

# Journal of the Senate

FORTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 24, 2015, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

The warming temperatures remind us of new life and new beginnings; the planting and growing of the new crops in the field, and the return of afternoon sports and cook-outs. Help us Dear Lord to give thanks for all the seasons and the joy that the changes bring to our hearts. Help us to be good stewards of the good earth you have entrusted to our care, and as it blesses us help us to bless you. In your holy name, 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 297**, AN ACT concerning impeachment; relating to the grounds for impeachment of justices of the supreme court, by Committee on Judiciary.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 296**.  
Federal and State Affairs: **HB 2387**.

## MESSAGE FROM THE HOUSE

Announcing passage of **HB 2112**.  
Announcing passage of **SB 73**, **SB 150**.

Also, passage of **SB 108**, as amended; **SB 124** as amended; **SB 127**, as amended; **SB 154**.

The House nonconcurrs in Senate amendments to **HB 2025**, requests a conference and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Sub SB 38** and has appointed Representatives Barker, Macheers and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 228** and has appointed Representatives Johnson, Thompson and Trimmer as conferees on the part of

the House.

## INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2112** was thereupon introduced and read by title.

## FINAL ACTION ON CONSENT CALENDAR

**SB 278, SB 288; HB 2103, HB 2126** and **HB 2246** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 278**, AN ACT designating Cowley county the official stone bridge capital of Kansas.

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.

**SB 288**, AN ACT concerning motor vehicles; relating to commercial drivers' licenses; endorsements or restrictions; amending K.S.A. 2014 Supp. 8-2,135 and repealing the existing section.

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

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

The bill passed.

**HB 2103**, AN ACT designating bridge no. 14(030) on Kansas highway 15 in Clay county as the Clay county Vietnam veterans bridge.

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 2126**, AN ACT concerning insurance; relating to risk-based capital instructions; property and casualty actuarial opinion law; amending K.S.A. 2014 Supp. 40-223j and 40-2c01 and repealing the existing sections.

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

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

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

The bill passed.

**HB 2246**, AN ACT concerning municipalities; dealing with payment of claims; amending K.S.A. 2014 Supp. 12-105a and 12-105b and repealing the existing sections.

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

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

The bill passed.

#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Olson moved the Senate concur in House amendments to **SB 109**.

**SB 109**, AN ACT concerning emergencies and disasters; creating the Kansas disaster utilities response act; department of revenue.

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 Senate concurred.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, March 25, 2015.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 31**, AN ACT concerning taxation; relating to permitted use of tax information; tax liens upon personal property; warrants; time for returns and payment of tax; liability for persons responsible for collection of sales or compensating tax; amending K.S.A. 2014 Supp. 75-5133, 79-3234, 79-3235, 79-3235a, 79-3607, 79-3617, 79-3643 and 79-41a03 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 79-3235b, was considered on final action.

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

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

Nays: Tyson.

The bill passed, as amended.

**SB 63**, AN ACT concerning municipalities; relating to land banks; amending K.S.A. 19-26,111 and K.S.A. 2014 Supp. 12-5909 and repealing the existing sections, was considered on final action.

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

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

Nays: Baumgardner, Melcher, Olson, Pilcher-Cook, Pyle.

The bill passed, as amended.

**SB 64**, AN ACT concerning public water supply storage; amending K.S.A. 2014 Supp. 82a-1604, 82a-1605 and 82a-1606 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.

**SB 270**, AN ACT concerning income tax; relating to credits; low income students scholarship program, eligible students; amending K.S.A. 2014 Supp. 72-99a02, 72-99a03 and 72-99a04 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 11; 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.

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

The bill passed.

**SB 271**, AN ACT regulating traffic; concerning size limitations of certain vehicles; exceptions, forage cutter and custom harvester; amending K.S.A. 2014 Supp. 8-1904 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.

**SB 280**, AN ACT concerning sales taxation; relating to countywide retailers' sales tax, authority for Thomas county and Bourbon county; amending K.S.A. 2014 Supp.

12-187 , 12-189 and 12-192 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.

**SB 290**, AN ACT concerning the Kansas code of military justice; relating to commanding officer's nonjudicial punishment; amending K.S.A. 48-2301 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 2061**, AN ACT concerning agriculture; relating to the Kansas department of agriculture division of conservation; state conservation commission; powers and duties thereof; amending K.S.A. 2014 Supp. 2-1904 and repealing the existing section, was considered on final action.

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

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

Nays: Abrams, Arpke, Baumgardner, Fitzgerald, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Tyson.

The bill passed, as amended.

**HB 2106**, AN ACT concerning securities; relating to the Kansas uniform securities act; criminal penalties; fees; criminal procedure; amending K.S.A. 17-12a204 and K.S.A. 2014 Supp. 17-12a508 and 17-12a601 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 17-12a601a, 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 2149**, AN ACT concerning the Kansas program of medical assistance; relating to donor human breast milk and medications used under medicaid; amending K.S.A. 2014

Supp. 39-7,119, 39-7,120 and 39-7,121b and repealing the existing sections, 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, as amended.

**HB 2165**, AN ACT concerning municipalities; contacts; filling vacancies in certain improvement districts; amending K.S.A. 12-2908, 19-2761 and 19-27a19 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 2183**, AN ACT concerning campaign finance; relating to candidate, contributor and lobbyist filings; relating to use of campaign funds; certain prohibited actions by candidates; relating to political campaigns and technology; concerning political signs; amending K.S.A. 25-904, 25-4157, 25-4173 and 46-268 and K.S.A. 2014 Supp. 25-4148a, 25-4153a, 25-4156, 25-4157a and 25-4169a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 9; Present and Passing 2; Absent or Not Voting 0.

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

Nays: Bowers, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Schmidt, Wolf.

Present and Passing: Francisco, Hawk.

The bill passed, as amended.

**HB 2192**, AN ACT concerning the secretary of health and environment; relating to solid and hazardous waste, Kansas storage tank act; creating the environmental stewardship fund; amending K.S.A. 65-34,119 and K.S.A. 2014 Supp. 65-34,117 and 65-34,131 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.

**HB 2193**, AN ACT concerning the secretary of health and environment; relating to environmental remediation; risk management program act; voluntary cleanup and property redevelopment act; amending K.S.A. 65-34,167, 65-34,168 and 65-34,169 and repealing the existing sections; also repealing K.S.A. 65-34,170, 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 2225**, AN ACT concerning the healing arts; regarding licenses and medical retainer agreements; access to health care records; amending K.S.A. 65-2811a, 65-2852, as amended by section 21 of chapter 131 of the 2014 Session Laws of Kansas, 65-2857, as amended by section 22 of chapter 131 of the 2014 Session Laws of Kansas, 65-2860, as amended by section 24 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a02, as amended by section 42 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a08, as amended by section 47 of chapter 131 of the 2014 Session Laws of Kansas, 65-4941 and 65-4942 and K.S.A. 2013 Supp. 65-1626, as amended by section 4 of chapter 131 of the 2014 Session Laws of Kansas, 65-2809, as amended by section 7 of chapter 131 of the 2014 Session Laws of Kansas, 65-2836, as amended by section 10 of chapter 131 of the 2014 Session Laws of Kansas, 65-2895, as amended by section 36 of chapter 131 of the 2014 Session Laws of Kansas, 65-28,127, as amended by section 40 of chapter 131 of the 2014 Session Laws of Kansas, 65-28a03, as amended by section 43 of chapter 131 of the 2014 Session Laws of Kansas, 65-4101, as amended by section 50 of chapter 131 of the 2014 Session Laws of Kansas and 72-8252, as amended by section 54 of chapter 131 of the 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 65-6824 and repealing the existing sections, 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 2275**, AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, II, III and IV; amending K.S.A. 2014 Supp. 65-4105, 65-4107, 65-4109 and 65-4111 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.

**S Sub HB 2281**, AN ACT concerning the commissioner of insurance; relating to powers, duties and functions relating to the vision care services act and the medical assistance fee fund; amending K.S.A. 2014 Supp. 40-2404, 40-3213, 40-5905 and 40-5906 and repealing the existing sections, 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.

#### 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 McGinn in the chair.

The morning session recommended:

**SB 224, SB 245, HB 2009** be passed.

**HB 2064, HB 2142** be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2042** recommending a **S Sub HB 2042** be adopted, and the substitute bill be passed.

The committee report on **HB 2043** recommending a **S Sub HB 2043** be adopted, and the substitute bill be passed.

The committee report on **HB 2101** recommending a **S Sub HB 2101** be adopted, and the substitute bill be passed.

The adoption of committee amendments on **HB 2051** occurred on March 17, 2015. **HB 2051**, be further amended by Senator O'Donnell on page 3, following line 22, by inserting:

"(6) The secretary of corrections shall publish all program credits earned by an inmate on the public website of the department of corrections if the inmate consents and such publication is not prohibited or restricted by state or federal law. The provisions of this paragraph shall be implemented as soon as practicable and no later than July 1, 2015." and **HB 2051** be passed as further amended

**HB 2336** be amended by the adoption of the committee amendments, be further amended by motion of Senator Smith, on page 1, in line 6, before "K.S.A" by inserting "On and after July 1, 2015,";

On page 7, following line 16, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 38-2366 is hereby amended to read as follows: 38-2366. (a) When a juvenile offender who is;

(1) Under 16 years of age at the time of the sentencing, has been prosecuted and

convicted as an adult or under the extended jurisdiction juvenile prosecution, and has been placed in the custody of the secretary of the department of corrections, the secretary shall notify the sheriff having the offender in custody to convey such juvenile offender at a time designated by the ~~juvenile justice authority~~ department of corrections to a juvenile correctional facility. The ~~commissioner~~ secretary shall notify the court, in writing, of the initial placement of the offender in the specific juvenile correctional facility as soon as the placement has been accomplished.

(2) At least 16 but less than 18 years of age at the time of sentencing, has been prosecuted and convicted as an adult or under the extended jurisdiction juvenile prosecution, and has been placed in the custody of the secretary, the secretary shall notify the sheriff having the offender in custody to convey such juvenile offender at a time designated by the department of corrections to a juvenile correctional facility or adult correctional institution. The secretary shall notify the court, in writing, of the initial placement of the offender in the specific juvenile correctional facility or adult correctional institution as soon as the placement has been accomplished.

The ~~commissioner~~ secretary shall not permit the juvenile offender to remain detained in any jail for more than 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, after the ~~commissioner~~ secretary has received the written order of the court placing the offender in the custody of the ~~commissioner~~ secretary. If such placement cannot be accomplished, the offender may remain in jail for an additional period of time, not exceeding 10 days, which is specified by the ~~commissioner~~ secretary and approved by the court.

(b) Except as provided in subsection (a), a juvenile who has been prosecuted and convicted as an adult shall not be eligible for admission to a juvenile correctional facility. All other conditions of the offender's sentence imposed under this code, including restitution orders, may remain intact. The provisions of this subsection shall not apply to an offender who: (1) Is under 16 years of age at the time of the sentencing; (2) has been prosecuted as an adult or under extended juvenile jurisdiction; and (3) has been placed in the custody of the secretary of corrections, requiring admission to a juvenile correctional facility pursuant to subsection (a).;

Also on page 7, in line 17, before "K.S.A" by inserting "On and after July 1, 2015,";

On page 11, following line 41, by inserting:

"Sec. 4. K.S.A. 2014 Supp. 38-2366 is hereby repealed.";

Also on page 11, in line 42, before "K.S.A" by inserting "On and after July 1, 2015,";

On page 12, in line 1, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "tool;" by inserting "placement in the custody of the secretary of corrections;"; also in line 2, after "38-2361" by inserting ", 38-2366" and **HB 2336** be passed as further amended.

The committee rose and reported progress (see Committee of the Whole, afternoon session).

By 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.

**MESSAGE FROM THE GOVERNOR**

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

Sam Brownback  
Governor

*Member, State Board of Indigent Defense Services, Roman Rodriguez (R), Wichita, pursuant to the authority vested in me by K.S.A. 22-4519, and effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2016, to succeed John Weber.*

**ORIGINAL MOTION**

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2006**.

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

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **HB 2010**.

The Vice President appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2025**.

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

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2044**.

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

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **S Sub HB 2090**.

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

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2231**.

The Vice President appointed Senators Olson, Petersen and Francisco as conferees on the part of the Senate.

On motion of Senator Love, the Senate acceded to the request of the House for a conference on **HB 2364**.

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

**COMMITTEE OF THE WHOLE**

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

On motion of Senator McGinn the report for the morning and following afternoon sessions were adopted.

**HB 2254** be passed.

**HB 2013, HB 2048, HB 2259** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 239** be amended by motion of Senator Haley on page 1, by striking all in lines 5 through 25 and inserting the following:

"Section 1. Each political party which is a recognized political party in accordance with K.S.A. 25-302a shall have procedures to select a presidential nominee and shall select a presidential nominee in accordance with such party procedures for the 2016 presidential election, and every fourth year thereafter.";

Also on page 1, in the title, in line 1, by striking "amending" and inserting "repealing"; in line 2, by striking "and repealing the existing section" and SB 239 be passed as amended.

**HB 2104** be amended by the adoption of the committee amendments, be amended by motion of Senator Francisco on, page 4, in line 15, by striking "seven" and inserting "10" and **HB 2104** be passed as further amended.

**HB 2216** be amended by the adoption of the committee amendments, be amended by motion of Senator Smith, on page 18, following line 4, by inserting:

"New Sec. 9. There is hereby established an enabling savings program and such program shall be known and may be cited as the Kansas ABLE savings program. The purpose of the Kansas ABLE savings program is to authorize the establishment of savings accounts empowering individuals with a disability and their families to save private funds to support the individual with a disability and to provide guidelines for the maintenance of such accounts.

New Sec. 10. As used in this act:

(a) "Account" or "ABLE savings account" means an individual savings account established in accordance with the provisions of this act.

(b) "Account owner" means the person who enters into an ABLE savings agreement pursuant to the provisions of this act. The account owner must also be the designated beneficiary. A conservator or guardian may be appointed as an account owner for a designated beneficiary who is a minor or lacks capacity to enter into an agreement.

(c) "Conservator" means a person appointed by the court pursuant to K.S.A. 59-3050 et seq., and amendments thereto.

(d) "Designated beneficiary" means a Kansas resident whose qualified disability expenses may be paid from the account. The designated beneficiary must be an eligible individual at the time the account is established. The account owner may change the designated beneficiary.

(e) "Eligible individual" means an individual who is entitled to benefits based on blindness or disability under 42 U.S.C. § 401 et seq. or 42 U.S.C. § 1381 et seq., as amended, and such blindness or disability occurred before the date on which the individual attained age 26, or an individual who filed a disability certification, to the satisfaction of the secretary, with the secretary for such taxable year.

(f) "Financial organization" means an organization authorized to do business in the state of Kansas and is:

- (1) Licensed or chartered by the commissioner of insurance;
- (2) licensed or chartered by the state bank commissioner;
- (3) chartered by an agency of the federal government; or
- (4) subject to the jurisdiction and regulation of the securities and exchange commission of the federal government.

(g) "Guardian" means a person appointed by the court pursuant to K.S.A. 59-3050 et seq., and amendments thereto.

(h) "Management contract" means the contract executed by the treasurer and a financial organization selected to act as a depository and manager of the program.

(i) "Member of the family" has the meaning ascribed thereto in section 529A of the federal internal revenue code of 1986, as amended.

(j) "Nonqualified withdrawal" means a withdrawal from an account which is not:

- (1) A qualified withdrawal; or
- (2) a rollover distribution.

(k) "Program" means the Kansas ABLE savings program established pursuant to this act.

(l) "Program manager" means a financial organization selected by the treasurer to act as a depository and manager of the program.

(m) "Qualified disability expense" means any qualified disability expense included in section 529A of the federal internal revenue code of 1986, as amended.

(n) "Qualified withdrawal" means a withdrawal from an account to pay the qualified disability expenses of the designated beneficiary of the account.

(o) "Rollover distribution" means a rollover distribution as defined in section 529A of the federal internal revenue code of 1986, as amended.

(p) "Savings agreement" means an agreement between the program manager or the treasurer and the account owner.

(q) "Secretary" means the secretary of the United States treasury.

(r) "Treasurer" means the state treasurer.

New Sec. 11. (a) The treasurer shall implement and administer the program under the terms and conditions established by this act. In furtherance of such implementation and administration, the treasurer shall have the authority and responsibility to:

(1) Develop and implement the program in a manner consistent with the provisions of this act;

(2) engage the services of consultants on a contract basis for rendering professional and technical assistance and advice;

(3) seek rulings and other guidance from the secretary and the federal internal revenue service relating to the program;

(4) make changes to the program required for the participants in the program to obtain the federal income tax benefits or treatment provided by section 529A of the federal internal revenue code of 1986, as amended;

(5) charge, impose and collect administrative fees and service charges in connection with any agreement, contract or transaction relating to the program;

(6) develop marketing plans and promotion material;

(7) establish the methods by which the funds held in accounts shall be dispersed;

(8) establish the method by which funds shall be allocated to pay for administrative

costs;

(9) do all things necessary and proper to carry out the purposes of this act;

(10) promulgate rules and regulations necessary to effectuate the provisions of this act;

(11) make an annual evaluation of the ABLE savings program and prepare an annual report of such evaluation to be provided to the governor, the senate and the house of representatives; and

(12) notify the secretary when an account has been opened for a designated beneficiary and submit other reports concerning the program required by the secretary.

(b) The treasurer may enter into agreements with other states to either allow Kansas residents to participate in a plan operated by another state or to allow residents of other states to participate in the Kansas ABLE program.

New Sec. 12. (a) The treasurer may implement the program through use of financial organizations as account depositories and managers. The treasurer may solicit proposals from financial organizations to act as depositories and managers of the program. Financial organizations submitting proposals shall describe the investment instruments which will be held in accounts. The treasurer may select more than one financial organization and investment instrument for the program. The treasurer shall select as program depositories and managers the financial organization, from among the bidding financial organizations, that demonstrates the most advantageous combination, both to potential program participants and this state, of the following factors:

(1) Financial stability and integrity of the financial organization;

(2) the safety of the investment instrument being offered;

(3) the ability of the financial organization to satisfy recordkeeping and reporting requirements;

(4) the financial organization's plan for promoting the program and the investment the organization is willing to make to promote the program;

(5) the fees, if any, proposed to be charged to the account owners;

(6) the minimum initial deposit and minimum contributions that the financial organization will require;

(7) the ability of the financial organization to accept electronic withdrawals, including payroll deduction plans; and

(8) other benefits to the state or its residents included in the proposal, including fees payable to the state to cover expenses of operation of the program.

(b) The treasurer may enter into any contracts with a financial organization necessary to effectuate the provisions of this act. Any management contract shall include, at a minimum, terms requiring the financial organization to:

(1) Take any action required to keep the program in compliance with requirements of this act and any actions not contrary to its contract to manage the program to qualify as a "qualified ABLE program" as defined in section 529A of the federal internal revenue code of 1986, as amended;

(2) keep adequate records of each account, keep each account segregated from each other account and provide the treasurer with the information necessary to prepare the statements required by section 13, and amendments thereto;

(3) compile and total information contained in statements required to be prepared under section 13, and amendments thereto, and provide such compilations to the treasurer;

(4) if there is more than one program manager, provide the treasurer with such information as is necessary to determine compliance with section 13, and amendments thereto;

(5) provide the treasurer with access to the books and records of the program manager to the extent needed to determine compliance with the contract, this act, and section 529A of the federal internal revenue code of 1986, as amended;

(6) hold all accounts for the benefit of the account owner or owners;

(7) be audited at least annually by a firm of certified public accountants selected by the program manager and provide the results of such audit to the treasurer;

(8) provide the treasurer with copies of all regulatory filings and reports made by the financial organization during the term of the management contract or while the financial organization is holding any accounts, other than confidential filings or reports that will not become part of the program. The program manager shall make available for review by the treasurer the results of any periodic examination of such manager by any state or federal banking, insurance or securities commission, except to the extent that such report or reports may not be disclosed under law; and

(9) ensure that any description of the program, whether in writing or through the use of any media, is consistent with the marketing plan developed pursuant to the provisions of this act.

(c) The treasurer may:

(1) Enter into such contracts as it deems necessary and proper for the implementation of the program;

(2) require that an audit be conducted of the operations and financial position of the program depository and manager at any time if the treasurer has any reason to be concerned about the financial position, the recordkeeping practices or the status of accounts of such program depository and manager; and

(3) terminate or not renew a management agreement. If the treasurer terminates or does not renew a management agreement, the treasurer shall take custody of accounts held by such program manager and shall seek to promptly transfer such accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible.

(d) The treasurer, the department for children and families, the department of health and environment and the department for aging and disability services are authorized to exchange data regarding eligible individuals to carry out the purposes of this act.

New Sec. 13. (a) Any ABLE savings accounts established pursuant to the provisions of this act shall be opened by a designated beneficiary or a conservator or guardian of a designated beneficiary who lacks capacity to enter into a contract and each beneficiary may have only one account. The treasurer may establish a nonrefundable application fee. An application for such account shall be in the form prescribed by the treasurer and contain the:

(1) Name, address and social security number of the account owner;

(2) name, address and social security number of the designated beneficiary, if the account owner is the beneficiary's conservator or guardian;

(3) certification relating to no excess contributions; and

(4) additional information as the treasurer may require.

(b) Any person may make contributions to an ABLE savings account after the account is opened, subject to the limitations imposed by section 529A of the federal

internal revenue code of 1986, as amended, or any rules and regulations promulgated by the secretary pursuant to this act.

(c) Contributions to ABLE savings accounts only may be made in cash. The treasurer or program manager shall reject or promptly withdraw contributions:

- (1) In excess of the limits established pursuant to subsection (b); or
- (2) the total contributions if the:

(A) Value of the account is equal to or greater than the account maximum established by the treasurer. Such account maximum must be equal to the account maximum for postsecondary education savings accounts established pursuant to K.S.A. 75-640 et seq., and amendments thereto; or

(B) designated beneficiary is not an eligible individual in the current calendar year.

(d) (1) An account owner may:

(A) Change the designated beneficiary of an account to an individual who is a member of the family of the prior designated beneficiary in accordance with procedures established by the treasurer; and

(B) transfer all or a portion of an account to another ABLE savings account, the designated beneficiary of which is a member of the family as defined in section 529A of the federal internal revenue code of 1986, as amended.

(2) No account owner may use an interest in an account as security for a loan. Any pledge of an interest in an account shall be of no force and effect.

(e) (1) If there is any distribution from an account to any individual or for the benefit of any individual during a calendar year, such distribution shall be reported to the federal internal revenue service and each account owner, the designated beneficiary or the distributee to the extent required by state or federal law.

(2) Statements shall be provided to each account owner at least four times each year within 30 days after the end of the three-month period to which a statement relates. The statement shall identify the contributions made during the preceding three-month period, the total contributions made to the account through the end of the period, the value of the account at the end of such period, distributions made during such period and any other information that the treasurer shall require to be reported to the account owner.

(3) Statements and information relating to accounts shall be prepared and filed to the extent required by this act and any other state or federal law.

(f) (1) The program shall provide separate accounting for each designated beneficiary. An annual fee may be imposed upon the account owner for the maintenance of an account.

(2) Moneys in an ABLE savings account:

(A) Shall be exempt from attachment, execution or garnishment as provided by K.S.A. 60-2308, and amendments thereto; and

(B) may be claimed by the Kansas medicaid plan only after the death of the designated beneficiary subject to limitations imposed by the secretary.

New Sec. 14. (a) Nothing in this act shall create or be construed to create any obligation of the treasurer, the state or any agency or instrumentality of the state to guarantee for the benefit of any account owner or designated beneficiary with respect to the:

- (1) Return of principal;
- (2) rate of interest or other return on any account; or

(3) payment of interest or other return on any account.

(b) The treasurer may promulgate rules and regulations to provide that every contract, application or other similar document that may be used in connection with opening an account clearly indicates that the account is not insured by the state and that the principal deposited and the investment return are not guaranteed by the state.

New Sec. 15. (a) The Kansas ABLE savings program trust fund is hereby established in the state treasury. The fund shall be utilized if the treasurer elects to accept deposits from contributors rather than have deposits sent directly to the program manager. Such fund shall consist of any moneys deposited by contributors in accordance with this act which are not deposited directly with the program manager. All interest derived from the deposit and investment of moneys in such savings trust fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in such savings trust fund shall remain therein and not be credited or transferred to the state general fund or to any other fund.

(b) (1) The Kansas ABLE savings expense fund is hereby established in the state treasury. The fund shall consist of moneys received from the ABLE savings program manager, or any governmental or private grants and any state general fund appropriations, if any, for the program.

(2) All expenses incurred by the treasurer in developing and administering the ABLE savings program shall be payable from the Kansas ABLE savings expense fund.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "banks and banking, financial institutions" and inserting "financial organizations"; in line 3, by striking "branch banking, "; also in line 3, after the semicolon by inserting "enacting the Kansas ABLE savings program;" and **HB 2216** be passed as further amended

The committee report on **HB 2326** recommending a **S Sub HB 2326** be adopted, and the substitute bill be passed.

Having voted on the prevailing side, Senator Wagle motioned to reconsider action on **S Sub HB 2326**.

**S Sub HB 2326** be amended by motion of Senator Melcher, on page 2, by striking all in lines 23 through 29; in line 38, by striking "and"; in line 39, by striking all before the period; in line 40, after "(A)" by inserting "Minimum amount of";

On page 3, in line 3, by striking "and nonrenewal"; in line 40, after the comma by inserting "and matters which relate to nonrenewal of contracts";

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

On page 4, following line 8, by inserting:

"Sec. 2. K.S.A. 72-5422 is hereby amended to read as follows: 72-5422. (a) Except as otherwise expressly provided ~~herein by law~~, this act shall not operate so as to annul, modify or preclude the renewal or continuation of any lawful agreement ~~heretofore~~ entered into between a board of education and a professional employees' organization covering terms and conditions of professional service.

(b) Any agreement entered into between a board of education and a professional employees' organization prior to July 1, 2015, shall continue beyond such date if the express terms of such agreement provide for a date upon which the agreement terminates or expires that is on or after July 1, 2015. In no event shall any such

agreement be extended beyond any such termination date provided therein, nor shall any such agreement be renewed or otherwise continue to be in effect beyond any such termination date.";

Also on page 4, in line 34, after "means" by inserting "the minimum amount of";

On page 5, following line 25, by inserting:

"Sec. 4. K.S.A. 72-5429 is hereby amended to read as follows: 72-5429. All of the costs incurred for mediation under K.S.A. 72-5427 ~~and for fact finding under K.S.A. 72-5428, and amendments thereto~~, shall be borne equally by the board of education and the professional employees' organization involved therein. The payment of such costs shall be at such time and in such manner as is determined by the secretary.

Sec. 5. K.S.A. 72-5430 is hereby amended to read as follows: 72-5430. (a) The commission of any prohibited practice, as defined in this section, among other actions, shall constitute evidence of bad faith in professional negotiation.

(b) It shall be a prohibited practice for a board of education or its designated representative willfully to:

(1) Interfere with, restrain or coerce professional employees in the exercise of rights granted in K.S.A. 72-5414, and amendments thereto;

(2) dominate, interfere or assist in the formation, existence, or administration of any professional employees' organization;

(3) discriminate in regard to hiring or any term or condition of employment to encourage or discourage membership in any professional employees' organization;

(4) discharge or discriminate against any professional employee because such professional employee has filed any affidavit, petition or complaint or given any information or testimony under this act, or because such professional employee has formed, joined or chosen to be represented by any professional employees' organization;

(5) refuse to negotiate in good faith with representatives of recognized professional employees' organizations as required in K.S.A. 72-5423, and amendments thereto;

(6) deny the rights accompanying recognition of a professional employees' organization which are granted in K.S.A. 72-5415, and amendments thereto;

(7) refuse to participate in good faith in the mediation as provided in K.S.A. 72-5427 ~~or fact finding efforts as provided in K.S.A. 72-5428, and amendments thereto~~, or arbitration pursuant to an agreement entered into pursuant to K.S.A. 72-5424, and amendments thereto; or

(8) institute or attempt to institute a lockout.

(c) It shall be a prohibited practice for professional employees or professional employees' organizations or their designated representatives willfully to:

(1) Interfere with, restrain or coerce professional employees in the exercise of rights granted in K.S.A. 72-5414, and amendments thereto;

(2) interfere with, restrain or coerce a board of education with respect to rights or duties which are reserved thereto under K.S.A. 72-5423, and amendments thereto, or with respect to selecting a representative for the purpose of professional negotiation or the adjustment of grievances;

(3) refuse to negotiate in good faith with the board of education or its designated representatives as required in K.S.A. 72-5423, and amendments thereto;

(4) refuse to participate in good faith in the mediation as provided in K.S.A. 72-5427 ~~or fact finding efforts as provided in K.S.A. 72-5428, and amendments thereto~~, or

arbitration pursuant to an agreement entered into pursuant to K.S.A. 72-5424, and amendments thereto; or

(5) authorize, instigate, aid or engage in a strike or in picketing of any facility under the jurisdiction and control of the board of education.";

Also on page 5, in line 26, after the first "K.S.A." by inserting "72-5422,"; also in line 26, after "72-5423" by inserting ", 72-5428, 72-5429 and 72-5430";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first "K.S.A." by inserting "72-5422,"; also in line 2, after "72-5423" by inserting ", 72-5429 and 72-5430"; in line 3, after "sections" by inserting "; also repealing K.S.A. 72-5428"

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

On roll call, the vote was: Yeas 20; Nays 18; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, Lynn, Masterson, Melcher, Olson, Pilcher-Cook, Powell, Pyle, Smith, Wagle, Wilborn.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, McGinn, Ostmeyer, Petersen, Pettey, Schmidt, Tyson, Wolf.

Present and Passing: Love, O'Donnell.

and **S Sub HB 2326** be passed as amended.

The committee report on **HB 2096** recommending **S Sub HB 2096** be adopted.

A motion to amend **S Sub HB 2096** by Senator Love failed.

Upon the showing of five hands a roll call vote was requested and the following amendment was rejected: on page 17, in line 6, before "for" by inserting "deducted from a member's paycheck";

On page 18, by striking all in lines 27 through 43;

On page 19, by striking all in lines 1 and 2;

And by renumbering sections accordingly

On roll call, the vote was: Yeas 13; Nays 19; Present and Passing 7; Absent or Not Voting 1.

Yeas: Bowers, Bruce, Donovan, King, LaTurner, Longbine, Love, Masterson, McGinn, Ostmeyer, Petersen, Schmidt, Wolf.

Nays: Abrams, Arpke, Baumgardner, Denning, Faust-Goudeau, Fitzgerald, Hawk, Holland, Kerschen, Knox, Lynn, Melcher, Olson, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wilborn.

Present and Passing: Francisco, Haley, Hensley, Holmes, Kelly, Pettey, Wagle.

Absent or Not Voting: O'Donnell.

#### EXPLANATION OF VOTE

Mr. Vice President: When writing the origin amendment last week for the Commerce Committee approval, it was truly my intention to streamline the payroll process of all public employees. Second, I wanted to assure a sense of fairness in the application of prohibitions of payroll deductions for all, not just those that chose to be union members. Third, I felt it was important to keep our government out of the business of fee or donation collections. This also protects the confidentiality of employee discretionary

spending. Finally, I believed the state would realize a financial savings, because it does cost 6 1/2 cents for every paycheck, every pay period, to withhold special deductions. For these reasons I oppose the new amendment. — MOLLY BAUMGARDNER

Senators Abrams, Lynn, and Melcher request the record to show they concur with the "Explanation of Vote" offered by Senator Baumgardner on **S Sub HB 2096**.

**SB 267; S Sub HB 2094, S Sub HB 2096** be passed over and retain a place on the calendar.

### REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Kansas State Banking Board, Member: K.S.A. 74-3004

Linda Wessell, to fill a term expiring on March 15, 2018.

Also, Committee on **Financial Institutions and Insurance** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Kansas State Banking Board, Member: K.S.A. 74-3004

Casey Lair, to fill a term expiring on March 15, 2018.

Committee on **Local Government** recommends **HB 2003**, as amended by House Committee of the Whole, be amended on page 2, following line 34, by inserting:

"(h) No land shall be annexed pursuant to subsections (a)(1), (4), (5) and (6) without express consent of the board of county commissioners by resolution adopted within 30 days following the conclusion of the hearing on the proposed annexation as required by K.S.A. 12-520a, and amendments thereto.";

On page 3, in line 30, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Department of Health and Environment, Secretary: K.S.A. 75-5601

Dr. Susan Mosier, serves at the pleasure of the Governor.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, March 25, 2015.

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

MARCH 24, 2015

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