

# Journal of the Senate

FORTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 19, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with forty senators present.  
Invocation by Father Don Davidson:

Gracious God, you have taught us that forgiveness and understanding are difficult; they demand our best following you. As we learn of events in our world which cause pain, help us to learn to forgive even those who seem beyond our capacity to love or forgive. It is in forgiving that we further understand your love for us and our humanity. Please, dear Lord, help us to love and forgive. In your holy name. Amen

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 444**, AN ACT concerning school districts; relating to capital outlay tax levies; amending K.S.A. 72-8809 and repealing the existing section, by Committee on Ways and Means.

**SB 445**, AN ACT concerning economic development; relating to business recruitment, PEAK; amending K.S.A. 2013 Supp. 74-50,211 and 74-50,213 and repealing the existing sections, by Committee on Ways and Means.

## CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **HB 2014** from the Committee on **Interstate Cooperation**, and referred the bill to the Committee on **Utilities**.

## MESSAGES FROM THE GOVERNOR

March 14, 2014

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

Sam Brownback  
Governor

*Commissioner, Office of the State Bank Commissioner*; Deryl Schuster (R), Wichita, pursuant to the authority vested in me by the K.S.A. 75-4315b effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed Edwin Splichal.

#### REFERENCE OF APPOINTMENT

Under the authority of the President, the Vice President referred the appointment of Deryl Schuster to the Committee on **Financial Institutions and Insurance**.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2475**.

Announcing adoption of **HCR 5031**.

Announcing passage of **SB 278, SB 371**.

Also, passage of **SB 349**, as amended.

The House accedes to the request of the Senate for a conference on **H Sub SB 40** and has appointed Representatives **Rubin, Gonzalez** and **Pauls** as conferees on the part of the House.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2475; HCR 5031** were thereupon introduced and read by title.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hensley and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1798—

A RESOLUTION congratulating and commending Statehouse Architect, Barry Greis, for his dedication, perseverance and steadfast commitment to the preservation and restoration of the Kansas State Capitol.

WHEREAS, Barry Greis was a United States Army Aviator in the 101<sup>st</sup> Airborne Division Airmobile and the 1<sup>st</sup> Air Calvary Division, and served his country in Southeast Asia; and

WHEREAS, Barry Greis has been a resident of Kansas for the past 47 years and is a graduate of Kansas State University with a Bachelor's degree in Architecture; and

WHEREAS, Barry Greis has served the State of Kansas as a former deputy director of the Division of Facilities Management; a former assistant to the Secretary of Health and Environment for internal management; and a former project manager for the renovation of Cedar Crest, the Governor's residence; and

WHEREAS, Barry Greis is currently working for the legislative branch as Project Manager and for the executive branch as Statehouse Architect for the preservation and restoration of the Kansas State Capitol; and

WHEREAS, Barry and Sandy Greis have been married for 45 years and Sandy is a parent-educator with Parents As Teachers for the Topeka Public Schools, USD 501. They have a daughter, Jessica, a graduate of Wichita State University, who is an assistant attorney for the Commonwealth of Virginia and her husband Eric is in private

practice as an attorney also in Virginia; and

WHEREAS, Throughout the past 13 years, Barry Greis has been the man behind the scenes, spending countless hours beyond the typical work day in overseeing the architectural planning and construction work for the Kansas State Capitol restoration project; and

WHEREAS, The members of the Kansas Legislature and the people that they represent will be forever grateful to Barry Greis for keeping the project on its course and for keeping the faith to see it through: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Statehouse Architect Barry Greis for his dedication, perseverance and steadfast commitment to the preservation and restoration of the Kansas State Capitol; and

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

On emergency motion of Senator Hensley **SR 1798** was adopted unanimously.

The senators honored Barry Greis and his wife, Sandy, with a standing ovation.

#### **FINAL ACTION ON CONSENT CALENDAR**

**SB 301; HB 2470, HB 2544, HB 2591 and HB 2611**, having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 301**, AN ACT concerning roads and highways; relating to right-of-ways; annexation by cities; amending K.S.A. 2013 Supp. 12-520 and repealing the existing section.

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

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

Nays: Tyson.

The bill passed.

**HB 2470**, AN ACT concerning the state board of regents; relating to state educational institutions; pertaining to the purchase of certain insurance; amending K.S.A. 2013 Supp. 75-4101 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

**HB 2544**, AN ACT concerning postsecondary educational institutions; relating to distance education; state authorization reciprocity agreement; amending K.S.A. 2013 Supp. 74-32,164 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

**HB 2591**, AN ACT concerning the department of administration; relating to filing of certain audit reports; amending K.S.A. 75-1124 and repealing the existing section.

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

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

Nays: Tyson.

The bill passed.

**HB 2611**, AN ACT concerning dentists; conduct of dental offices; amending K.S.A. 2013 Supp. 65-1435 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

#### EXPLANATION OF VOTE

Mr. Vice President: I am voting in support of **HB 2611** as I believe that this is a good first step to increasing access to dental care, especially in undeserved areas such as my district in Southeast Kansas. Allowing dentists to work in multiple offices will allow more patients to be treated. However, I do believe that this is only the first step, and I hope that we will consider additional opportunities, such as approving the licensure of mid-level dental providers to practice in cooperation with dentists around the state. This will increase access even more and serve as an economic boost to our state, allowing dentists to grow their businesses. I am looking forward to hearing the mid-level dental practitioner bill in Health Committee next session, but this bill is a good first step, and we should support it. —JACOB LATURNER

Mr. Vice President: I support **HB 2611** because I think it is good, common-sense policy to allow dentists to see more patients. I hope that we don't stop here though, because while this is a good first step, we need to move another step forward and look at approving mid-level dental practitioners in Kansas. That's the only way to truly increase access to dental care, and it will help us to generate new economic activity. I

know that Wichita State University is very excited about the opportunity to train mid-level providers and equip them to serve the people of Kansas. This bill is a good first step and I support it, and I hope that we will be able to examine approval of mid-level practitioners to work with supervising dentists next session. —MICHAEL O'DONNELL

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 264**, AN ACT concerning school districts; requiring storm shelters as a part of certain construction projects, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, 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, Shultz, Smith, Wagle, Wolf.

Nays: Tyson.

Present and Passing: Hawk.

The bill passed, as amended.

**SB 295**, AN ACT concerning income taxation; relating to credits; community services contributions; modification to Kansas adjusted gross income, amounts received by certain retirants; amending K.S.A. 2013 Supp. 79-32,117 and 79-32,195 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

**Sub SB 298**, AN ACT concerning the recording of certain documents and instruments; relating to certain fees paid thereon to the register of deeds; mortgage registration tax; county clerk technology fund; county treasurer technology fund; amending K.S.A. 79-3102 and K.S.A. 2013 Supp. 28-115 and repealing the existing sections; also repealing K.S.A. 79-3101, 79-3102, as amended by section 2 of 2014 Substitute for Senate Bill No. 298, 79-3103, 79-3104, 79-3105, 79-3106, 79-3107, 79-3107a and 79-3107b and K.S.A. 2013 Supp. 79-3107c, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 12; Present and Passing 2; Absent or Not Voting 0.

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

Nays: Apple, Denning, Francisco, Hawk, Hensley, Holland, Kelly, Knox, McGinn, Pettey, V. Schmidt, Wolf.

Present and Passing: Faust-Goudeau, Haley.

The substitute bill passed, as amended.

## EXPLANATION OF VOTE

Mr. Vice President: I vote YES on **Sub SB 298**. This bill will cut the tax burden on hard-working Kansans that need to borrow money to buy a home, small business or farmland by nearly \$19 million each year. In doing so, the state will eliminate a tax policy that discriminates against Kansans that must borrow money to invest in property ownership and the American Dream in our state. **Sub SB 298** levels the playing field for all Kansans purchasing real estate. This legislation eliminates a hidden tax on mortgage borrowers and replaces it with a fair and credible fee that will be paid by all document filers in return for the actual services provided by counties. Accordingly, I vote YES on **Sub SB 298**. —TOM ARPKE

Senator Abrams, Holmes, LaTurner, Lynn, Olson and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Arpke on **Sub SB 298**.

Mr. Vice President: Mortgage registration fees have been collected in Kansas since 1925. The 26-cent fee is collected on each hundred dollars of the mortgage amount, making it a sliding scale. The bill as amended lowers and eliminates the registration fee over five years while increasing recording fees for mortgages and other documents. There is a \$125 cap on the fees for mortgages of \$75,000 or less, however the cost to record a fifteen-page mortgage of a hundred thousand dollars would be \$259 in 2019, the same as the cost to record a mortgage of a million dollars or more. The counties have the responsibility for processing foreclosures with no fees for those services. All taxes can be considered burdensome, however while some counties will make up the revenue reduction through the increase in filing fees, other counties including both Douglas and Jefferson may need to raise property taxes to cover the shortfall. Although there are arguments on both sides, we are left with just one proposal to vote on. Because of my concern that we are again shifting costs onto property taxes, some for those who have already paid these fees, and to those with lower incomes, I vote NO on **Sub SB 298**. —MARCI FRANCISCO

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator Francisco on **Sub SB 298**.

Mr. Vice President: The Kansas Supreme Court has firmly held that the mortgage registration fee is a tax because of its clear purpose to go beyond the costs of recording the mortgage to generate revenue. By repealing the mortgage registration fee in **Sub SB 298** and simultaneously increasing the document fees collected by local units of government well beyond the cost of recording those documents, it is clear that these increases are intended to generate revenue for those local units in place of the mortgage registration fee. This is not a fee increase, it's a tax increase. The shift of this tax from the mortgage registration tax to document fees is an attempt to subject FCS loans to a hidden tax disguised as a "fee." This action runs afoul of the federal tax exemption for these FCS loans which will likely trigger yet another lawsuit. Additionally, **Sub SB 298** leaves a hole in local budgets that will undoubtedly result in more property tax increases. I vote NO on **Sub SB 298**. —ANTHONY HENSLEY

Senators Holland, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **Sub SB 298**.

Mr. Vice President: Should **Sub SB 298** be passed today, it will be a great day for Kansas taxpayers who must borrow money for the American Dream. Passage of **Sub SB 298** equates to a \$18 million tax cut to hard working families and small businesses. The \$18 million saved by taxpayers can be used to pursue their own version of the American Dream and shifts an unfair and hidden tax to its rightful place as a fee for services rendered. —JULIA LYNN

Senators Abrams, LaTurner, Olson and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Lynn on **Sub SB 298**.

**SB 320**, AN ACT concerning the emergency medical services board; imposition of fines; investigation authority; issuance of subpoenas; amending K.S.A. 65-6130 and K.S.A. 2013 Supp. 65-6111 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 19; Nays 20; Present and Passing 1; Absent or Not Voting 0.

Yeas: Bowers, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Longbine, McGinn, Ostmeyer, Pettey, V. Schmidt, Shultz, Smith, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Fitzgerald, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Tyson.

Present and Passing: Wagle.

A constitutional majority having failed to vote in favor of the bill, **SB 320** did not pass.

**SB 335**, AN ACT concerning school districts; relating to drug screening of employees; relating to background checks of teachers; relating to revocation of teaching licenses; amending K.S.A. 2013 Supp. 72-1397 and 72-1923 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 4; Present and Passing 6; Absent or Not Voting 0.

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

Nays: Haley, Hawk, Shultz, Tyson.

Present and Passing: Francisco, Holland, Kelly, McGinn, Pettey, V. Schmidt.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on **SB 335**. As the original author of the idea to add legislators to the original bill that randomly drug tests unemployment and welfare recipients, I appreciate the amendment added to this bill, which moves us toward equal treatment for SOME who receive taxpayer money. Still, not ALL recipients of taxpayer funds are tested or can have benefits withheld, for failing drug tests. (For example, if the theory were equitable, farmers would have the same requirement before they could receive drought assistance.) There is an undemocratic disconnect between elected officials' drug use and pay; or teachers or welfare recipients. (Crack smoking mayors

may be re-elected by their constituents, and if they do their job, they should be paid. When U.S. Presidents can admit to illicit drug use and still be elected and reelected; they should STILL be paid.) A public official, whatever their vices or problems might be, can be vindicated and even retained by the voters. Sunshine or exposure is the true “penalty” for a legislator and there is no need for pay denial. It's all part of democracy. I ALSO disagree with the underlying legislation that requires testing and registration; as if our teachers are all criminals. Like swatting a fly with an elephant gun, **SB 335** does too much and goes too far to solve a rare issue; one that could be done less invasively, and by less expensive or burdensome means.—DAVID HALEY

**SB 380**, AN ACT concerning agriculture; establishing the local food and farm task force, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Petersen, Pettey, V. Schmidt, Shultz, Wagle, Wolf.

Nays: Arpke, Fitzgerald, Lynn, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson.

The bill passed, as amended.

**S Sub HB 2023**, AN ACT concerning workers compensation; enacting the public service benefits protection act; amending K.S.A. 2013 Supp. 44-501 and repealing the existing section, 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed.

**SB 366**, AN ACT concerning wildlife, parks and tourism; relating to the purchase of land in Cherokee county, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Apple, Arpke, Bowers, Bruce, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, LaTurner, Longbine, Love, Masterson, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Shultz, Wagle, Wolf.

Nays: Abrams, Denning, Fitzgerald, King, Knox, Lynn, Melcher, Olson, Pilcher-Cook, Pyle, Smith, Tyson.

The bill passed.

**SB 370**, AN ACT concerning wildlife, parks and tourism; relating to the purchase of land in Pottawatomie county, was considered on final action.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.



Yeas: Apple, Arpke, Bowers, Bruce, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, LaTurner, Longbine, Love, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Shultz, Wagle, Wolf.

Nays: Abrams, Denning, Fitzgerald, King, Knox, Lynn, Masterson, Melcher, Olson, Pilcher-Cook, Pyle, Smith, Tyson.

The bill passed.

**SB 379**, AN ACT concerning taxation; relating to the liquefied petroleum motor-fuel law; rates of taxation; amending K.S.A. 79-3492 and K.S.A. 2013 Supp. 79-3495 and 79-34,141 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

**SB 392**, AN ACT concerning agriculture; relating to the Kansas pet animal act; amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1712, 47-1718, 47-1719, 47-1720, 47-1733 and 47-1734 and K.S.A. 2013 Supp. 47-1701, 47-1706, 47-1709, 47-1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726 and 47-1731 and repealing the existing sections; also repealing K.S.A. 47-1717, 47-1732 and 47-1736, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Masterson, McGinn, Ostmeyer, Petersen, Pettey, V. Schmidt, Shultz, Wagle, Wolf.

Nays: Arpke, Fitzgerald, Knox, Lynn, Melcher, O'Donnell, Olson, Pilcher-Cook, Powell, Pyle, Smith, Tyson.

The bill passed, as amended.

**SB 396**, AN ACT concerning state building projects; relating to negotiating committees; relating to alternative procurement; amending K.S.A. 2013 Supp. 75-1253 and 75-37,143 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Pyle.

The bill passed.

**SB 422**, AN ACT concerning local governments; relating to investment of idle funds; amending K.S.A. 2013 Supp. 12-1675 and repealing the existing section, 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

**SB 424**, AN ACT concerning hospital liens; relating to notice and amount of claims; requirements; amending K.S.A. 65-407 and repealing the existing section, 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

**HB 2057**, AN ACT concerning property taxation; relating to county appraisers; appointing interim appraiser; amending K.S.A. 2013 Supp. 19-430 and repealing the existing section, 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

**HB 2130**, AN ACT concerning elections; relating to petitions; amending K.S.A. 2012 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-4005, 25-4310 and 25-4320 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

**HB 2152**, AN ACT concerning the uniform land sales practices act; amending K.S.A. 2013 Supp. 17-12a601 and repealing the existing section; also repealing K.S.A. 58-3301, 58-3302, 58-3303, 58-3304, 58-3305, 58-3306, 58-3307, 58-3308, 58-3309, 58-3310, 58-3311, 58-3312, 58-3313, 58-3315, 58-3316, 58-3317, 58-3318, 58-3319, 58-3320, 58-3321, 58-3322 and 58-3323 and K.S.A. 2013 Supp. 58-3314, 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

**S Sub HB 2378**, AN ACT concerning sales taxation; relating to exemptions; certain machinery and equipment used in surface mining activities; amending K.S.A. 2013 Supp. 79-3606 and repealing the existing section, 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed.

**S Sub HB 2446**, AN ACT concerning courts; relating to reinstatement fees; judicial branch nonjudicial salary adjustment fund; court trustee operations fund; amending K.S.A. 2012 Supp. 8-241, as amended by section 1 of 2013 House Bill No. 2303 and 20-1a15, as amended by section 2 of 2013 House Bill No. 2303 and K.S.A. 2013 Supp. 20-380 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed.

**HB 2516**, AN ACT concerning health care provider liability insurance; relating to mutual insurance companies organized to provide health care provider liability insurance; health care provider insurance availability act; amending K.S.A. 40-12a02, 40-12a06, 40-12a09, 40-3402, 40-3403a, 40-3403b, 40-3407, 40-3408, 40-3411, 40-3412, 40-3413, 40-3416, 40-3419 and 40-3422 and K.S.A. 2013 Supp. 40-3401, 40-3403, 40-3404, 40-3414 and 40-3421 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, 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, Shultz, Smith,

Tyson, Wagle, Wolf.

Present and Passing: Francisco.

The bill passed, as amended.

**HB 2525**, AN ACT concerning the Kansas money transmitter act; concerning change in controlling interest; relating to notification of state bank commissioner; certain records not required to be open; amending K.S.A. 2013 Supp. 9-508, 9-509, 9-513c, 9-513d and 45-221 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Tyson.

The bill passed, as amended.

**HB 2576**, AN ACT concerning the employment security law; pertaining to rate; amending K.S.A. 2013 Supp. 44-710a and repealing the existing section, 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

**HB 2597**, AN ACT concerning solid waste; relating to municipal collection of recyclables; amending K.S.A. 2013 Supp. 12-2036 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Pilcher-Cook, Tyson.

The bill passed.

**HB 2687**, AN ACT concerning the distribution of unclaimed property act; relating to hearings; amending K.S.A. 58-3963 and 58-3967 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King,

Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

**HB 2715**, AN ACT regulating traffic; concerning permits; relating to farm machinery and equipment; commercial drivers' license, exemptions; amending K.S.A. 2013 Supp. 8-2,127 and 8-1911 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, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

## REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2464**, **HB 2511** be passed.

Committee on **Commerce** recommends **HB 2440**, **HB 2648** be passed.

Committee on **Federal and State Affairs** recommends **SB 439** be amended on page 1, in line 8, by striking "as designated by the governor"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2537** be amended on page 3, following line 22, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 40-222 is hereby amended to read as follows: 40-222.

(a) Whenever the commissioner of insurance deems it necessary but at least once every five years, the commissioner may make, or direct to be made, a financial examination of any insurance company in the process of organization, or applying for admission or doing business in this state. In addition, at the commissioner's discretion the commissioner may make, or direct to be made, a market regulation examination of any insurance company doing business in this state.

(b) In scheduling and determining the nature, scope and frequency of examinations of financial condition, the commissioner shall consider such matters as the results of financial statement analyses and ratios, changes in management or ownership, actuarial opinions, reports of independent certified public accountants and other criteria as set forth in the examiner's handbook adopted by the national association of insurance commissioners and in effect when the commissioner exercises discretion under this subsection.

(c) For the purpose of such examination, the commissioner of insurance or the persons appointed by the commissioner, for the purpose of making such examination shall have free access to the books and papers of any such company that relate to its business and to the books and papers kept by any of its agents and may examine under oath, which the commissioner or the persons appointed by the commissioner are empowered to administer, the directors, officers, agents or employees of any such company in relation to its affairs, transactions and condition.

(d) The commissioner may also examine or investigate any person, or the business

of any person, in so far as such examination or investigation is, in the sole discretion of the commissioner, necessary or material to the examination of the company, but such examination or investigation shall not infringe upon or extend to any communications or information accorded privileged or confidential status under any other laws of this state.

(e) In lieu of examining the financial condition of a foreign or alien insurance company, the commissioner of insurance may accept the report of the examination made by or upon the authority of the company's state of domicile or port-of-entry state until January 1, 1994. Thereafter, such reports as they relate to financial condition may only be accepted if:

(1) The insurance department conducting the examination was at the time of the examination accredited under the national association of insurance commissioners' financial regulation standards and accreditation program; or

(2) the examination is performed under the supervision of an accredited insurance department, or with the participation of one or more examiners who are employed by such an accredited insurance department and who after a review of the examination work papers and report state under oath that the examination was performed in a manner consistent with the standards and procedures required by their insurance department.

(f) Upon determining that an examination should be conducted, the commissioner or the commissioner's designee shall appoint one or more examiners to perform the examination and instruct them as to the scope of the examination. In conducting an examination of financial condition, the examiner shall observe those guidelines and procedures set forth in the examiners' handbook adopted by the national association of insurance commissioners. The commissioner may also employ such other guidelines or procedures as the commissioner may deem appropriate.

(g) The refusal of any company, by its officers, directors, employees or agents, to submit to examination or to comply with any reasonable written request of the examiners shall be grounds for suspension or refusal of, or nonrenewal of any license or authority held by the company to engage in an insurance or other business subject to the commissioner's jurisdiction. Any such proceedings for suspension, revocation or refusal of any license or authority shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(h) When making an examination under this act, the commissioner may retain attorneys, appraisers, independent actuaries, independent certified public accountants or other professionals and specialists as examiners, the reasonable cost of which shall be borne by the company which is the subject of the examination.

(i) Nothing contained in this act shall be construed to limit the commissioner's authority to terminate or suspend any examination in order to pursue other legal or regulatory action pursuant to the insurance laws of this state.

(j) Nothing contained in this act shall be construed to limit the commissioner's authority to use and, if appropriate, to make public any final or preliminary examination report in the furtherance of any legal or regulatory action which the commissioner may, in the commissioner's sole discretion, deem appropriate.

(k) (1) No later than 30 days following completion of the examination or at such earlier time as the commissioner shall prescribe, the examiner in charge shall file with the department a verified written report of examination under oath. No later than 30

days following receipt of the verified report, the department shall transmit the report to the company examined, together with a notice which shall afford such company examined a reasonable opportunity of not more than 30 days to make a written submission or rebuttal with respect to any matters contained in the examination report.

(2) Within 30 days of the end of the period allowed for the receipt of written submissions or rebuttals, the commissioner shall fully consider and review the report, together with any written submissions or rebuttals and any relevant portions of the examiners workpapers and enter an order:

(A) Adopting the examination report as filed or with modification or corrections. If the examination report reveals that the company is operating in violation of any law, regulation or prior order of the commissioner, the commissioner may order the company to take any action the commissioner considers necessary and appropriate to cure such violations; or

(B) rejecting the examination report with directions to the examiners to reopen the examination for purposes of obtaining additional data, documentation or information, and refile pursuant to subsection (k); or

(C) call and conduct a fact-finding hearing in accordance with K.S.A. 40-281, and amendments thereto, for purposes of obtaining additional documentation, data, information and testimony.

(3) All orders entered as a result of revelations contained in the examination report shall be accompanied by findings and conclusions resulting from the commissioner's consideration and review of the examination report, relevant examiner workpapers and any written submissions or rebuttals. Within 30 days of the issuance of the adopted report, the company shall file affidavits executed by each of its directors stating under oath that they have received a copy of the adopted report and related orders.

(4) Upon the adoption of the examination report, the commissioner shall hold the content of the examination report as private and confidential information for a period of 30 days except to the extent provided in paragraph (5). Thereafter, the commissioner may open the report for public inspection so long as no court of competent jurisdiction has stayed its publication.

(5) (A) Except as provided in paragraph (B), nothing contained in this act shall prevent or be construed as prohibiting the commissioner from disclosing the content of an examination report, preliminary examination report or results, or any matter relating thereto, at any time to:

(i) The insurance department of this or any other state or country;

(ii) law enforcement officials of this or any other state or agency of the federal government or any other country; or

(iii) officials of any agency of another country.

(B) The commissioner shall not share any information listed in paragraph (A) unless the agency or office receiving the report or matters relating thereto agrees in writing to hold it confidential and in a manner consistent with this act.

(6) In the event the commissioner determines that regulatory action is appropriate as a result of any examination, the commissioner may initiate any proceedings or actions as provided by law.

(7) All working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the commissioner or any other person in the course of an examination made under this act including analysis by the commissioner

pertaining to either the financial condition or the market regulation of a company must be given confidential treatment and are not subject to subpoena and may not be made public by the commissioner or any other person, except to the extent otherwise specifically provided in K.S.A. 45-215 et seq., and amendments thereto. Access may also be granted to the national association of insurance commissioners and its affiliates. Such parties must agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section, unless the prior written consent of the company to which it pertains has been obtained.

(8) Whenever it appears to the commissioner of insurance from such examination or other satisfactory evidence that the solvency of any such insurance company is impaired, or that it is doing business in violation of any of the laws of this state, or that its affairs are in an unsound condition so as to endanger its policyholders, the commissioner of insurance shall give the company a notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act. If the hearing confirms the report of the examination, the commissioner shall suspend the certificate of authority of such company until its solvency shall have been fully restored and the laws of the state fully complied with. The commissioner may, if there is an unreasonable delay in restoring the solvency of such company and in complying with the law, revoke the certificate of authority of such company to do business in this state. Upon revoking any such certificate the commissioner shall commence an action to dissolve such company or to enjoin the same from doing or transacting business in this state.

New Sec. 3. (a) (1) Except as provided in paragraph (2), whenever a municipality provides for the payment of premiums for any health benefit plan for its emergency personnel, it shall pay premiums for the continuation of coverage under COBRA for the surviving spouse and eligible dependent children under the age of 26 years of any emergency personnel who dies in the line of duty. Premiums for continuation of coverage under COBRA shall be paid for 18 months.

(2) A municipality may not be required to pay the premiums described in paragraph (1) for a surviving spouse:

(A) On or after the end of the 18<sup>th</sup> calendar month after the date of death of the deceased emergency personnel;

(B) upon the remarriage of the deceased emergency personnel's surviving spouse; or

(C) upon the deceased emergency personnel's surviving spouse reaching the age of 65.

(b) For the purposes of this section:

(1) "Emergency personnel" means an attendant as such term is defined in K.S.A. 65-6112, and amendments thereto.

(2) "Health benefit plan" shall have the meaning ascribed to it in K.S.A. 40-4602, and amendments thereto.

(3) "Municipality" means a city or county.;

Also on page 3, in line 23, by striking "is" and inserting "and 40-222 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "relating to the confidentiality of certain documents; relating to the continuation of health insurance for certain emergency personnel,"; also in line 3, after "40-216" by inserting "and 40-222";



in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2552** be passed.

Committee on **Transportation** recommends **HB 2728** be amended on page 3, in line 6, after "released." by inserting "In the event that an insurance company is unable to obtain voluntary assignment of the title after 30 days from the date the vehicle owner enters into an oral or written damage settlement agreement where the owner agrees to transfer the title, the insurance company may submit an application on a form prescribed by the division for a salvage title. The form shall be accompanied by an affidavit from the insurance company stating that: (A) The insurance company is unable to obtain a transfer of the title from the owner following an oral or written acceptance of an offer of damage settlement; (B) there is evidence of the damage settlement; (C) that there are no existing liens on the vehicle or all liens on the vehicle have been released; (D) the insurance company has physical possession of the vehicle; and (E) the insurance company has provided the owner, at the owner's last known address, 30 days' prior notice of such intent to transfer and the owner has not delivered a written objection to the insurance company.";

On page 1, in the title, in line 1, by striking "title" and inserting "titles;"; in line 2, after "copies;" by inserting "acquisitions;"; and the bill be passed as amended.

Also, **HB 2724**, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

**HB 2727**, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

**SCR 1620** be adopted.

Committee on **Utilities** recommends **HB 2101** be amended as recommended by Senate Committee on Utilities as reported in the Journal of the Senate on February 26, 2014, and the bill as printed as Senate Substitute for House Bill No. 2101, be further amended on page 4, by striking all in lines 13 through 34;

On page 5, in line 14, by striking "and"; in line 23, after "customer-generator" by inserting "; and

(e) for any customer-generator which began operating its renewable energy resource under an interconnect agreement with the utility on or after July 1, 2014, have the option to propose, within an appropriate rate proceeding, the application of time-of-use rates, minimum bills or other rate structures that would apply to all such customer-generators prospectively";

Also on page 5, in line 37, after the period by inserting:

"(3) Any interconnect agreement between such customer-generator and a utility and"; in line 37, after "NEG" by inserting "generated under such agreement";

On page 6, in line 16, by striking "expire" and inserting "be credited to the customer at a rate of 100% of the utility's monthly system average cost of energy per kilowatt hour"; in line 27, by striking "expire" and inserting "be credited to the customer at a rate of 100% of the utility's monthly system average cost of energy per kilowatt hour";

On page 7, in line 4, by striking "and"; in line 5, by striking "school" and inserting "religious institution"; in line 7, by striking "50" and inserting "100"; in line 8, after "kilowatts" by inserting ", unless otherwise agreed to by the utility and the customer-generator; and

(3) school customer-generators to generate electricity subject to net metering up to

150 kilowatts. For the purpose of this section, "school" means any postsecondary educational institution as defined in K.S.A. 74-3201b, and amendments thereto, or any public or private school which provides instruction for students enrolled in grade kindergarten or grades one through 12";

Also on page 7, in line 17, by striking "66-1264,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "66-1264,"; and the bill be further amended, passed as amended.

#### **REPORT ON ENGROSSED BILLS**

**SB 264, SB 295, SB 320, SB 335, SB 379, SB 380, SB 392** reported correctly engrossed March 19, 2014.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, March 20, 2014.

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

