

Journal of the Senate

FORTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 25, 2015, 10:00 a.m.

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

The roll was called with 40 senators present.

The Vice President introduced Chaplain Patrick Cobb, Deputy Staff Chaplain for the United States Disciplinary Barracks, Ft. Leavenworth, KS, who offered the invocation in recognition of Armed Forces Appreciation Day (March 26).

Thank you for what you do for the great state of Kansas, it is truly an honor and a privilege to be able to open this meeting with prayer and gratitude for our country. Pray with me - Almighty and everlasting God, you have revealed your glory through many facets of life. From the depths of the oceans to the heights of the mountains, from the nurturing Great Plains to the austerity of the desert; we can't help but realize that we are but dust in the wind. With this Lord, we humbly ask to make our time count. Each and every human being knows, deep down inside them that they were born with a purpose, created not for harm but for good. So it is with this knowledge that we ask continuously to build us up to be men and women after your own heart. Men and women with integrity, leaders bound by truth, servants who are generous, loving, charitable and bold. Lord, bless this institution for the whole of our country, help them to plan and prepare for our future, our children's future and each succeeding generation. Bless the cities small and large, give them peace to work together, remove from our minds indifference of race and culture. Unite us as a free people, bound to uphold liberty and set on offering mercy and compassion. Help us to apply justice, help us to work through tragedy and give your people rest for the hard labor and jobs that are never ending. Lord, you are known by many names and our words can't exhaust your omniscience or you're your omnipotence, but we trust in you to guide us to do what is right. Bless each person here as they make decisions for the people of Kansas. For the teachers, healthcare providers, farmers and public servants and for those whose work goes unseen. Bless them all with good merit, health and success. May they all be told, "Well done good and faithful servant." We ask finally to protect us always, and keep us from temptation and hatred. Watch over our military's men and women who serve you and this country without hesitation to step in front of evil and those who would like to see us fall. Help us to forgive yet never surrender. We simply ask to bring our Soldiers home so they may enjoy the fruits of their own sacrifice and live in peace with their own families. Lord, give us faith, hope and love in all that we are prescribed to do. We know that much is expected to those entrusted with responsibility. Let us never take for granted all that we can do through love. Let us love others as we are truly loved. In your name we pray. Amen

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 298, AN ACT concerning the Kansas liquor control act; enacting the county option retailers act amending K.S.A. 41-103 and 41-711 and K.S.A. 2014 Supp. 41-102, 41-301, 41-303, 41-304, 41-308, 41-308d, 41-310, 41-311, 41-313, 41-326, 41-713 and 79-4108 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **SB 297**; **HB 2112**.

REFERENCE OF APPOINTMENTS

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member - 2, State Board of Indigents Defense Services:

Roman Rodriguez, to serve Term ends January 15, 2016.

Committee on Federal and State Affairs

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2233**, **HB 2240**, **HB 2341**, **HB 2391**.

Announcing passage of **SB 8**, **SB 76**, **SB 120**.

Also, passage of **SB 101**, as amended; **SB 156**, as amended; **SB 189**, as amended.

Also, passage of **SB 36**, as amended by **H Sub SB 36**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2233, **HB 2240**, **HB 2341**, **HB 2391** were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

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

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

On motion of Senator Petersen the Senate nonconcurrent in the House amendments to **SB 127** and requested a conference committee be appointed.

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 224, AN ACT concerning the emergency medical services board; imposition of fines; investigation authority; issuance of subpoenas; amending K.S.A. 65-6130 and K.S.A. 2014 Supp. 65-6111 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Abrams, Baumgardner, LaTurner, Melcher, Olson, Pilcher-Cook, Powell, Pyle, Tyson.

The bill passed.

SB 239, AN ACT concerning a presidential preference primary; repealing K.S.A. 2014 Supp. 25-4501, was considered on final action.

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

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

Present and Passing: Haley.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I “Pass” on **SB 239** concerning a Presidential Preference Primary. We have had this debate, sadly, every four (4) years over the twenty (20) years that I have been here. Whether or not to follow Kansas law and hold a primary election wherein voters from both parties, Republican and Democratic, can nominate their respective nominees for U.S. President is constantly denied. As the twice (2002 and 2006) statewide Democratic nominee for Secretary of State, if elected I pledged to actually hold a Presidential primary election and reject the “can’t afford democracy” theory. The Kansas economy seemingly never has improved enough for the \$1.7million statewide election. Although the amendment I offered was ADDED to strike the statutory requirement for the primary, the loss of individual voter privacy (family members/friends publicly differing) and weaker voter ID and affiliation requirements continue to bother me. Both examples are found in Party Caucus alternatives. Oddly, Republicans will seemingly have far more choices and divisions in 2016 in 2016. (Cruz; Christie? Paul? Trump? Palin? Carson? Huckabee? Unknowns yet...?) Democrats are gelling on consensus for a proven leader already and are less likely to find divided caucuses or primaries on a nominee who will continue to lead our country for the next four years. On behalf of freedom and privacy of voting choice, and though the Caucus system is not without merit, accordingly, I can but “Pass” on **SB 239**.— DAVID HALEY

SB 245, AN ACT repealing K.S.A. 68-1111; concerning certain bridge inspections, was considered on final action.

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

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

Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

HB 2009, AN ACT concerning the division of post audit; relating to background checks; amending K.S.A. 2014 Supp. 46-1103 and repealing the existing section, was considered on final action.

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

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

The bill passed.

HB 2013, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the omega psi phi license plate, was considered on final action.

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

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

The bill passed, as amended.

S Sub HB 2042, 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, was considered on final action.

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

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

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

The substitute bill passed.

S Sub HB 2043, AN ACT concerning the secretaries for children and families and for aging and disability services; powers, duties and functions: amending K.S.A. 75-5308d, 75-5309, 75-5364, 76-157, 76-158 and 76-12a24 and K.S.A. 2014 Supp. 8-2,144, 8-1025, 21-5909, 36-502, 38-2006, 38-2212, 39-1702, 40-4702, 59-29a24, 65-689, 65-6233, 75-7d01, 75-5321a, 75-53,105, 75-6524 and 75-7033 and repealing the existing sections, was considered on final action.

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

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

Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed.

HB 2048, AN ACT concerning crimes, punishment and criminal procedure; relating to search warrants; amending K.S.A. 2014 Supp. 22-2502 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

HB 2051, AN ACT concerning crimes, punishment and criminal procedure; relating to the secretary of corrections; good time and program credits; community corrections; use of risk assessment tool; amending K.S.A. 2014 Supp. 21-6821 and 75-5291 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2064, AN ACT concerning insurance; relating to legal services insurance, nonprofit dental corporations, subscription agreements, disbursements; amending K.S.A. 40-1102, 40-19a11 and 40-4201 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

S Sub HB 2101, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; enacting the Kansas deferred retirement option program act; providing terms, conditions, requirements, benefits and contributions related thereto; relating to member election; eligible employer affiliation; interest credits; account distribution, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed.

HB 2104, AN ACT concerning elections; relating to filling vacancies of nominees; amending K.S.A. 22a-102, 25-306b and 25-3905 and K.S.A. 2014 Supp. 25-3904 and 25-3904a and repealing the existing sections, was considered on final action.

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

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Schmidt, Wolf.

The bill passed, as amended.

The Call of the Senate was lifted.

HB 2142, AN ACT concerning insurance; relating to required provisions; certain definitions; amending K.S.A. 40-2203 and K.S.A. 2014 Supp. 40-2,118 and 40-22a13 and repealing the existing sections, was considered on final action.

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

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

Nays: Pilcher-Cook.

The bill passed, as amended.

HB 2216, AN ACT concerning financial organizations; relating to the Kansas money transmitter act, the Kansas mortgage business act, remote service units; enacting the Kansas ABLE savings program; amending K.S.A. 2014 Supp. 9-508, 9-509, 9-510, 9-511, 9-513a, 9-513b, 9-1111 and 9-2201 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2254, AN ACT concerning roofing contractor registration; relating to exemption of certain general contractors; amending K.S.A. 2014 Supp. 50-6,122 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-

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

The bill passed.

HB 2259, AN ACT concerning municipal finance; relating to temporary notes for improvements, indebtedness reporting; amending K.S.A. 10-123 and 10-1007a and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

S Sub HB 2326, AN ACT concerning school districts; relating to the professional negotiations act; amending K.S.A. 72-5422, 72-5423, 72-5429 and 72-5430 and K.S.A. 2014 Supp. 72-5413 and repealing the existing sections; also repealing K.S.A. 72-5428, was considered on final action.

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

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

Yeas: Abrams, Arpke, Baumgardner, Bruce, Knox, Lynn, Masterson, Melcher, Olson, Pilcher-Cook, Powell, Pyle, Tyson.

Nays: Bowers, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, Schmidt, Smith, Wagle, Wilborn, Wolf.

A constitutional majority having failed to vote in favor of the substitute bill, **S Sub HB 2326** did not pass.

The Call of the Senate was lifted.

EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on **S Sub HB 2326**. When the governor signed into law **S Sub HB 2506**, there was a great deal of controversy over eliminating due process rights for teachers. The governor made it clear that it would be left to local control, saying individual school districts still would have the option to negotiate matters related to the terms and conditions of the Professional Negotiations Act. This bill goes beyond what the governor intended by ending fact-finding in the bargaining process, sun setting all current contract provisions on their next expiration date, banning the negotiation of salary provisions beyond "minimum salaries," and prohibiting districts and unions from negotiating due process provisions in their contracts. For these reasons, I vote "No".—

ANTHONY HENSLEY

Senators Francisco and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **S Sub HB 2326**.

Mr. Vice President: The amendment on **S Sub HB 2326** does four damaging things: it

ends fact-finding in the bargaining process; it sunsets all current contract provisions on their next expiration date; it bans the negotiation of salary provisions beyond " minimum salaries " and it prohibits districts and unions from negotiating due process provisions in their contracts. Only days ago the KS Senate on a 40-0 supported the agreement among KNEA,KSSA,KASB and USA/KS on improvements to the Professional Negotiations Act. It finally brought some positive relief and hope for a collaborating future for the KS Legislature and KS educators. What will help Kansas teachers improve the quality of their instruction and performance of student knowledge is support and money. This bill jeopardizes the high quality of education that Kansan's have come to know and expect. I vote "No "on **S Sub HB 2326**.—PAT PETTEY

Senators Francisco, Hensley and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **S Sub HB 2326**.

HB 2336, AN ACT concerning children and minors; relating to juvenile offenders; risk assessment tool; placement in the custody of the secretary of corrections; amending K.S.A. 2014 Supp. 38-2361, 38-2366 and 38-2369 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

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

AFTERNOON SESSION

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

REFERENCE OF BILLS

Under the authority of the President, the Vice President referred **HB 2391** to the Committee on **Commerce**.

MOTION TO CONCUR

There being no objection, a motion to concur in House amendments to **SB 154** was withdrawn.

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 Pilcher-Cook in the chair.

On motion of Senator Pilcher-Cook the following report was adopted:

SB 133; HB 2055, HB 2111, HB 2256 be amended by the adoption of the committee

amendments, and the bills be passed as amended.

A motion by Senator Haley to amend **HB 2055** failed and the following amendment was rejected on page 1, following line 10, by inserting:

"Section 1. K.S.A. 2014 Supp. 21-6308 is hereby amended to read as follows: 21-6308. (a) Criminal discharge of a firearm is the:

(1) Reckless and unauthorized discharge of any firearm at:

(A) ~~A~~A dwelling, building or structure in which there is a human being, regardless of whether the person discharging the firearm knows or has reason to know that there is a human being present;

(B) a motor vehicle in which there is a human being, regardless of whether the person discharging the firearm knows or has reason to know that there is a human being present; or

~~(C) at a motor vehicle, an~~ aircraft, watercraft, train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock or other means of conveyance of persons, other than a motor vehicle, or property in which there is a human being, regardless of whether the person discharging the firearm knows or has reason to know that there is a human being present;

(2) reckless and unauthorized discharge of any firearm at a dwelling in which there is no human being; or

(3) discharge of any firearm:

(A) Upon any land or nonnavigable body of water of another, without having obtained permission of the owner or person in possession of such land; or

(B) upon or from any public road, public road right-of-way or railroad right-of-way except as otherwise authorized by law.

(b) Criminal discharge of a firearm as defined in:

(1) Subsection (a)(1) is a:

(A) Severity level 7, person felony except as provided in subsection (b)(1)(B) or (b)(1)(C);

(B) severity level 5, person felony if such criminal discharge results in bodily harm to a person during the commission thereof; and

~~(C) severity level 3, person felony if such criminal discharge results in great bodily harm to a person during the commission thereof; or~~

~~(C) severity level 5, person felony if such criminal discharge results in bodily harm to a person during the commission thereof;~~

(2) subsection (a)(2) is a severity level 8, person felony; and

(3) subsection (a)(3) is a class C misdemeanor.

(c) Subsection (a)(1) shall not apply if the act is a violation of ~~subsection (d) of~~ K.S.A. 2014 Supp. 21-5412(d), and amendments thereto.

(d) Subsection (a)(3) shall not apply to any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the national guard while in the performance of their official duty;

(4) watchmen, while actually engaged in the performance of the duties of their employment;

(5) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(6) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment;

(7) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto; or

(8) the United States attorney for the district of Kansas, the attorney general, or any district attorney or county attorney, while actually engaged in the duties of their employment or any activities incidental to such duties; any assistant United States attorney if authorized by the United States attorney for the district of Kansas and while actually engaged in the duties of their employment or any activities incidental to such duties; any assistant attorney general if authorized by the attorney general and while actually engaged in the duties of their employment or any activities incidental to such duties; or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed and while actually engaged in the duties of their employment or any activities incidental to such duties. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 2014 Supp. 75-7c19, and amendments thereto.

Sec. 2. K.S.A. 2014 Supp. 21-6804 is hereby amended to read as follows: 21-6804.
(a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:

SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 34 31	34 31 29
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 19 17	18 17 16
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	6 5 4

LEGEND
Presumptive Probation
Presumptive Imprisonment

(b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

(A) Prison sentence;
 (B) maximum potential reduction to such sentence as a result of good time; and
 (C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

(A) Prison sentence; and
 (B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of ~~subsection (d) of~~ K.S.A. 2014 Supp. 21-5412(~~d~~), and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(i) (1) The sentence for the violation of the felony provision of K.S.A. 2014 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, ~~subsection (b)(3) of~~ K.S.A. 2014 Supp. 21-5414(~~b~~)(3), ~~subsections (b)(3) and (b)(4) of~~ K.S.A. 2014 Supp. 21-5823(~~b~~)(3) and (4), K.S.A. 2014 Supp. 21-6412 and K.S.A. 2014 Supp. 21-6416, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 2014 Supp. 21-6807, and amendments thereto.

(2) If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 2014 Supp. 21-6807, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 2014 Supp. 21-5823,

and amendments thereto.

(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 2014 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, ~~subsection (b)(3) of K.S.A. 2014 Supp. 21-5414(b)(3), subsections (b)(3) and (b)(4) of K.S.A. 2014 Supp. 21-5823(b)(3) and (4),~~ K.S.A. 2014 Supp. 21-6412 and K.S.A. 2014 Supp. 21-6416, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, except that the term of imprisonment for felony violations of K.S.A. 2014 Supp. 8-1025 or K.S.A. 8-2,144 or K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review. Prior to imposing any sentence pursuant to this subsection, the court may consider assigning the defendant to a house arrest program pursuant to K.S.A. 2014 Supp. 21-6609, and amendments thereto.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who:

(A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(A)(i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or

(B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2014 Supp. 21-5503, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(B)(i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(2) As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:

(A) The commission of one or more person felonies; or

(B) the commission of felony violations of article 57 of chapter 21 of the Kansas

Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; and

(C) its members have a common name or common identifying sign or symbol; and

(D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of ~~subsection (a)(1) of~~ K.S.A. 2014 Supp. 21-5807(a)(1), and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2014 Supp. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of subsection ~~(a) or (b) of~~ K.S.A. 21-3715(a) or (b), prior to its repeal, 21-3716, prior to its repeal, subsection ~~(a)(1) or (a)(2) of~~ K.S.A. 2014 Supp. 21-5807(a)(1) or (2), or ~~subsection (b) of~~ K.S.A. 2014 Supp. 21-5807(b), and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or ~~subsection (a)(2) of~~ K.S.A. 2014 Supp. 21-5913(a)(2), and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).

(n) The sentence for a violation of criminal deprivation of property, as defined in K.S.A. 2014 Supp. 21-5803, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of ~~subsection (b) of~~ K.S.A. 21-3705(b), prior to its repeal, or of criminal deprivation of property, as defined in K.S.A. 2014 Supp. 21-5803, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) The sentence for a felony violation of theft of property as defined in K.S.A. 2014 Supp. 21-5801, and amendments thereto, or burglary as defined in ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in K.S.A. 2014 Supp. 21-5801, and amendments thereto, or burglary as defined in ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5807(a), and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. 2014 Supp. 21-5801, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 Supp. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in ~~subsection (a) of~~ K.S.A. 2014 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has one

prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 Supp. 21-5807, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of ~~subsection (f)(1)~~ of K.S.A. 2014 Supp. 21-6824(f)(1), and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of theft of property as defined in K.S.A. 2014 Supp. 21-5801, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 Supp. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in ~~subsection (a)~~ of K.S.A. 2014 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2014 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2014 Supp. 21-5807, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall

not be considered a departure and shall not be subject to appeal.

(q) As used in this section, an "optional nonprison sentence" is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of ~~subsection (e)(2)~~ of K.S.A. 2014 Supp. 21-5413(c)(2), and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) The sentence for a violation of K.S.A. 2014 Supp. 21-5512, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(t) (1) If the trier of fact makes a finding that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.

(2) The sentence imposed pursuant to subsection (t)(1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) As used in this subsection, "ballistic resistant material" means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.

(u) The sentence for a violation of K.S.A. 2014 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2014 Supp. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 2014 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(v) The sentence for a third or subsequent violation of K.S.A. 8-1568, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(w) (1) Except as provided in subsection (w)(2), the sentence for a violation of K.S.A. 2014 Supp. 21-6308(a)(1)(A) or (B), and amendments thereto, if the trier of fact makes a finding that the offender discharged a firearm and that the offender knew or reasonably should have known that a person was present in the dwelling, building,

structure or motor vehicle at which the offender discharged a firearm, shall be presumptive imprisonment and, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 60 months' imprisonment. Such sentence shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(2) The sentence for a violation of K.S.A. 2014 Supp. 21-6308(a)(1)(A) or (B), and amendments thereto, if the trier of fact makes a finding that the offender discharged a firearm and that the offender knew or reasonably should have known that a person less than 14 years of age was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm, shall be presumptive imprisonment and, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 120 months' imprisonment. Such sentence shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal."

On page 4, in line 10, after "Supp." by inserting "21-6308, 21-6804 and"; also in line 33, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "to" by inserting "criminal discharge of a firearm; sentencing;"; in line 3, after "Supp." by inserting "21-6308, 21-6804 and"; in line 4, by striking "section" and inserting "sections"

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

On roll call, the vote was: Yeas 7; Nays 31; Present and Passing 1; Absent or Not Voting 1.

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

Nays: 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, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Kelly.

Absent or Not Voting: McGinn.

The committee report on **HB 2124** recommending **S Sub HB 2124** be adopted, and the substitute bill be passed.

The committee report on **Sub HB 2170** recommending **S Sub Sub HB 2170** be adopted, and the substitute bill be passed.

The committee report on **HB 2177** recommending **S Sub HB 2177** be adopted, and the substitute bill be passed.

Sub HB 2159 be amended by the adoption of the committee amendments, be afurther amended by Senator Smith, , on page 1, following line 7, by inserting:

"Section 1. K.S.A. 2014 Supp. 8-241 is hereby amended to read as follows: 8-241.
(a) Except as provided in K.S.A. 8-2,125 through 8-2,142, and amendments thereto, any person licensed to operate a motor vehicle in this state shall submit to an examination whenever: (1) The division of vehicles has good cause to believe that such person is incompetent or otherwise not qualified to be licensed; or (2) the division of vehicles has suspended such person's license pursuant to K.S.A. 8-1014, and amendments thereto, as the result of a test refusal, test failure or conviction for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of a city ordinance or county resolution

prohibiting the acts prohibited by K.S.A. 8-1567, and amendments thereto, except that no person shall have to submit to and successfully complete an examination more than once as the result of separate suspensions arising out of the same occurrence.

(b) When a person is required to submit to an examination pursuant to subsection (a)(1), the fee for such examination shall be in the amount provided by K.S.A. 8-240, and amendments thereto. When a person is required to submit to an examination pursuant to subsection (a)(2), the fee for such examination shall be \$25. In addition, any person required to submit to an examination pursuant to subsection (a)(2) as the result of a test failure, a conviction for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by K.S.A. 8-1567, and amendments thereto, shall be required, at the time of examination, to pay a reinstatement fee of \$200 after the first occurrence, \$400 after the second occurrence, \$600 after the third occurrence and \$800 after the fourth or subsequent occurrence; and as a result of a test refusal, a conviction for a violation of K.S.A. 2014 Supp. 8-1025, and amendments thereto, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by K.S.A. 2014 Supp. 8-1025, and amendments thereto, shall be required, at the time of examination, to pay a reinstatement fee of \$600 after the first occurrence, \$900 after the second occurrence, \$1,200 after the third occurrence and \$1,500 after the fourth or subsequent occurrence.

(1) All examination fees collected pursuant to this section 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 in the state treasury and credit 80% to the state highway fund and 20% shall be disposed of as provided in K.S.A. 8-267, and amendments thereto.

(2) On and after July 1, 2014, through June 30, 2018, all reinstatement fees collected pursuant to this section 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 in the state treasury and credit 26% to the community alcoholism and intoxication programs fund created pursuant to K.S.A. 41-1126, and amendments thereto, 12% to the juvenile detention facilities fund created by K.S.A. 79-4803, and amendments thereto, 12% to the forensic laboratory and materials fee fund created by K.S.A. 28-176, and amendments thereto, 17% to the driving under the influence fund created by K.S.A. 75-5660, and amendments thereto, and 33% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 20-1a15, and amendments thereto. Moneys credited to the forensic laboratory and materials fee fund as provided herein shall be used to supplement existing appropriations and shall not be used to supplant general fund appropriations to the Kansas bureau of investigation.

(3) On and after July 1, 2018, all reinstatement fees collected pursuant to this section 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 in the state treasury and credit 35% to the community alcoholism and intoxication programs fund created pursuant to K.S.A. 41-1126, and amendments thereto, 20% to the juvenile detention facilities fund created by K.S.A. 79-4803, and amendments thereto, 20% to the forensic laboratory and materials fee fund created by K.S.A. 28-176, and amendments thereto, and 25% to the driving under the influence fund created by K.S.A. 75-5660, and amendments thereto. Moneys credited to the forensic laboratory and materials fee fund as provided herein shall be used to supplement existing

appropriations and shall not be used to supplant general fund appropriations to the Kansas bureau of investigation.

(c) When an examination is required pursuant to subsection (a), at least five days' written notice of the examination shall be given to the licensee. The examination administered hereunder shall be at least equivalent to the examination required by ~~subsection (c) of K.S.A. 8-247~~(e), and amendments thereto, with such additional tests as the division deems necessary. Upon the conclusion of such examination, the division shall take action as may be appropriate and may suspend or revoke the license of such person or permit the licensee to retain such license, or may issue a license subject to restrictions as permitted under K.S.A. 8-245, and amendments thereto.

(d) Refusal or neglect of the licensee to submit to an examination as required by this section shall be grounds for suspension or revocation of the license.

(e) The division may issue a driver's license with a DUI-IID designation for a licensee that is operating under ignition interlock restrictions required by K.S.A. 8-1014, and amendments thereto. The reexamination requirement in subsection (a)(2) shall not require reexamination and payment of reinstatement fees until the end of the licensee's ignition interlock restriction period. If the applicant's Kansas driver's license has been expired for one year or more, the applicant must complete a reexamination and pay any applicable reinstatement fees before qualifying for a driver's license with an ignition interlock designation. All other requirements for issuance and renewal of a driver's license under K.S.A. 8-240, and amendments thereto, shall continue to apply. The renewal periods and other requirements in K.S.A. 8-247, and amendments thereto, shall apply. The fees charged for the driver's license with ignition interlock designation shall include: (1) The fee amounts set out in K.S.A. 8-240(f), and amendments thereto; (2) fees prescribed by the secretary of revenue and required in K.S.A. 8-243(a), and amendments thereto; and (3) a \$10 fee to the DUI-IID designation fund. There is hereby created in the state treasury the DUI-IID designation fund. All moneys credited to the DUI-IID designation fund shall be used by the department of revenue only for the purpose of funding the administration and oversight of state certified ignition interlock manufacturers and their service providers.";

On page 14, in line 39, after "Supp." by inserting "8-241,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; in line 2, by striking "expungement of"; also in line 2, after the semicolon, by inserting "DUI-IID designation; DUI-IID designation fund; expungement of convictions and diversions,;" in line 3, after "Supp." by inserting " 8-241," and **Sub HB 2159** be passed as further amended.

The committee report on **HB 2135** recommending **S Sub HB 2135** be adopted, be amended by motion of Senator King, on page 393, following line 27, by inserting the following:

"New Sec. 163. (a) During the fiscal year ending June 30, 2016, in addition to the other purposes for which expenditures may be made by the secretary for children and families, from moneys appropriated from the state general fund or any special revenue fund or funds for the Kansas department for children and families for fiscal year 2016 by this act or any other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the secretary for children and families from the state general fund or from any special revenue fund or funds for fiscal year 2016, for the

secretary, on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Neosho county, Kansas, subject to the provisions of this section:

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

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

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

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

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

e. Beginning at a point 30 feet north of and 690 feet west of the southeast corner of the Southeast Quarter (SE/4) of said Section Nineteen (19); thence west along right-of-way line of present road, 1950 feet, more or less, to the west line of said Southeast Quarter (SE/4); thence north along the west line of said Southeast Quarter (SE/4), 10 feet; thence east parallel to and 10 feet north of the present right-of-way, 1950 feet, more or less, to a point 690 feet west of and 40 feet north of the southeast corner of said Southeast Quarter (SE/4); thence south 10 feet to the point of beginning, containing .44 acres, more or less, condemned for highway purposes.

(b) The real property described in subsection (a) shall be sold or conveyed to the Neosho memorial regional medical center, at the appraised value.

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

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

(e) When the sale is made, the proceeds thereof shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments

thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the appropriate account of the state general fund or special revenue fund of the Kansas department for children and families as determined by the secretary for children and families. The secretary for children and families shall transmit a copy of such determination to the director of legislative research.

(f) The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 2014 Supp. 75-6609, and amendments thereto.

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

S Sub HB 2135 be further amended by motion by Senator Denning, on page 393, following line 27, by inserting the following:

"Sec. 163. On June 30, 2016, the director of accounts and reports shall determine and notify the director of the budget, if the amount of revenue collected in the Kansas endowment for youth fund or children's initiatives fund for the fiscal year ending June 30, 2016, is insufficient to fund the appropriations and transfers that are authorized from the Kansas endowment for youth fund or children's initiatives fund for the fiscal year ending June 30, 2016, in accordance with the provisions of appropriation acts. The director of the budget shall certify to the director of accounts and reports the amount necessary to be transferred from the state general fund to the Kansas endowment for youth fund and children's initiatives fund in order to fund all such appropriations and transfers that are authorized from the Kansas endowment for youth fund and children's initiatives fund for the fiscal year ending June 30, 2016. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the Kansas endowment for youth fund or children's initiatives fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the director of the budget transmits this certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 164. On June 30, 2017, the director of accounts and reports shall determine and notify the director of the budget, if the amount of revenue collected in the Kansas endowment for youth fund or children's initiatives fund for the fiscal year ending June 30, 2017, is insufficient to fund the appropriations and transfers that are authorized from the Kansas endowment for youth fund or children's initiatives fund for the fiscal year ending June 30, 2017, in accordance with the provisions of appropriation acts. The director of the budget shall certify to the director of accounts and reports the amount necessary to be transferred from the state general fund to the Kansas endowment for youth fund and children's initiatives fund in order to fund all such appropriations and transfers that are authorized from the Kansas endowment for youth fund and children's initiatives fund for the fiscal year ending June 30, 2017. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the Kansas endowment for youth fund or children's initiatives fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the director of the budget transmits this

certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.";

And by renumbering sections accordingly

S Sub HB 2135 be further amended by motion of Senator Wolf, on page 417, after line 3, by inserting the following:

"(f) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 or fiscal year 2016 authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 or fiscal year 2016 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to expand the student union: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purpose of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$25,000,000, plus all amounts required for the cost of bonds issuance, costs of interest on bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal interest on the bonds: *And provided further*, That all moneys received for the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*, That Kansas state university shall make provisions for the maintenance of the area of the student union expansion.";

On page 420, after line 37, by inserting the following:

"(e) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 or fiscal year 2016 authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 or fiscal year 2016 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct a residence hall and dining facility: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purpose of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not

exceed \$51,200,000, plus all amounts required for the cost of bonds issuance, costs of interest on bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal interest on the bonds: *And provided further*, That all moneys received for the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*, That the university of Kansas shall make provisions for the maintenance of the residence hall and dining facility.

(f) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 or fiscal year 2016 authorized by this or other appropriation act of the 2015 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 or fiscal year 2016 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to remodel Corbin hall: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purpose of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$14,500,000, plus all amounts required for the cost of bonds issuance, costs of interest on bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal interest on the bonds: *And provided further*, That all moneys received for the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*, That the university of Kansas shall make provisions for the maintenance of Corbin hall."

S Sub HB 2135 be further amended by motion of Senator Powell, on page 393, following line 27, by inserting the following:

"Sec. 163. (a) On the effective date of this act, during the fiscal year ending June 30, 2015, notwithstanding the provisions of K.S.A. 82a-1802, and amendments thereto, or any other statute, of all the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, the state treasurer is hereby authorized and directed to credit the first \$2,000,000 received and deposited in the state treasury to the interstate water litigation fund of the attorney general: *Provided*, That, after such aggregate amount has been credited to the interstate water litigation fund of the attorney general, then all of the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, during fiscal year 2015 shall be credited to the

Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *Provided further*, That, notwithstanding the provisions of any statute, the director of the Kansas water office, in consultation with the local stakeholders in the basin, the chief engineer and the secretary of agriculture, shall expend such moneys in the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office for water improvement projects in the Republican river basin as described in K.S.A. 2014 Supp. 82a-1804(g), and amendments thereto.

(b) On July 1, 2015, during the fiscal year ending June 30, 2016, notwithstanding the provisions of K.S.A. 82a-1802, and amendments thereto, or any other statute, of all the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, the state treasurer is hereby authorized and directed to credit the first \$2,000,000, including any moneys credited in fiscal year 2015, received and deposited in the state treasury to the interstate water litigation fund of the attorney general: *Provided*, That, after such aggregate amount has been credited to the interstate water litigation fund of the attorney general, then all of the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, during fiscal year 2016 shall be credited to the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *Provided further*, That, notwithstanding the provisions of any statute, the director of the Kansas water office, in consultation with the local stakeholders in the basin, the chief engineer and the secretary of agriculture, shall expend such moneys in the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office for water improvement projects in the Republican river basin as described in K.S.A. 2014 Supp. 82a-1804(g), and amendments thereto.

(c) On July 1, 2016, during the fiscal year ending June 30, 2017, notwithstanding the provisions of K.S.A. 82a-1802, and amendments thereto, or any other statute, of all the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, the state treasurer is hereby authorized and directed to credit the first \$2,000,000, including any moneys credited in fiscal years 2015 and 2016, received and deposited in the state treasury to the interstate water litigation fund of the attorney general: *Provided*, That, after such aggregate amount has been credited to the interstate water litigation fund of the attorney general, then all of the moneys received from the state of Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court of the United States, during fiscal year 2017 shall be credited to the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office: *Provided further*, That, notwithstanding the provisions of any statute, the director of the Kansas water office, in consultation with the local stakeholders in the basin, the chief engineer and the secretary of agriculture, shall expend such moneys in the Republican river water conservation projects – Nebraska moneys fund of the Kansas water office for water improvement projects in the Republican river basin as described in K.S.A. 2014 Supp. 82a-1804(g), and amendments thereto.";

And by renumbering sections accordingly

S Sub HB 2135 be further amended by motion of Senator Kelly, on page 206, in line 14, after the last comma by inserting "families together and" and **S Sub HB 2135** be passed as amended.

A motion by Senator Schmidt to amend **S Sub for HB 2135** failed and the following amendment was rejected on: page 285, in line 30, by striking all after "2016"; by striking all in lines 31 through 40; in line 41, by striking all before the period

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

On roll call, the vote was: Yeas 15; Nays 23; Present and Passing 2; Absent or Not Voting 0.

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

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

Present and Passing: LaTurner, Wolf.

A motion by Senator Holland to amend **S Sub for HB 2135** failed and the following amendment was rejected: on page 29, in line 2, before the period by inserting:

"*And provided further*, That, during the fiscal year ending June 30, 2016, notwithstanding the provisions of K.S.A. 46-137a, 46-137b and 46-137e, and amendments thereto, or any other statute, no expenditures shall be made from this account for compensation or subsistence allowance for legislators for any service on any calendar day of the regular session of the 2016 legislature, if such service on such regular session day is held after the 60th day of the 2016 regular session of the legislature.";

On page 33, in line 10, before the period by inserting:

"*And provided further*, That, during the fiscal year ending June 30, 2017, notwithstanding the provisions of K.S.A. 46-137a, 46-137b and 46-137e, and amendments thereto, or any other statute, no expenditures shall be made from this account for compensation or subsistence allowance for legislators for any service on any calendar day of the regular session of the 2017 legislature, if such service on such regular session day is held after the 90th day of the 2017 regular session of the legislature."

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

On roll call, the vote was: Yeas 11; Nays 29; Present and Passing 0; Absent or Not Voting 0.

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

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

A motion by Senator Pyle to amend **S Sub for HB 2135** failed and the following amendment was rejected: on page 393, following line 27, by inserting the following:

"Sec. 163. (a) During the fiscal years ending on June 30, 2016, and June 30, 2017, notwithstanding the provisions of this or any other appropriation act of the 2015 or 2016 legislative session, or any statute, no state agency named in this or any other appropriation act of the 2015 or 2016 legislative session shall expend any moneys from the state general fund or any special revenue fund or funds for official hospitality.

(b) As used in this section, "state agency" means each state agency named in this or other appropriation act of the 2015 regular session of the legislature, except that "state

agency" shall not include the state fair board.";

And by renumbering sections accordingly

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

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

Yeas: Abrams, Knox, Melcher, Olson, Pilcher-Cook, Powell, Pyle, Tyson.

Nays: Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, O'Donnell, Ostmeyer, Petersen, Pettey, Schmidt, Smith, Wagle, Wilborn, Wolf.

Absent or Not Voting: Holmes, McGinn.

Senator Francisco made a motion to amend **S Sub HB 2135**.

A ruling of the chair was requested as to the germaneness of the amendment. The chair ruled the amendment was germane to the bill and the following amendment was rejected: on page 29, in line 17, after the colon, by inserting the following:

"Provided, however; That no moneys shall be expended from this account until legislation which reinstates the following provisions of executive order 07-24, including a diversity management program, a program prohibiting discrimination and harassment on account of race, color, gender, sexual orientation, gender identity, religion, national origin, ancestry, age, military or veteran status or disability status, and a program of awareness regarding legal protections for persons with disabilities, is passed by the legislature during the 2015 or 2016 regular session and enacted into law: *And provided further;* That on the date such legislation is signed into law by the governor, the \$3,000,000 appropriated for the above agency for the fiscal year ending June 30, 2016, by this section from the state general fund may be expended: *And provided further;* That if such legislation is not passed by the legislature during the 2016 regular session and enacted into law, then on June 30, 2016, the \$3,000,000 appropriated for the above agency for the fiscal year ending June 30, 2016, by this section from the state general fund is hereby lapsed:"

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

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

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

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

A motion by Senator Kelly to amend **S Sub HB 2135** was withdrawn.

Motions by Senator Francisco and Senator Longbine to amend **S Sub HB 2135** failed.

The committee report on **HB 2155** recommending **S Sub HB 2155** be adopted, be amended by motion of Senator Holland, on page 17, in line 28, before "The" by inserting "(a)"; following line 33, by inserting:

"(b) The administrator shall prepare an annual report on the operation of charitable raffles in this state. The report shall contain any recommended changes to the law to enhance the enforcement of the act. The annual report shall be submitted to the house and senate committees on federal and state affairs. The report shall be submitted on or before January 15 of each year beginning in 2016 and ending with the report due on or

before January 15, 2018."

S Sub HB 2155 be further amended by motion of Senator Ostmeyer, on page 18, in line 15, by striking "or"; in line 17, after the semicolon by inserting "or

(9) a fantasy sports league as defined in this section;"

On page 19, following line 5, by inserting:

"(d) "fantasy sports league" means any fantasy or simulation sports game or contest in which no fantasy or simulation sports team is based on the current membership of an actual team that is a member of an amateur or professional sports organization and that meets the following conditions:

(1) All prizes and awards offered to winning participants are established and made known to the participants in advance of the game or contest and their value is not determined by the number of participants or the amount of any fees paid by those participants;

(2) all winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individual athletes in multiple real-world sporting events; and

(3) no winning outcome is based:

(A) On the score, point spread or any performance or performances of any single real-world team or any combination of such teams; or

(B) solely on any single performance of an individual athlete in any single real-world sporting event.";

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

On page 1, in the title, in line 2, after "lottery;" by inserting "dealing with fantasy sports;" and **S Sub HB 2155** be passed as amended.

S Sub HB 2258 be passed over and retain a place on the calendar.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

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

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

On motion of Senator Powell the Senate nonconcurrred in the House amendments to **H Sub SB 36** and requested a conference committee be appointed.

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

On motion of Senator Powell the Senate nonconcurrred in the House amendments to **SB 156** and requested a conference committee be appointed.

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

On motion of Senator Love the Senate nonconcurrred in the House amendments to **SB 189** and requested a conference committee be appointed.

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

On motion of Senator Lynn the Senate nonconcurrred in the House amendments to **SB 154** and requested a conference committee be appointed.

The Vice President appointed Senators Lynn, Wagle and Holland as a conference

committee on the part of the Senate.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 133**; **HB 2055**, **HB 2111**; **S Sub HB 2124**, **S Sub HB 2135**, **S Sub HB 2155**, **Sub HB 2159**; **S Sub Sub HB 2170**; **S Sub HB 2177** and **HB 2256** were advanced to Final Action and roll call.

SB 133, AN ACT concerning children and minors; relating to possession or consumption of alcoholic beverages; immunity from liability for minor seeking medical assistance; amending K.S.A. 2014 Supp. 41-727 and repealing the existing section.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Arpke, Baumgardner, Knox, Masterson, Tyson.

Absent or Not Voting: McGinn.

The bill passed, as amended.

HB 2055, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal history; aggravated battery, driving under the influence; out-of-state misdemeanors; amending K.S.A. 2014 Supp. 21-6811 and repealing the existing section.

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

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

Absent or Not Voting: McGinn.

The bill passed, as amended.

HB 2111, AN ACT concerning the code of civil procedure; relating to items allowable as costs; amending K.S.A. 2014 Supp. 60-2003 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Pyle.

Absent or Not Voting: McGinn.

The bill passed, as amended.

S Sub for HB 2124, AN ACT concerning the uniform commercial code; relating to the exclusion of consumer transactions governed by federal law; secured transactions;

amending K.S.A. 84-4a-108 and K.S.A. 2014 Supp. 84-9-408, 84-9-803, 84-9-805 and 84-9-807 and repealing the existing sections.

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

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

Absent or Not Voting: McGinn.

The substitute bill passed.

S Sub HB 2135, AN ACT making and concerning appropriations for fiscal years ending June 30, 2015, June 30, 2016, June 30, 2017, June 30, 2018, and June 30, 2019, for state agencies; authorizing and directing payment of certain claims against the state; 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. 2014 Supp. 2-223, 12-5256, 55-193, 68-2320, 74-50,107, 74-8963, 74-99b34, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections; also repealing K.S.A. 2014 Supp. 74-99b34a.

On roll call, the vote was: Yeas 26; Nays 13; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Knox, Pettey, Pilcher-Cook, Pyle, Schmidt, Tyson.

Absent or Not Voting: McGinn.

The substitute bill passed, as amended.

HB 2155, AN ACT concerning gaming; dealing with charitable gaming; establishing the Kansas charitable gaming act; dealing with the Kansas lottery; amending K.S.A. 74-8704 and 74-8718 and K.S.A. 2014 Supp. 21-6403, 74-8702 and 79-3603 and repealing the existing sections; also repealing K.S.A. 79-4702 and 79-4715 and K.S.A. 2014 Supp. 79-4701, 79-4701a, 79-4703, 79-4704, 79-4705, 79-4705a, 79-4706, 79-4707, 79-4708, 79-4710, 79-4711, 79-4712a, 79-4713, 79-4716, 79-4717, 79-4718 and 79-4719.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 1; Absent or Not Voting 1.

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

Present and Passing: Wagle.

Absent or Not Voting: McGinn.

The bill passed, as amended.

Sub HB 2159, AN ACT concerning driving; relating to driving under the influence and other driving offenses; DUI-IID designation; DUI-IID designation fund; expungement of convictions and diversions; amending K.S.A. 2014 Supp. 8-241, 12-4516 and 21-6614 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 12-4516b and 21-6614e.

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

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

Absent or Not Voting: McGinn.

The bill passed, as amended.

S Sub HB 2170, AN ACT concerning schools; creating the freedom from unsafe restraint and seclusion act.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Wagle.

Absent or Not Voting: McGinn.

The substitute bill passed.

S Sub HB 2177, AN ACT concerning water; relating to water conservation areas.

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

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

Absent or Not Voting: McGinn.

The substitute bill passed.

HB 2256, AN ACT concerning the commercial real estate broker lien act; relating to conditions, recording and notice of lien; amending K.S.A. 58-30a03, 58-30a07 and 58-30a09 and repealing the existing sections.

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

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

Absent or Not Voting: McGinn.

The bill passed, as amended.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Ostmeyer moved the Senate concur in House amendments to **SB 45**.

SB 45, AN ACT concerning firearms; relating to the carrying of concealed firearms; relating to the personal and family protection act; amending K.S.A. 2014 Supp. 21-5914, 21-6301, 21-6302, 21-6308, 21-6309, 32-1002, 75-7c01, 75-7c03, 75-7c04, 75-7c05, 75-7c10, 75-7c17, 75-7c20 and 75-7c21 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 75-7c19.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Pettey, Schmidt, Wolf.

Absent or Not Voting: McGinn.

The Senate concurred.

EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on the motion to concur on **SB 45**. As I explained previously in my vote against this bill, I support the current conceal carry law. I have also been contacted by people who have taken the effort to complete the training and get the license for conceal carry and they oppose this bill. They believe it goes too far. For these reasons, I vote "No."—ANTHONY HENSLEY

Senator Lynn moved the Senate concur in House amendments to **SB 108**.

SB 108, AN ACT concerning real estate brokers and salespersons; relating to license fees; licensure; technical amendments; amending K.S.A. 58-30,106 and K.S.A. 2014 Supp. 58-3046a, 58-3050, 58-3062, 58-3063 and 58-30,103 and repealing the existing sections.

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

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

Nays: Pyle, Tyson.

Absent or Not Voting: McGinn.

The Senate concurred.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 45**, as amended; **SB 52**, as amended; **SB 240**, as amended.

Announcing passage of **SB 95**, **SB 252**.

Also, passage of **SB 117**, as amended by **House Substitute for SB 117**.

Announcing the passage of **HCR 5016**.

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

The House accedes to the request of the Senate for a conference on **SB 127** and has appointed Representatives Proehl, Ryckman Sr. and Lusker as conferees on the part of the House.

The House announced the appointment of Representatives. Goico, Osterman and Lane as conferees on **HB 2006**.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

HCR 5016, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for periods during the 2015 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Bruce, **HCR 5016** was adopted by voice vote.

CHANGE OF REFERENCE

The President withdrew **S Sub HB 2096** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Ways and Means**.

MESSAGE FROM THE GOVERNOR

H Sub SB 7; SB 13, SB 46 approved March 25, 2015.

ENGROSSED BILLS

SB 31, SB 63, SB 64, SB 271, SB 280, SB 290 reported correctly engrossed March 24, 2015.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Monday, March 30, 2015.

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

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