

# Journal of the Senate

FIFTY-EIGHTH DAY

---

SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, May 5, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father,  
Our Creator and Sustainer, Under the dome of this building, in the House and here in the Senate, we have men and women struggling with the heavy responsibility of deciding what's right for the citizens. We know that You're here with us, in every room under this dome. We know because You promised in Matt. 28:20 and Hebrews 13:5 that You'd never leave us. But what we really need Lord, is the awareness of Your presence. Like that old dilapidated violin, we need a touch from the Master's Hand. Like the old master tuning the instrument, tighten those of us who are too loose and loosen those of us who are too tight. Help each of us to get in tune and in harmony with Your purposes. Lord, supernaturally blend the hearts, intentions and decisions of these servants; so that many under this dome and across this state will be made aware that we have been touched by the Master's Hand. Thank You Lord, that by faith, we can look forward to it. In Jesus name, so be it and amen.

The Pledge of Allegiance was led by President Susan Wagle.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Financial Institutions and Insurance: **SB 303**.

## ACTION ON VETO MESSAGE

Senator Longbine moved the Senate reconsider the veto of **H Sub SB 117**, and the bill be passed notwithstanding the Governor's veto.

Senator LaTurner offered a substitute motion to postpone the question until Tuesday, May 12, 2015.

The Subcommittee on Rules was asked to determine whether the substitute motion was in order. The Subcommittee determined the motion was in order as the date included in the motion allowed the Senate to reconsider the veto within the 30 days as provided by law.

On a substitute motion of Senator Bruce, the Senate adjourned its Morning Session until 2:00 p.m.

The Senate was called to order by President Wagle.

### CONSIDERATION OF VETOED BILL

Senator Longbine moved the Senate reconsider the veto of H Sub SB 117, AN ACT regulating traffic; relating to transportation network companies, transportation network company services, regulation., which was received on April 20, 2015 and read on April 29, 2015, and the bill be passed notwithstanding the Governor's veto.

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

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

Nays: LaTurner, O'Donnell, Pilcher-Cook, Powell, Pyle.

Present and Passing: Kelly.

The motion having received the required two-thirds constitutional majority of the members elected or appointed to the Senate, voting in the affirmative to approve the bill, **H Sub SB 117** passed.

### ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 241, SB 248, SB 249, SB 250, SB 255, SB 293; HB 2005; S Sub HB 2095; HB 2097, HB 2233, HB 2240, HB 2268, HB 2391, HB 2395.**

### COMMITTEE OF THE WHOLE

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

On motion of Senator Smith, the following report was adopted:

**SB 241, SB 248, SB 250; HB 2097, HB 2240, HB 2391** be passed.

**SB 255** be amended by motion of Senator King, on page 9, in line 10, before "Tribal" by inserting "Qualified"; in line 11, by striking "in" and inserting "within the borders of"; also in line 11, after "state" by inserting "that is"; by striking all in line 15; in line 16, by striking "in" and inserting "within the borders of"; in line 18, after "allotments" by inserting "; and

(4) any lands within the borders of this state, the title to which is either held in trust by the United States for the benefit of any Indian tribe or individual, or held by any Indian tribe or individual subject to restriction by the United States against alienation, and over which an Indian tribe exercises governmental power"

**SB 255** be further amended by motion of Senator Melcher on: page 1, following line 8, by inserting:

"Section 1. K.S.A. 2014 Supp. 21-6110 is hereby amended to read as follows: 21-6110. (a) It shall be unlawful, with no requirement of a culpable mental state, to smoke in an enclosed area or at a public meeting including, but not limited to:

(1) Public places;

- (2) taxicabs and limousines;
- (3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
- (4) restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;
- (5) access points of all buildings and facilities not exempted pursuant to subsection (d); and
- (6) any place of employment.

(b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.

(c) Notwithstanding any other provision of this section, K.S.A. 2014 Supp. 21-6111 or 21-6112, and amendments thereto, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.

(d) The provisions of this section shall not apply to:

(1) The outdoor areas of any building or facility beyond the access points of such building or facility;

(2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto;

(3) a hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;

(4) the gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto;

(5) that portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;

(6) that portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;

(7) tobacco shops;

(8) a class A or class B club defined in K.S.A. 41-2601, and amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises;

(9) a private club in designated areas where minors are prohibited; and

(10) any benefit cigar dinner or other cigar dinner of a substantially similar nature that:

(A) Is conducted specifically and exclusively for charitable purposes by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(B) is conducted no more than once per calendar year by such organization; and

(C) has been held during each of the previous three years prior to January 1, 2011; and

(11) that portion of a medical or clinical research facility constituting a separately ventilated, secure smoking room dedicated and used solely and exclusively for clinical research activities conducted in accordance with regulatory authority of the United States or the state of Kansas, as determined by the director of alcoholic beverage control of the department of revenue.";

On page 15, in line 18, after "Supp." by inserting "21-6110,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "sales of"; also in line 1, after "to" by inserting "smoking,"; in line 3, by striking all before "disclosure"; in line 4, after "Supp." by inserting "21-6110," and **SB 255** be passed as amended.

**HB 2268** be amended by motion of Senator LaTurner, on page 1, following line 21, by inserting:

"Sec. 2. (a) The state board of regents, for and on behalf of Pittsburg state university, is hereby authorized to exchange and convey the tracts of real property described in subsection (b) to the city of Pittsburg, Kansas, in consideration for the city of Pittsburg exchanging and conveying the tracts of real property described in subsection (c) to Pittsburg state university. The exchange and conveyance of real property by the state board of regents under this section shall be executed in the name of the state board of regents by its chairperson and its chief executive officer. The deed for such conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the state board of regents in consultation with the attorney general. No exchange and conveyance of real estate and improvements thereon as authorized by this section shall be made by the state board of regents until the deeds and conveyances have been reviewed and approved by the attorney general and, if warranty deeds are to be the instruments of conveyance, title reviews have been performed or title insurance has been obtained and the title opinion or the certificates of title insurance, as the case may be, have been approved by the attorney general. The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-430a, 75-3043a, 75-6609 or 75-6611, and amendments thereto.

(b) (1) In accordance with the provisions of this section, the state board of regents is hereby authorized to exchange and convey a tract of land to the city of Pittsburg commonly known as the south of east hills addition, particularly described as follows: Part of Section Thirty Three (33), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, Crawford County, Kansas, according to the United States Government Survey thereof bounded and described as follows: Beginning at a point 600 feet East of the SW corner of the North half of the NW  $\frac{1}{4}$  of said Section, thence continuing East 1766.82 feet (more or less) along the South line of the North half of the NW  $\frac{1}{4}$  to a point 300 feet West of the NE corner, SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , thence South and parallel to the East line of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  a distance of 435.60 feet, thence East 300 feet to the East line of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , thence South along the half section line 882.51 feet (more or less) to a  $\frac{3}{4}$  inch iron pipe set at center of said

Section, thence East and along the half section line 500.05 feet to the centerline of creek, thence South 753.68 feet, thence West and parallel to the half section line 702.94 feet, thence North 819.46 feet (more or less) to a point being 176.88 feet West and 80.98 feet North of the center of said Section, thence West and parallel to the half section line a distance of 426.63 feet, thence North 368.58 feet, thence West 1629 feet to the East right-of-way of the Kansas City Southern Railroad, thence Northwesterly along railroad right-of-way 491.75 feet, thence East 296.15 feet, thence North 238.41 feet, thence East 110.53 feet (more or less) to a point 600 feet East and 212.50 feet South of the SW corner, NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , thence 212.50 feet to point of beginning. (Said Tract containing 59.0 acres, more or less).

(2) In accordance with the provisions of this section, the state board of regents is hereby authorized to exchange and convey a tract of land to the city of Pittsburg, particularly described as follows: Part of the West half (W  $\frac{1}{2}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Thirty Three (33), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, Crawford County, Kansas, according to the United States Government Survey thereof bounded and described as follows: Beginning at the Northwest Corner of the Southwest Quarter (SW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of said Section Thirty Three (33); thence South along the West line of said Southwest Quarter (SW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ) a distance of One Thousand Three Hundred Thirty Three (1,333) feet to a  $\frac{3}{4}$  inch iron pipe set at the center of said Section Thirty Three (33); Thence East along the South line of said Southwest Quarter (SW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) a distance of Five Hundred and Five Hundredths (500.05) feet to center line of creek; Thence generally North along the center line of creek a distance of Seven Hundred Eighty (780) feet, more or less to a point in center line of creek Six Hundred Twenty Nine and Twenty Four Hundredths (629.24) feet South and Four Hundred Seventy One and Four Hundredths (471.04) feet East of the Northwest corner of the Southwest Quarter (SW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ) of said Section Thirty Three (33), Thence North a distance of Forty Four (44) feet to a  $\frac{1}{2}$  inch iron pipe set; Thence continuing North a distance of Two Hundred Forty Three (243) feet to a  $\frac{3}{4}$  inch iron pipe set; Thence North a distance of Twenty Three (23) feet to a point in center line of creek Three Hundred Nineteen and Twenty Four Hundredths (319.24) feet South and Four Hundred Sixty Nine and Ninety Three Hundredths (469.93) feet East of the Northwest Corner of Southwest Quarter (SW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ); Thence North and West with the meander of the center line of creek a distance of One Thousand One Hundred Thirty Eight (1138) feet, more or less to a point in the center line of creek and on the West line of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ) a distance of Three Hundred Sixty Three and Thirty Three Hundredths (363.33) feet North of the Northwest corner of Southwest Quarter (SW  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ); Thence South along said West line of said Northwest Quarter (NW  $\frac{1}{4}$ ) of Northeast Quarter (NE  $\frac{1}{4}$ ) a distance of Three Hundred Sixty Three and Thirty Three Hundredths (363.33) feet to the point of beginning. (Said Tract containing 13.73 acres, more or less).

(c) (1) In accordance with the provisions of this section, Pittsburg state university is hereby authorized to accept title to a tract of real property of approximately 25.1 acres commonly known as the research and development park conveyed to the university by the city of Pittsburg, particularly described as follows: Pittsburg Research and Development Park Phase II, Lots 1, 2, 3, 4 and 5.

(2) In accordance with the provisions of this section, Pittsburg state university is hereby authorized to accept title to a tract of real property particularly described as follows: Commencing at the Southwest Corner of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Section 33, Township 30 South, Range 25 East of the Sixth Principal Meridian, City of Pittsburg, County of Crawford, State of Kansas; thence on a bearing of South 88 Degrees 50 Minutes 56 Seconds East (this and all following bearings are assumed) along the Southerly line of said Quarter Section, a distance of 45.01 feet to a point on the existing right-of-way line of Rouse Avenue and Centennial Avenue as established by resolution and order for Tract 21, dated August 30, 1965, said point being the true point of beginning; thence on a bearing of North 00 Degrees 03 Minutes 28 Seconds West along said existing right-of-way line, a distance of 547.10 feet to a bend point in said existing right-of-way line; thence on a bearing of North 02 Degrees 47 Minutes 29 Seconds East continuing along said existing right-of-way line, a distance of 201.20 feet to a bend point in said existing right-of-way line, thence on a bearing of North 00 Degrees 03 Minutes 28 Seconds West continuing along said existing right-of-way line a distance of 175.66 feet to the point of intersection of said existing right-of-way line with the Westerly right-of-way line of the Kansas City Southern Railroad Company as now established; thence on a bearing of South 29 Degrees 55 Minutes 56 Seconds East along said Westerly right-of-way line, a distance of 1011.10 feet to a point of intersection with the extended Southerly permanent easement line of a sanitary sewer as it now exists; thence on a bearing of North 86 Degrees 35 Minutes 46 Seconds West along said Southerly permanent easement line, a distance of 310.56 feet to a bend point in said Southerly easement line; thence on a bearing of South 87 Degrees 02 Minutes 31 Seconds West continuing along said Southerly easement line, a distance of 51.73 feet; thence on a bearing of South 44 Degrees 52 Minutes 58 Seconds West, a distance of 91.75 feet to the Northerly line of the Southwest Quarter (SW  $\frac{1}{4}$ ) of Section 33, Township 30 South, Range 25 East of the Sixth Principal Meridian; thence continuing on a bearing of South 44 Degrees 52 Minutes 58 Seconds West, a distance of 84.94 feet; thence on a bearing of North 90 Degrees 00 Minutes 00 Seconds West along a line perpendicular to the Westerly line of said Southwest Quarter Section, a distance of 27.23 feet to a point on said existing right-of-way line of Rouse Avenue and Centennial Avenue; thence on a bearing of North 00 Degrees 00 Minutes 00 Seconds East along said existing right-of-way line, a distance of 61.94 feet, to the point of beginning; the above described tract of land contains 231,726 square feet or 5.320 acres more or less.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after "ACT" by inserting "concerning the conveyance of real property; authorizing the state board of regents to convey to the city of Pittsburg certain real property owned by the board of regents in exchange for certain real property owned by the city of Pittsburg;" and **HB 2268** be passed as amended.

A motion by Senator Hawk to amend **HB 2391** failed and the following amendment was rejected: on page 3, in line 27, by striking all after "(x)"; by striking all in lines 28 through 30; in line 31, by striking all before the semicolon and inserting "classified employees who have converted to the unclassified service through the process specified in this paragraph. The head of any state agency may authorize the conversion of all classified staff employee positions or any portion thereof within such state agency to the unclassified service of state employment. Those classified staff employees whose positions are converted from classified to unclassified status shall retain all health and

flexible benefits and leave and retirement benefits provided to them under the state classified employee system. The head of the state agency shall develop a plan for a system for administration of all other aspects of employment for these employees, including personnel policies and procedures, and each such system of administration shall be subject to approval by the secretary of administration. Such personnel policies and procedures shall include a disciplinary and grievance process which provides for the right to appeal and due process procedures. Development of such plan shall be subject to input from affected classified employees. Implementation of this paragraph shall not cause a salary reduction or layoff of any classified employee. This paragraph shall not be implemented by the state agency unless an election has been held by classified staff employees affected by such proposal at that state agency and the classified staff employees voting at the election by majority vote approve the conversion of the classified staff employee positions affected by such proposal at that state agency to unclassified positions. Any such election held after the effective date of this act shall be preceded by an official announcement providing at least 90 days' notice of the date, time and place of the election. After a vote of approval, the head of the state agency shall provide all affected employees with opportunities for input into the development of the plan that is to be presented to the secretary of administration with respect to personnel matters of that state agency. Nothing in this paragraph shall affect the representation rights of collective bargaining organizations that represent public employees or professional employees, nor shall the provisions of this paragraph affect any term or condition of any collective bargaining agreement in effect on the effective date of this paragraph";

On page 4, in line 4, after the semicolon by inserting "and"; in line 6, by striking all after "thereto"; by striking all in lines 7 through 18; in line 19, by striking all before the period;

On page 5, in line 5, after "unclassified" by inserting "in accordance with the provisions of this section, and the personnel policies and procedures adopted by the appointing authority in accordance with the provisions of this section, do not satisfy such requirements"

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

On roll call, the vote was: Yeas 16; Nays 22; Present and Passing 2; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, LaTurner, McGinn, Petersen, Pettey, Schmidt, Tyson, Wolf.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Kerschen, King, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Smith, Wagle, Wilborn.

Present and Passing: Longbine, Pyle

A motion by Senator Pettey to amend **HB 2391** failed and the following amendment was rejected on: page 3, in line 27, before "if" by inserting "except as provided in subsection (dd)";

On page 4, in line 7, after "(cc)" by inserting "except as provided in subsection (dd)"; following line 19, by inserting:

"(dd) No classified position in any state agency that receives federal grant moneys may be designated as unclassified by the appointing authority unless:

(A) A proposal describing the state agency's plan to designate classified positions

as unclassified positions and any proposed binding state agency policy pertaining thereto is prepared and submitted by the state agency to the federal agency or agencies from which grant moneys are received and the federal agency or agencies provide the submitting state agency with a written advisory opinion verifying that the state agency's proposed plan to designate classified positions as unclassified positions will not violate the terms of the federal grant to such state agency; and

(B) the state agency's proposal, the federal agency's written advisory opinion, the state agency's proposed budget for the pending fiscal year and a certification by the state agency that the state agency's proposal will not negatively affect the state agency's budget are provided by the state agency to the chair and members of the senate committee on federal and state affairs, committee on ways and means and committee on commerce and to the chair and members of the house committee on federal and state affairs, committee on appropriations and committee on commerce, labor and economic development."

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

On roll call, the vote was: Yeas 10; Nays 29; Present and Passing 0; Absent or Not Voting 1.

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

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, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Powell.

A motion by Senator Faust-Goudeau to amend **HB 2391** failed and the following amendment was rejected on: page 6, following line 23, by inserting:

"New Sec. 2. (a) The secretary of administration is hereby authorized and directed to:

(1) Make a study concerning whether any public employer having employees of both sexes discriminates between employees on the basis of sex by paying wages to employees at a rate less than the rate of wages paid to employees of the opposite sex for equal work, the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions;

(2) develop recommendations and a plan to mitigate any such discrimination;

(3) review statutory and rule and regulation changes necessary to carry out such a plan;

(4) estimate any additional staff and positions required to implement such a plan;

(5) identify any steps needed for interaction with the federal government in ways that are reasonably designed to carry out the purposes of this subsection; and

(6) review such other matters as may be necessary in making the study.

(b) On or before January 11, 2016, the secretary of administration shall submit to the president of the senate, the speaker of the house of representatives, each member of the committee on commerce of the senate and each member of the committee on commerce, labor and economic development of the house of representatives a report of the secretary's findings and recommendations from the study conducted under subsection (a).

(c) For purposes of this section, "public employer" means the state of Kansas.



"Public employee" means any employee of the state of Kansas.":

And by renumbering sections accordingly;

On page 1, in the title, in line 3, before "amending" by inserting "wage discrimination study;"

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 1; Absent or Not Voting 1.

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

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

Present and Passing: O'Donnell.

Absent or Not Voting: Holmes.

An amendment was offered by Senator Francisco on **HB 2391**. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

**SB 249; HB 2005, HB 2233** be amended by the adoption of the committee amendments, and the bills be passed as amended.

Amendments were offered by Senators Holmes and Fitzgerald on **HB 2005**. A ruling of the chair was requested as to the germaneness of the amendments to the bill. The Chair of the Rules Committee ruled the amendments not germane.

The committee report on **HB 2095** recommending **S Sub HB 2095** be adopted, be amended by motion of Senator King, on page 5, in line 16, by striking "2017" and inserting "2016";

On page 6, in line 11, by striking "2017" and inserting "2016";

On page 7, in line 34, by striking "2017" and inserting "2016";

On page 9, in line 18, by striking "2017" and inserting "2016";

On page 10, in line 29, by striking "2017" and inserting "2016"

and the **S Sub HB 2095** be passed as further amended.

**SB 293** be passed over and retain a place on the calendar.

Senator King assumed the chair.

## CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointment, submitted by the Governor to the Senate for confirmation was considered.

Senator Bruce moved the following appointment be confirmed as recommended by the Committee on Federal and State Affairs.

*By the Governor*

On the appointment to the:

State Board of Indigents Defense Services:

Roman Rodriguez, Term ends January 15, 2016

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 appointment was confirmed.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 241**, **SB 248**, **SB 249**, **SB 250**, **SB 255**; **HB 2005**; **S Sub HB 2095**; **HB 2097**, **HB 2233**, **HB 2240**, **HB 2268**, **HB 2391**, **HB 2395**.

**SB 241**, AN ACT concerning the department of administration; relating to certain state contracts; amending K.S.A. 75-3743 and 75-3744 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.

**SB 248**, AN ACT repealing K.S.A. 2014 Supp. 76-12a25; concerning key deposit funds.

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 249**, AN ACT concerning purchasing law; relating to competitive bidding; amending K.S.A. 2014 Supp. 75-3739 and repealing the existing section.

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

Yeas: 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 250**, AN ACT concerning the joint committee on state building construction; relating to the monthly reports of progress; amending K.S.A. 2014 Supp. 75-1264 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.

**SB 255**, AN ACT concerning cigarettes and tobacco products; relating to the directory and certification of tobacco product manufacturers; disclosure of information and criminal penalties therefor; amending K.S.A. 50-6a02 and K.S.A. 2014 Supp. 50-6a04, 50-6a07, 50-6a10, 50-6a11, 50-6a16 and 75-5133 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 2005**, AN ACT concerning the judicial branch; relating to court fees, docket fees and court costs; relating to dispositive motions; judicial branch surcharge fund, electronic filing and management fund and judicial branch docket fee fund; making and concerning appropriations for the fiscal years ending June 30, 2016, and June 30, 2017, for the judicial branch; amending K.S.A. 2014 Supp. 8-2107, 8-2110, 20-362, 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-256, 60-729, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 21-6614e.

On roll call, the vote was: Yeas 32; Nays 8; 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, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

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

The bill passed, as amended.

#### EXPLANATION OF VOTE

Madam President: I vote "No" on **HB 2005**. To paraphrase concerns expressed in a recent editorial by a respected Kansas newspaper; this bill, in part, is "...about court funding and it risks both the balance of powers and the ability of the State's judiciary to function ..." autonomously of the Legislature's purse-strings. I respect and have sworn to uphold Kansas' and the United States', THREE branches of government as provided for in the Constitutions of both: Executive, Legislative and Judicial. Last year's (2014) bill began to tie judicial funding to policy initiatives when the Legislature (over my objection then too) took away the Supreme Court's power to appoint chief district

judges or to then directly control their appropriations. This year, this bill (HB 2005) apparently once again shows blatant disrespect for our State's Constitution. We should instead insure that the Judiciary has funding and independence. Accordingly, as the ranking member of Senate Judiciary, I vote "No" on **HB 2005**.—DAVID HALEY

**S Sub HB 2095**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; special provisions for certain retirants; certain duties of the joint committee on pensions, investments and benefits; amending K.S.A. 46-2201 and K.S.A. 2014 Supp. 74-4914 and 74-4937 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 substitute bill passed, as amended.

**HB 2097**, AN ACT concerning search and rescue and hazardous material response matters; dealing with tort claims immunity; amending K.S.A. 2014 Supp. 75-6102 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 2233**, AN ACT concerning utilities; relating to electric generating units and carbon dioxide emission standards; concerning the establishment of state performance standards, legislative review; state corporation commission; secretary of health and environment; creating the clean power plan implementation study committee; amending K.S.A. 2014 Supp. 65-3031 and repealing the existing section.

On roll call, the vote was: Yeas 34; Nays 3; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Haley, Hensley, 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: Arpke, Fitzgerald, Tyson.

Present and Passing: Francisco, Hawk, Holland.

The bill passed, as amended.

**HB 2240**, AN ACT concerning taxation; relating to the board of tax appeals; small claims and expedited hearing division, hearing officers; members, qualifications and salary; amending K.S.A. 2014 Supp. 74-2433, 74-2433f and 74-2434 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 2268**, AN ACT concerning the conveyance of real property; authorizing the state board of regents to convey to the city of Pittsburg certain real property owned by the board of regents in exchange for certain real property owned by the city of Pittsburg; authorizing the state historical society to accept conveyance of certain real property on behalf of the state.

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 2391**, AN ACT concerning state employees; relating to classified and unclassified service; amending K.S.A. 2014 Supp. 75-2935 and repealing the existing section.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, McGinn, Petersen, Pettey, Schmidt, Tyson, Wilborn, Wolf.

The bill passed.

**HB 2395**, AN ACT concerning state building projects; relating to negotiating committees; relating to the alternative procurement; amending K.S.A. 2014 Supp. 75-1253 and repealing the existing section.

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

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

Nays: Baumgardner.

The bill passed, as amended.

#### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2051**.

The House adopts the Conference Committee report on **HB 2061**.

Announcing the House herewith transmits certificate of action by the House of Representatives on **H Sub SB 117**, AN ACT regulating traffic; relating to transportation network companies, transportation network company services, regulation.

The veto message from the Governor having been received, a motion was made that not withstanding the Governor's objection to **H Sub SB 117**, the bill be passed. By a vote of 96 Yeas and 25 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, May 6, 2015.

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

