

Journal of the Senate

FORTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 24, 2014, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Dear God, there are so many mysteries on earth, like where do all the remotes go... why the single socks? As we begin another week, help us to know that keeping the mystery and wonder in our relationship with you gives us joy. From the beginning of creation, you expect us to discover and learn and grow. The more we learn the more indebted we become to the magnificence of your work in our life. Help us Lord to enjoy the mystery. In your name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

CHANGE OF REFERENCE

The President withdrew **HB 2114** from the Committee on **Interstate Cooperation**, and referred the bill to the Committee on **Federal and State Affairs**.

An objection having been made to **HB 2684** appearing on the **Consent Calendar**, the President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **HB 2047**, requests a conference and has appointed Representatives Carlson, Edmonds and Sawyer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2130**, requests a conference and has appointed Representatives Schwab, Huebert and Sawyer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2154**, requests a conference and has appointed Representatives Crum, Concannon and Ward as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2172**, requests a conference and has appointed Representatives Huebert, Phillips and Alcalá as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2516**, requests a conference and has appointed Representatives Schwab, Hutton and Sawyer as conferees on the part of

the House.

Announcing passage of **HB 2553, HB 2755.**

Announcing passage of **SB 311**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2553, HB 2755 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HCR 5031** be adopted.

Committee on **Financial Institutions and Insurance** recommends **HB 2744** be passed.

Also, **HB 2668**, as amended by House Committee, be amended on page 1, following line 4, by inserting the following:

"WHEREAS, The legislature hereby finds and declares that:

(1) Health plans have the ability today to provide a real-time explanation of benefits (EOB), enabling patients and their physicians to learn how a claim for services will be adjudicated at the point of care, including information on if the service is covered, the amount to be paid to the physician and the patient's financial responsibility for copayments, coinsurance and any remaining deductible obligation;

(2) real-time EOBs have the potential to significantly reduce health care costs by making the true cost of health care services transparent to patients and their physicians at the time treatment decisions are being made and by reducing the costs of collections which accrue when paper EOBs are not received until weeks or months after the services are provided; and

(3) real-time EOBs also have the potential to eliminate the financial uncertainty that currently plagues the health care system and would remove another layer of complexity and anxiety for patients at a time when they should be focused on their health. This is particularly important for patients for whom this financial exposure may be large, such as for the increasing number of patients with high-deductible health plans, or for those patients who purchase coverage on a health insurance exchange, for whom relatively modest changes to patient income can affect eligibility and enrollment status as they transition between medicaid, subsidized and unsubsidized qualified health plans; and

WHEREAS, The people of the state of Kansas would all benefit if health plans were required to provide real-time EOBs on request when a physician submits an electronic claim predetermination request:

Now, therefore,";

Also on page 1, by striking all in lines 6 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 21 and inserting the following:

"Section 1. (a) This section shall be known as and may be cited as the predetermination of health care benefits act.

(b) (1) Health plans that receive an electronic health care predetermination request consistent with the requirements set forth in subsection (c) shall provide to the requesting healthcare provider information on the amounts of expected benefits coverage on the procedures specified in the request that is accurate at the time of the health plan's response.

(2) Any predetermination request provided under this section in good faith shall be

deemed to be an estimate only and shall not be binding upon the health plan with regard to the final amount of benefits actually provided by the health plan.

(c) The amounts for the referenced services in subsection (b) shall include:

(1) The amount the patient will be expected to pay, clearly identifying any deductible amount, coinsurance and copayment;

(2) the amount the healthcare provider will be paid;

(3) the amount the institution will be paid; and

(4) whether any payments will be reduced, but not to \$0, or increased from the agreed fee schedule amounts, and if so, the health care policy that identifies why the payments will be reduced or increased.

(d) This electronic request and response transaction shall be known as the health care predetermination request and response. The health care predetermination request and response shall be conducted in accordance with the transactions and code sets standards promulgated pursuant to the health insurance portability and accountability act of 1996 (HIPAA) public law 104-191, and 45 code of federal regulations, parts 160 and 162 or later versions, specifically, the ASC X12 837 health care predetermination: Professional transaction or the ASC X12 837 healthcare predetermination; institutional and any of their respective successors, without regard to whether this transaction is mandated by HIPAA. It shall also comply with any operating rules that may be adopted with respect to this transaction or any of its successors, without regard to whether these operating rules are mandated by HIPAA.

(e) The health plan's response to the health care predetermination request shall be returned using the same transmission method as that of the submission. This includes a real-time response for a real-time request.

(f) For purposes of this section:

(1) "Health plan" shall have the same meaning as that term is defined in K.S.A. 40-4602, and amendments thereto;

(2) "healthcare provider" shall have the same meaning as the term "provider" as such term is defined in K.S.A. 40-4602, and amendments thereto. Healthcare provider shall also include:

(A) An advanced practice registered nurse as defined in K.S.A. 65-1113, and amendments thereto; and

(B) a physician assistant as defined in K.S.A. 65-28a02, and amendments thereto; and

(3) "payment" means only a deductible or coinsurance payment and does not include a copayment.

(g) This act precludes the collection of any payment prior to or as a condition of receiving the health benefit services that are the subject of a predetermination request, unless this practice is not prohibited by the provider agreement with the health plan.

(h) The commissioner of insurance shall adopt rules and regulations necessary to carry out the provisions of this section.";

Also on page 3, in line 22, after "after" by inserting "July 1, 2017, and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "health care predetermination requests relating to health insurance benefits coverage"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 323** be amended on page 1, in line 22, by striking the third comma; and inserting ":

(1)";

Also on page 1, also in line 22, after "shall" by inserting "be limited in duration to 50 years, or if the grantor is a natural person shall"; in line 25, after "first" by inserting "; or

(2) for the purpose of compensatory mitigation required under section 404 of the clean water act (33 U.S.C. § 1251 et seq.) as in effect on July 1, 2014, shall be limited in duration to the life of the project"; and the bill be passed as amended.

Also, **SB 409** be amended on page 1, in line 32, after "locates" by inserting ", captures, prints"; in line 33, after "person's" by inserting "image,";

On page 2, in line 6, after "locates" by inserting ", captures, prints"; in line 8, after "information" by inserting "; or

(4) describes, locates, captures, prints or indexes anything about real property or tangible and intangible personal property.

(g) "Public land" means any land within the boundaries of the state which is owned by or subject to the control of the state or any political subdivision thereof and is not owned or controlled by any private person";

And by redesignating subsections accordingly;

Also on page 2, by striking all in lines 17 through 19; in line 22, after the period by inserting "'Unmanned vehicle" shall not include satellites."; in line 28, by striking "a public" and inserting "an"; in line 32, after "unlawful" by inserting "nor a violation of this act"; also in line 32, after "on" by inserting ":

(A) Public land, or in the air space above such public land;

(B) land owned by, or in the lawful possession of, the person operating such unmanned vehicle system, or in the air space above such land;

(C) ";

Also on page 2, in line 34, after "in" by inserting "lawful"; also in line 34, after "operation" by inserting "; or

(D) the land of another, or in the airspace above such land, if the person operating such unmanned vehicle system has a property interest in such land, including, but not limited to, an easement or right-of-way on such land.

(3) Except as provided further, it shall not be unlawful nor a violation of this act if such operation only incidentally operates over or collects data from a neighboring property by nature of the process or technology utilized. Any intentional disclosure of such data collected from a neighboring property which causes harm to the owner or person in possession of such neighboring property shall be unlawful and a violation of this act";

Also on page 2, in line 40, after "Except" by inserting "as provided in subsection (c) (2)";

On page 3, in line 11, by striking all after "(a)" by striking all in line 12; in line 13, by striking "(b)"; in line 16, by striking "(1)" and inserting "(b)"; in line 20, by striking "(2)" and inserting "(c)"; in line 27, by striking "(3) (A)" and inserting "(d) (1)"; in line 33, by striking "(i)" and inserting "(A)"; in line 35, by striking "(ii)" and inserting "(B)"; in line 37, by striking "(iii)" and inserting "(C)"; in line 38, by striking "(iv)" and inserting "(D)"; in line 40, by striking "(B)" and inserting "(2)";

On page 4, in line 1, by striking ", a public"; by striking all in lines 2 through 23; in line 24, by striking all before the period and inserting "or (c), no law enforcement

agency shall use an unmanned vehicle system to gather evidence or other information.

(b) The use of an unmanned vehicle system by a law enforcement agency to gather evidence or information that is not otherwise lawfully accessible in plain view shall constitute a search. Any law enforcement agency that uses an unmanned vehicle system to gather evidence or obtain information shall comply in all respects with the fourth amendment to the constitution of the United States and section 15 of the Kansas bill of rights.

(c) Any personal information obtained by a law enforcement agency with the use of an unmanned vehicle or an unmanned vehicle system shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(d) Nothing in this act shall prohibit the use of an unmanned vehicle system by a law enforcement agency:

(1) If the law enforcement agency first obtains a search warrant pursuant to K.S.A. 22-2502 through 22-2505, and amendments thereto;

(2) if the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is necessary to prevent:

- (A) Injury to a person;
- (B) imminent danger to life; or
- (C) property loss or damage;

(3) to counter a risk of a terrorist attack by a specific individual or organization if the secretary of homeland security determines that credible intelligence indicates such a risk;

(4) to provide continuous coverage when law enforcement is searching for a fugitive or escapee or is monitoring a hostage or barricaded subject situation;

(5) to provide more expansive coverage for the purpose of searching for a missing person or an identified pattern of criminal activity; or

(6) to address other exigent circumstances when probable cause exists that a crime is being committed, has been committed or is about to be committed";

Also on page 4, in line 25, by striking "(c)" and inserting "(e)";

On page 6, following line 8, by inserting:

"New Sec. 10. Nothing in the Kansas unmanned vehicle act shall limit the use of a robot designed to handle suspected explosive devices or other hazardous materials, or used in law enforcement tactical operations where there is a reasonable belief that a human law enforcement response would pose an immediate threat to the safety of any person.";

Also on page 6, in line 12, after the first "the" by inserting "written"; in line 15, after the first "the" by inserting "written"; in line 25, after the second "the" by inserting "written"; in line 29, after the first "the" by inserting "written"; in line 37, by striking "consent or"; also in line 37, after "knowledge" by inserting "or written consent"; and by renumbering sections accordingly; and the bill be passed as amended.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m..

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1800—

A RESOLUTION memorializing the life of Glen Deitcher.

WHEREAS, Glen Deitcher was a tour guide at the state capitol for 10 years and passed away on February 5, 2014, at the age of 81; and

WHEREAS, Glen was born on February 6, 1932, in Kansas City, Missouri, and grew up in Ottawa, Kansas. He graduated from Ottawa High School in 1950 and served in the United States Air Force during the Korean conflict; and

WHEREAS, Glen and Ann McQuade were married on June 5, 1955, at St. Philips Catholic Church in Osawatomie, Kansas; and

WHEREAS, Glen attended Oklahoma University and Washburn University. After working for the Kansas Secretary of State's Office, Glen retired in 2000; and

WHEREAS, Following his retirement, Glen began working as a tour guide at the state capitol and the Kansas Museum of History. He took hundreds of students on tours each year and received many thank you cards from them. The students thanked him for what he taught them, "After all," he would say, "Deitcher rhymes with teacher!" When classes had the time, Glen would take the students to the ground floor of the Capitol and show them the building's huge limestone foundation and the tunnel to the Docking building. Glen worked with a smile on his face and a joy for life; and

WHEREAS, Glen was a member of Most Pure Heart of Mary Catholic Church; and

WHEREAS, Glen leaves behind his wife, Ann; their son, Eric Deitcher of Berryton, Kansas; and their daughters, Ellyn Hollis of Overland Park, Kansas; Gretchen Kitson of Kenosha, Wisconsin; and Katrina Deitcher of Topeka, Kansas. Glen also leaves behind nine grandchildren, two great-grandchildren, numerous nieces and nephews and his sister Wilma Ferkol. He was preceded in death by his parents and his sister, Anita Smith; and

WHEREAS, Glen is fondly remembered by all the tour guides who have worked with him and he will be missed by many: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we memorialize the life of Glen Deitcher and thank him for his service to the state of Kansas.

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Ann Deitcher, Eric Deitcher, Ellyn Hollis, Gretchen Kitson and Katrina Deitcher.

On emergency motion of Senator V. Schmidt **SR 1800** was adopted unanimously.

Guests introduced were Ann Deitcher, Ellyn Dietcher Hollis, Ralph Hollis, Blair Hollis, Emily Hollis-Nelson, Kris Nelson, Logan Nelson, Ella Nelson, Gretchen Deitcher-Kitson, Justin Kitson, Molly Hitson-Cunningham, Justin Cunningham, Katrina Deitcher, Eric Deitcher, Tiffany Deitcher, Zachary Deitcher and Mason Deitcher.

Senators rose for a standing ovation.

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

SENATE RESOLUTION No. 1801—

A RESOLUTION supporting Taiwan's participation in international trade agreements and international organizations

and reaffirming Kansas' commitment to its relationship with Taiwan.

WHEREAS, Taiwan, officially known as the Republic of China, and the United States have a relationship marked by strong bilateral trade, educational and cultural exchange and tourism. Kansas and Taiwan share sister-city and sister-state relationships that are beneficial to all Taiwanese and Kansans; and

WHEREAS, Taiwan, the United States and Kansas all share the common values of freedom, democracy, human rights and rule of law; and

WHEREAS, The United States is Taiwan's third largest trading partner and Taiwan is the United States' 11th largest trading partner. Bilateral trade has reached \$63 billion; and

WHEREAS, Taiwan and Kansas have enjoyed a long and mutually beneficial relationship. Both countries anticipate continuing growth, with Taiwan ranking as Kansas' 14th largest export destination. Kansas goods worth \$128 million were shipped to Taiwan, including food, chemicals, computer and electronic products, transportation equipment and agricultural products; and

WHEREAS, Taiwan seeks to contribute to greater regional integration in the Asia-Pacific region and promote bilateral investment and trade relations with the United States. Taiwan applauds the United States' announcement of its intent, not only to join the Trans-Pacific Partnership, the proposed 21st century trade agreement between the U.S. and 11 other Asia-Pacific rim countries, but also to expand Trans-Pacific Partnership membership in the future to include other countries, such as Taiwan; and

WHEREAS, Taiwan has a dynamic market economy and is the leading supplier of high-tech products. Taiwan has the 17th largest economy in the world, is the 14th largest exporter and 16th largest importer. Taiwan ranks 20th in free trade according to the 2013 Prosperity Index. Taiwan is fifth out of 41 economies in the Asia-Pacific region. As an important economic power, Taiwan should be included in regional economic integration; and

WHEREAS, Negotiations for a Bilateral Investment Agreement between Taiwan and the United States are an important step toward strengthening bilateral trade. The Bilateral Investment Agreement will pave the way for entering into a Free Trade Agreement between the two countries, thereby increasing Kansas' exports to Taiwan and creating technical collaboration through tariff reduction and other trade facilitation measures; and

WHEREAS, Taiwan's absence from international organizations has hampered its ability to respond to natural disasters such as Typhoon Haiyan, which caused serious damage to the Philippines in November 2013. Taiwan and the Philippines are geographically close and both subject to the severe effects of typhoons; and

WHEREAS, Taiwan can be a valuable and constructive partner in the international response to severe weather emergencies, as evidenced by Taiwan's speedy and generous response to aid the victims of Typhoon Haiyan in the Philippines with donations of more than \$10 million: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we support Taiwan's efforts to secure entry into the Trans-Pacific Partnership and endorse the signing of the Bilateral Investment Agreement with the United States; and

Be it further resolved: That we support Taiwan's participation in international organizations that impact the health, safety and well-being of Taiwan; and

Be it further resolved: That we reaffirm Kansas' commitment to the strong and deepening sister-city and sister-state relationships between Taiwan and the state of Kansas; and

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

On emergency motion of Senator Powell **SR 1801** was adopted unanimously.

Senator Hensley introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1802—

A RESOLUTION congratulating the Santa Fe Trail High School women's volleyball team on winning the class 4A division II state championship.

WHEREAS, The Santa Fe Trail High School women's volleyball team won the class 4A division II state title for 2013; and

WHEREAS, The Santa Fe Trail High School women's volleyball team has seen many successes during the 2013 season. The team was also named Big Seven champions, Jeff West Tournament champions, Council Grove Tournament champions and class 4A division II sub-state champions; and

WHEREAS, The Santa Fe Trail High School women's volleyball team has an overall record of 39-5, a team serving percentage of 95.4% and a kill percentage of 42%; and

WHEREAS, The members of the team include Jessica Abendroth, Samantha Abendroth, Shelby Dahl, Veronica Forbes, Ashtyn Mentzer, Amber Moore, Destinee Reinhardt, Jaeden Romine and Megan Zaldivar. Coaches include Joy Schmidt, Ann Fawl and Heather Berckefeldt; and

WHEREAS, The members of the Santa Fe Trail High School women's volleyball team have been awarded numerous individual honors. Jaeden Romine, Shelby Dahl and Jessica Abendroth were named All-State Tournament Team; Jaeden Romine and Shelby Dahl were named First Team All-State class 4A division II; Jessica Abendroth was named Second Team All-State class 4A division II; Megan Zaldivar was named Honorable Mention All-State class 4A division II; Jaeden Romine, Shelby Dahl and Megan Zaldivar were named All League First Team; Jessica Abendroth and Amber Moore were named All League Honorable Mention; Jaeden Romine, Shelby Dahl and Megan Zaldivar were named All Area Team by the Lawrence Journal World; Jaeden Romine, Shelby Dahl and Megan Zaldivar were named All County First Team; Jessica Abendroth and Amber Moore were named All County Second Team; Ashtyn Mentzer and Veronica Forbes were named All County Honorable Mention; Destinee Reinhardt, Jessica Abendroth, Megan Zaldivar and Shelby Dahl were named All Academic First Team; and Amber Moore, Jaeden Romine, Ashtyn Mentzer and Samantha Abendroth were named All Academic Honorable Mention; and

WHEREAS, Head Coach Joy Schmidt was named Coach of the Year for class 4A division II: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Santa Fe Trail High School women's volleyball team on its class 4A division II state championship. These young women have exhibited dedication and a great work ethic, and we wish them success in the future; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1802** was adopted unanimously. Members of the team were introduced and recognized with a standing ovation by the senators.

ORIGINAL MOTION

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **HB 2047**.

The President appointed Senators Donovan, Tyson and Holland as conferees on the part of the Senate.

On motion of Senator Holmes, the Senate acceded to the request of the House for a conference on **HB 2130**.

The President appointed Senators Holmes, O'Donnell and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Pilcher-Cook, the Senate acceded to the request of the House for a conference on **S Sub HB 2154**.

The President appointed Senators Pilcher-Cook, Bowers and Kelly as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **HB 2172**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2516**.

The President appointed Senators Olson, Longbine and Hawk as conferees 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 Abrams in the chair.

On motion of Senator Abrams the following report was adopted:

HB 2440, HB 2595 be passed.

HB 2086, HB 2099; Sub HB 2223, Sub HB 2246; HB 2312, HB 2419, HB 2420; Sub HB 2424; HB 2433; Sub HB 2436; HB 2444, HB 2447; Sub HB 2451, Sub HB 2452; HB 2491, HB 2578, HB 2673, HB 2728 be amended by the adoption of the committee amendments, and the bills be passed as amended.

Senator Petty offered an amendment on **HB 2578**; a ruling of the chair was requested as to the germaneness of the amendment. The Chair ruled the amendment was not germane. The amendment was withdrawn.

The committee report of **HB 2101**, as amended, be adopted recommending a **S Sub HB 2101**, as amended, be adopted, and the substitute bill be passed as amended.

The committee report of **HB 2616** recommending a **S Sub HB 2616** be adopted, and the substitute bill be passed.

The committee report of **HB 2655** recommending a **S Sub HB 2655** be adopted, and the substitute bill be passed.

Senator Knox offered an amendment on **S Sub HB 2655**; a ruling of the chair was requested as to the germaneness of the amendment. The Chair ruled the amendment was

not germane. The amendment was withdrawn.

SCR 1620 be adopted.

The committee report on **HCR 5029** be amended by the adoption of the committee amendments, and the resolution be adopted as amended.

SB 423 be amended by motion of Senator Holmes: on page 2, in line 14, by striking "to the state"; in line 15, by striking all before the period and inserting "as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto"; by striking all in lines 19 through 21; in line 22, by striking "(d)" and inserting "(c)";

On page 3, in line 1, by striking "each"; in line 2, by striking "to the credit"; in line 3, by striking all before the period and inserting "and credit as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto"; by striking all in lines 4 through 6; in line 7, by striking "(d)" and inserting "(c)"; in line 31, by striking "deposited in the"; in line 32, by striking all before the period and inserting "remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto"; by striking all in lines 33 through 35;

And by redesignating subsections accordingly;

On page 4, in line 28, by striking "deposited in the"; in line 29, by striking all before the period and inserting "remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto"; by striking all in lines 30 through 32;

And by redesignating subsections accordingly;

On page 5, in line 26, by striking "deposited in the"; in line 27, by striking all before the period and inserting "remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto"; by striking all in lines 28 through 30;

And by redesignating subsections accordingly

SB 423 be further amended by motion of Senator Kelly: on page 1, following line 30, by inserting:

"(b) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with the joint committee on state building construction.

(c) Prior to the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the

legislature is in session.";

And by redesignating subsections accordingly;

On page 2, following line 41, by inserting:

"(b) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with the joint committee on state building construction.

(c) Prior to the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.";

And by redesignating subsections accordingly;

On page 3, following line 18, by inserting:

"(b) No option to purchase, sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with the joint committee on state building construction.

(c) Prior to the exercising of the option to purchase and the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the option to purchase and sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.";

And by redesignating subsections accordingly;

On page 4, following line 15, by inserting:

"(b) No option to purchase, sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with the joint committee on state building construction.

(c) Prior to the exercising of the option to purchase and the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the option to purchase and sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.";

And by redesignating subsections accordingly;

On page 5, following line 13, by inserting:

"(b) No option to purchase, sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with the joint committee on state building construction.

(c) Prior to the exercising of the option to purchase and the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the option to purchase and sale, which is hereby characterized as a matter of legislative

delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.";

And by redesignating subsections accordingly

SB 423 be further amended by motion of Senator Hensley: on page 6, following line 5, by inserting:

"Sec. 6. (a) As used in this section:

(1) "Affiliated person" means:

(A) Any member of the immediate family of a state or local official; or

(B) any partnership, firm, corporation or limited liability company with which a state or local official is associated or in which a state or local official has an interest, or any partner, officer, director or employee thereof while the state or local official is associated with such partnership, firm, corporation or company.

(2) "State or local official" means any person who is:

(A) Any state officer or employee required to file a written statement of substantial interests pursuant to the state governmental ethics law;

(B) the governor or any full-time professional employee of the office of the governor;

(C) any member of the legislature and any full-time professional employee of the legislature;

(D) any justice of the supreme court, judge of the court of appeals or judge of the district court;

(E) the head of any state agency, the assistant or deputy heads of any state agency, or the head of any division within a state agency; or

(F) any member of the governing body of a city in Shawnee county or the governing body of Shawnee county; any municipal or county judge of such city or county; any city, county or district attorney of such city or county; and any member of or attorney for the planning board or zoning board of such city or county and any professional planner or consultant regularly employed or retained by such planning board or zoning board.

(b) No state or local official or affiliated person shall hold, directly or indirectly, an interest in, be employed by, represent or appear for any entity to bid on or purchase any property described in section 1, 2, 3, 4, or 5, and amendments thereto.

(c) No state or local official or affiliated person shall represent, appear for or negotiate on behalf of any person or entity submitting a proposal to bid on or purchase any property described in section 1, 2, 3, 4, or 5, and amendments thereto.

(d) No state or local official or affiliated person, within five years immediately subsequent to the termination of the office or employment of the official, shall hold, directly or indirectly, an interest in, be employed by or represent, appear for or negotiate on behalf of any person or entity submitting a proposal to bid on or purchase any property described in section 1, 2, 3, 4, or 5, and amendments thereto.

(e) No state or local official shall solicit or accept, directly or indirectly, any complimentary service or discount from any person submitting a proposal to bid on or purchase any property described in section 1, 2, 3, 4, or 5, and amendments thereto, which such official knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstance.

(f) No state or local official shall influence, or attempt to influence, by use of official authority, the decision of the secretary of administration in selling or conveying any property described in section 1, 2, 3, 4, or 5, and amendments thereto. Any such attempt shall be reported promptly to the attorney general.

(g) Willful violation of this section is a class A misdemeanor.";

And by renumbering remaining section, and **SB 423** be passed as amended.

A motion by Senator Francisco to amend **SB 423** failed and the following amendment was rejected: on page 1, in line 9, by striking "sell and"; in line 10, by striking "convey" and inserting "offer for sale and conveyance"; by striking all in lines 31 through 36;

On page 2, by striking all in lines 1 through 26 and inserting the following:

"(b) Prior to the offer for sale or conveyance of the real property described in subsection (a), the secretary of administration shall conduct a cost-benefit analysis of the sale and submit such analysis to the state finance council. Following the review by the state finance council, the secretary of administration shall determine which bid or proposal of purchase of the real estate property is in the best interest of the state of Kansas. Such bid or proposal shall be submitted to the legislature for review. Any proposed sale or conveyance shall be subject to approval by an express act of the legislature, either as a provision in an appropriation act pertaining to the specific property described in subsection (a) or by any other act of the legislature that approves the sale or conveyance of such property."; and by redesignating remaining subsections accordingly;

Also on page 2, in line 28, by striking "sell and convey" and inserting "offer for sale and conveyance"; by striking all in lines 42 and 43;

On page 3, by striking all in lines 1 through 11; and inserting the following:

"(b) Prior to the offer for sale or conveyance of the real property described in subsection (a), the secretary of administration shall conduct a cost-benefit analysis of the sale and submit such analysis to the state finance council. Following the review by the state finance council, the secretary of administration shall determine which bid or proposal of purchase of the real estate property is in the best interest of the state of Kansas. Such bid or proposal shall be submitted to the legislature for review. Any proposed sale or conveyance shall be subject to approval by an express act of the legislature, either as a provision in an appropriation act pertaining to the specific property described in subsection (a) or by any other act of the legislature that approves the sale or conveyance of such property."; and by redesignating remaining subsections accordingly;

Also on page 3, in line 16, by striking "exercise" and inserting "establish the feasibility of exercising"; by striking all in lines 19 through 40 and inserting the following:

"(b) Prior to establishing the feasibility of exercising the option to purchase and the sale or conveyance of the Van Buren project and land, the secretary of administration shall conduct a cost-benefit analysis of exercising the option to purchase and the sale and submit such analysis to the state finance council. Following the review by the state finance council, the secretary of administration shall determine which bid or proposal of purchase of the real estate property is in the best interest of the state of Kansas. Such bid or proposal shall be submitted to the legislature for review. Any proposal to exercise the option to purchase and sell or convey shall be subject to approval by an express act of the legislature, either as a provision in an appropriation act pertaining to the Van

Buren project and land or by any other act of the legislature that approves the sale or conveyance of Van Buren project and land."; and by redesignating remaining subsections accordingly;

On page 4, by striking all in lines 16 through 37 and inserting the following:

"(b) Prior to establishing the feasibility of exercising the option to purchase and the sale or conveyance of the Curtis state office building and land, the secretary of administration shall conduct a cost-benefit analysis of exercising the option to purchase and the sale and submit such analysis to the state finance council. Following the review by the state finance council, the secretary of administration shall determine which bid or proposal of purchase of the real estate property is in the best interest of the state of Kansas. Such bid or proposal shall be submitted to the legislature for review. Any proposal to exercise the option to purchase and sell or convey shall be subject to approval by an express act of the legislature, either as a provision in an appropriation act pertaining to the Curtis state office building and land or by any other act of the legislature that approves the sale or conveyance of Curtis state office building and land."; and by redesignating remaining subsections accordingly;

On page 5, by striking all in lines 14 through 35 and inserting the following:

"(b) Prior to establishing the feasibility of exercising the option to purchase and the sale or conveyance of the Curtis parking facility and land, the secretary of administration shall conduct a cost-benefit analysis of exercising the option to purchase and the sale and submit such analysis to the state finance council. Following the review by the state finance council, the secretary of administration shall determine which bid or proposal of purchase of the real estate property is in the best interest of the state of Kansas. Such bid or proposal shall be submitted to the legislature for review. Any proposal to exercise the option to purchase and sell or convey shall be subject to approval by an express act of the legislature, either as a provision in an appropriation act pertaining to the Curtis parking facility and land or by any other act of the legislature that approves the sale or conveyance of Curtis parking facility and land."; and by redesignating remaining subsections accordingly;

On page 1, in the title, in line 2, by striking "sell" and inserting "offer for sale"; in line 4, by striking "exercise" and inserting "establish the feasibility of exercising"; also in line 4, by striking "sell" and inserting "selling"

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

On roll call, the vote was: Yeas 11; Nays 29; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt, Wolf.

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

HB 2418 be amended by motion of Senator Pilcher-Cook: on page 1, in line 14, by striking "of aging" and inserting "for aging and disability services";

On page 2, in line 29, by striking "of the"; in line 30, by striking "department of social and rehabilitation services" and inserting "for children and families"; in line 34, after the second "the" by inserting "Kansas"; also in line 34, by striking "on"; in line 35, by striking "aging" and inserting "for aging and disability services";

On page 3, in line 42, by striking "of aging" and inserting "for aging and disability services", and **HB 2418** be passed as further amended.

HB 2537, as amended by adoption of the committee amendments, be further amended by motion of Senator Fitzgerald; on page 7, following line 40, by inserting:

"Sec. 4.K.S.A. 2013 Supp. 40-2140 is hereby amended to read as follows: 40-2140.

(a) (1) Except as provided in paragraph (2), whenever a state agency or municipality provides for the payment of premiums for any health benefit plan for law enforcement officers employed by such state agency or such municipality, the state agency or municipality 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 a law enforcement officer who dies in the line of duty. Premiums for continuation of coverage under COBRA shall be paid for 18 months.

(2) Neither the state agency nor the municipality may be required to pay the premiums described in paragraph (1) for a surviving spouse:

(A) On or after the end of the 18th calendar month after the date of death of the deceased law enforcement officer;

(B) upon the remarriage of the deceased law enforcement officer's surviving spouse; or

(C) upon the deceased law enforcement officer's surviving spouse reaching the age of 65.

(b) For the purposes of this section:

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

(2) "Law enforcement officer" means an employee employed by:

~~(A)~~ A law enforcement agency ~~and~~

~~(A)~~ whose principal duties are engagement in the enforcement of law and maintenance of order within this state and its political subdivisions; and

~~(B)~~ who is certified pursuant to the provisions of the Kansas law enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto; or

(B) the Kansas department of corrections.

(3) "Municipality" means a city, county or township.

(4) "State agency" shall have the meaning ascribed to such term in K.S.A. 75-3701, and amendments thereto.";

Also on page 7, in line 41, by striking "and" and inserting a comma; also in line 41, after "40-222" by inserting "and 40-2140";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after the semicolon by inserting "relating to the continuation of health insurance for spouse and children of employees of the department of corrections;"; in line 6, by striking the first "and" and inserting a comma; also in line 6, after "40-222" by inserting "and 40-2140", and **HB 2537** be passed as further amended.

HB 2577 be amended by adoption of the committee amendments, be further amended by motion of Senator Knox: on page 1, in line 12, after "a" by inserting "police station, sheriff's office, law enforcement center," and **HB 2577** be passed as further amended.

HB 2580 be amended by adoption of the committee amendments, be further amended by motion of Senator V. Schmidt: on page 1, in line 24, by striking "party" and

inserting "person"; in line 25, by striking "fire marshal"; in line 27, by striking "party" and inserting "person"; following line 29, by inserting:

"(c) The state fire marshal shall notify the attorney general of any incident the fire marshal has determined was caused by the negligent or willful acts or omissions of a person. The attorney general shall investigate the incident and may bring an action in the name of the state in the district court of the county where the incident occurred against the person whose negligent or willful acts or omissions were responsible for the incident. All moneys recovered for reasonable and necessary costs for the response to such incident shall be paid into the state general fund.";

Also on page 1, in line 30, by striking "(c)" and inserting "(d)";

On page 2, by striking all in lines 3 through 13, and **HB 2580** be passed as further amended.

The committee report on **HB 2146** recommending a **S Sub HB 2146** be adopted, be amended by motion of Senator V. Schmidt: on page 12, in line 41, by striking "an examination" and inserting "one or more examinations identified and"; also in line 41, by striking "30 days "; in line 42, by striking "of" and inserting "the period or periods of time specified by the board after"; also in line 42, after "regulations" by inserting "identifying the required examinations, when they must be passed and"; in line 43, by striking "examination" and inserting "examinations"; also in line 43, by striking "a"; also in line 43, by striking "score" and inserting "scores"; also in line 43, after the period by inserting "The board may include as a required examination any national pharmacy technician certification examination.";

On page 13, in line 4, by striking "of"; in line 22, after "fee" by inserting "and evidence satisfactory to the board that the person has successfully complied with the rules and regulations of the board establishing the requirements for a program of continuing pharmacy technician education"

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

On roll call, the vote was: Yeas 28; Nays 7; Present and Passing 3; Absent or Not Voting 2.

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

Nays: Arpke, Lynn, Melcher, O'Donnell, Pilcher-Cook, Powell, Smith.

Present and Passing: Love, Olson, Pyle.

Absent or Not Voting: Apple, Masterson.

And **S Sub HB 2146** be passed as amended.

HB 2464, HB 2511, be passed over and retain a place on the calendar.

Vice President King assumed the Chair.

REPORT ON ENGROSSED BILLS

SB 308 reported correctly engrossed March 21, 2013.

Also, **SB 278, SB 371** reported correctly engrossed March 24, 2013.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Tuesday, March 25, 2014.

MARCH 24, 2014

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

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