

Journal of the Senate

THIRTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 7, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 38 senators present.

Senators King and Wolf were excused.

President Wagle introduced guest Chaplain, Reverend Roger Dennis, St. John Lutheran Church, Russell, Kansas, who delivered the invocation.

In a time where there are no easy answers to the challenges confronting this body, I pray. May people truly listen to each other, converse with each other, and cooperate with each other. Help all to realize it is not about them, but the people they serve. May this body meet the heavy responsibilities inherent with governance. Provide all with insightful and just deliberation marked with both good stewardship of resources and compassion. May these leaders recall Andrew Carnegie's counsel and I paraphrase, "strong leaders know when to compromise and that all principles can be compromised for a greater principle." Amen

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 488, AN ACT concerning economic development; relating to redevelopment districts encompassing federal enclaves; authorization of franchises for the provision of utilities; amending K.S.A. 66-1,170 and K.S.A. 2015 Supp. 12-2022 and 66-104 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 489, AN ACT concerning health and healthcare; relating to medical hemp preparation treatments; establishing registration for patients and establishments; protecting from arrest, prosecution or discrimination for authorized use, by Committee on Ways and Means.

SB 490, AN ACT concerning physical therapy; relating to scope of practice; dry needling; amending K.S.A. 2015 Supp. 65-2901 and repealing the existing section, by Committee on Ways and Means.

SB 491, AN ACT concerning water; relating to the division of water resources; groundwater; amending K.S.A. 82a-712, 82a-716, 82a-717a and 82a-725 and K.S.A. 2015 Supp. 75-2935 and repealing the existing sections, by Committee on Ways and Means.

CHANGE OF REFERENCE

The President withdrew **S Sub HB 2056** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Corrections and Juvenile Justice**.

The President withdrew **SB 363** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Public Health and Welfare**.

MESSAGES FROM THE GOVERNOR

House Substitute for Senate Bill 161 – Veto Message from the Governor

I want to thank the members of the Legislature for their work in completing a budget bill at this relatively early stage of the session. As we all know, there is more work to be done, but this bill makes significant progress. I look forward to working with the Legislature on the remaining issues before us.

Pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return **House Substitute for Senate Bill 161** with my signature approving the bill, except for the items enumerated below.

Department of Commerce – STAR Bonds

Sections 35(g) and 36(f) are vetoed in their entirety. These provisions would bar any consideration or approval of STAR Bond projects in Wyandotte County until FY 2018. I do not believe there is any precedent for this kind of discrimination against one county in connection with economic development programs. The vetoed provisions here effectively would be repealed by the passage of other legislation containing certain STAR Bond reforms. My administration has been working with the Legislature on those reforms and will continue to do so. I look forward to receiving acceptable legislation before the end of the session. In my view, this approach to reform is much preferred over that taken in this bill.

Department for Aging and Disability Service – Mental Health Screenings

Section 48(o) is vetoed in its entirety. In October 2015, the Department for Aging and Disability Services discontinued its policy of requiring mental health screenings prior to admission to inpatient psychiatric beds at community hospitals and residential treatment facilities. The screenings were discontinued based on a threatened loss of funding from the federal government. The provision at issue here would return to the former policy, at a cost of \$1.8 million. While that cost may be justified by the benefits to be obtained from the screenings, approving this provision could additionally jeopardize substantial federal funding of inpatient Medicaid services. I would be pleased to revisit this issue if the state receives new and different assurances from the federal government on the matter.

Dated: March 4, 2016

Signed: Sam Brownback, Governor of Kansas

Senate Bill 250 – Veto Message from the Governor

For decades, our state government has been dealing with the serious decline in the condition of the Docking State Office Building. Docking served as the workplace for thousands of our state employees since 1957, and houses the energy center for the capitol complex, but is no longer a viable facility.

In April 2014, the Legislature passed and I signed **Senate Bill 423**, authorizing the demolition of Docking and the construction of a new energy center. Pursuant to my constitutional authority and obligation under Article 1, Section 3 of the state Constitution, my administration commenced the task of implementing this legislation. That work included the transfer of state employees out of Docking and into better office space and working conditions, the planned construction of a new energy center for the capitol complex, and other preparations for the eventual demolition of Docking. The building is expected to be vacant, with minor exceptions, by this summer, and the Department of Administration had entered into contracts to finance and construct the new energy center.

Early in this Legislative session, my administration was approached by members of the Legislature who believed the plans for Docking – in particular, the soon-to-be-commenced construction of the energy center – should be reexamined. I listened to their concerns, and at my direction the Department of Administration terminated the construction contract for the energy center on February 19, 2016. Because that contract already has been canceled, the provisions of this bill purporting to eliminate the funding appropriation for the contract are no longer necessary.

Accordingly, pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto **Senate Bill 250**.

Dated: March 4, 2016

Signed: Sam Brownback, Governor of Kansas

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2134; HCR 5024**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2134; HCR 5024 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1773—

A RESOLUTION congratulating and commending Mark Farley, firefighter and paramedic, on his retirement.

WHEREAS, Mark Farley has served 34 years with the City of Wellington Fire/EMS Department as a firefighter and paramedic; and

WHEREAS, Mark Farley has also served as the EMS quality assurance manager for the City of Wellington Fire/EMS Department; and

WHEREAS, Mark Farley has saved countless lives and improved the quality of life for many others; and

WHEREAS, Mark Farley was one of the first certified paramedics in the history of Wellington, Kansas; and

WHEREAS, Mark Farley was one of the first in the history of Wellington, Kansas, to successfully use a defibrillator; and

WHEREAS, Mark Farley is well known by the community for working long hours

with patients in the emergency room and in home health care; and

WHEREAS, In his 34 years of service, Mark Farley has earned the respect and trust of every physician in Wellington, Kansas, and everyone in the city's Fire/EMS Department; and

WHEREAS, Mark Farley is a long-time active member of the Saint Anthony/Saint Rose Parish in Wellington, Kansas; and

WHEREAS, Mark Farley is a proud husband and father of four: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate, commend and thank Mark Farley for his long, successful career serving the City of Wellington; and

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

On emergency motion of Senator Abrams **SR 1773** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2382**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2382," as follows:

"Senate Substitute for HOUSE BILL NO. 2382

By Committee on Corrections and Juvenile Justice

"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.";

And the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **SB 484** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **SB 485** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, March 8, 2016.

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

