

# Journal of the Senate

SEVENTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, May 21, 2015, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.  
Roll was called with 39 senators present.  
Senator Haley was excused.  
Invocation by Reverend Cecil T. Washington:

Heavenly Father,  
When we have studied the issues and believe with everything in us, that we are right, remind us that we always thought that way as teenagers. When we are fully prepared to argue our position, before we do, give us at least some of the sense that you gave King Solomon. In 1 Kings 3:7-9, we are again reminded, of how in his humility, he said "I know so little about being a leader. He asked You to make him wise and teach him the difference between right and wrong. Or there'd be no way he could lead the people. Lord, it pleased You that he asked for some sense to be put in his head, rather than for cents to be put in his pocket. It pleased You so much, that You gave him both. Now, Lord the tension we're feeling today, is the ongoing struggle between the head and the pocket. So, as we debate and argue our positions, help us find that point of balance, where the head and the pocket can come together with priorities determined by You. We want You to be pleased with our prayer requests. Let the first desire of our hearts be that You put some sense in our heads. And after the votes have been cast put some cents in our pockets. For Lord, we need both in order to bless Your people. In the precious name of Jesus. Amen

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

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **SB 308**.

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** 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:

State Civil Service Board, Member: K.S.A. 75-2929a

Phillis Setchell, to fill a term expiring on March 15, 2019

**CONSIDERATION OF APPOINTMENTS**

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

Senator Bruce moved the following appointments be confirmed as recommended by the Committees on **Federal and State Affairs** and **Ways and Means**.

*By the Governor*

On the appointment to the:

*State Civil Service Board:*

Henry Cox, Term ends March 15, 2017

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

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

Absent or Not Voting: Haley, O'Donnell, Pettey.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Corporation Commission:*

Jay Emler, Term ends March 15, 2019

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

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

Absent or Not Voting: Haley, O'Donnell, Pettey.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Racing and Gaming Commission:*

Brandon Jones, Term ends January 15, 2017

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

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

Absent or Not Voting: Haley, O'Donnell, Pettey.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*Kansas Development Finance Authority:*

Donald Linville, Term ends January 15, 2019

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

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

Absent or Not Voting: Haley, O'Donnell, Pettey.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*State Civil Service Board:*

Phillis Setchell, Term ends March 15, 2019

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 1; Absent or Not Voting 3.

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

Absent or Not Voting: Haley, O'Donnell, Pettey.

The appointment was confirmed.

*By the Governor*

On the appointment to the:

*University of Kansas Hospital Authority:*

Charles Sunderland, Term ends March 15, 2017

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

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

Absent or Not Voting: Haley, O'Donnell, Pettey.

The appointment was confirmed.

## **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: **HB 2003; S Sub HB 2109; Sub HB 2224; S Sub HB 2228, S Sub HB 2353; HB 2364.**

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2003** submits the following report:

The Senate recesses from all of its amendments to the bill.

And your committee on conference recommends the adoption of this report.

DENNIS PYLE

JACOB LATURNER

OLETHA FAUST-GOUDAU

*Conferees on part of Senate*

STEVE HUEBERT

TOM PHILLIPS

JOHN ALCALA

*Conferees on part of House*

Senator Pyle moved the Senate adopt the Conference Committee Report on **HB 2003**.

On roll call, the vote was: Yeas 36; Nays 1; Present and Passing 0; Absent or Not Voting 3.

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

Nays: Baumgardner.

Absent or Not Voting: Haley, O'Donnell, Pettey.

The Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2364** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows: On page 1, by striking all in lines 6 through 36;

By striking all on pages 2 and 3 and inserting the following:

"Section 1. K.S.A. 19-2761 is hereby amended to read as follows: 19-2761. ~~That should~~ (a) ~~Except as provided in subsection (b), when a vacancy occurs~~ occurs at any time in the office of a director of any improvement district, the remaining directors shall appoint a person from the qualified residents in such district ~~a person~~ to hold the office of director until the next election.

(b) (1) When a vacancy occurs in the office of a director of the Peck improvement district located in Sumner and Sedgwick counties, the board of county commissioners of Sumner county shall appoint a resident of Sumner county or Sedgwick county to hold the office of director until the next election.

(2) Once the appointment of a director has been made under paragraph (1), the Sedgwick county board of commissioners shall have 30 days to reject such appointment by a majority vote of the board. If no such action is taken, the appointment shall be

deemed approved. If the appointment is rejected, the appointment process shall be repeated until a director is selected.

Sec. 2. K.S.A. 19-2761 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, before "section" by inserting "certain improvement districts; amending K.S.A. 19-2761 and repealing the existing";

And your committee on conference recommends the adoption of this report.

DENNIS PYLE  
 STEVE FITZGERALD  
 OLETHA FAUST-GOUDEAU  
*Conferees on part of Senate*

STEVE HUEBERT  
 JOHN ALCALA  
 TOM PHILLIPS  
*Conferees on part of House*

Senator Pyle moved the Senate adopt the Conference Committee Report on **HB 2364**.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

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

Absent or Not Voting: Haley, O'Donnell, Pettey.

The Conference Committee Report was adopted.

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

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The Senate pursuant to recess with President Wagle in the chair.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **SB 34**.

The House adopts the Conference Committee report on **HB 2025**.

The House adopts the Conference Committee report on **HB 2055**.

The House adopts the Conference Committee report on **HB 2104**.

The House adopts the Conference Committee report on **S Sub HB 2124**.

The House announces the appointment of Rep. Macheers to replace Rep. Schwartz as a conferee on **S Sub HB 2135**.

#### **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 Knox in the chair.

On motion of Senator Knox the following report was adopted:

**Sub HB 2224** be passed.

The committee report on **HB 2228** recommending **S Sub HB 2228** as amended, be adopted, and the substitute bill be passed as amended.

The committee report on **HB 2353** recommending **S Sub HB 2353** be adopted, be amended by Senator LaTurner, on page 16, following line 6, by inserting:

"Sec. 10. From and after July 1, 2015, K.S.A. 2014 Supp. 76-715a is hereby amended to read as follows: 76-715a. (a) The state board of regents, in accordance with the provisions of this section, may authorize any state institution of higher education to convert all classified staff employee positions or any portion thereof in the institution to the unclassified service of state employment. Except as otherwise provided for leave time in K.S.A. 2014 Supp. 76-715b, and amendments thereto, 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. Each institution designated by the board 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 state board of regents. 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 section shall not cause a salary reduction or layoff of any classified employee. This section shall not be implemented by the state board of regents at any state institution of higher education unless an election has been held for classified staff employees affected by such proposal at such institution 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 institution 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 state educational institution shall provide all affected employees with opportunities for input into the development of the plan that is to be presented to the state board of regents.

(b) For the limited purposes of this section, and K.S.A. 74-4925, and amendments thereto, these newly designated unclassified employees shall be referred to as "university support staff" and the university of Kansas medical center shall be considered a state institution of higher education separate from the university of Kansas, Lawrence, and its campuses.

(c) Nothing in this act shall affect the representation rights of collective bargaining organizations that represent employees of a state institution of higher education, nor shall the provisions of this act affect any term or condition of any collective bargaining agreement in effect on the effective date of this act.

Sec. 11. From and after July 1, 2015, K.S.A. 2014 Supp. 76-715b is hereby amended to read as follows: 76-715b. (a) As used in this section:

- (1) "State board" means the state board of regents.
- (2) "State educational institution" has the meaning ascribed thereto in K.S.A. 76-

711, and amendments thereto.

(3) "Leave time" means vacation leave and discretionary day leave.

(b) The state board may adopt a policy which authorizes state educational institutions to provide leave time to the classified employees and university support staff of any such institution in an amount not to exceed the amount of leave time provided to unclassified employees of such institution.

(c) Subject to the policy of the state board adopted pursuant to this section, each state educational institution may provide leave time to classified employees and university support staff of such institution. The amount of leave time may vary from the amount of leave time provided to classified or unclassified employees of state agencies that are not state educational institutions.;

Also on page 16, in line 16, after "No. 7" by inserting ", 76-715a and 76-715b";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "relating to the state board of regents; concerning university support staff;"; in line 10, after "No. 7" by inserting ", 76-715a and 76-715b"

**S Sub HB 2353** be further amended by motion of Senator Abrams, on page 16, following line 6, by inserting:

"Sec. 10. From and after July 1, 2015, K.S.A. 2014 Supp. 72-5413 is hereby amended to read as follows: 72-5413. As used in this act, ~~and in acts amendatory thereof or supplemental amendments~~ thereto:

(a) The term "persons" includes one or more individuals, organizations, associations, corporations, boards, committees, commissions, agencies, or their representatives.

(b) "Board of education" means the state board of education pursuant to its authority under K.S.A. 76-1001a and 76-1101a, and amendments thereto, the board of education of any school district, the board of control of any area vocational-technical school and the board of trustees of any community college.

(c) "Professional employee" means any person employed by a board of education in a position which requires a certificate issued by the state board of education or employed by a board of education in a professional, educational or instructional capacity, but shall not mean any such person who is an administrative employee and, commencing in the 2006-2007 school year, shall not mean any person who is a retirant from school employment of the Kansas public employees retirement system, regardless of whether an agreement between a board of education and an exclusive representative of professional employees that covers terms and conditions of professional service provides to the contrary.

(d) "Administrative employee" means, in the case of a school district, any person who is employed by a board of education in an administrative capacity and who is fulfilling duties for which an administrator's certificate is required under K.S.A. 72-7513, and amendments thereto; and, in the case of an area vocational-technical school or community college, any person who is employed by the board of control or the board of trustees in an administrative capacity and who is acting in that capacity and who has authority, in the interest of the board of control or the board of trustees, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them or to adjust their grievances, or effectively to recommend a preponderance of such actions, if in connection with the foregoing, the

exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(e) "Professional employees' organizations" means any one or more organizations, agencies, committees, councils or groups of any kind in which professional employees participate, and which exist for the purpose, in whole or part, of engaging in professional negotiation with boards of education with respect to the terms and conditions of professional service or for the purpose of professional development or liability protection.

(f) "Representative" means any professional employees' organization or any person it authorizes or designates to act in its behalf or any person a board of education authorizes or designates to act in its behalf.

(g) "Professional negotiation" means meeting, conferring, consulting and discussing in a good faith effort by both parties to reach agreement with respect to the terms and conditions of professional service.

(h) "Mediation" means the effort through interpretation and advice by an impartial third party to assist in reconciling a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation between a board of education or its representatives and representatives of the recognized professional employees' organization.

(i) "Fact-finding" means the investigation by an individual or board of a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation, and the submission of a report by such individual or board to the parties to such dispute which includes a determination of the issues involved, findings of fact regarding such issues, and the recommendation of the fact-finding individual or board for resolution of the dispute.

(j) "Strike" means an action taken for the purpose of coercing a change in the terms and conditions of professional service or the rights, privileges or obligations thereof, through any failure by concerted action with others to report for duty including, but not limited to, any work stoppage, slowdown, or refusal to work.

(k) "Lockout" means action taken by a board of education to provoke interruptions of or prevent the continuity of work normally and usually performed by the professional employees for the purpose of coercing professional employees into relinquishing rights guaranteed by this act and the act of which this section is amendatory.

(l) (1) "Terms and conditions of professional service" means: (A) Salaries and wages, including pay for duties under supplemental contracts; hours and amounts of work; vacation allowance, holiday, sick, extended, sabbatical; and other leave, and number of holidays; retirement; insurance benefits; wearing apparel; pay for overtime; jury duty; grievance procedure; including binding arbitration of grievances; disciplinary procedure; resignations; termination and nonrenewal of contracts; reemployment of professional employees; terms and form of the individual professional employee contract; probationary period; professional employee appraisal procedures; each of the foregoing being a term and condition of professional service, regardless of its impact on the employee or on the operation of the educational system; (B) matters which relate to privileges to be granted the recognized professional employees' organization, including, but not limited to, voluntary payroll deductions; dissemination of information regarding the professional negotiation process and related matters to members of the bargaining unit on school or college premises through direct contact



with members of the bargaining unit; reasonable leaves of absence for members of the bargaining unit for organizational purposes, such as engaging in professional negotiation and partaking of instructional programs properly related to the representation of the bargaining unit; any of the foregoing privileges which are granted the recognized professional employees' organization through the professional negotiation process shall not be granted to any other professional employees' organization; and (C) such other matters as the parties mutually agree upon as properly related to professional service including, but not limited to, employment incentive or retention bonuses authorized under K.S.A. 72-8246, and amendments thereto.

(2) Nothing in this act, and amendments thereto, shall authorize any professional employees' organization to be granted the exclusive privilege of access to the use of school or college facilities for meetings, the use of bulletin boards on or about the facility or the use of school or college mail systems.

(3) Nothing in this act, and amendments thereto, shall authorize the diminution of any right, duty or obligation of either the professional employee or the board of education which have been fixed by statute or by the constitution of this state. Except as otherwise expressly provided in this subsection (1), the fact that any matter may be the subject of a statute or the constitution of this state does not preclude negotiation thereon so long as the negotiation proposal would not prevent the fulfillment of the statutory or constitutional objective.

(4) Matters which relate to the duration of the school term, and specifically to consideration and determination by a board of education of the question of the development and adoption of a policy to provide for a school term consisting of school hours, are not included within the meaning of terms and conditions of professional service and are not subject to professional negotiation.

(m) "Secretary" means the secretary of labor or a designee thereof.

(n) "Statutory declaration of impasse date" means ~~June 1~~ July 31 in the current school year.

(o) "Supplemental contracts" means contracts for employment duties other than those services covered in the principal or primary contract of employment of the professional employee and shall include, but not be limited to, such services as coaching, supervising, directing and assisting extracurricular activities, chaperoning, ticket-taking, lunchroom supervision, and other similar and related activities.

Sec. 11. From and after July 1, 2015, K.S.A. 72-5423 is hereby amended to read as follows: 72-5423. (a) Nothing in this act, or the act of which this section is amendatory, shall be construed to change or affect any right or duty conferred or imposed by law upon any board of education, except that boards of education are required to comply with this act, and the act of which this section is amendatory, in recognizing professional employees' organizations, and when such an organization is recognized, the board of education and the professional employees' organization shall enter into professional negotiations on request of either party at any time during the school year prior to issuance or renewal of the annual teachers' contracts. Notices to negotiate on new items or to amend an existing contract must be filed on or before ~~February 1~~ March 31 in any school year by either party, such notices shall be in writing and delivered to the chief administrative officer of the board of education or to the representative of the bargaining unit and shall contain in reasonable and understandable detail the purpose of the new or amended items desired.

(b) (1) Upon entering negotiations pursuant to this section, the parties shall negotiate compensation of professional employees and hours and amounts of work. In addition, each party may select not more than three additional terms and conditions of professional service from the list described in K.S.A. 72-5413(l)(1), and amendments thereto, for negotiation. All other terms and conditions of professional service described in K.S.A. 72-5413(l)(1), and amendments thereto, shall be deemed permissive topics for negotiation and shall only be negotiated upon the mutual agreement of the parties.

(2) For purposes of this section, the term "compensation" means salary and wages, supplemental contract salaries and pay for overtime.

(3) The provisions of this subsection shall not apply to negotiations between a board of education and a professional employees' organization negotiating for the purpose of reaching their first agreement.

(c) Except as otherwise expressly provided in this subsection, every meeting, conference, consultation and discussion between a professional employees' organization or its representatives and a board of education or its representatives during the course of professional negotiation and every hearing conducted by the secretary under K.S.A. 72-5426, and amendments thereto, for determination of the question of the existence of impasse is subject to the provisions of the Kansas open meetings law, and any amendments or supplements thereto. Meetings, conferences, consultations and discussions held by the secretary under K.S.A. 72-5426, and amendments thereto, for investigation of the question of the existence of impasse, and meetings, conferences, consultations and discussions held during the course of and in connection with, and the meeting required at the conclusion of, impasse resolution proceedings, as provided for in K.S.A. 72-5427 and 72-5428, and amendments to such sections thereto, are specifically made exempt from the provisions of the Kansas open meetings law, and any amendments or supplements thereto.

~~(d)~~ Nothing in this act, or the act of which this section is amendatory, shall be construed to authorize a strike by professional employees.

~~(e)~~ Any agreement lawfully made under the provisions of this act, or the act of which this section is amendatory, may be adopted by reference and made a part of the employment contract between any professional employee of the applicable negotiating unit and a board of education for a period of not to exceed three years.

(f) Those individuals selected by the board of education and the professional employees' organization to conduct negotiations pursuant to this act shall complete training on conducting negotiations each year. The content and format of the training for these individuals shall be determined by the respective party each individual represents in negotiations."

Also on page 16, in line 11, after the second comma by inserting "K.S.A. 72-5423 and"; in line 14, after the first comma by inserting "72-5413,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "amending" by inserting "K.S.A. 72-5423 and"; in line 6, after the comma by inserting "72-5413,"

**S Sub HB 2353** be further amended by motion of Senator Masterson, on page 7, in line 26, after "year" by inserting ", provided such pupil or such pupil's family member is in compliance with any attendance and behavior policies of the district" and **S Sub HB 2353** be passed as amended.

A motion by Senator Powell to amend **S Sub HB 2353** was withdrawn.  
**S Sub HB 2109** be passed over and retain a place on the calendar.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **Sub HB 2224**; **S Sub HB 2228** and **S Sub HB 2353** were advanced to final action and roll call.

**Sub HB 2224**, AN ACT concerning technical professions; amending K.S.A. 2014 Supp. 74-7003 and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, 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.

Absent or Not Voting: Haley.

The substitute bill passed.

**S Sub HB 2228**, AN ACT concerning abortion; relating to the administration of abortifacient drugs; amending K.S.A. 2014 Supp. 65-4a10 and repealing the existing section.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, 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.

Absent or Not Voting: Haley.

The substitute bill passed, as amended.

**S Sub HB 2353**, AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal years ending June 30, 2016, and June 30, 2017, for the department of education; amending K.S.A. 2014 Supp. 72-1046b, as amended by section 29 of 2015 House Substitute for Senate Bill No. 7, 72-3715, as amended by section 36 of 2015 House Substitute for Senate Bill No. 7, 72-6434, as amended by section 38 of 2015 House Substitute for Senate Bill No. 7, 72-8814, as amended by section 63 of 2015 House Substitute for Senate Bill No. 7, 75-2319, as amended by section 72 of 2015 House Substitute for Senate Bill No. 7 and Sections 5 and 6 of 2015 House Substitute for Senate Bill No. 7 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 72-6434, as amended by section 7 of this act, and 72-8814, as amended by section 8 of this act.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, 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.

Absent or Not Voting: Haley.

The substitute bill passed, as amended.

#### MESSAGE FROM THE HOUSE

The House adopts **HCR 5019**.

The House not adopts the Conference Committee report on **SB 113**, requests a conference and appoints Representatives Barker, Macheers and Ward as third conferees on the part of the House.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS.

**HCR 5019**, A CONCURRENT RESOLUTION relating to the adjournment of the senate and the house of representatives for a period of time during the 2015 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Bruce, **HCR 5019** was adopted by voice vote.

#### REPORT ON ENROLLED BILLS

**SB 101**, **H Sub SB 91** reported correctly enrolled, properly signed and presented to the Governor on May 21, 2015.

#### TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of May 18 through May 22, 2015:

Senator Bowers: congratulating Shirley Comeau on being named the Rooks County Hospital Auxiliary Volunteer of the Year; recognizing James Bell on being named State Knight of the Year; congratulating the City of Glasco on receiving the City of Excellence Award; congratulating the Stockton High School Entomology Team on its state championship; congratulating Lane Nichols on receiving the Dekalb Agricultural Accomplishment Award; congratulating Joe Pilsl on receiving the District Leader of the Year Award; congratulating Noah Easter on receiving the Youth of the Year Community Award; congratulating RJ Jackson on his Scholar Athlete Award; congratulating Shannon Ney on her FFA Degree;

Senator Fitzgerald: congratulating John Reichley on his 30 years in journalism;

Senator Haley: celebrating Bethesda Missionary Baptist Church and its 50<sup>th</sup> Church Anniversary;

Senator Ostmeyer: congratulating Hays High School on winning the 4A State Championship at the state journalism contest;

Senator Schmidt: congratulating Ethel Edwards on her retirement and commending her service to education in Kansas; and

Senators Wagle, Bruce, and Hensley: thanking Kendall Kaut for his service as Senate Reading Clerk.

On motion of Senator Bruce, the Senate adjourned until 11:00 a.m., Tuesday, May 26, 2015.

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

