, 40-2a12, 40-2a16, 40-2a25, 40-2a26, 40-2b04, 40-2b05, 40-2b09, 40-2b13, 40-2b26 and 40-2b27 and K.S.A. 2014 Supp. 40-2a27, 40-2a28, 40-2b28 and 40-2b29 and repealing the existing sections.

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

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

Absent or Not Voting: Hawk, Pettey.

The bill passed.

HB 2085, AN ACT concerning the Kansas turnpike authority; relating to annual reports; contracts between the secretary of transportation and the authority; director; amending K.S.A. 68-2015 and K.S.A. 2014 Supp. 68-2003, 68-2021 and 68-2021a and repealing the existing sections.

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

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

Nays: Hensley.

Absent or Not Voting: Hawk, Pettey.

The bill passed.

S Sub HB 2090, AN ACT concerning motor vehicles; relating to registration; decals for license plates, serial numbers; apportioned fleet registration, mileage applications, fees and calculations; permanent registration of certain vehicles, annual report; amending K.S.A. 8-1,107 and K.S.A. 2014 Supp. 8-134 and 8-1,134 and repealing the existing sections.

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

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

Absent or Not Voting: Hawk, Pettey.

The substitute bill passed.

HB 2267, AN ACT concerning alternative project delivery; relating to notice requirements and selection procedure; amending K.S.A. 2014 Supp. 72-6760f, 75-37,143, 75-37,144, 75-37,145, 76-7,131 and 76-7,132 and repealing the existing sections.

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

On roll call, the vote was: Yeas 34; Nays 4; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Francisco, Haley, Hensley, Holland.

Absent or Not Voting: Hawk, Pettey.

The bill passed.

The Call of the Senate was lifted.

HB 2364, AN ACT concerning the veterinary training program for rural Kansas; amending K.S.A. 2014 Supp. 76-4,112 and repealing the existing section.

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

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

Nays: Pilcher-Cook.

Absent or Not Voting: Hawk, Pettey.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2254**, as amended by House Committee, be passed.

Committee on **Corrections and Juvenile Justice** recommends **SB 290** be amended on page 3, in line 29, by striking "major (O-4)" and inserting "O-4"; in line 39, by striking all before "may" and inserting "E-4"; and the bill be passed as amended.

Also, **HB 2275**, as amended by House Committee, be passed.

HB 2055, as amended by House Committee of the Whole, be amended on page 1, following line 4, by inserting:

"WHEREAS, The provisions of K.S.A. 2014 Supp. 21-6811(c), as amended by this act, shall be known and may be cited as Mija Stockman's Law; Now, therefore,

;",
 On page 2, in line 3, by striking "An" and inserting "Any"; also in line 3, after "K.S.A." by inserting "8-2,144 or"; also in line 3, after "8-1567" by inserting "or K.S.A. 2014 Supp. 8-1025"; in line 5, by striking "the" and inserting "any"; also in line 5, after "K.S.A." by inserting "8-2,144 or"; also in line 5, after "8-1567" by inserting "or K.S.A. 2014 Supp. 8-1025"; following line 7, by inserting:

"(3) If the current crime of conviction is for a violation of K.S.A. 2014 Supp. 21-5413(b)(3), and amendments thereto:

(A) The first prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one nonperson felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto; and

(B) each second or subsequent prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one person felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto.";

On page 1, in the title, in line 2, after "history;" by inserting "aggravated battery, driving under the influence;"; and the bill be passed as amended.

HB 2106 be amended on page 3, in line 6, after the period by inserting "(1)"; in line 11, after "violation." by inserting:

"(2) If a crime under this act is a continuing offense, the statute of limitations does not begin to run until the last act in the scheme or course of business is completed. Nothing in this subsection shall prevent the exclusion of a time period pursuant to K.S.A. 2014 Supp. 21-5107(e), and amendments thereto.

(3)";

Also on page 3, in line 16, by striking all after the period; by striking all in lines 17 and 18;

On page 5, following line 27, by inserting:

"New Sec. 4. (a) At any preliminary examination pursuant to K.S.A. 22-2902, and amendments thereto, in which business records that have been obtained pursuant to K.S.A. 17-12a602, and amendments thereto, are to be introduced as evidence, the business records shall be admissible into evidence in the preliminary examination in the same manner and with the same force and effect as if the individuals who made the record, and the records custodian who keeps the record, had testified in person.

(b) This section shall be part of and supplemental to the Kansas code of criminal procedure.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "securities; relating to"; also in line 1, by striking "relating to"; in line 2, after "fees;" by inserting "criminal procedure;"; and the bill be passed as amended.

HB 2336, as amended by House Committee, be amended on page 2, in line 13, by striking "commissioner" and inserting "secretary of corrections"; in line 22, by striking "commissioner" and inserting "secretary of corrections"; in line 28, by striking "commissioner" and inserting "secretary of corrections";

On page 3, in line 20, by striking all after third "the"; in line 21, by striking all before "nor" and inserting "secretary of corrections or the department of corrections";

On page 5, in line 36, by striking "commissioner" and inserting "secretary of corrections"; in line 39, by striking "commissioner" and inserting "secretary of corrections";

On page 6, in line 24, by striking "commissioner" and inserting "secretary of corrections";

On page 10, in line 43, by striking "commissioner" and inserting "secretary of corrections";

On page 11, in line 1, by striking "commissioner" and inserting "secretary of corrections"; in line 5, by striking "juvenile justice authority" and inserting "secretary of corrections"; in line 7, by striking "commissioner" and inserting "secretary of corrections"; in line 26, by striking "commissioner" and inserting "secretary of corrections"; and the bill be passed as amended.

Committee on **Education** recommends **Substitute for HB 2170**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "Senate Substitute for Substitute for HOUSE BILL NO. 2170," as follows:

"Senate Substitute for Substitute for HOUSE BILL NO. 2170

By Committee on Education

"AN ACT concerning schools; creating the freedom from unsafe restraint and seclusion act.";

And the substitute bill be passed.

Also, **HB 2326**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2326," as follows:

"Senate Substitute for HOUSE BILL NO. 2326

By Committee on Education

"AN ACT concerning school districts; relating to the professional negotiations act; amending K.S.A. 72-5423 and K.S.A. 2014 Supp. 72-5413 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Ethics and Elections** recommends **HB 2104** be amended on page 2, in line 10, by striking "(b)"; following line 27, by inserting:

"(b) (1) A person who has been nominated by any means for any national, state, county or township office may be withdrawn from nomination if:

(A) The nominee certifies to the secretary of state that such nominee is withdrawing from nomination because of a severe medical hardship on the nominee or

the nominee's immediate family. Such nominee shall send the secretary a certification of the severe medical hardship signed by a medical doctor; or

(B) the nominee certifies to the secretary of state that the nominee does not reside in the state of Kansas.

(2) If the secretary of state receives either of the certifications listed in paragraph (A) or (B) from a nominee on or before the first day of September following a primary election, such nominee's name shall be withdrawn from nomination and such nominee's name shall not be printed on the ballots for such office for the general election. The secretary of state, in the case of national and state offices, or the county election officer in the case of county or township offices, shall notify the chairperson or the vice-chairperson of the party committee of the congressional district, county or state, as the case may be, of such vacancy within 48 hours of receiving a certification listed in paragraph (A) or (B).";

Also on page 2, in line 28, before "In" by inserting "(c)"; and the bill be passed as amended.

Also, **HB 2183**, as amended by House Committee, be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 25-904 is hereby amended to read as follows: 25-904. (a) Every candidate for election to any city of the second and third class, unified school district, community college or township office subject to this act who intends to expend or have expended on such person's behalf an aggregate amount or value of less than ~~\$500~~ \$1,000, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than ~~\$500~~ \$1,000 in each of the primary and ~~the general election elections~~ shall file, not later than the ninth day preceding the primary election, an affidavit of such intent with the county election officer of the county of residence of the candidate. No report required by subsection (b) shall be required to be filed by or for such candidate.

(b) Except as provided in subsection (a) it shall be the duty of every candidate for nomination or for election to any city of the second and third class, unified school district, community college or township office subject to this act, within 30 days after each primary, general or special election, to file with the county election officer an itemized statement under oath stating the name and address of each person who has made any contribution in excess of \$50 during the election period together with the amount and date of such contributions and an itemized statement of all expenditures made by such candidate or obligations contracted or incurred by such candidate in connection with each primary, general or special election.

(c) No candidate which is subject to the provisions of the campaign finance act ~~(, K.S.A. 25-4142 et seq., and amendments thereto)~~, shall be required to file any report required by this section.

(d) Any candidate who has signed an affidavit pursuant to subsection (a) and who incurs expenses in excess of or receives contributions in excess of ~~\$500~~ \$1,000, exclusive of such candidate's filing fee for either the primary or the general election, shall file the report required by subsection (b).";

On page 3, following line 28, by inserting:

"Sec. 4. K.S.A. 25-4157 is hereby amended to read as follows: 25-4157. (a) Before any candidate committee, party committee or political committee may be dissolved or the position of a candidate's treasurer terminated, the treasurer of the candidate or such

committee shall file a termination report which shall include full information as to the disposition of residual funds. Any report required by K.S.A. 25-4148, and amendments thereto, may be a termination report. Reports of the dissolution of candidate committees of candidates for state office, the termination of the treasurer of a candidate for state office, the dissolution of a political committee the major purpose of which is to support or oppose any candidate for state office and the dissolution of party committees shall be filed in the office of the secretary of state. Reports of the dissolution of candidate committees of candidates for local office, the termination of the treasurer of a candidate for local office and the dissolution of a political committee the major purpose of which is to support or oppose any candidate for local office shall be filed in the office of the county election officer of the county.

(b) If a candidate dies with an open candidate committee account which contains campaign funds, the executor or administrator of the candidate's estate shall be responsible for terminating the candidate committee and disposing of the residual funds.

Sec. 5. K.S.A. 2014 Supp. 25-4157a is hereby amended to read as follows: 25-4157a. (a) No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for:

- (1) Legitimate campaign purposes;
- (2) expenses of holding political office;
- (3) contributions to the party committees of the political party of which such candidate is a member;
- (4) any membership dues related to the candidate's campaign paid to a community service or civic organization in the name of the candidate;
- (5) any donations paid to any organization which is recognized as a 501(c)(3) tax exempt organization or any religious organization, community service or civic organization in the name of the candidate or candidate committee of any candidate but only if the candidate receives no goods or services unrelated to the candidate's campaign as a result of the payment of such donations;
- (6) expenses incurred in the purchase of tickets to meals and special events sponsored by any organization the major purpose of which is to promote or facilitate the social, business, commercial or economic well being of the local community; or
- (7) expenses incurred in the purchase and mailing of greeting cards to voters and constituents.

For the purpose of this subsection, expenditures for "personal use" shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.

(b) No moneys received by any candidate or candidate committee of any candidate as a contribution shall be used to pay interest or any other finance charges upon moneys loaned to the campaign by such candidate or the spouse of such candidate.

(c) No candidate or candidate committee shall accept from any other candidate or candidate committee for any candidate for local, state or national office, any moneys received by such candidate or candidate committee as a campaign contribution. The provisions of this subsection shall not be construed to prohibit a candidate or candidate

committee from accepting moneys from another candidate or candidate committee if such moneys constitute a reimbursement for one candidate's proportional share of the cost of any campaign activity participated in by both candidates involved. Such reimbursement shall not exceed an amount equal to the proportional share of the cost directly benefiting and attributable to the personal campaign of the candidate making such reimbursement.

(d) At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds otherwise not obligated for the payment of expenses incurred in such campaign or the holding of office shall be contributed to a charitable organization, as defined by the laws of the state, contributed to a party committee or returned as a refund in whole or in part to any contributor or contributors from whom received or paid into the general fund of the state.";

On page 4, following line 18, by inserting:

"Sec. 7. K.S.A. 25-4173 is hereby amended to read as follows: 25-4173. Every candidate for state or local office who intends to expend or have expended on such person's behalf an aggregate amount or value of less than ~~\$500~~ \$1,000, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than ~~\$500~~ \$1,000 in each of the primary and the general elections shall file, not later than the ninth day preceding the primary election, an affidavit of such intent with the secretary of state for state offices. In the case of a candidate for a local office, such affidavit also shall be filed with the county election officer of the county in which the name of the candidate is on the ballot. No report required by K.S.A. 25-4148, and amendments thereto, shall be required to be filed by or for such candidate.

Sec. 8. K.S.A. 46-268 is hereby amended to read as follows: 46-268. (a) Except as otherwise provided in subsection (b), every lobbyist shall file with the secretary of state a report of employment and expenditures on a form and in the manner prescribed and provided by the commission. A report shall be filed on or before the 10th day of the months of February, March, April, May, September and January. Reports shall include all expenditures which are required to be reported under K.S.A. 46-269, and amendments thereto, or a statement that no expenditures in excess of \$100 were made for such purposes, during the preceding calendar month or months since the period for which the last report was filed.

(b) For any calendar year in which a lobbyist expects to expend an aggregate amount of less than \$100 for lobbying in each reporting period, a lobbyist shall file an affidavit of such intent with the secretary of state. Such lobbyist shall not be required to file the reports required under subsection (a) for the year for which such affidavit is filed ~~but shall file a report on or before January 10, which shall include all expenditures made in the preceding calendar year which are required to be reported under K.S.A. 46-269, and amendments thereto.~~ If in any reporting period a lobbyist filing such affidavit expends in excess of \$100 in reportable expenses, a report shall be filed for such period in the manner prescribed by subsection (a).";

Also on page 4, in line 19, before "K.S.A." by inserting "K.S.A. 25-904, 25-4157, 25-4173 and 46-268 and"; also in line 19, after "25-4156" by inserting ", 25-4157a";

And by renumbering sections accordingly;

candidate, contributor and lobbyist filings; relating to use of campaign funds; certain prohibited actions by candidates;"; in line 2, after "amending" by inserting "K.S.A. 25-904, 25-4157, 25-4173 and 46-268 and"; also in line 2, after "25-4156" by inserting ", 25-4157a"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 232**, **SB 255** be passed.

Also, **HB 2048**, as amended by House Committee, be amended on page 1, in line 29, by striking all after "Any"; by striking all in lines 30 through 34; in line 35, by striking all before the semicolon and inserting "item that can be seized under the fourth amendment of the United States constitution"; and the bill be passed as amended.

HB 2111 be amended on page 1, in line 35, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Sub HB 2159 be amended on page 2, in line 30, after "(e)" by inserting "(1)"; in line 34, by striking "the" and inserting "a first"; also in line 34, after the second "a" by inserting "first"; following line 35, by inserting:

"(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of a city ordinance which would also constitute a second or subsequent violation of K.S.A. 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto.";

On page 8, in line 27, after "(d)" by inserting "(1)"; in line 32, after "a" by inserting "first"; following line 33, by inserting:

"(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of K.S.A. 8-1567 or K.S.A. 2014 Supp. 8-1025, and amendments thereto.";

and the bill be passed as amended.

HB 2256 be amended on page 1, in line 30, after "for" by inserting "the"; and the bill be passed as amended.

HB 2246 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Natural Resources** recommends **HB 2193** be amended on page 1, in line 6, before "Section" by inserting "New";

On page 5, following line 3, by inserting:

"Sec. 2. K.S.A. 65-34,167 is hereby amended to read as follows: 65-34,167. Remedial alternatives shall be based on the actual risk to human health and the environment currently posed by contaminants ~~on the property~~, considering the following factors:

(a) The present and proposed future uses of the property and surrounding properties;

(b) the ability of the contaminants to move in a form and manner which would result in exposure to humans and the surrounding environment at levels which exceed applicable state standards and guidelines or the results of a risk analysis if such standards and guidelines are not available which exceed acceptable contaminant concentrations as determined by a risk analysis that evaluates the property and surrounding properties as a whole; and

(c) the potential risks associated with proposed cleanup alternatives and the reliability and economic and technical feasibility of such alternatives.

Sec. 3. K.S.A. 65-34,168 is hereby amended to read as follows: 65-34,168. (a) The department shall provide formal written notification to the applicant that a voluntary cleanup plan has been approved or disapproved within 60 days of submittal of the voluntary cleanup plan by the applicant unless the department extends the time for review to a date certain.

(b) The department shall approve a voluntary cleanup plan if the department concludes that the plan will attain a degree of cleanup and control of contaminants that complies with all applicable statutes and rules and regulations.

(c) If a voluntary cleanup plan is not approved by the department, the department shall promptly provide the applicant with a written statement of the reasons for denial. If the department disapproves a voluntary cleanup plan based upon the applicant's failure to submit the information required, the department shall notify the applicant of the deficiencies in the information submitted.

(d) The approval of a voluntary cleanup plan by the department applies only to those contaminants and conditions identified on the property based upon the statutes and rules and regulations that exist when the application is submitted.

(e) (1) Upon determination by the department that a voluntary cleanup plan is acceptable, the department shall publish a notice of the determination in a local newspaper of general circulation in the area affected and make the voluntary cleanup plan available to the public. The public shall have 15 days from the date of publication during which any person may submit to the department written comments regarding the voluntary cleanup plan. After 15 days have elapsed, the department may hold a public information meeting if, in the department's judgment, the comments submitted warrant such a meeting or if the applicant requests such a meeting. Upon completion of the public notification and participation process, the department shall make a determination to approve the plan in accordance with this section.

(2) The voluntary cleanup plan and associated documents shall be available for public review upon request from a member of the public.

(3) Such cleanup plan and any associated documents shall be indexed and posted on the website of the Kansas department of health and environment upon determination by the department that a voluntary cleanup plan is acceptable and for at least five years following the no further action determination.

(f) Departmental approval of a voluntary cleanup plan shall be void upon:

(1) Failure of an applicant to comply with the approved voluntary cleanup plan;
 (2) willful submission of false, inaccurate or misleading information by the applicant in the context of the voluntary cleanup plan; or

(3) failure to initiate the plan within 6 months after approval by the department, or failure to complete the plan within 24 months after approval by the department, unless the department grants an extension of time.

(g) An applicant desiring to implement a voluntary clean up plan after the time limits prescribed by subsection (f)(3) have expired shall submit a written petition for reapplication accompanied by written assurances from the applicant that the conditions on the subject property are substantially similar to those existing at the time of the original approval. Reapplications shall be reviewed by the department. Any reapplication that involves property upon which the condition has substantially changed

since approval of the original voluntary cleanup plan shall be treated as a new application and shall be subject to all the requirements of this act.

(h) Within 45 days after the completion of the voluntary cleanup described in the approved voluntary cleanup plan, the applicant shall provide to the department assurance that the plan has been fully implemented. A verification sampling program shall be required by the department to confirm that the property has been cleaned up as described in the voluntary cleanup plan.

Sec. 4. K.S.A. 65-34,169 is hereby amended to read as follows: 65-34,169. (a) After an applicant completes the requirements of this act, the department may determine that no further remedial action is required. Within 60 days after such completion, unless the applicant and the department agree to an extension of the time for review, the department shall provide written notification that a no further action determination has been made.

(b)—(1) The department may consider in issuing this determination that contamination or a release of contamination originates from a source on ~~adjacent~~ another property upon which the necessary action which protects human health and the environment is or will be taken by a viable and financially capable person or entity which may or may not be legally responsible for the source of contamination.

(2) ~~The department shall provide written notification of a no further action determination.~~

(3)—(c) The issuance of a no further action determination by the department applies only to identified conditions on the property and is based upon applicable statutes and rules and regulations that exist as of the time of completion of the requirements.

(e)—(d) The department may determine that the no further action determination, under this section is void if:

(1) There is any evidence of fraudulent representation, false assurances, concealment or misrepresentation of the data in any document to be submitted to the department under this act;

(2) the applicant agrees to perform any action approved by the department and fails to perform such action;

(3) the applicant's willful and wanton conduct contributes to known environmental contamination; or

(4) the applicant fails to complete the voluntary actions required in the voluntary cleanup plan.

(d)—(e) If a no further action determination is not issued by the department, the department shall promptly provide the applicant with a written statement of the reasons for denial.

Sec. 5. K.S.A. 65-34,167, 65-34,168, 65-34,169 and 65-34,170 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all before "risk" and inserting "environmental remediation,;" in line 3, after "act" by inserting "; voluntary cleanup and property redevelopment act; amending K.S.A. 65-34,167, 65-34,168 and 65-34,169 and repealing the existing sections; also repealing K.S.A. 65-34,170";

And the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2042** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO.

2042," as follows:

"Senate Substitute for HOUSE BILL NO. 2042

By Committee on Public Health and Welfare

"AN ACT concerning statutorily created boards, councils and committees; amending K.S.A. 2014 Supp. 39-7,160 and 39-1605 and repealing the existing sections.";

And the substitute bill be passed.

Also, **HB 2149** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2149," as follows:

"Senate Substitute for HOUSE BILL NO. 2149

By Committee on Public Health and Welfare

"AN ACT concerning the Kansas program of medical assistance; relating to donor human breast milk and medications used under medicaid; amending K.S.A. 2014 Supp. 39-7,119, 39-7,120 and 39-7,121b and repealing the existing sections.";

And the substitute bill be passed.

HB 2225, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2225," as follows:

"Senate Substitute for HOUSE BILL NO. 2225

By Committee on Public Health and Welfare

"AN ACT concerning the healing arts; regarding licenses and medical retainer agreements; access to health care records; amending K.S.A. 65-2811a, 65-2852, as amended by section 21 of chapter 131 of the 2014 Session Laws of Kansas, 65-2857, as amended by section 22 of chapter 131 of the 2014 Session Laws of Kansas, 65-2860, as amended by section 24 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a02, as amended by section 42 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a08, as amended by section 47 of chapter 131 of the 2014 Session Laws of Kansas, 65-4941 and 65-4942 and K.S.A. 2013 Supp. 65-1626, as amended by section 4 of chapter 131 of the 2014 Session Laws of Kansas, 65-2809, as amended by section 7 of chapter 131 of the 2014 Session Laws of Kansas, 65-2836, as amended by section 10 of chapter 131 of the 2014 Session Laws of Kansas, 65-2895, as amended by section 36 of chapter 131 of the 2014 Session Laws of Kansas, 65-28,127, as amended by section 40 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a03, as amended by section 43 of chapter 131 of the 2014 Session Laws of Kansas, 65-4101, as amended by section 50 of chapter 131 of the 2014 Session Laws of Kansas and 72-8252, as amended by section 54 of chapter 131 of the 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 65-6824 and repealing the existing sections.";

And the substitute bill be passed.

HB 2281 be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2281," as follows:

"Senate Substitute for HOUSE BILL NO. 2281

By Committee on Public Health and Welfare

"AN ACT concerning the commissioner of insurance; relating to powers, duties and functions relating to the vision care services act and the medical assistance fee fund; amending K.S.A. 2014 Supp. 40-2404, 40-3213, 40-5905 and 40-5906 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Transportation** recommends **SB 271** be amended on page 2, in line

25, after "combine" by inserting ", forage cutter or combine header"; and the bill be passed as amended.

Also, **SB 288** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, March 20, 2015.

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

