

# Journal of the Senate

FORTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 15, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 39 senators present  
Senator Melcher was excused.  
Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, every day that You give us is a new one...with new challenges. You give us new opportunities to address old issues. In Lamentations 3:22-23, it says Your mercies are new every day and Your compassion does not fail. So, Father, on this new day, as we tussle with new and old concerns, give us a new portion of Your wisdom...a new amount of determination to serve as Your instruments of right and righteousness. In Your faithfulness toward these servants, give us a new resolve to be definite expressions of Your will rather than our own. Like the songwriter, help us declare, "Great Is Your Faithfulness O God my Father. There is no shadow of turning with Thee; Thou changest not, Thy compassion, they fail not. As Thou hast been Thou forever wilt be. Great is Thy faithfulness!" "Great is Thy faithfulness!" Morning by morning new mercies we see; All we have needed Thy hand hath provided, Great is Thy faithfulness," Lord, unto me! Thank You Father, that as You give us a new day, You give us a new reminder that we can trust Your faithfulness. I come to You in the name of Christ Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

## POINT OF PERSONAL PRIVILEGE

Senator Tyson rose on a Point of Personal Privilege to recognize the citizens of Fort Scott, Kansas, for their generous support of freedom fighters from the War on Terror in Iraq and Afghanistan. They were challenged to raise \$15,000 toward the purchase of an all-terrain track chair for a seriously wounded veteran of that war. They exceeded that goal by \$2,000. Senator Tyson commended the fund's organizers, the City of Fort Scott and the generosity of Fort Scott residents for their dedication to their community and the State of Kansas.

Guests introduced were Mayor Cindy Bartelsmeyer, Betty Boyko, Jon Garrison, Jim Scott, Martha Scott, Tim Emerson, Anne Emerson and Andy Emerson.

The senators honored the guests with a standing ovation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2617**.

Federal and State Affairs: **HB 2573**.  
 Financial Institutions and Insurance: **SB 511**.  
 Public Health and Welfare: **SB 510; HB 2607**.  
 Ways and Means: **SB 509, SB 512; HB 2662**.

#### REFERENCE OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

*Member - 6, State Board of Indigents Defense Services:*

Paul Beck, to serve Term ends January 15, 2019.

Committee on Judiciary

*Member - 4, Kansas Human Rights Commission:*

Melvin Neufeld, to serve Term ends January 15, 2020.

Committee on Federal and State Affairs

*Member - 1, State Lottery Commission:*

James Washington, to serve Term ends March 15, 2020.

Committee on Federal and State Affairs

*Member - 7, State Banking Board:*

Brian Weisel, to serve Term ends March 15, 2018.

Committee on Financial Institutions and Insurance

*Member - 12, University of Kansas Hospital Authority:*

Mark Uhlig, to serve Term ends March 15, 2020.

Committee on Public Health and Welfare

*Member - 7, University of Kansas Hospital Authority:*

Robba Moran, to serve Term ends March 15, 2018.

Committee on Public Health and Welfare

*Member - 3, Kansas Human Rights Commission:*

Harold Schorn, to serve Term ends January 15, 2018.

Committee on Federal and State Affairs

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1778—

A RESOLUTION commemorating the 75<sup>th</sup> Birthday of M&M'S® Brand Chocolate Candies in the State of Kansas and designating the month of March as M&M'S® Brand Chocolate Candies Month.

WHEREAS, It is fitting that the Kansas Legislature should recognize Mars, Incorporated, whose dedicated service has significantly contributed to the economic vitality of Kansas; and

WHEREAS, In the State of Kansas, Mars proudly produces M&M'S® candies and SNICKERS® bars; and

WHEREAS, The State of Kansas is home to the Mars Chocolate Topeka factory and seven BANFIELD® Pet Hospitals, employing over 350 Associates statewide; and

WHEREAS, The principle of mutuality is a Mars business model for success in Kansas. Mars has supported Topeka's community development through over \$230,000

in donations to Downtown Topeka's development and partnerships with Habitat for Humanity, Harvesters, Sheltered Living and Boo-It Downtown; and

WHEREAS, M&M'S® Brand Chocolate Candies will continue to be the people's chocolate. Since March 3, 1941, fans have made M&M'S® the most popular Chocolate Candy on earth that "melts in your mouth, not in your hands"; and

WHEREAS, Mars produced the first M&M'S® in 1941, and later, exclusively, as military rations during World War II. Since then, the bite-sized pieces of chocolate in a colorful candy shell have become instantly recognizable all over the globe; and

WHEREAS, For the second year, the M&M'S® Brand will partner with NBC and Comic Relief as a title sponsor to raise awareness and money for the Red Nose Day Fund, an organization that helps to lift children out of poverty. In 2015, the M&M'S® Brand donated more than \$1.3 million to Red Nose Day charities; and

WHEREAS, In keeping with its legacy as a supporter of the military, Mars will donate \$750,000 worth of product to Operation Gratitude for inclusion in military care packages: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we hereby designate the month of March as M&M'S® Brand Chocolate Candies Month in commemoration of this product's 75 years of excellence worldwide and the contributions of Mars, Incorporated, to the State of Kansas; and

*Be it further resolved:* That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Schmidt.

On emergency motion of Senator V. Schmidt **SR 1778** was adopted unanimously.

Guests introduced were Bret Spangler, Mark Broadhurst and Nicholas Koulermos.

The senators honored the guests with a standing ovation.

Senators Tyson, Baumgardner, Bowers, Denning, Fitzgerald, Francisco, Hawk, Hensley, Holmes, Kelly, King, Longbine, McGinn, Ostmeyer, Petersen, Pettey, Pyle, V. Schmidt and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1779—

A RESOLUTION commemorating Osawatomie State Hospital's 150<sup>th</sup> Anniversary.

WHEREAS, On January 14, 1863, during his inaugural address to the Kansas Legislature, Governor Thomas Carney referred to article VII, section 1 of the constitution of the state of Kansas, which encourages the establishment of benevolent institutions for the mentally ill. Governor Carney challenged the legislators, stating, "This appeals directly to you and, as you are able, you will respond to the appeal. The state which cares best for these unfortunates is always the truest in council and the noblest in action"; and

WHEREAS, The Kansas Legislature passed an act on February 29, 1863, that chose Osawatomie, a town held in high esteem by abolitionist leaders, as the location for the first of these benevolent institutions; and

WHEREAS, The treatment and rehabilitation of the mentally ill in Kansas began nearly 150 years ago, on November 5, 1866, when the first patient was admitted to a simple farmhouse, near Osawatomie, Kansas, that served as the state's first public mental hospital; and

WHEREAS, Dr. C. O. Gause, a Quaker physician, served as the first superintendent of the Osawatomie State Hospital. In a time when many of the causes of mental illnesses were unknown and mentally ill individuals were often treated with merciless

cruelty, Dr. Gause fervently believed that the mentally ill could be cured and approached his patients with a sympathetic and humanitarian outlook; and

WHEREAS, By 1912, the Osawatomi State Hospital sprawled over 1,003 acres of land and was composed of numerous stately buildings that could serve more than 1,000 patients; and

WHEREAS, Throughout the 150 years of the Osawatomi State Hospital's history, the interest or apathy of Kansas citizens has been reflected in the good and bad cycles of the hospital's care; and

WHEREAS, In 1948, Kansas citizens became angered over reports of widespread neglect and brutality towards the Osawatomi State Hospital's patients and the deplorable conditions of the hospital's facilities. The people of Kansas, through their elected legislators, demonstrated that they wanted state hospitals that could provide humane conditions and effective modern treatments. The governor and legislature quickly initiated a reform plan, and new training programs were established. Kansas went from 47<sup>th</sup> among the then 48 states to first place, in the nation, in mental health facilities and treatment; and

WHEREAS, With the help of its able and dedicated staff, Osawatomi State Hospital continues to provide its vital services to adults diagnosed with psychiatric disorders, regardless of their legal status or ability to pay. The hospital currently serves individuals from 36 counties in Kansas in collaboration with 12 Community Mental Health Centers: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commemorate the 150<sup>th</sup> Anniversary of Osawatomi State Hospital and support its continuing mission to provide a safety net of mental health services for Kansans; and

*Be it further resolved:* That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Tyson.

On emergency motion of Senator Tyson **SR 1779** was adopted unanimously.

#### **CHANGE OF REFERENCE**

An objection having been made to **HB 2567** appearing on the **Consent Calendar**, the President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

#### **ACTION ON VETO MESSAGES**

Senator Wolf moved **SB 250** be passed notwithstanding the Governor's veto.

**SB 250** An act concerning the Joint committee on state building construction; reports of the secretary of administration.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 26; Nays 13; Present and Passing 0; Absent or Not Voting 1.

Yeas: Bowers, Denning, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Longbine, Lynn, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Abrams, Arpke, Baumgardner, Bruce, Donovan, Fitzgerald, Knox, LaTurner, Love, Masterson, Olson, Pilcher-Cook, Powell.

Absent or Not Voting: Melcher.

The Call was lifted.

The veto was sustained.

#### EXPLANATION OF VOTE

Madam President: The contract regarding the Docking building may have been poorly conceived. Many people agree with that. However, the contract has been dissolved. It is over with. It is kaput. The parties to the contract are satisfied that there is nothing more. In caucus, we received information that if this veto override is successful, it could have a detrimental effect on the bond rating of Kansas. Some say that the odds of that happening is near zero. The bond attorneys who spoke to us said that the odds of a downgrade may not be great, but it is certainly a possibility and the issue will have to be addressed when the next bonds are sold. Since the contract is already nullified, and since there is a possibility of a Kansas downgrade that would cost the state millions of dollars; the logical conclusion is that there is another agenda at work behind the scenes. If the bond attorneys say that there is a risk, even small.....does it make sense to move forward on this veto override when the upside is non-existent and the downside, albeit not a large probability, is huge. Therefore, I vote "No" on this veto override of **SB 250**.

—STEVEN ABRAMS

Senators Baumgardner, Fitzgerald, Olson and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Abrams on **SB 250**.

Madam President: **SB 250** cannot impact our bond rating unless it impacts a debt subject to annual appropriation. It clearly doesn't. The Kansas Legislature has not and will not ever fail to appropriate money to pay state debts. **SB 250** continues this commitment to pay our bills in full and on time by promising to pay any and all obligations to the state arising from the now canceled contract. Our attorneys, outside lawyers and the Administration itself have promised us that the state has paid all obligations under the contract in full. Because this bill continues our solid commitment to meet the state's debt obligations today and in the future, I vote "Aye."—JEFF KING

Senators Haley, Holland, Holmes, Kelly, Lynn, Smith, Wilborn and Wolf request the record to show they concur with the "Explanation of Vote" offered by Senator King on **SB 250**.

#### ACTION ON VETO MESSAGES

Senator Denning moved to override the Governor's line item veto of Sections 35(g) and 36(f) of **H Sub SB 161**

**H Sub SB 161** Appropriation revisions for FY 2016, FY 2017 and FY 2018 for various state agencies.

On roll call, the vote was: Yeas 30; Nays 8; Present and Passing 1; Absent or Not Voting 1.

Yeas: Arpke, Baumgardner, Bowers, Denning, Donovan, Faust-Goudeau, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, Longbine, Love, Lynn, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Abrams, Bruce, Fitzgerald, Haley, LaTurner, Masterson, Pettey, Powell.

Present and Passing: Francisco.

Absent or Not Voting: Melcher.

A two-thirds constitutional majority having voted in favor of overriding the

Governor's veto of Section 35(g) and Section 36(f) prevailed.

#### EXPLANATION OF VOTE

Madam President: While I applaud the efforts to regain the funds, and I believe that the proceeds of the STAR bonds district should go to the general fund thereby reducing the burden on Kansas taxpayers, I must take offense to the singling out of Wyandotte County for special negative attention. STAR bonds must be properly used and I vote "No" on the line item veto of **H Sub SB 161**.—STEVE FITZGERALD

Senator Haley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Fitzgerald on **SB 161**.

Madam President: I vote "No" on the motion to override the governor's line item veto on **H Sub SB 161** regarding Star Bonds. Singling Wyandotte County out undermines the success that the Star Bond tool has brought to Wyandotte County. Wyandotte County is the only county that has successfully used this economic tool to bring major tourist attractions to Kansas along with millions of dollars of private investment and thousands of new jobs. This legislature should be very cautious in changing an economic development tool that is working. This tool has already been amended 5 times in the last 12 years.—PAT PETTEY

#### LINE ITEM VETO SUSTAINED

President Wagle announced the time had arrived for reconsideration of the Governor's line item veto of Section 48(o) of **H Sub SB 161**.

No motion having been offered to reconsider, President Wagle announced the Governor's line item veto on Section 48(o) was sustained.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2660**.

Announcing passage of **SB 334, SB 376**

Announcing passage of **SB 337**, as amended by **H Sub SB 337**.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2660** was thereupon introduced and read by title.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2480**, as amended by House Committee of the Whole, be amended on page 1, in line 20, by striking all after "thereto"; in line 21, by striking all before the colon; in line 24, by striking "sheep, goats, "; in line 27, by striking all after the semicolon; by striking all in line 28;

On page 5, in line 41, after "of" by inserting "a nondrug severity level 6, nonperson"; also in line 41, by striking all after "felony"; by striking all in line 42; in line 43, by striking all before the period; and the bill be passed as amended.

Committee on **Education** recommends **HB 2008**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2008," as follows:

"Senate Substitute for HOUSE BILL NO. 2008  
By Committee on Education

"AN ACT concerning schools; creating the student online personal protection act."; And the substitute bill be passed.

Also, **HB 2622** be amended on page 1, in line 18, by striking "\$25" and inserting "\$24"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 481** be amended on page 1, in line 21, after "(b)" by inserting "(1)"; following line 27, by inserting:

"(2) No transitional release or conditional release facility or building shall be located within 300 feet of any residence in which a child under 18 years of age resides.

(3) "; and the bill be passed as amended.

Also, **HB 2502**, as amended by House Committee, be amended on page 2, in line 34, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**HB 2696** be amended on page 8, in line 27, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2456** be amended on page 16, in line 40, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **HB 2615**, as amended by House Committee, be amended on page 7, in line 5, by striking "(j)" and inserting "(i)"; in line 19, by striking "(k)" and inserting "(j)"; in line 25, by striking "(l)" and inserting "(k)";

On page 10, in line 14, by striking all after "(f)"; by striking all in lines 15 through 18; in line 19, by striking all before "Medically";

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

Also, on page 10, following line 34, by inserting:

"Sec. 4. K.S.A. 75-6120 is hereby amended to read as follows: 75-6120. (a) The secretary of health and environment may enter into agreements with charitable health care providers in which such charitable health care provider stipulates to the secretary of health and environment that when such charitable health care provider renders professional services to a medically indigent person such services will be provided gratuitously. The secretary of health and environment shall adopt rules and regulations which specify the conditions for termination of any such agreement, and such rules and regulations are hereby made a part of any such agreement. A charitable health care provider for purposes of any claim for damages arising as a result of rendering professional services to a medically indigent person, which professional services were rendered gratuitously at a time when an agreement entered into by the charitable health care provider with the secretary of health and environment under this section was in effect, shall be considered an employee of the state under the Kansas tort claims act, notwithstanding the provisions of article 34 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(b) The secretary of health and environment shall establish by rules and regulations eligibility criteria for determining whether a person qualifies as a medically indigent person.

(c) Any claim arising from the rendering of or failure to render professional

services by a charitable health care provider brought pursuant to the Kansas tort claims act shall not be considered by an insurance company in determining the rate charged for any professional liability insurance policy for health care providers or whether to cancel any such policy.

(d) The secretary of health and environment shall annually report, starting on January 15, 2017, to the senate committee on public health and welfare and the house committee on health and human services which type of charitable healthcare providers have signed agreements under the act and how many are using it to provide gratuitous care.

(e) This section shall be part of and supplemental to the Kansas tort claims act.";

Also on page 10, in line 35, before "K.S.A" by inserting "K.S.A. 75-6120 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "application of the Kansas tort claims act"; also in line 2, after "amending" by inserting "K.S.A. 75-6120 and"; and the bill be passed as amended.

#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Longbine the Senate nonconcurrred in the House amendments to **H Sub SB 55** and requested a conference committee be appointed.

The President appointed Senators Longbine, Bowers and Hawk as a conference committee on the part of the Senate.

On motion of Senator Longbine the Senate nonconcurrred in the House amendments to **SB 390** and requested a conference committee be appointed.

The President appointed Senators Longbine, Bowers and Hawk as a conference committee on the part of the Senate.

On motion of Senator Masterson the Senate nonconcurrred in the House amendments to **H Sub SB 193** and requested a conference committee be appointed.

The President appointed Senators Masterson, Denning and Kelly as a conference committee on the part of the Senate.

On motion of Senator Smith the Senate nonconcurrred in the House amendments to **SB 325** and requested a conference committee be appointed.

The President appointed Senators Smith, Knox and Pettey as a conference committee on the part of the Senate.

On motion of Senator Powell the Senate nonconcurrred in the House amendments to **H Sub SB 337** and requested a conference committee be appointed.

The President appointed Senators Powell, Kerschen and Francisco as a conference committee on the part of the Senate.

#### 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 484, SB 485** be passed.

**Sub HB 2062** be amended by the adoption of the committee amendments, and **Sub HB 2062** be passed as amended.

**HCR 5024** be adopted.

A motion by Senator Holland to amend **SB 485** was offered. A ruling of the chair was requested as to the germaneness to the amendment. The Chair of the Rules Committee ruled the amendment not germane.

A motion by Senator Francisco to amend **HCR 5024** failed and the following amendment was rejected: on page 1, in line 6, by striking all after "Leavenworth"; in line 7, by striking all before the semicolon; by striking all in lines 21 through 28.

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

On roll call, the vote was: Yeas 7; Nays 29; Present and Passing 2; Absent or Not Voting 2.

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

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

Present and Passing: Kelly, Wolf.

Absent or Not Voting: King, Melcher.

#### EXPLANATION OF VOTE

Madam President: I vote "Aye" on the amendment to strike certain language from **HCR 5024** that urges the President of the United States to abandon the threatened transfer of terrorist detainees to Fort Leavenworth. There is no substantiation for the accusations that the President of the United States has disregarded the wishes or the safety of the people of Kansas nor that this President has demonstrated a willingness to violate American law nor that the President has continuously sought to weaken our standing in the world. Without such substantiation it is reckless to make such accusations against our Commander-in-Chief and does nothing to advance the interest of the people of Kansas in asking for thoughtful consideration from our President. I urge the body to engage in civil discourse and to reject the kind of incendiary statements like those that are being made in this resolution.—DAVID HALEY

Senators Francisco and Hawk request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **HCR 5024**.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 484**, **SB 485**; **HB 2062**; **HCR 5024** were advanced to Final Action and roll call.

**SB 484**, AN ACT concerning tribal-state compacts; approving a compact between the Prairie Band Potawatomi Nation and the state of Kansas; relating to cigarette and tobacco sales, taxation and escrow collection.

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, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed.

**SB 485**, AN ACT concerning tribal-state compacts; approving a compact between the Iowa Tribe of Kansas and Nebraska and the state of Kansas; relating to cigarette and tobacco sales and taxation.

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, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed.

**Sub HB 2062**, AN ACT concerning the uniform commercial code; relating to the exclusion of consumer transactions governed by federal law; secured transactions; amending K.S.A. 84-4a-108 and K.S.A. 2015 Supp. 84-9-408, 84-9-803, 84-9-805 and 84-9-807 and repealing the existing sections.

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, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Melcher.

The bill passed, as amended.

**HCR 5024**, A CONCURRENT RESOLUTION urging the President of the United States to obey the Constitution and abandon the threatened transfer of terrorist detainees to Fort Leavenworth.

A two-thirds constitutional majority having voted in favor of the resolution, **HCR 5024** was adopted.

A Call of the Senate was requested.

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 0; Absent or Not Voting 1.

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

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

Absent or Not Voting: Melcher.

The Call was lifted.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 16, 2016.

MARCH 15, 2016

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