

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 23, 2016, 10:00 a.m.

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

The roll was called with 40 senators present.

Vice President King introduced guest chaplain, Major Brian Curry, who delivered the invocation:

Almighty and Eternal God, who has given us this great nation as a land for our heritage, we seek Your guidance and favor today. Continue to bless our nation and the great state of Kansas' leaders with the wisdom and humility to enact laws that are a blessing to Kansans. We especially give thanks today for our nation's military as they defend our liberties and promote a united nation with a united people for the common good. May the desire of our military to live in peace and deliver justice to all inspire each of us to be better citizens and servants to our fellow man. As a military chaplain, I pray for my fellow chaplains that You will sustain them as they care for the souls of our nation's sons and daughters. In a nation and state with so much prosperity, may our hearts be filled with the joy of Your blessings and thankfulness as stewards of these bestowed blessings. Endow every member of this chamber to have charity in their heart for the least of the state. In Your Holy Name I pray, Amen.

The Pledge of Allegiance was led by Vice President King.

POINT OF PERSONAL PRIVILEGE

Senator Bowers rose on a Point of Personal Privilege to acknowledge and introduce the members and personnel of the Kansas National Guard for Armed Forces Appreciation Day. The Guardsmen here today represent Joint Forces Headquarters, the 130th Field Artillery Brigade, 635th Regional Support Group, Recruiting and Retention Battalion, 235th Regiment, the 73rd Civil Support Team, and airmen from the 184th Intelligence Wing and 190th Air Refueling Wing. These men and women of the Kansas National Guard have chosen to dedicate their service to our great state and country. They are always ready at a moment's notice to serve and protect the great state of Kansas. These men, women and their families have made noble sacrifices in order to fulfill their commitment to our state and country. I encourage you to meet with these members and personnel to learn about their service branch, what they do for our state, and what we as elected officials can do for them. On a personal note, I have had the privilege of have two Kansas soldiers serve as interns for me – 2nd Lt Jody McCready Cope in 2011 and Major Murl Riedel in 2012. On behalf of the State of Kansas, we thank you for all your service.

The senators honored the guests with a standing ovation.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize members of four chapters of Kansas Alpha Kappa Alpha sorority present in the gallery. Special recognition was given to Mrs. Jan M. Carpenter Baker, Mid-Western Regional Director of Alpha Kappa Alpha, Mrs. Twyla Wood Buford, Midwest Regional Representative to the International Connections Committee and Kayly Seton, Kansas Connection Coordinator.

The senators honored the guests with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 478, AN ACT concerning crimes, punishment and criminal procedure; relating to abolition of the death penalty; creating the crime of aggravated murder; sentences of imprisonment for life without the possibility of parole; establishing the Kansas death penalty abolition fund; amending K.S.A. 2015 Supp. 21-5419, 21-6614, 21-6618, 21-6620, 21-6622, 21-6628, 21-6629, 21-6806, 22-3717, 22-4902, 22-4906, 38-2255, 38-2271, 38-2312, 38-2365, 39-970, 65-5117, 72-1397 and 75-52,148 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 21-5401, 21-6614f, 21-6617 and 21-6619, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Corrections and Juvenile Justice: **HB 2447**, **HB 2501**.

Federal and State Affairs: **SB 476**.

Public Health and Welfare: **SB 477**.

Senate Select Committee on KPERS: **HB 2489**.

Transportation: **HB 2436**, **HB 2610**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Petersen, 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, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1770—

A RESOLUTION honoring and recognizing Kansans who are Korean War Veterans.

WHEREAS, On June 25, 1950, communist North Korea invaded the Republic of Korea with approximately 135,000 troops, thereby initiating the Korean War; and

WHEREAS, On June 27, 1950, President Harry S. Truman ordered the United States Armed Forces to help the Republic of Korea defend itself against the North Korean invasion; and

WHEREAS, The hostilities ended in a cease-fire, marked by the signing of the armistice at Panmunjom on July 27, 1953; and

WHEREAS, During the Korean War, approximately 1,789,000 members of the United States Armed Forces served in the theater of combat, with 54,246 casualties, of whom 33,739 were battle deaths, more than 103,284 wounded and approximately 8,055 listed as missing in action or prisoners of war; and

WHEREAS, The Korean War is called "The Forgotten War," because it came on the heels of World War II; and

WHEREAS, The invasion from North Korea, planned and executed with Russian support, was intended to ensure communism spread into the Republic of Korea and beyond; and

WHEREAS, The Kansans and other Americans who served in the armed forces during the Korean War were willing to pay the price freedom demanded and pushed back the spread of communism to sustain democracy in Korea; and

WHEREAS, In the 66 years since the outbreak of the Korean War, the Republic of Korea has emerged from a war-torn economy into one of the major economies in the world and one of the largest trading partners and military allies of the United States; and

WHEREAS, There were 435 Kansans who lost their lives in the Korean War. Their names and branch of service are listed on the Korean War Memorial in Overland Park, Kansas; and

WHEREAS, Three Kansas Korean War Veterans were awarded the Congressional Medal of Honor: Stanley Taylor Adams, Army, DeSoto, Kansas; Jack Arden Davenport, USMC, Mission, Kansas; and Father Emil Joseph Kapaun, Army, Pilsen, Kansas; and

WHEREAS, There were only 18,242 Korean War Veterans living in Kansas in September 2014, and it is fitting and just that we honor and bring recognition to our Kansas service members from the Korean War: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That on this 23rd day of February 2016, Kansas Military Appreciation Day, we recognize the historical importance of the Korean War, which began on June 25, 1950 and ended on July 27, 1953, when the armistice was signed; that there were only 18,242 Korean War Veterans in Kansas in 2014, with many passing each year; that we must honor the noble service and sacrifice of these Kansas veterans now, while they are still with us, as well as other veterans of the United States Armed Forces and all veterans from allied countries who served in Korea; that all Americans, in particular Kansans, who served during the Korean War were valuable to the war effort – whether as cooks, tankers, engineers, enlisted personnel or officers – and all deserve our thanks and recognition; and we encourage all Kansans to participate in commemorative activities, pay solemn tribute to and never forget the veterans of the Korean War and their sacrifices, as exemplified by the Kansas Commission on Veterans' Affairs Operation Recognition Program, which grants high school diplomas to Korean War and other veterans who left high school to serve in the armed forces; and we reaffirm this commitment of Kansans from this day forward; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Petersen.

On emergency motion of Senator Petersen **SR 1770** was adopted unanimously.

Kansas Korean Veterans seated in the gallery were honored by the senators with a standing ovation.

Roger Zlatnik, Senate Doorman and a Kansas Korean War Veteran, was presented

with a framed copy of the resolution and was honored by the senators with a standing ovation.

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1771—

A RESOLUTION recognizing the patriotism and contributions of Veterans Service Organizations and families of veterans.

WHEREAS, Tens of millions of Americans have served in the United States Armed Forces during the past century; and

WHEREAS, Kansas is home to more than 200,000 veterans; and

WHEREAS, The Veterans of Foreign Wars, the American Legion and other Veterans Service Organizations, through local posts, provide a host of invaluable services to veterans across the United States, including benefits assistance, career services, financial assistance, homeless outreach and supporting services; and

WHEREAS, Along with Veterans Service Organizations, the family members of veterans are the bedrock of support and strength for our nation's Armed Forces and bear the most immediate and profound burden of the absence of their loved ones during the performance of their duties; and

WHEREAS, Various Veterans Service Organizations support veterans with behavioral health challenges and help them develop stronger connections with behavioral health providers, health care providers, employment assistance providers, institutions of higher learning, the judicial system, social services providers, local businesses and the broader community as a whole: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we proudly recognize and honor families of our service members who, through their love, support, patriotism and countless contributions, also help ensure our continued freedom, liberty and way of life; and

Be it further resolved: That we recognize Veterans Service Organizations and the families of veterans as valuable resources to our state, and essential to the smooth transition and integration of veterans into our communities; and

Be it further resolved: That we stand in humble respect of the sacrifices made by Veterans Service Organizations and military families.

On emergency motion of Senator Ostmeyer **SR 1771** was adopted unanimously.

Guests recognized were Lyle Babcock, Nathan McClune, Marty Thurman, Ron Whitney, Frank Lowery, Maureen Lane, David Farley, Gerald Kehres, Megan McGuire, Debbie Austin, Dody Plummer, Thomas Sochantz, Bittany White-Dold, Weston Qrender, Jade Cale, Kendra Garcia, Aubrey Davis, Dakota Qrender, Phil Taunton, Monica Schmidt, T.J. Qrender and Maddie Madrigal.

The senators honored the guests with a standing ovation.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2285, HB 2462, HB 2479, HB 2516, HB 2545, HB 2567, HB 2578, HB 2620, HB 2655.**

Announcing adoption of **HCR 5008.**

Announcing passage of **SB 250**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2285, HB 2462, HB 2479, HB 2516, HB 2545, HB 2567, HB 2578, HB 2620, HB 2655; HCR 5008 were thereupon introduced and read by title.

FINAL ACTION ON CONSENT CALENDAR

SB 382, SB 405 and **SB 412** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered for final action.

SB 382, AN ACT repealing K.S.A 8-1107; eliminating the requirement that certain notices, publications and affidavits be filed with the county clerk by a person providing wrecker or towing service.

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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

SB 405, AN ACT concerning vehicles; relating to travel trailers; amending K.S.A. 8-199 and K.S.A. 2015 Supp. 8-197 and 8-198 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

SB 412, AN ACT concerning counties; relating to the grant of an easement to a water district, conditions and purposes; amending K.S.A. 19-3521b and repealing the existing section.

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

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

Present and Passing: Olson.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub SB 103, AN ACT concerning pharmacy benefits managers, 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed.

SB 330, AN ACT concerning conservation; establishing the Kansas conservation reserve enhancement program, 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

Sub SB 335, AN ACT concerning motor vehicles; relating to vehicle registration, fees; creating the Kansas highway patrol staffing and training fund; law enforcement training center fund; amending K.S.A. 2015 Supp. 8-145 and 74-5619 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 14; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hensley, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, Ostmeyer, Petersen, V. Schmidt, Smith, Wilborn, Wolf.

Nays: Baumgardner, Denning, Hawk, Lynn, McGinn, Melcher, O'Donnell, Olson, Pettey, Pilcher-Cook, Powell, Pyle, Tyson, Wagle.

Present and Passing: Francisco, Kelly.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: While I vote "No" on **Sub SB 335**, I support our highway patrol. I agree there does need to be adjustments to their pay, but I don't think this should be out of a fee fund. We need to find the money in the state general fund. It is that important to our state.—CARYN TYSON

Senators Baumgardner, Denning, Hawk, Kelly, Lynn, O'Donnell, Pettey and Powell request the record to show they concur with the "Explanation of Vote" offered by Senator Tyson on **Sub SB 335**.

SB 338, AN ACT concerning cities; relating to the rehabilitation of abandoned property; amending K.S.A. 2015 Supp. 12-1750 and 12-1756a and repealing the existing sections; also repealing K.S.A. 2015 Supp. 12-1756e, was considered on final action.

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

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, Ostmeyer, Petersen, Pettey, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Haley, O'Donnell, Olson, Pilcher-Cook, Powell, Pyle, Tyson.

The bill passed, as amended.

PROTEST

Protest of Senator Haley against Senate Bill 338

February 23, 2016

In Accordance with Article 2, Section 10 of the Constitution of Kansas, I, David Haley, a duly elected Senator representing the Fourth District of Kansas, herein PROTEST the action of this Legislature in the promulgation and passage of **Senate Bill 338**: An Act pertaining to Cities.

In my 23 years as a Kansas Legislator and as but one of only three attorneys in the Senate, this is the first PROTEST I have ever lodged on any measure of the thousands I have considered.

This Chamber now further denigrates real property rights to which every Kansan should be heir.

SB 338 which purports to grant authority to cities and nonprofit organizations to petition courts to possess vacant property for rehabilitation purposes will, simply, but legalize grand theft.

The Senate Commerce committee as is its charge (and not the Senate Local Government committee where, justifiably, similar language as **SB 338** had over many years failed time and time again) recognizes and advances business and financial opportunities for our State.

First, the question of a city, redefining definitions of “abandonment” and “blight” as these terms apply to real property, land and or improvements, is the expertise of deliberations of a committee membership dedicated to the auspices of municipalities not the principles of profit.

The principles of real property ownership should always inure to the rights of the citizen not to a developer’s bottom line or even a desire to enhance appraised valuations for tax purposes.

Diabolical in its spawning, methodical and tenacious in its steady lurch forward, **SB 338** adheres to two tiered definitions of “abandoned property;” both ingenuous and neither accurate. One definition of “abandoned property”: vacant for 365 days and having a “blighting influence” on surrounding properties; the other definition vacant for 90 days and 2 years tax delinquent.

There are numerous every day scenarios whereby a real property owner has in no way “abandoned” their property though that same property may be vacant for 90 to 365 days, be tax delinquent for 2 years or may have need of rehabilitation to conform to a local standard, real or perceived. But **SB 338** alleges “abandonment” and triggers governmental intrusion, harassment and potentially leads to a taking of real property by the government for the benefit of an organization which profits from the taking and kick back higher taxes to the city.

“Commerce,” yes, but a shameful way to run a citizen responsive “Local Government.”

The specious argument in favor of this legislation portends neighborhood beautification, tax viability and repopulation of or demolition and rebuilding of older houses. By eradicating “blight,” the entire community, even the city, is greatly enhanced.

With that premise, I, David Haley, could not agree more.

Today, with no need for warping and putting into statute time-honored definitions of “blight” and “abandonment” or presupposes new postulates for passages of time periods to correlate to real property owners’ interests or genuine concern with their legally owned land(s), there are tools already available to every municipality to address blight. “Code enforcement” departments can post notice and bring to environmental and district court negligent property owners. Subsequent to insufficient response, steep fines and even jail time can be issued now. Today in current statute, a property with two or more years of delinquent property taxes may be sold by the Sheriff of each Kansas County in a “Delinquent Property Tax Sale” also known as a “Sheriff’s” sale or as property “sold on the Courthouse steps.” Again, these are current tools available to curb or cure blight and to put real property into fiscally responsive ownership.

The property rights of legal property owners should not be infringed upon by this Legislature.

Marginal or fragile property owners (traditionally average income or poor property owners attempting to hold on to inherited property or an entrepreneurial hope structure as often found in inner cities) will be set upon by keen-eyed, out of county based developers sheltered by an industrious “not-for-profit” which uses the city and district court as the leverage to harass and ultimately take the land, all in the name of “civic pride” or “community betterment.” Theft.

The late Kansas City, Missouri civil rights leader Bernard Powell (1947-1979) envisioned and warned of the transfer of inner city property back into the same hands of those who fled the same a half century or more ago to the sanctity of the suburbs. Bernard Powell predicted the day would come when government, and the tools they elect and hire, will work hand-in-hand with “robber barons” to turn those out; those who have despaired in neglected, under represented, often high crime, poorly educated neighborhoods, those who have weathered poverty, hard times, civic and civil harassment but yet held a real property interest, a “piece of the pie”...to force them out. Bernard Powell spoke of prosperity returning to the inner city and nothing being tendered to the people who had paid the price for the most sought after of land.

He called it government assisting the turning of the “ghetto into a goldmine.” How prophetic.

Here I sit, practically alone in my opposition to this expansion of eminent domain targeted at poorer property owners ill equipped to “fight City Hall,” in this Kansas Senate and watch this unfold. Again, **SB 338** came out of the Commerce committee as well it should.

Government has redefined terms before to shape shift often dastardly need to justify ill deeds.

I remember efforts to redefine “blight” for economic purposes in another eminent domain taking for use in building the Kansas Speedway and Legends in Wyandotte County. Succinctly, the new definition of “blight” was the ability for exponentially more taxes to be levied against the future use of the land than that which the owner who it was being taken from could be expected to pay in its current use. Remnants of that

economically fascist philosophy resonate in **SB 338**. As more people flee the “golden ghettos” of suburbia, the inner city “ghettos” will be repopulated and turned into “goldmines” at the expense I fear, once again, of the poor and unsuspecting. Ironically, we celebrated and honored some of our Korean and Vietnam War heroes today in the Senate Chamber. Was the freedom to own real property without fear of unwarranted government intrusion something for which they fought?

I protest the passage of **Senate Bill 338** as is my Constitutional right as a Kansas State Senator under Article Two, Section 10 of the *Kansas Constitution* for reasons, beliefs afore-listed as well as others not so and hereby vow to continue to assist unnecessarily embattled real property owners in my home District as we together will face the challenges that this bill, when signed into law, will undoubtedly bring.

SB 362, AN ACT concerning the criminal justice information system; relating to electronically stored information; hearsay exception for official record, authentication of record; amending K.S.A. 60-465 and K.S.A. 2015 Supp. 22-4701, 22-4705 and 60-460 and repealing the existing sections, was considered on final action.

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

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

Nays: Tyson.

The bill passed.

SB 365, AN ACT concerning economic development of environmentally contaminated property; relating to liability for cleanup costs; enacting the contaminated property redevelopment act, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Arpke, Kelly, Love, Tyson.

The bill passed, as amended.

SB 366, AN ACT relating to economic development; concerning price controls on the purchase or sale of private residential or commercial property; amending K.S.A. 12-16,120 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Francisco, Hawk, Holland, Pettey, Wilborn, Wolf.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on **SB 366**. While I understand that the legislature may want to put limits on inclusionary zoning, this bill is an infringement upon a city's home rule authority to address its local needs. The language is so broad that it may eliminate other opportunities for communities to address issues of affordable housing. My question asking what was the reason for the change from a "property" interest to an "ownership" interest in the statute was not answered during our debate. I hope that House deliberation and action on this bill will address my concerns.—MARCI FRANCISCO

Senator Holland requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **SB 366**.

SB 374, AN ACT concerning sureties; relating to justification and approval; amending K.S.A. 22-2806 and repealing the existing section, was considered on final action.

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

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

Nays: Fitzgerald, Pilcher-Cook.

The bill passed, as amended.

SB 387, AN ACT concerning financial institutions; relating to certain savings account promotions; state bank commissioner; credit union administrator, 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

SB 391, AN ACT concerning visual depictions of children; creating the crimes of unlawful transmission of a visual depiction of a child and unlawful possession of a visual depiction of a child; prohibiting offender registration for such crimes; also relating to sexual exploitation of a child; amending K.S.A. 2015 Supp. 21-5510 and 22-4902 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, V. Schmidt,

Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

SB 392, AN ACT concerning criminal procedure; relating to the uniform mandatory disposition of detainer act; notice; amending K.S.A. 22-4302, 22-4306 and 22-4308 and K.S.A. 2015 Supp. 22-4301, 22-4303 and 22-4304 and repealing the existing sections; also repealing K.S.A. 22-4307, 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

SB 402, AN ACT concerning healthcare and healthcare providers; relating to continuing education credits for gratuitous care; application of the Kansas tort claims act; amending K.S.A. 75-6115 and K.S.A. 2015 Supp. 65-1431, 65-2809 and 75-6102 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

SB 407, AN ACT concerning civil commitment of sexually violent predators; reviving K.S.A. 59-29a18, 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

SB 408, AN ACT concerning abuse, neglect and exploitation of persons; relating to reporting and investigation; duties and powers of attorney general, law enforcement and department of corrections; amending K.S.A. 2015 Supp. 38-2223, 38-2226 and 75-723 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

SB 410, AN ACT concerning the revised Kansas code for care of children; authorizing a CARE family pilot program for foster care; amending K.S.A. 2015 Supp. 38-2218 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 15; Present and Passing 1; Absent or Not Voting 0.

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

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

Present and Passing: O'Donnell.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on **SB 410** for several reasons. First, this bill creates an unprecedented general fund demand transfer entitlement for those qualified for the CARE foster child program. Second, this bill provides for per pupil state aid based on enrollment which was repealed by this Legislature last year when the block grant school funding plan was adopted. This state aid would be reimbursed to CARE foster parents in the form of a voucher for their actual expenses in educating foster care students at home. Finally, I find it ironic that a vast majority of Senators are willing to restrict alcohol, tobacco and drug use in CARE foster homes because they are dangerous, but were not willing to require that firearms be kept out of the reach of children. Rejecting this common sense policy on the basis of politics is shameful and ignores the importance of keeping children safe in their home. And actually, I don't find this ironic – I find it the height of hypocrisy.—ANTHONY HENSLEY

Senators Faust-Goudeau, Francisco, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 410**.

Mr. Vice President: **SB 410** establishes a new and different category of foster care, as a pilot program. It enables the Department for Children and Families to develop this alternative approach using highly trained, volunteer families, giving them additional tools to nurture children in need of care. I vote "Yes" on **SB 410**.—FORREST KNOX

Mr. Vice President: I vote "No" on **SB 410**. This bill establishes select criteria for one group of foster families which could jeopardize \$20 million of Title IV-E Foster Care funding and implies that foster care families that are compensated are only in it for the money. **SB 410** also establishes an education voucher without any real concern for the quality of education for our children most in need. Kansas desperately needs more foster care families this is not the way to address that need.—PAT PETTEY

Senators Francisco and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **SB 410**.

SB 415, AN ACT concerning legislative review of exceptions to disclosure of public records; amending K.S.A. 2015 Supp. 9-513c, 12-5374, 16-335, 17-1312e, 25-2309, 40-2,118, 40-2,118a, 40-4913, 45-229, 75-5664 and 75-5665 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

SB 419, AN ACT concerning insurance; relating to mutual insurance companies organized to provide healthcare liability insurance; affiliate transfer policies, 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

SB 438, AN ACT concerning insurance; relating to property and casualty insurance; policy renewals, 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

Sub SB 440, AN ACT concerning the judicial branch; relating to the supreme court, general administrative authority; amending K.S.A. 20-101, 20-115, 20-156, 20-159, 20-347 and 20-3102 and K.S.A. 2015 Supp. 75-3120g and 75-3120h and repealing the existing sections; reviving K.S.A. 20-319, 20-329, 20-342, 20-343, 20-345, 20-349 and 20-3011; reviving and amending K.S.A. 20-162, 20-318, 20-346a, 20-361, 20-2909, 20-2911, 20-2914 and 25-312a and K.S.A. 2013 Supp. 75-5541 and 75-5551 and repealing the revived sections; also repealing K.S.A. 19-4809, 19-4811, 20-104, 20-109, 20-110, 20-111, 20-112, 20-116, 20-139, 20-152, 20-153, 20-154, 20-157, 20-161, K.S.A. 20-162, as amended by section 7 of chapter 82 of the 2014 Session Laws of Kansas, 20-163, 20-168, 20-201, 20-202, 20-203, 20-204, 20-205, 20-206, 20-207, 20-208, 20-208b, 20-209, 20-210, 20-211, 20-212, 20-213, 20-310b, 20-311, 20-318, as amended by section 9 of chapter 82 of the 2014 Session Laws of Kansas, 20-319, as revived by section 7 of this act, 20-319, as amended by section 10 of chapter 82 of the 2014 Session Laws of Kansas, 20-320, 20-321, 20-322, 20-323, 20-329, as revived by section 8 of this act, 20-329, as amended by section 11 of chapter 82 of the 2014 Session Laws of Kansas, 20-342, as revived by section 9 of this act, 20-342, as amended by section 12 of chapter 82 of the 2014 Session Laws of Kansas, 20-343, as revived by section 10 of this act, 20-343, as amended by section 13 of chapter 82 of the 2014 Session Laws of

Kansas, 20-345, as revived by section 11 of this act, 20-345, as amended by section 14 of chapter 82 of the 2014 Session Laws of Kansas, 20-346a, as amended by section 15 of chapter 82 of the 2014 Session Laws of Kansas, 20-349, as revived by section 14 of this act, 20-349, as amended by section 16 of chapter 82 of the 2014 Session Laws of Kansas, 20-357, 20-361, as amended by section 17 of chapter 82 of the 2014 Session Laws of Kansas, 20-438, 20-917, 20-2909, as amended by section 19 of chapter 82 of the 2014 Session Laws of Kansas, 20-2911, as amended by section 20 of chapter 82 of the 2014 Session Laws of Kansas, 20-2914, as amended by section 21 of chapter 82 of the 2014 Session Laws of Kansas, 20-3011, as revived by section 19 of this act, 20-3011, as amended by section 22 of chapter 82 of the 2014 Session Laws of Kansas, 20-3014, 20-3015, 20-3019 and 25-312a, as amended by section 25 of chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013 Supp. 75-5541, as amended by section 40 of chapter 82 of the 2014 Session Laws of Kansas, and 75-5551, as amended by section 41 of chapter 82 of the 2014 Session Laws of Kansas; and K.S.A. 2015 Supp. 20-1a17, 20-310a, 20-319, 20-329, 20-342, 20-343, 20-345, 20-349, 20-384, 20-3011 and 20-3301, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 9; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Haley, Holland, Holmes, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, Ostmeyer, Petersen, Pilcher-Cook, Powell, V. Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Baumgardner, Faust-Goudeau, Hensley, Knox, O'Donnell, Olson, Pettey, Pyle, Tyson.

Present and Passing: Francisco, Hawk, Kelly.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: **Sub SB 440** amends, repeals or revives roughly 70 statutes having to do with the operations of the judicial branch. A bill of this magnitude deserves thorough review and careful study, as was requested by the Office of Judicial Administration. Instead, this bill was rushed through the process in an attempt to send yet another political message to the courts, in the wake of the *Solomon v. Kansas* ruling. While the intent of the bill may be positive, I don't believe anyone fully understands the ramifications of the changes proposed in the bill. Therefore, out of caution that we do not place any unforeseen burdens on Kansans seeking access to or redress in the courts, I vote "No" on **Sub SB 440**.—ANTHONY HENSLEY

Mr. Vice President: In considering the separation of power that exists in our three branches of government, I have come to view checks and balances as extremely important. There are no kings in Kansas. Each branch must submit to the others in a complex net, which is in fact a safety net and keeps our system of government from collapse. The Executive, Legislative, and Judicial branches are not completely independent of each other. I believe that **Sub SB 440** hands too much independence to the judicial branch, ripping the net, and I vote "No."—FORREST KNOX

SB 449, AN ACT concerning psychiatric health; relating to professions regulated by

the behavioral sciences regulatory board; prohibiting outsourcing of operations or facilities of state psychiatric hospitals; amending K.S.A. 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-6411, 74-5311, 74-5318, 74-5361, 74-5362, 74-5363, 74-5365 and 74-5370 and K.S.A. 2015 Supp. 65-5807, 65-5809, 65-6309, 65-6311, 65-6313, 65-6405, 65-6406, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5367, 74-5369, 74-5375, 74-5376, 74-7507 and 74-7508 and repealing the existing sections; also repealing K.S.A. 74-5319, 74-5320, 74-5321, 74-5325, 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336 and 74-5338 and K.S.A. 2015 Supp. 65-5815, 65-6412, 65-6619 and 74-5337, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Arpke, Lynn, Masterson, Melcher, Petersen, Pilcher-Cook, Pyle.

The bill passed, as amended.

SB 453, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; early release from incarceration, 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

COMMITTEE OF THE WHOLE

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

On motion of Senator Donovan the following report was adopted:

SB 393, **SB 426** be passed.

SB 418 be amended by motion of Senator Knox: on page 27, following line 16, by inserting:

"New Sec. 14. (a) There is hereby established in the state treasury the juvenile out-of-home placement education fund to be administered by the secretary for the department of children and families. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or the secretary's designee. All moneys credited to the juvenile out-of-home placement education fund shall be expended for the purposes of providing for the education of children placed pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code.

(b) The court shall notify any school district when a child has been placed pursuant

to the revised Kansas code for care of children or the revised Kansas juvenile justice code and is no longer attending a school in such school district. Upon receipt of such notification, for any month during the current school year in which such child is not enrolled in such school district as of the first day of such month, such school district shall remit to the secretary an amount equal to the general fund budget of such school district, excluding moneys held in the special education and related services fund, the special retirement contributions fund, the capital outlay fund or the bond and interest fund of the school district, the proceeds of any tax levied by such school district that are directly deposited in any fund of such school district and any moneys received by the school district pursuant to federal law, for the current school year divided by the total enrollment of such school district for the current school year divided by 12. Such remittance shall be made on the first business day of such month. The secretary shall remit any moneys so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the juvenile out-of-home placement education fund.

(c) For purposes of this section and for calculating enrollment, a resident school district shall not count any student placed pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code and not enrolled in a school district as a pupil of such resident school district. As used in this subsection, the term "resident school district" means the school district in which the student resides and would otherwise be enrolled.

New Sec. 15. (a) If a child is enrolled by the licensed person or entity in a school district that is different than the school district in which the child was enrolled at the commencement of the current school year, then the school district in which the child is enrolled by such licensee shall be paid by the secretary from the juvenile out-of-home placement education fund a monthly amount that is equal to the general fund budget of such school district, excluding moneys held in the special education and related services fund, the special retirement contributions fund, the capital outlay fund or the bond and interest fund of the school district, the proceeds of any tax levied by such school district that are directly deposited in any fund of such school district and any moneys received by the school district pursuant to federal law, for the current school year divided by the total enrollment of such school district for the current school year divided by 12. The school district shall only be paid for those months in which the child is enrolled in the school district as of the first day of the month. Payments shall be made by the secretary to the school district on the first day of the month or as soon thereafter as sufficient moneys are available in the juvenile out-of-home placement education fund.

(b) This section shall be part of and supplemental to the revised Kansas code for care of children.

New Sec. 16. (a) If a child is enrolled by the licensed person or entity in a school district that is different than the school district in which the child was enrolled at the commencement of the current school year, then the school district in which the child is enrolled by such licensee shall be paid by the secretary of the department for children and families from the juvenile out-of-home placement education fund a monthly amount that is equal to the general fund budget of such school district, excluding moneys held in the special education and related services fund, the special retirement contributions fund, the capital outlay fund or the bond and interest fund of the school

district, the proceeds of any tax levied by such school district that are directly deposited in any fund of such school district and any moneys received by the school district pursuant to federal law, for the current school year divided by the total enrollment of such school district for the current school year divided by 12. The school district shall only be paid for those months in which the child is enrolled in the school district as of the first day of the month. Payments shall be made by the secretary to the school district on the first day of the month or as soon thereafter as sufficient moneys are available in the juvenile out-of-home placement education fund.

(b) This section shall be part of and supplemental to the revised Kansas juvenile justice code.";

And by renumbering sections accordingly

and and the bill be passed as further amended.

SB 326 be amended by the adoption of the committee amendments, and the bill be passed as amended.

SB 367 be amended by the adoption of the committee amendments, be further amended by motion of Senator Smith: on page 3, following line 18, by inserting:

"(j) This section shall take effect on and after July 1, 2017."

SB 367 be further amended by motion of Senator Smith: on page 38, in line 37, before "or" by inserting:

"(B) sentenced as an adult under the Kansas criminal code following termination of status as an extended jurisdiction juvenile pursuant to K.S.A. 2015 Supp. 38-2364, and amendments thereto;"

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

On page 41, in line 17, after "if" by inserting a colon; in line 19, before "the" by inserting "(1)"; in line 23, after "limit" by inserting "; or"; in line 26, before the period by inserting "(2) the juvenile offender is sentenced pursuant to an extended jurisdiction juvenile prosecution and continues to successfully serve the sentence imposed pursuant to the revised Kansas juvenile justice code";

On page 51, in line 11, before "has" by inserting "or classification as an extended jurisdiction juvenile";

On page 57, in line 42, before "Except" by inserting "(1)";

On page 59, following line 24, by inserting:

"(2) At any time after commencement of proceedings under this code against a juvenile offender for an offense which, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony, and prior to the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 2015 Supp. 38-2356, and amendments thereto, the county or district attorney or the county or district attorney's designee may file a motion requesting that the court designate the proceedings as an extended jurisdiction juvenile prosecution.

(3) If the county or district attorney or the county or district attorney's designee files a motion to designate the proceedings as an extended jurisdiction juvenile prosecution, the burden of proof is on the prosecutor to prove the juvenile should be designated as an extended jurisdiction juvenile.";

Also on page 59, in line 41, before the period by inserting "as the result of the juvenile being prosecuted under an extended jurisdiction juvenile prosecution";

On page 60, in line 9, before the comma by inserting "or designating the proceeding

as an extended jurisdiction juvenile prosecution"; in line 12, before the semicolon by inserting "or designating the proceeding as an extended jurisdiction juvenile prosecution"; in line 33, before the period by inserting "or extended jurisdiction juvenile prosecution"; in line 40, before "The" by inserting "(1)";

On page 61, following line 35, by inserting:

"(2) The court may designate the proceeding as an extended jurisdiction juvenile prosecution upon completion of the hearing if the court finds from a preponderance of the evidence that the juvenile should be prosecuted under an extended jurisdiction juvenile prosecution.

(3) After a proceeding in which prosecution as an adult is requested pursuant to subsection (a)(2), and prosecution as an adult is not authorized, the court may designate the proceedings to be an extended jurisdiction juvenile prosecution.

(4) A juvenile who is the subject of an extended jurisdiction juvenile prosecution shall have the right to a trial by jury, to the effective assistance of counsel and to all other rights of a defendant pursuant to the Kansas code of criminal procedure. Each court shall adopt local rules to establish the basic procedures for extended jurisdiction juvenile prosecution in such court's jurisdiction.";

On page 71, following line 12, by inserting:

"Sec. 42. K.S.A. 2015 Supp. 38-2364 is hereby amended to read as follows: 38-2364. (a) If an extended jurisdiction juvenile prosecution results in a guilty plea or finding of guilt, the court shall:

(1) Impose one or more juvenile sentences under K.S.A. 2015 Supp. 38-2361, and amendments thereto; and

(2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the juvenile offender ~~not violate~~ substantially comply with the provisions of the juvenile sentence and not commit a new offense.

(b) When it appears that a person sentenced as an extended jurisdiction juvenile has violated one or more conditions of the juvenile sentence or is alleged to have committed a new offense, the court, ~~without notice, may revoke the stay and juvenile sentence and direct that the juvenile offender be immediately taken into custody and delivered to the secretary of corrections pursuant to K.S.A. 2015 Supp. 21-6712, and amendments thereto. The court~~ shall notify the juvenile offender and such juvenile offender's attorney of record, in writing by personal service, as provided in K.S.A. 60-303, and amendments thereto, or certified mail, return receipt requested, of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. ~~If the juvenile offender challenges the reasons,~~ The court shall hold a hearing on the issue at which the juvenile offender is entitled to be heard and represented by counsel. After the hearing, if the court finds by a preponderance of the evidence that the juvenile committed a new offense or violated one or more conditions of the juvenile's sentence, the court shall revoke the juvenile sentence and order the imposition of the adult sentence previously ordered pursuant to subsection (a)(2) or, upon agreement of the county or district attorney and the juvenile offender's attorney of record, the court may modify the adult sentence previously ordered pursuant to subsection (a)(2). Upon such finding, the juvenile's extended jurisdiction status is terminated, and juvenile court jurisdiction is terminated. The ongoing jurisdiction for any adult sanction, other than the commitment to the department of corrections, is with the adult court. The juvenile offender shall be credited for time served in a juvenile correctional or detention facility on the juvenile

sentence as service on any authorized adult sanction.

(c) Upon becoming 18 years of age, any juvenile who has been sentenced pursuant to subsection (a) and is serving the juvenile sentence, may move for a court hearing to review the sentence. If the sentence is continued, the court shall set a date of further review in no later than 36 months.";

Also on page 71, in line 17, before the comma by inserting "or under the extended jurisdiction juvenile prosecution"; in line 26, before the comma by inserting "or under the extended jurisdiction juvenile prosecution";

On page 85, in line 31, before the period by inserting "unless the juvenile was sentenced pursuant to an extended jurisdiction juvenile prosecution upon court order";

On page 112, in line 21, before "38-2366" by inserting "38-2364,"; in line 29, by striking "38-2364,";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, after the second comma by inserting "38-2364,"; in line 10, by striking all after "38-2335"

and **SB 367** be passed as further amended.

The committee report on **SB 277** recommending **Sub SB 277** be adopted, and the substitute bill be passed.

SB 342, SB 363, SB 379, SB 388; Sub SB 428; SB 454; HB 2438 be passed over and retain a place on the calendar.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Masterson moved the Senate concur in House amendments to **SB 250**.

SB 250, AN ACT concerning state building construction; relating to the monthly reports of progress; making and concerning appropriations for the fiscal years ending June 30, 2016, and June 30, 2017, for various state agencies; concerning the Docking state office building; amending K.S.A. 2015 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Senate concurred.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **Sub SB 277; SB 326, SB 367, SB 393, SB 418** and **SB 426** were advanced to Final Action and roll call.

Sub SB 277, AN ACT concerning alcoholic beverages; relating to microbreweries; authorizing the production of hard cider; amending K.S.A. 2015 Supp. 41-102 and 41-308b 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The substitute bill passed.

SB 326, AN ACT concerning alcoholic beverages; relating to microbreweries; amending K.S.A. 2015 Supp. 41-308b 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed, as amended.

SB 367, AN ACT concerning children and minors; relating to juvenile justice; amending K.S.A. 12-4112 and 20-167 and K.S.A. 2015 Supp. 8-241, 8-2110, 12-4117, 38-2202, 38-2232, 38-2242, 38-2243, 38-2260, 38-2288, 38-2302, 38-2304, 38-2313, 38-2325, 38-2330, 38-2331, 38-2332, 38-2342, 38-2343, 38-2344, 38-2346, 38-2347, 38-2360, 38-2361, 38-2364, 38-2366, 38-2367, 38-2368, 38-2369, 38-2371, 38-2372, 38-2373, 38-2374, 38-2375, 38-2376, 38-2377, 38-2389, 65-5603, 72-1113, 72-8222, 72-89b03, 72-89c02, 74-4914, 75-7023, 75-7038, 75-7044, 75-7046 and 79-4803 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 38-2334, 38-2335 and 38-2365.

On roll call, the vote was: Yeas 38; Nays 2; 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, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Longbine, Wilborn.

The bill passed, as amended.

SB 393, AN ACT concerning the the Kansas family law code; relating to child custody, residency and parenting time; consideration of domestic abuse; amending K.S.A. 2015 Supp. 23-3201 and 23-3203 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

SB 418, AN ACT concerning children and minors; relating to children in need of care and juvenile offenders; amending K.S.A. 2015 Supp. 38-2202, 38-2210, 38-2231, 38-

2263, 38-2264, 38-2265, 38-2287, 38-2302, 38-2310, 38-2365, 65-535 and 75-7023 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 38-2310a.

On roll call, the vote was: Yeas 28; Nays 8; Present and Passing 4; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Haley, Hawk, Hensley, Longbine, McGinn, Pettey, V. Schmidt.

Present and Passing: Francisco, Holland, Kelly, Wolf.

The bill passed, as amended.

SB 426, AN ACT concerning violation of a consumer protection order; relating to door-to-door sales; criminal liability; forfeiture; amending K.S.A. 2015 Supp. 60-4104 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, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The bill passed.

CHANGE OF REFERENCE

The Vice President withdrew **SB 430** from the Committee on **Corrections and Juvenile Justice**, and referred the bill to the Committee on **Federal and State Affairs**.

The Vice President withdrew **SB 424** from the Committee on **Judiciary**, and referred the bill to the Committee on **Federal and State Affairs**.

The Vice President withdrew **SB 344**, **SB 345**, **SB 422**, **SB 445**, **SB 446** from the Committee on **Public Health and Welfare**, and referred the bills to the Committee on **Federal and State Affairs**.

The Vice President withdrew **SB 356** from the Committee on **Education**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **SB 342**, **SB 363**; **Sub SB 428** from the Calendar under the heading of **General Orders**, and referred the bills to the Committee on **Ways and Means**.

The Vice President withdrew **SB 439** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Judiciary**.

The Vice President withdrew **SCR 1610** from the Committee on **Federal and State Affairs**, and referred to the calendar under the heading of **General Orders**.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5025**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5025, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2016 regular session

of the legislature, was introduced and read by title.

On emergency motion of Senator Bruce, **HCR 5025** was adopted by voice vote.

ENROLLED BILLS

SR 1769, SR 1770, SR 1771 reported correctly enrolled, properly signed and presented to the Secretary of the Senate February 23, 2016.

H Sub SB 161 reported correctly enrolled, properly signed and presented to the governor on February 23, 2016.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 2, 2016.

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

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