

Journal of the Senate

FORTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 16, 2017, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Gracious, compassionate Lord, in recognition of Your mercies that are new every day; once again, we stand grateful; grateful for another opportunity, that had not been promised to us, to exalt Your Holy Name.

It is amazing, that the Creator, the All Knowing, All Powerful, and altogether Holy Sustainer of righteousness, would look down upon us and smile.

We're in a world created by You and sustained by You, but in many areas wandering away from You. Even in our individual eyes, we must acknowledge that we often fail and fall far short of Your standards. Yet, You have put it in place, that the ills of our society are to be corrected, cured and healed through the humble, prayerful seeking of Your face and turning to Your ways, by Your people;
2 Chronicles 7:14.

As Your word says in 1 Peter 4:17, to amend attitudes and actions, the judgment needed must begin with Your people...those of us who are people of God and chosen to represent You. So Lord, let justice begin here, with us. Let love, equality and fair-mindedness begin here, in the hearts of Your servants.

And when folks do us, like they do You; when they hate on us, like they hate on You; when they don't show appreciation, or give thanks for our sacrifices, help us to respond to them in the same way You respond to us when we're messing up.

When we don't deserve it, You forgive us and love up on us. Help us to model that in all our interactions. Help us to be conduits connected to You, that from You and through us will flow help, healing and hope for the ills of our society. I pray You will bless, infuse and use every one of these servants. In Jesus' name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 232, AN ACT concerning the developmental disabilities reform act; relating to home and community based services; powers, duties and functions of the secretary for aging and disability services and the secretary of health and environment; amending K.S.A. 39-1801, 39-1802, 39-1805, 39-1806 and 39-1808 and K.S.A. 2016 Supp. 39-1803 and 39-1804 and repealing the existing sections; also repealing K.S.A. 2016 Supp.

39-1811, by Committee on Ways and Means.

SB 233, AN ACT concerning education; relating to the financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the department of education; creating the education finance act; amending K.S.A. 12-17,115 and 72-8803 and K.S.A. 2016 Supp. 10-1116a, 12-1677, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3607, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8237, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8801, 72-8804, 72-8908, 72-9509, 72-9609, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213, 79-2001, 79-2925b and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 72-6482, 72-99a01, 72-99a02, 72-99a03, 72-99a04, 72-99a05, 72-99a06 and 72-99a07, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2162**, **HB 2228**.

Commerce: **SB 230**, **SB 231**; **HB 2168**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1726—

A RESOLUTION honoring the lives of Srinivas Kuchibhotla, Alok Madasani, Ian Grillot and Sam Goodrich for their unwavering love for the United States of America.

WHEREAS, The love for all people exhibited by Srinivas Kuchibhotla, Alok Madasani, Ian Grillot and Sam Goodrich, and their hope for peace, their courage to do right and their unrelenting passion for the American Dream, prevailed on February 22, 2017, against a notoriously evil deed; and

WHEREAS, The senseless taking of a good man's life, the wounding of two others and the egregious violation of peace and tranquility of a community was met with love, hope for peace, a desire to join together for healing and a renewed desire to fight for a better world; and

WHEREAS, The tragic taking of Srinivas Kuchibhotla's life, a Garmin aviation engineer from Telangana, India, from his loving wife, family and friends leaves a family, community and nation in anguish and mourning; and

WHEREAS, Despite the injuries inflicted upon Alok Madasani, Srinivas' friend and professional colleague, Alok called the shooting "an isolated incident that doesn't reflect the true spirit of Kansas, the Midwest and the United States"; and

WHEREAS, Olathe Mayor Mike Copeland declared that, "We will not let one act of evil separate us or divide us"; and

WHEREAS, The State of Kansas is grateful for the respect and appreciation these two men and the entire Indian-American community have shown by seizing the opportunity to contribute, enrich and thrive in the land and culture they now call home; and

WHEREAS, The Indian-American community these men represent has contributed to the local economy, student academic success, and has introduced to the City of Olathe the great game of cricket; and

WHEREAS, Every Kansan stands in awe of Ian Grillot, the 24-year-old Marine veteran, lover of outdoors, 2010 graduate of Olathe North High School, and a true hero, who, guided by his faith, faced gunfire to defend his fellow citizens from a treacherous and violent act of pure evil; and

WHEREAS, The members of the Kansas Senate call for all Kansans to offer prayer and support for the Kuchibhotla, Madasani and Grillot families for their loss and suffering; and

WHEREAS, We would be remiss to not mention Sam Goodrich, the Clinton, Missouri, Applebee's bartender, whose courage and presence of mind led to the quick resolution of one of the most evil and tragic episodes in Kansas history; and

WHEREAS, When pure evil attacked the peace of the people of the City of Olathe and all that is held sacred to its citizens, a Marine veteran risked his life to protect people from a senseless act of violence, a man cared for his critically injured friend, a bartender did the right thing and the law enforcement community acted quickly to do their jobs, demonstrating to all what the City of Olathe, the State of Kansas and the United States of America are all about: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor and revere the many impacted by this tragedy, extend our prayers and sympathies for their collective loss and commend their demonstration of courage, love and hope for peace during such a tumultuous time; and

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

On emergency motion of Senator Olson **SR 1726** was adopted unanimously.

The senate honored the guests with a standing ovation.

Senator Haley introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1727—

A RESOLUTION honoring the life and public service of John William Crutcher.

WHEREAS, John William Crutcher, former Kansas Senator and Lieutenant Governor, passed away peacefully on March 12, 2017, at the age of 100, at his home in Jefferson, North Carolina, after a long life dedicated to public service; and

WHEREAS, Mr. Crutcher was born in Ensign, Kansas, on December 19, 1916. He graduated from Hutchinson Community College and the University of Kansas and lived in and near Hutchinson, Kansas, for almost 50 years; and

WHEREAS, Mr. Crutcher served as a Navy Officer in the Pacific Theater of World War II and in the Korean War, and he retired as a Captain in the United States Naval Reserve; and

WHEREAS, Mr. Crutcher served in the Kansas Senate from 1953-1957 and also served two terms as a Lieutenant Governor under both Republican Governor Bill Avery and Democratic Governor Robert Docking; and

WHEREAS, Following his time in state government, Mr. Crutcher held a multitude of positions in the federal government, including as an administrative assistant to United States Senator Bob Dole; an appointee to the Office of Economic Opportunity;

and Director of Outdoor Recreation for the Department of the Interior. Mr. Crutcher also was appointed by President Ronald Reagan to serve on the Postal Rate Commission, a position he held for 11 years; and

WHEREAS, John Crutcher befriended, mentored and enabled many Kansans, including Kansas State Senate colleague and former United States Ambassador George W. Haley and his wife Doris M. Haley and current Kansas State Senator David B. Haley and his sister, attorney Anne P. Haley (Brown); and

WHEREAS, Mr. Crutcher retired and left Washington D.C. to settle down with his wife, Edith, to whom he would be married for 45 years, in her home state of North Carolina, where he was laid to rest on March 16, 2017; and

WHEREAS, John William Crutcher was known as a world traveler, writer and lecturer on politics and culture and as a treasured public servant, both in the State of Kansas and the United States: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the life and public service of John William Crutcher and extend our deepest sympathy to his family and friends; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator David Haley and to Mrs. Edith Crutcher.

On emergency motion of Senator Haley **SR 1727** was adopted unanimously.

PERSONAL REMARKS

Mr. Vice President: I join the Kansas Senate in the unanimous voice vote affirming **SR 1727**; honoring the life and public service of John William Crutcher, which I am proud beyond words to have sponsored. Mr. Crutcher was known by me for as long as I can remember, and by my sister, Anne, simply as “Uncle John.” He became our family out of this very process when he, a Senator from Hutchinson, Kansas and later a twice elected Lt. Governor, also serving in those days as the President of the Kansas Senate, befriended (and, ostensibly, “adopted”) my father, former Republican Kansas Senator (and later U.S. Ambassador) George W. Haley, representing Kansas City, Kansas and my mother, Doris M. Haley. On the wall outside of the Senate Chamber, you can yet see his smiling, most handsome face on the picture (4th from the right bottom corner) among the many faces of the many men who have served as Senate President whose deeds, good and bad...large and small, in most cases have long since been forgotten.

But today, the impact of this great true gentleman on my family’s lives and on the lives of so many Kansans is remembered as he is laid to rest in Jefferson, North Carolina and our thoughts and fond remembrances of shared joy go out to his wife, Edith (also known as “Aunt Edie”).

The relationships forged by members of these Legislatures are often inspirational and life-changing. John W. Crutcher’s example in leadership, and in nurturing, grips the marrow of the human spirit and endears the magnificence of Kansas core values to the eager often wearied world. I love this man, Mr. Vice President. In his time and in his space, with God’s grace...John William Crutcher (Uncle John) made a difference.—

DAVID HALEY

MESSAGES FROM THE GOVERNOR

March 14, 2017

Message from the Governor Regarding Compact with Tribal Nation:

In consultation with the Attorney General and the Department of Revenue, and pursuant to my authority under Article 1, Section 3 of the Constitution of the State of Kansas, I have entered into the following Compact:

- Compact Relating to Cigarette Sales, Taxation and Escrow Collection with the Sac and Fox Nation of Missouri in Kansas and Nebraska as of March 10, 2017.

I hereby give notice of this executive action and transmit the Compact to the Legislature for the required approval pursuant to applicable law.

SAM BROWNBACK
Governor

**COMPACT RELATING TO CIGARETTE SALES, TAXATION
AND ESCROW COLLECTION**

Between

**The Sac And Fox Nation Of Missouri In Kansas And Nebraska
and
The State Of Kansas**

This Compact Relating to Cigarette Sales, Taxation and Escrow Collection (“Compact”) is entered into between the Sac And Fox Nation Of Missouri In Kansas And Nebraska (“Tribe”) and the State of Kansas (“State”) and its agencies. The Tribe and the State are collectively referred to as the “Parties.” The Parties agree as follows:

WHEREAS, the Tribe is a federally-recognized tribe with certain sovereign powers of self-government;

WHEREAS, the State is a state within the United States of America possessed of full powers of state government;

WHEREAS, the Tribe is situated on and occupies a federally-established Indian Reservation situated, in part, in the northeastern part of Kansas;

WHEREAS, federal law recognizes that tribal jurisdiction exists on Qualified Tribal Lands regarding the rights of an Indian Tribe to pass its own laws and be governed by them, including the right to levy taxes and regulate commerce;

WHEREAS, it is in the best interests of both the State and the Tribe to prevent disputes between the Parties regarding possession, transport, distribution, and Sale of Cigarettes and other Tobacco Products, including but not limited to taxation and escrow collection, in the State of Kansas, on Compact Lands;

WHEREAS, on November 23, 1998, the State became party to the MSA;

WHEREAS, certain Tobacco Product Manufacturers, which are party to the MSA, are

obligated, in return for a release of past, present and certain future claims against them as described therein, to pay substantial sums to State (tied in part to their volume of Sales); to fund a national foundation devoted to the interests of public health; and to make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking;

WHEREAS, it would be contrary to the policy of State if Tobacco Product Manufacturers who determine not to enter into such a settlement could use a resulting cost advantage to derive large, short-term profits in the years before liability may arise without ensuring that State will have an eventual source of recovery from them if they are proven to have acted culpably;

WHEREAS, the State entered into a Secondary Settlement Agreement with certain participating Tobacco Product Manufacturers in 2012 settling State's obligations under the MSA and disputes regarding certain payment adjustments under the MSA with respect to NPMs (as that term is defined below) for calendar years 2003-2012;

WHEREAS, as part of said Secondary Settlement Agreement, State has agreed to undertake certain diligent enforcement efforts of its Cigarette and other Tobacco Product laws and more specifically, its MSA laws on Qualified Tribal Lands within the borders of State;

WHEREAS, the Parties are of the opinion that cooperation between the Tribe and the State is mutually productive and beneficial;

WHEREAS, the State and the Tribe agree that it will serve the interests of both the State and the Tribe for the Tribe to be able to generate revenue for governmental purposes through the collection of certain Tribal taxes in accordance with this Compact and resolve their differences regarding the collection of escrow on certain Cigarettes Sold on Compact Lands;

WHEREAS, the Tribe has the authority pursuant to Article V of its Constitution to enter into agreements with the State and to enter into agreements for the economic benefit of the Tribe.

NOW THEREFORE, the State, as signed by the Governor and approved by the Kansas Legislature, and the Tribe, as approved by the Tribe's Tribal Council hereby enter into this Compact for the mutual benefit of the State and the Tribe, to-wit:

DEFINITIONS

“**Business Day**” shall mean any day that the governmental offices of the Tribe and State are open for business.

“**Carton**” shall mean a container of two hundred (200) Cigarettes, whether consisting of either eight or ten Packs.

“**Cigarette**” shall mean any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use and consists of or contains:

- (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco;
- (2) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is

likely to be offered to, or purchased by, Consumers as a Cigarette; or

- (3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, Consumers as a Cigarette described in clause (1) above.

The term "Cigarette" includes "roll-your-own" (i.e., any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, Consumers as tobacco for making Cigarettes). For purposes of this definition, 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "Cigarette."

"**Compact**" shall mean this agreement;

"**Compact Lands**" shall mean:

- (1) Lands within the boundaries of the State of Kansas that are within the Tribe's Reservation as established in the treaty between the United States of America and the Tribe dated March 6, 1861 and ratified February 6, 1863; and
- (2) The following lands once the Secretary of the Department of Interior has fully acquired such land into trust for the beneficial use of the Tribe as authorized in accordance with Section 5 of the Indian Reorganization Act, 25 USC 465 and under 25 CFR § 151.10:
 - (A) That part of the Southwest Quarter lying east of the present U.S. Highway No. 75 in Section 15, Township 4, Range 15, Brown County, Kansas;
 - (B) All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Block 9 in the City of Reserve, Brown County, Kansas;
 - (C) A tract of land located in the West One-Half of the Southeast One-Quarter of Section 12, Township 1 South, Range 16 East of the Sixth Principal Meridian, Brown County, Kansas, being more particularly described as follows: Beginning at the Center One-Quarter Corner of said Section 12, Thence N89°16'58"E and along the North line of said Southeast One-Quarter a distance of 1328.13 feet to the Northeast Corner of the West One-Half of said Southeast One-Quarter; Thence S00°13'17"E and along the East line of said West One-Half a distance of 1486.02 feet to the Northeasterly corner of US Highway 73 Right-of-Way as described in District Court Case 12794, Parcel 13; Thence Northwesterly and along the Northerly Right-of-Way of US Highway 73 the following three courses: 1. N56°10'27"W a distance of 801.62 feet; 2. N61°53'27"W a distance of 251.30 feet; 3. N56°02'27"W a distance of 535.70 feet to a point on the West line of said Southeast One-Quarter; Thence N00°10'27"W and along the West line of said Southeast One-Quarter a distance of 605.50 feet to the Point of Beginning, containing 31.83 acres. AND A tract of land located in the West One-Half of the Southeast One-Quarter of Section 12, Township 1 South, Range 16 East of the Sixth Principal Meridian, Brown County, Kansas, being more particularly described as follows: Beginning at the South One-Quarter Corner of said Section 12, Thence N00°10'27"W and

along the West line of said Southeast One-Quarter a distance of 1840.94 feet to the Southwesterly corner of US Highway 73 Right-of-Way as described in District Court Case 12794, Parcel 13; Thence Southeasterly and along the Southerly Right-of-Way of US Highway 73 the following three courses: 1. S56°10'27"E a distance of 623.45 feet; 2. S50°14'51"E a distance of 352.14 feet; 3. S56°10'27"E a distance of 654.50 feet to a point on the East line of the West One-Half of said Southeast One-Quarter; Thence S00°13'17"E and along the East line of said West One-Half a distance of 887.43 feet to the Southeast Corner of said West One-Half of the Southeast One-Quarter; Thence S89°16'16"W and along the South line of said Southeast One-Quarter a distance of 1330.31 feet to the Point of Beginning, containing 41.63 acres. Said tracts containing a total of 73.46 acres;

- (D) A parcel of land located in the Southwest One-Quarter of Section 7, Township 1 South, Range 17 East of the Sixth Principal Meridian, Brown County, Kansas, being more particularly described as follows: Beginning at the South One-Quarter Corner of said Section 7, Thence N89°38'42"W and along the South line of said Southwest One-Quarter a distance of 1563.87 feet to a point on the Easterly Right-of-Way of the Union Pacific Railroad; Thence Northerly and along the Easterly Right-of-Way of the Union Pacific Railroad the following three courses: 1. N06°27'57"W a distance of 1331.84 feet; 2. S89°39'01"E a distance of 50.36 feet; 3. N06°27'57"W a distance of 1331.82 feet to a point on the North line of said Southwest One-Quarter; Thence S89°39'20"E and along the North line of said Southwest One-Quarter a distance of 1798.84 feet; Thence S00°19'01"E a distance of 210.32 feet to a point on the centerline of Walnut Creek; Thence Southerly and along the centerline of Walnut Creek generally the following nine courses: 1. S16°39'07"W a distance of 74.67 feet; 2. S08°37'19"E a distance of 102.59 feet; 3. S71°28'24"W a distance of 85.07 feet; 4. S76°57'12"W a distance of 86.41 feet; 5. S17°24'59"W a distance of 85.60 feet; 6. S34°27'31"E a distance of 51.75 feet; 7. N65°20'21"E a distance of 49.67 feet; 8. N84°54'06"E a distance of 68.59 feet; 9. S57°01'48"E a distance of 66.38 feet to a point on the East line of said Southwest One-Quarter; Thence S00°19'01"E and along the East line of said Southwest One-Quarter a distance of 125.53 feet to a point on the centerline of Walnut Creek; Thence Southerly and along the centerline of Walnut Creek generally the following five courses: 1. S24°20'03"W a distance of 142.98 feet; 2. S06°00'48"E a distance of 114.90 feet; 3. S02°38'41"W a distance of 195.67 feet; 4. S13°43'53"E a distance of 133.11 feet; 5. S55°33'32"E a distance of 33.42 feet to a point on the East line of said Southwest One-Quarter; Thence S00°19'01"E a distance of 1368.10 feet to the Point of Beginning, containing 100.88 acres. AND A parcel of land located in the Southwest One-Quarter of Section 7, Township 1 South, Range 17 East of the Sixth Principal Meridian, Brown County, Kansas, being more particularly described as follows: Commencing at the Southwest Corner of said Section 7, Thence N00°16'06"W and along the West line of said Southwest One-

Quarter a distance of 595.44 feet to the Point of Beginning. Thence N00°16'06"W and along the West line of said Southwest One-Quarter a distance of 726.99 feet; Thence S89°39'01"E a distance of 562.67 feet to a point on the Westerly Right-of-Way of the Union Pacific Railroad; Thence S06°27'57"E and along the Westerly Right-of-Way of the Union Pacific Railroad Right-of-Way a distance of 1289.15 feet to a point on the Northerly Right-of-Way of US Highway 73 as described in District Court Case 12794, Parcel 9; Thence Northwesterly and along the Northerly Right-of-Way of US Highway 73 the following two courses: 1. N60°24'40"W a distance of 724.01 feet; 2. N13°59'07"W a distance of 173.61 feet; Thence N89°43'54"W a distance of 47.31 feet; Thence N00°16'06"W a distance of 75.00 feet; Thence S89°43'54"E a distance of 50.00 feet; Thence S00°16'06"E a distance of 63.99 feet; Thence N13°59'07"W and along the Northerly Right-of-Way of US Highway 73 a distance of 21.02 feet; Thence S89°45'14"W a distance of 25.02 feet to the Point of Beginning, containing 15.11 acres. Said tracts containing a total of 115.99 acres; and

- (E) A tract of land located in the South One-Half of Government Lot 1, Located in the Northwest One-Quarter of Section 15, Township 4 South, Range 15 East of the Sixth Principal Meridian, Brown County, Kansas, being more particularly described as follows: Beginning at the West One-Quarter Corner of said Section 15, Thence N00°33'17"E and along the West line of said Lot 1 a distance of 1292.86 feet to a point 30.00 feet Southerly of the Northwest Corner of the South One-Half of said Lot 1; Thence S89°43'06"E parallel with and 30.00 feet Southerly of the North line of the South One-Half of said Lot 1 a distance of 320.22 feet to the Westerly Right-of-Way of US Highway 75; Thence Southerly and along the Westerly Right-of-Way of US Highway 75 the following five courses: 1. S00°40'04"W a distance of 554.21 feet; 2. S22°15'00"W a distance of 38.08 feet; 3. S00°40'04"W a distance of 30.00 feet; 4. S19°53'17"E a distance of 42.72 feet; 5. S00°40'04"W a distance of 633.40 feet to a point on the South line of said Government Lot 1; Thence N89°46'00"W and along the South line of said Lot 1 a distance of 317.80 feet to the Point of Beginning, containing 9.44 acres.

“**Compact Licensed Distributor**” shall mean any entity licensed under the Tribe’s law for distributing Cigarettes to Compact Licensed Retailers.

“**Compact Licensed Retailer**” shall mean any entity licensed under the Tribe’s law for the retail Sale of Cigarettes on Compact Lands.

“**Consumer**” shall mean the individual or entity purchasing or receiving Cigarettes or other Tobacco Products for final use.

“**Escrow Statutes**” shall mean Chapter 50, Article 6a of the Kansas Statutes Annotated.

“**Indian Tribe**” shall mean any Indian tribe, band, nation or other organized group or community that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians under the laws of the United States.

“**KDOR**” shall mean the Kansas Department of Revenue.

“**KSAG**” shall mean the Office of the Attorney General of the State of Kansas.

“**MSA**” shall mean the settlement agreement (and related documents) entered into on November 23, 1998 by the State and leading United States Tobacco Product Manufacturers; provided, however, that such term does not include the Secondary Settlement Agreement.

“**NPM**” shall have the meaning set forth for the term “Non-participating manufacturer” in K.S.A. § 50-6a07(g).

“**Pack**” shall mean one package of either twenty (20) or twenty-five (25) Cigarettes.

“**Parties**” or “**Party**” shall mean the State and the Tribe.

“**PM**” shall mean a “participating manufacturer” as that term is used in the Escrow Statutes.

“**Qualified Tribal Lands**” shall mean:

- (1) All land within the borders of the State that is within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, including rights-of way running through such reservation;
- (2) all dependent Indian communities within the borders of the State;
- (3) all Indian allotments within the borders of the State, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments; and
- (4) any lands within the borders of the State, the title to which is either held in trust by the United States for the benefit of any Indian Tribe or individual, or held by any Indian Tribe or individual subject to restriction by the United States against alienation and over which an Indian Tribe exercises governmental power.

“**Sale**” (and any correlative term, such as “**Sell**,” “**Seller**,” or “**Sold**” shall have the correlative meaning) shall mean any sale, barter, trade, exchange, or other transfer of ownership for value of Cigarettes, no matter how characterized.

“**Secondary Settlement Agreement**” shall mean the 2003 NPM adjustment settlement agreement, which shall include the 2012 term sheet agreement, related to the MSA and to which State is a party.

“**State**” shall mean the State of Kansas, KDOR or KSAG used interchangeably.

“**Tribe**” or “**Tribal**” shall mean the Sac And Fox Nation Of Missouri In Kansas And Nebraska.

“**Tobacco Product Manufacturer**” shall mean an entity that after the Effective Date directly (and not exclusively through any affiliate):

- (1) manufactures Cigarettes anywhere that such manufacturer intends to be Sold in the United States, including Cigarettes intended to be Sold in the United States through an importer;
- (2) is the first purchaser anywhere for resale in the United States of Cigarettes

manufactured anywhere that the manufacturer does not intend to be Sold in the United States; or

- (3) becomes a successor of an entity described in paragraph (1) or (2).

The term “Tobacco Product Manufacturer” shall not include an affiliate of a Tobacco Product Manufacturer unless such affiliate itself falls within any of paragraphs (1) through (3) above. Solely for purposes of this definition, the term “affiliate” shall mean a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of the preceding sentence, the terms “owns,” “is owned” and “ownership” mean ownership of any equity interest, or the equivalent thereof, of 10% or more, and the term “person” means an individual, partnership, committee, association, corporation or any other organization or group of persons.

“**Units Sold**” shall mean, with respect to a particular Tobacco Product Manufacturer for a particular year, the number of individual Cigarettes Sold in the State, including, without limitation, any Cigarettes Sold on any qualified tribal land within the State, by the applicable Tobacco Product Manufacturer, whether directly or through a distributor, retailer, or similar intermediary or intermediaries, during the year in question, for which the State has the authority under federal law to impose excise or a similar tax or to collect escrow deposits, regardless of whether such taxes were imposed or collected by the State.

INTRODUCTION

1. The purpose of this Compact is to resolve disputes between the Parties regarding possession, transport, distribution, and Sale of Cigarettes, including but not limited to taxation and escrow collection, on the Qualified Tribal Lands of the Tribe. For the purposes of this Compact, only, and for no other purpose whatsoever, the State and the Tribe agree that the Tribe’s Treaties with the United States of America do not exempt, exclude or reserve the Tribe’s land from the boundaries of Kansas. For the purposes of this Compact only, and for no other purpose whatsoever, the Tribe’s Reservation and Qualified Tribal Lands are within the State of Kansas.
2. For purposes of this Compact, a Tribal-owned entity includes any entity wholly owned by the Tribe or any wholly-owned subsidiary of that entity. The Tribe shall provide the KSAG a list of all Tribal-owned entities relating in any way to manufacturing, handling, delivering, receiving, or Selling of Cigarettes on Compact Lands. The citation to any Kansas statute or regulation in this Compact refers to the version in effect on the date the Compact is executed by the Parties, unless the Parties specifically agree in writing to a modification of the Compact.

TERM

3. This Compact shall commence on July 1, 2017 (the “Effective Date”).
4. This Compact shall have a term of 10 years subject to automatic renewal absent a requested revision in writing by either Party or requested termination in writing by either Party with such notice occurring at least 60 days prior to the end of the term.
5. Either Party can revoke this Compact in writing at any time, provided the Parties have first attempted to resolve their differences. Before the revocation becomes

effective, the revoking Party shall serve a written thirty (30) day notice of intent to revoke the Compact and thereafter schedule a meeting to discuss differences between the Parties with the option of continuing discussions beyond the thirty (30) days, upon joint written agreement of the Parties.

LICENSES

6. The Tribe will enact an ordinance or other statutory means for licensing Compact Licensed Distributors which will be authorized to purchase only:
 - (a) Unstamped Cigarettes from federally-licensed manufacturers or their federally-licensed direct importers, or
 - (b) Joint State-Tribal stamped Cigarettes from State stamping agents, licensed under K.S.A. § 79-3303.

Said Tribal license will authorize Compact Licensed Distributors to Sell Cigarettes only to Compact Licensed Retailers licensed under paragraph 7 below; retailers licensed by another tribe which has signed a Compact with the State; or retailers and distributors located in a State other than Kansas that are licensed by a federally-recognized Indian Tribe.

7. The Tribe will enact an ordinance or other statutory means to license retail Cigarette dealers in Compact Lands. The license will be required for the retail Sale of Cigarettes to Consumers in the Compact Lands. The license will permit Compact Licensed Retailers to only purchase, possess and Sell at retail:
 - (a) Cigarettes bearing a joint State-Tribal stamp, as set out in paragraphs 10-18 below, from the Compact Licensed Distributors, and
 - (b) Cigarettes bearing a State stamp from a State-licensed stamping agent.
8. The Tribe will inform the State in writing of the name and address of the licensees issued licenses pursuant to paragraphs 6 and 7 above. Any changes will be updated quarterly if necessary.

TAX

9. The Tribe will enact a Cigarette excise tax, which shall be applied equally to all Cigarettes Sold on the Tribe's Compact Lands regardless of manufacturer or brand, which shall be collected by the affixation of a joint State-Tribal tax stamp to each Pack of Cigarettes Sold on the Tribe's Compact Lands.
10. State and the Tribe agree that each Pack of Cigarettes that a Compact Licensed Retailer Sells on Compact Lands shall bear a joint State-Tribal tax stamp that will be designed jointly by the Tribe and State.
 - (a) Said stamp shall bear the name "S&F" and "KS" and a logo in a form and color mutually agreeable to both the Tribe and State;
 - (b) State shall cause said stamps to be produced at its sole expense;
 - (c) State shall provide said joint State-Tribal stamps to the Tribe who shall be

responsible for providing said State-Tribal stamps to Compact Licensed Distributors which shall be affixed on all Cigarettes to be Sold by Compact Licensed Retailers on Compact Lands;

- (d) Compact Licensed Distributors shall ship all Cigarettes bearing joint State-Tribal stamps to the Tribe or to a Compact Licensed Retailer at the expense of the Tribe, the Compact Licensed Distributor, or Compact Licensed Retailer. In no circumstance shall the cost of such shipping be paid by State.
11. Only Compact Licensed Distributors can collect Tribal taxes on Cigarettes and affix the joint State-Tribal tax stamps, provided that nothing in this paragraph or Compact shall be construed to limit licensing authority of a Tribal tax commission, agency, or other Tribal tax administration authority.
12. No State Cigarette taxes shall be owed or collected on Cigarettes stamped with the joint State-Tribal tax stamp and Sold on the Tribe's Compact Lands.
13. All Cigarettes Sold by Compact Licensed Retailers on the Tribe's Compact Lands will bear the joint State-Tribal tax stamp.
14. The Tribe's Cigarette excise tax shall be at a minimum \$0.17 per Pack of Cigarettes Sold at retail on Compact Lands.
15. Packs of Cigarettes stamped with the joint State-Tribal tax stamp shall be treated by the State the same as though stamped with the State's tax stamp for purposes of transport and Consumer use in the State outside of the Tribe's Compact Lands and for purposes of possession, distribution, Sale and Consumer use within the Tribe's Compact Lands.
16. Compact Licensed Distributors shall be responsible for affixing the joint State-Tribal tax stamp and paying the tax to the Tribe.
17. The cost of the tax shall be included in all retail Sales of Cigarettes on Compact Lands.
18. The State shall provide to the Tribe joint State-Tribal tax stamps within fifteen (15) days after the date requested and in sufficient amounts to ensure that the Tribe, Compact Licensed Distributors and Compact Licensed Retailers can meet Consumer demand for the purchase of Cigarettes.

CIGARETTE SALES

19. The Tribe, Compact Licensed Distributors, and Compact Licensed Retailers will maintain records of all Cigarette Sales made within its jurisdiction sufficient to prove the number of such Sales within Compact Lands.
20. State licensed distributors can Sell unstamped PM brands to Compact Licensed Distributors for stamping with the joint State-Tribal tax stamp and distribution within the Compact Lands.
21. Compact Licensed Distributors shall Sell to Compact Licensed Retailers only Packs of Cigarettes with the joint State-Tribal tax stamp affixed.
22. Compact Licensed Retailers shall Sell only Packs of Cigarettes with the joint State-Tribal tax stamp affixed on Compact Lands.

23. Compact Licensed Distributors shall Sell to Compact Licensed Retailers only brands of Cigarettes that are in compliance with the Escrow Statutes and the Kansas Fire Safety Standard and Firefighter Protection Act, K.S.A. § 31-601, *et seq.*, and listed as compliant brands in the Kansas directories of compliant manufacturers maintained by the KSAG pursuant to the Escrow Statutes.
24. Compact Licensed Retailers shall Sell on Compact Lands only brands of Cigarettes that are in compliance with the Escrow Statutes and the Kansas Fire Safety Standard and Firefighter Protection Act, K.S.A. § 31-601, *et seq.*, and listed as compliant brands in the Kansas directories of compliant manufacturers maintained by the KSAG pursuant to the Escrow Statutes.
25. Tobacco Product Manufacturers and first importers, as defined in the Escrow Statutes, shall be responsible for payment of escrow obligations to the State. Unless acting as a Tobacco Product Manufacturer or first importer, the Tribe is not taking on any obligation to deposit escrow nor is the Tribe required to otherwise satisfy any obligations under the Escrow Statutes unless specifically set forth herein.

PAYMENT TO TRIBE

26. The State acknowledges that the Tribe is incurring costs in its efforts to assist the State in ensuring compliance with State tobacco laws and the Secondary Settlement Agreement.
27. The State agrees to reimburse the Tribe for these costs in the amount of Seventy Thousand Dollars (\$70,000.00) for each quarter of the year, with payment to be made on the last day of the quarter (March 31, June 30, September 30, and December 31) during the initial five (5) year term of the Compact. For the following five (5) years during the remaining term of the Compact, the quarterly payment amount shall be increased fifteen percent (15%), as a one-time only increase, over the quarterly payment amount payable during the immediately prior five (5) year period.
28. As provided in Section VII of the Memorandum of Understanding for Voluntary Compliance for Cigarette Sales and Reporting (the "MOU"), entered into between the Tribe and the State, with an effective date of January 1, 2017, for its full compliance with the terms of such MOU, the State agrees to a one-time payment to the Tribe in the amount of \$35,000 to be paid on July 1, 2017.
29. As additional consideration to reimburse the Tribe for economic cost incurred by the tribe in assisting the State in its ongoing diligent enforcement efforts under the MSA and the Secondary Settlement Agreement, the following shall be exempt from tax imposed by the Kansas Retailers' Sales Tax Act, K.S.A. 79-3601 *et seq.* and amendments thereto: all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased by the Tribe or a Tribal-owned entity, and used exclusively for Tribal purposes.

GENERAL

30. Compact Licensed Distributors shall provide to the Tribe monthly a brand-specific list showing totals of all Cigarettes delivered to the Tribe and Compact Licensed

Retailers for Sale on Compact Lands with the joint State-Tribal tax stamps affixed. The Tribe shall provide to the KDOR monthly a brand-specific list showing totals of all Cigarettes delivered to and Sold on the Tribe's Compact Lands with the joint State-Tribal tax stamp affixed, in a form and format agreed upon by the KDOR and the Tribe. This list for Sales during each calendar month shall be provided no later than 25 days after the end of the month. (For example, brands Sold during the month of January shall be listed and provided by February 25.)

31. The Parties agree that agents or employees of the Tribe and agents or employees of KSAG and/or KDOR will conduct joint inspections of Compact Licensed Retailers and Compact Licensed Distributors located on Compact Lands. In connection with any such joint inspection, the Tribe shall permit such agents or employees of the Tribe and agents or employees of KSAG and/or KDOR to review all documentation collected and maintained by the Tribe pursuant to this Compact.

The joint inspections shall be conducted using a method as agreed upon by the Parties, *provided, however*, such joint inspections shall not involve complete audits or complete inventories but shall be limited to random sample inspections of stock, tax indicia, and documentation on hand at the premises of a Compact Licensed Retailer or Compact Licensed Distributor, as applicable, for the purposes of verifying that all Cigarettes offered or intended for Sale by any Compact Licensed Retailer on Compact Lands (i) are solely brands of Tobacco Product Manufacturers meeting the requirements as provided in paragraphs 23 and 24, (ii) were acquired from a Compact Licensed Distributor, and (iii) bear indicia of payment of excise tax to the extent required in this Compact. In any event, such joint inspections shall not be disruptive of the business operations nor damage any inventory of any Compact Licensed Retailer or Compact Licensed Distributor.

32. The State reserves the right hereunder to initiate and participate in up to twelve (12) joint inspections described in paragraph 31 per calendar year, with a limit of up to two (2) such joint inspection per calendar month; *provided, however*, that joint inspections of any one or more separate premises on the same Business Day shall only constitute one "joint inspection" for purposes of the preceding limitations; *provided, further*, that if the State and Tribe inspection team notes any violations of this Compact by one or more Compact Licensed Retailers or Compact Licensed Distributors during any such joint inspection, the State may initiate, by giving notice in accordance with paragraph 33, one follow-up joint inspection with the Tribe of all premises involved in such violations on a subsequent Business Day following the earlier of notice of completed cure related to such violations, with such follow-up joint inspection not counting against the monthly or annual limits set forth in this sentence.
33. The Tribe shall make its personnel available for joint inspections permitted hereunder on a Business Day between the hours of 9:00 a.m. and 4:30 p.m. upon prior email notice to the Tribe transmitted by a representative of the State by 10:00 a.m. one Business Day prior to the requested inspection. State representatives and Tribal representatives shall coordinate the details of the joint inspection by 3:00 p.m. on the day of such email notice. Any email notice provided to the Tribe pursuant to this section shall be given at tribaltax@sacandfoxcasino.com or by

written notice.

34. Any Packs of Cigarettes found for Sale at a Compact Licensed Retailer during a permitted joint inspection that are not brands of Tobacco Product Manufacturers meeting the requirements as provided in paragraphs 23 and 24 or that do not bear indicia of payment of excise tax as required in this Compact shall be removed by the Tribe until the matter is resolved.
35. Tribe and State shall select a third party auditor (the "Auditor") for purposes of verifying compliance with this Compact. For purposes of verifying compliance with this Compact, the parties agree to jointly retain said Auditor and shall each bear fifty percent (50%) of the costs of the auditing services. The Auditor must possess a valid Kansas Permit to Practice issued by the Kansas Board of Accountancy. The Tribe and State shall be entitled to freely communicate with the Auditor. The Auditor will review records on an annual calendar year basis and issue an annual report and certification as provided herein.
 - (a) Audit Protocol. To verify compliance with this Compact, the Auditor must adhere to the following protocol:
 - (b) Period Under Review. The Auditor must review records for the calendar year under audit and may review records for earlier years that are after the Effective Date but only as necessary for an internal reconciliation of the relevant books. Subject to the foregoing, records relating to any period before the Effective Date are not open to review. In situations where the Auditor is responsible for verifying records on less than an annual basis, the period under review shall not include years previously reviewed by the Auditor, except when a violation is alleged to have occurred during the period previously reviewed.
 - (c) Records to be Examined. The Auditor must review records and invoices of stamp purchases, records and invoices of Sales of joint State-Tribal stamped Cigarettes, joint State-Tribal stamp inventory, the joint State-Tribal stamping process, products sold, product inventory records, and such additional records as are necessary to verify (1) the Units Sold (2) the retail selling price, including application of Tribal sales and excise taxes, and (3) procedures demonstrating the Tribe's compliance with this Compact, all with respect to Sales of Cigarettes on Compact Lands by the Tribe. In all situations, the Auditor is not responsible for examining, and shall not examine, records that do not relate to the stamping, Selling, or taxing activities of the Tribe on Compact Lands.
 - (d) Audit Report and Certification. After each annual audit, the Auditor shall issue an audit report and a certification, as further described below, with respect to compliance with this Compact. The annual audit report shall set forth the total Units Sold attributable to each Tobacco Product Manufacturer by the Tribe during the relevant period. The annual audit report shall also include a certified statement of the Auditor to the KSAG that the Auditor finds the Tribe to be in compliance with this Compact or else that the Tribe is in compliance except for specifically listed items that

are explained in the annual report.

- (e) **Audit Schedule.** Audit reviews shall take place following each calendar year (or portion thereof) during the term of this Compact, with an audit report submitted no later than April 1 following such calendar year.
 - (f) **Joint Audit Implementation and Review.** The Tribe and the State shall meet jointly with the Auditor prior to the beginning of each annual audit. The purpose of such meeting will be to discuss the objectives of the upcoming audit, the expectations of the Tribe and of the State, the standards to be used in such audit, and any issues regarding conduct of the audit, records pertinent to the audit or the contents of the Auditor's report. The Tribe and State agree that the report will audit the processes, controls and the supporting documentation of the Tribe's purchases and Sales of Cigarettes and tobacco products on Compact Lands using both Generally Accepted Auditing Standards and Generally Accepted Accounting Principles. Subsequent meetings before and during the audit may be held as required. As soon as practicable after the issuance of the Auditor's report and certification, the Tribe and the State may meet jointly with the Auditor as often as required to review the audit report and discuss any issue of concern. In the event that either the Tribe or the State disagrees with the Auditor's report or certification, or any audit finding contained therein, either Party may notify the other of the disagreement and follow the procedures for resolution of the disagreement in Article III, Paragraph 1 of this Compact.
36. All information, including but not limited to, any lists showing total Sales of Cigarettes in paragraphs 30 and 31, provided to the State shall be held in confidence and only shared with other states, agencies, or other third parties (to which the State has a legal obligation to share such information), solely for enforcement purposes or for establishing the State's compliance with the MSA, Secondary Settlement Agreement and Escrow Statutes. The State agrees to provide notice to the Tribe ten (10) days prior to the release of such information to any of the Parties listed in this paragraph. The State may not share this information with any other person without written consent from the Compact Licensed Distributor that provided the information. Such information shall further be specifically exempt from disclosure under the Kansas Open Records Act (K.S.A. 45-215 *et seq.*).
37. During the Term of this Compact, State may enter into and be party to one or more compacts or other agreements regarding possession, transport, distribution, or Sale of Cigarettes or other Tobacco Products, including but not limited to taxation and escrow collection, with the Iowa Tribe of Kansas and Nebraska, the Kickapoo Tribe in Kansas or the Prairie Band Potawatomi Nation but State shall not enter into or be party to any such compact or agreement with any Indian Tribe other than the foregoing. The State agrees that Tribe may propose an amendment to this Compact by written notice to the State based on any provision of a compact which State may enter into with one or more of the foregoing Indian tribes which Tribe desires to include as a provision in this Compact. Any amendment proposed

pursuant to this section will be subject to approval of the Kansas Legislature and the Tribe's Tribal Council.

38. The reference to and citation of State statutes and laws in this Compact shall be for reference only for the convenience of the Parties and considered nothing more than contractual terms and obligations. While the Tribe agrees to comply with all contractual obligations set forth in this Compact, no reference to or incorporation of laws, rules, or regulations in this Compact shall be construed as a waiver or cession of any sovereign authority or immunity of the Tribe or an agreement by the Tribe to be subject to such laws, rules or regulations within Indian Country except to the extent agreed to herein.
39. Notwithstanding any provision of this Compact to the contrary, the possession, gift, or use within the Tribe's Compact Lands of noncommercial privately produced tobacco for religious or ceremonial use shall be exempt from taxation by the State and may be exempt from taxation by the Tribe. Such tobacco shall be deemed not to be a common nuisance or contraband pursuant to State law or process, in each case on grounds of non-payment of any State tax. For the purposes of this section, "tobacco" shall mean any plant, including parts or products thereof, within the genus *Nicotiana* and which does not constitute a "controlled substance" within the meaning of 21 U.S.C. 802(6).
40. All notices under this Compact shall be in writing and sent by way of certified U.S. mail to the following officials or their successors in office:

To the Tribe:

Chairperson and Tribal Council
 Sac and Fox Nation of Missouri in Kansas and Nebraska
 305 North Main Street
 Reserve, KS 66434

To the State:

To the Governor:

Office of the Governor
 300 SW 10th Ave., Ste. 241S
 Topeka, KS 66612-1590

To the Attorney General:

Office of the Kansas Attorney General
 120 SW 10th Ave., 2nd Floor
 Topeka, KS 66612-1597

To the Kansas Department of Revenue

Secretary of Revenue
 915 SW Harrison Street, Second Floor
 Topeka, KS. 66612-1588

The Parties agree to provide written notice within thirty (30) days of any change to the above addresses.

IN WITNESS WHEREOF , the parties hereto have executed this Compact as of the date first above written.

Sac and Fox Nation of Missouri in
Kansas and Nebraska

The State of Kansas

By: _____
Edmore Green
Chairman of the Tribal Council

By: _____
Sam Brownback
Governor

MESSAGE FROM THE HOUSE

Announcing passage of **SB 32**, as amended; **SB 42**, as amended by **H Sub SB 42**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 83, AN ACT concerning the Kansas propane safety and licensing act; amending K.S.A. 55-1807 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: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

SB 94, AN ACT concerning health maintenance organizations; relating to privilege fees; rate; disposition of moneys; extending the medical assistance fee fund; amending K.S.A. 2016 Supp. 40-3213 and 40-3236 and repealing the existing sections, 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: Berger, Billinger, Bollier, Bowers, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

Nays: Alley, Baumgardner, Denning, Fitzgerald, Haley, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle.

The bill passed, as amended.

SB 174, AN ACT concerning higher education; authorizing the affiliation of Wichita area technical college with Wichita state university; amending K.S.A. 72-4472 and 74-4931 and K.S.A. 2016 Supp. 72-4470a 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: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes,

Taylor, Tyson, Wagle, Wilborn.
The bill passed.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The senate met pursuant to recess with Vice President Longbine in the chair.

COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

HB 2192 be passed.

HB 2387 be amended by motion of Senator Kerschen, on page 1, in line 11, by striking "construct,,"; in line 18, by striking "but prior to the effective date of this act"; in line 27, by striking "constructing,,"; in line 28, after "property" by inserting a comma; in line 29, by striking "construction,,"; in line 32, by striking the comma and inserting "and lease"; in line 33, by striking all before "such" and **HB 2387** be passed as amended.

SB 96, SB 117, SB 130, SB 137, SB 184, be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 55, (adoption of the committee amendments, see Senate Journal March, 15, 2017, page 249) and the bill be passed as amended.

A motion by Senator Pettey to amend **SB 55** failed and the following amendment was rejected.; on page 1, in line 5, before "Section" by inserting "New";

On page 2, following line 3, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 12-16,131 is hereby amended to read as follows: 12-16,131. (a) Except as provided in K.S.A. 16-1903(i), and amendments thereto, no city, county or local government unit shall enact or administer any ordinance, resolution or law that requires, nor shall any city, county or local government discriminate against, favor, prefer or base any ordinance, law, policy, economic development program, agreement, grant or incentive on, an employer providing or not providing:

(1) Any leave from work, either with or without pay, unless such leave is required by state or federal law;

(2) compensation for any leave from work, unless payment of compensation for such leave is required by state or federal law;

(3) compensation or wages at any rate higher than the minimum wage, unless the payment of higher compensation or wages is required by state or federal law; or

(4) any employee benefit other than those required by state or federal law.

(b) Subsection (a) shall only apply to wages, compensation or benefits, or any combination thereof, paid or provided by a construction contractor or subcontractor performing construction or infrastructure work on a real estate construction or infrastructure project.

Sec. 3. K.S.A. 16-1903 is hereby amended to read as follows: 16-1903. (a) Subject to the provisions of subsections (b), (c), (d), (e), (f), (g), (h) and K.S.A. 16-1904 and 16-1905, and amendments thereto, all owners, contractors and subcontractors, who enter into a contract for public construction after the effective date of this act, shall

make all payments pursuant to the terms of the contract.

(b) The following provisions in a contract for public construction shall be against public policy and shall be void and unenforceable:

(1) A provision that purports to waive, release or extinguish the right to resolve disputes through litigation in court or substantive or procedural rights in connection with such litigation except that a contract may require nonbinding alternative dispute resolution as a prerequisite to litigation;

(2) a provision that purports to waive, release or extinguish rights to file a claim against a payment or performance bond, except that a contract may require a contractor or subcontractor to provide a waiver or release of such rights as a condition for payment, but only to the extent of the amount of payment received; and

(3) a provision that purports to waive, release or extinguish rights of subrogation for losses or claims covered or paid by liability or workers compensation insurance except that a contract may require waiver of subrogation for losses or claims paid by a consolidated or wrap-up insurance program, owners and contractors protective liability insurance, or project management protective liability insurance or a builder's risk policy.

(c) All contracts for public construction shall provide that payment of amounts due a contractor from an owner, except retainage, shall be made within 30 days after the owner receives a timely, properly completed, undisputed request for payment according to terms of the contract, unless extenuating circumstances exist which would preclude approval of payment within 30 days. If such extenuating circumstances exist, then payment shall be made within 45 days after the owner receives such payment request.

(d) The architect or engineer of record or agent of the owner shall review, approve and forward undisputed requests for payment to the owner within seven business days of receipt from the contractor.

(e) If the owner fails to pay a contractor within the time period set forth in subsection (c), the owner shall pay interest computed at the rate of 18% per annum on the undisputed amount to the contractor beginning on the day following the end of the time period set forth in subsection (d).

(f) A contractor shall pay its subcontractors any amounts due within seven business days of receipt of payment from the owner, including payment of retainage, if retainage is released by the owner, if the subcontractor has provided a timely, properly completed and undisputed request for payment to the contractor.

(g) If the contractor fails to pay a subcontractor within seven business days, the contractor shall pay interest to the subcontractor beginning on the eighth business day after receipt of payment by the contractor, computed at the rate of 18% per annum on the undisputed amount.

(h) The provisions of subsection (g) shall also apply to all payments from subcontractors to their subcontractors.

(i) The following provisions required in a contract for public construction by the unified government of Wyandotte county, or enacted or administered by ordinance, resolution or law by the unified government of Wyandotte county and applicable only to contracts for construction or infrastructure work, shall not be against public policy and shall be valid and enforceable. Any requirement or preference for a construction contractor or subcontractor providing or not providing:

(1) Any leave from work, either with or without pay;

(2) compensation for any leave from work;

(3) compensation or wages at any rate higher than the minimum wage; or

(4) any employee benefit other than those required by state or federal law.

Sec. 4. K.S.A. 16-1903 and K.S.A. 2016 Supp. 12-16,131 are hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "certain wage, compensation or benefit requirements,;"; also in line 2, after "act" by inserting "; amending K.S.A. 16-1903 and K.S.A. 2016 Supp. 12-16,131 and repealing the existing sections"

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

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

Yeas: Bollier, Faust-Goudeau, Francisco, Givens, Haley, Hawk, Hensley, Holland, Kelly, Petersen, Pettey, Rogers, Skubal.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Fitzgerald, Goddard, Hardy, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Pilcher-Cook, Pyle, V. Schmidt, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The amendment was rejected.

SB 70, be amended by the adoption of the committee amendments, and the bill be passed as amended.

A motion by Senator Hensley to amend **SB 70** failed and the following amendment was rejected; on page 3, following line 14, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 75-4318 is hereby amended to read as follows: 75-4318. (a) Subject to the provisions of subsection (g), all meetings for the conduct of the affairs of, and the transaction of business by, all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds shall be open to the public and no binding action by such public bodies or agencies shall be by secret ballot. Meetings of task forces, advisory committees or subcommittees of advisory committees created pursuant to a governor's executive order shall be open to the public in accordance with this act.

(b) Notice of the date, time and place of any regular or special meeting of a public body or agency designated in subsection (a) shall be furnished to any person requesting such notice, except that:

(1) If notice is requested by petition, the petition shall designate one person to receive notice on behalf of all persons named in the petition, and notice to such person shall constitute notice to all persons named in the petition;

(2) if notice is furnished to an executive officer of an employees' organization or trade association, such notice shall be deemed to have been furnished to the entire membership of such organization or association; and

(3) the public body or agency may require that a request to receive notice must be submitted again to the public body or agency prior to the commencement of any subsequent fiscal year of the public body or agency during which the person wishes to continue receiving notice, but, prior to discontinuing notice to any person, the public body or agency must notify the person that notice will be discontinued unless the person resubmits a request to receive notice.

(c) It shall be the duty of the presiding officer or other person calling the meeting, if the meeting is not called by the presiding officer, to furnish the notice required by subsection (b).

(d) Prior to any meeting mentioned by subsection (a), any agenda relating to the business to be transacted at such meeting shall be made available to any person requesting the agenda.

(e) The use of cameras, photographic lights and recording devices shall not be prohibited at any meeting mentioned by subsection (a), but such use shall be subject to reasonable rules designed to insure the orderly conduct of the proceedings at such meeting.

(f) Except as provided by section 22 of article 2 of the constitution of the state of Kansas, interactive communications in a series shall be open if they collectively involve a majority of the membership of the public body or agency, share a common topic of discussion concerning the business or affairs of the public body or agency, and are intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the public body or agency.

(g) The provisions of the open meetings law shall not apply:

(1) To any administrative body that is authorized by law to exercise quasi-judicial functions when such body is deliberating matters relating to a decision involving such quasi-judicial functions;

(2) to the prisoner review board when conducting parole hearings or parole violation hearings held at a correctional institution;

(3) to any impeachment inquiry or other impeachment matter referred to any committee of the house of representatives prior to the report of such committee to the full house of representatives; and

(4) if otherwise provided by state or federal law or by rules of the Kansas senate or house of representatives, except that no rule of the Kansas senate or house of representatives shall allow for the closing of caucus meetings.;

Also on page 3, in line 15, after "Supp." by inserting "75-4318 and"; also in line 15, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "meetings" by inserting ", caucus meetings"; also in line 2, after "Supp." by inserting "75-4318 and"; in line 3, by striking "section" and inserting "sections"

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

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

Yeas: Bollier, Doll, Faust-Goudeau, Hawk, Hensley, Holland, Kelly, Pettey, Rogers.

Nays: Alley, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Baumgardner, Francisco, Haley.

The amendment was rejected.

EXPLANATION OF VOTE

Mr. Vice President: I certainly stand in support of open, public meetings and

protecting the role of the fourth estate in assuring a well-informed public. Out of principal, however, I vote pass.—MOLLY BAUMGARDNER

Senators Francisco and Haley request the record to show they concur with the "Explanation of Vote" offered by Senator Baumgardner on **SB 70**.

The committee report on **Sub HB 2052** recommending **S Sub Sub HB 2052** be adopted, **S Sub Sub HB 2052** be amended by motion of Senator McGinn; on page 8, following line 15, by inserting:

"KPERs – employer contributions (652-00-1000-0100) \$218,017"

S Sub Sub HB 2052 be further amended by motion of Senator McGinn; on page 16, by striking all in lines 16 through 43;

By striking all on page 17;

On page 18, by striking all in lines 1 through 3;

And by renumbering sections accordingly

S Sub Sub HB 2052 be further amended by motion of Senator McGinn; on page 7, following line 40, by inserting:

"(i) In addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from the moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2017 as authorized by chapter 104 of the 2015 Session Laws of Kansas, chapters 12 and 111 of the 2016 Session Laws of Kansas, this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the Kansas department for aging and disability services from such moneys appropriated in fiscal year 2017 in an amount not less than \$2,000,000 for the purpose of opening and operating 20 additional beds at the Osawatomie state hospital: *Provided*, That if the secretary is unable to open and operate such additional beds, the secretary shall expend such funds to enter into an agreement for such additional bed space at a third-party facility.

(j) In addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from the moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2017 as authorized by chapter 104 of the 2015 Session Laws of Kansas, chapters 12 and 111 of the 2016 Session Laws of Kansas, this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the Kansas department for aging and disability services from such moneys appropriated in fiscal year 2017 in an amount not less than \$1,000,000 for the purpose of entering into an agreement with community providers for targeted mental health residential treatment." and **S Sub Sub HB 2052** be passed as amended.

A motion by Senator Wagle to amend **S Sub Sub HB 2052** failed and the following amendment was rejected; on page 18, following line 3, by inserting:

"Sec. 41. (a) Except as provided in subsection (d), on the effective date of this act, of each amount appropriated for a state agency for the fiscal year ending June 30, 2017, by chapters 4, 81, 92 and 104 of the 2015 Session Laws of Kansas, chapters 12, 45 and 111 of the 2016 Session Laws of Kansas, this act or other appropriation act of the 2017 regular session of the legislature from the state general fund, the sum equal to 2% of such appropriation that is not exempt is hereby lapsed.

(b) Except as provided in subsection (d), on the effective date of this act, of each amount reappropriated for a state agency for the fiscal year ending June 30, 2017, by

chapters 4, 81, 92 and 104 of the 2015 Session Laws of Kansas, chapters 12, 45 and 111 of the 2016 Session Laws of Kansas, this act or other appropriation act of the 2017 regular session of the legislature from the state general fund, the sum equal to 2% of such reappropriation that is not exempt is hereby lapsed.

(c) The following items are exempt from and shall not be lapsed pursuant to this section:

(1) Any item of appropriation or reappropriation from the state general fund for fiscal year 2017 for debt service for payments made pursuant to contractual bond obligations; and

(2) any item of appropriation or reappropriation from the state general fund for fiscal year 2017 for the Kansas department for children and families, division of health care finance of the department of health and environment, department of corrections or the Kansas department for aging and disability services that are required to meet caseload obligations under the state medicaid plan, including general medical expenditures under KanCare and non-KanCare expenditures included in the consensus caseload estimating process or for the Kansas department for children and families to meet caseload obligations for temporary assistance for families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this subsection. At the same time that any certification is made by the director of the budget to the director of accounts and reports under this section, the director of the budget shall deliver a copy of such certification to the director of legislative research.

(d) Agencies affected by this section may, by written request addressed to the governor within 10 days after the effective date of this act, ask the governor to not impose the lapses provided by subsections (a) and (b) because such lapse would result in an undue hardship on the financial resources of the agency. The governor shall hear appeals and render a decision within 10 days after the governor receives requests for such review. If the governor determines such lapse would impose an undue hardship, the governor may reduce such lapse. However, if the governor reduces such lapse, the governor shall increase the lapse to another item of appropriation or reappropriation from the state general fund for fiscal year 2017 in an amount equal to the reduced lapse. Any changes made pursuant to this subsection shall be delivered to the director of legislative research upon approval by the governor.

(e) During fiscal year 2017, no school district shall reduce any expenditure in the classroom or for instruction during school year 2016-2017 due to any adjustment and reduction in funding from any account of the state general fund made pursuant to this section. As used in this subsection, "instruction" means the same as defined in K.S.A. 2016 Supp. 72-64c01, and amendments thereto.

Sec. 42. K.S.A. 2016 Supp. 72-8801 is hereby amended to read as follows: 72-8801. (a) The board of education of any school district may make an annual tax levy at a mill rate not to exceed the statutorily prescribed mill rate upon the taxable tangible property in the school district for the purposes specified in this act and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. No levy shall be made under this act until a resolution is adopted by the board of education in substantially the following form, including the purposes listed in subsection (c) if

applicable :

Unified School District No. _____,

_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The above-named school board shall be authorized to make an annual tax levy for a period not to exceed _____ years in an amount not to exceed _____ mills upon the taxable tangible property in the school district for the purpose of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Acquisition of computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board; (4) architectural expenses; (5) acquisition of building sites; (6) undertaking and maintenance of asbestos control projects; (7) acquisition of school buses; and (8) acquisition of other fixed assets, and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. The tax levy authorized by this resolution may be made, unless a petition in opposition to the same, signed by not less than 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 40 calendar days after the last publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether the tax levy shall be authorized to the electors in the school district at an election called for that purpose or at the next general election, as is specified by the board of education of the above school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the ____ day of _____, _____.

All of the blanks in the above resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the word "mills" shall be filled with a specific number, and no word shall be inserted in either of the blanks. The resolution shall be published once a week for two consecutive weeks in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board of education may make the tax levy specified in the resolution. If a petition is filed as provided in the resolution, the board of education may notify the county election officer of the date of an election to be held to submit the question of whether the tax levy shall be authorized. If the board of education fails to notify the county election officer within 60 calendar days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board of education within the nine months following the first publication of the resolution.

(b) As used in this act:

(1) "Unconditionally authorized to make a capital outlay tax levy" means that the school district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election has been held by which the tax levy specified in the resolution was approved;

(2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the mill levy rate in excess of eight mills if the resolution fixing such rate was approved at an election prior to the effective date of this act; or (C) the mill levy rate in excess of eight mills if no petition or no sufficient petition was filed in protest to a resolution fixing such rate in excess of eight mills and the protest period for filing such petition has expired;

(3) "asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in buildings of school districts and includes, but not by way of limitation, any activity undertaken for the removal or encapsulation of asbestos-containing material, for any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation, for conducting inspections, reinspection and periodic surveillance of buildings, performing response actions, and developing, implementing and updating operations and maintenance programs and management plans;

(4) "asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite; and

(5) "asbestos-containing material" means any material or product which contains more than 1% asbestos.

_____ (c) For school years 2017-2018 and 2018-2019, the board of education of any school district may include in the resolution the following purposes: Utilities, property and casualty insurance premiums, and security personnel, equipment and improvements.

Sec. 43. K.S.A. 2016 Supp. 72-8804 is hereby amended to read as follows: 72-8804. (a) Except as provided further, any moneys in the capital outlay fund of any school district and any moneys received from issuance of bonds under K.S.A. 72-8805 or 72-8810, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Acquisition of computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board of education; (4) architectural expenses; (5) acquisition of building sites; (6) undertaking and maintenance of asbestos control projects; (7) acquisition of school buses; and (8) acquisition of other fixed assets, and, for school years 2015-2016 and 2016-2017, subject to the provisions of K.S.A. 2016 Supp. 72-6478, and amendments thereto, may be transferred to the general fund of the school district as approved by the board of education. For school years 2017-2018 and 2018-2019, in addition to the aforementioned purposes, moneys in the capital outlay fund of any school district may be used for the purposes of utilities, property and casualty insurance premiums, and security personnel, equipment and improvements.

(b) The board of education of any school district is hereby authorized to invest any portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein, or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.";

On page 33, in line 35, after "Supp." by inserting "72-8801, 72-8804,";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after "Supp." by inserting "72-8801, 72-8804,"

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

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

Yeas: Alley, Fitzgerald, Lynn, Olson, Pyle, Tyson, Wagle.

Nays: Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Masterson, McGinn, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wilborn.

The amendment was rejected.

A motion by Senator Pyle to amend **S Sub Sub HB 2052** failed and the following amendment was rejected; on page 18, following line 3, by inserting:

"Sec. 41. (a) Except as provided in subsection (d), on the effective date of this act, of each amount appropriated for a state agency for the fiscal year ending June 30, 2017, by chapters 4, 81, 92 and 104 of the 2015 Session Laws of Kansas, chapters 12, 45 and 111 of the 2016 Session Laws of Kansas, this act or other appropriation act of the 2017 regular session of the legislature from the state general fund, the sum equal to 1% of such appropriation that is not exempt is hereby lapsed.

(b) Except as provided in subsection (d), on the effective date of this act, of each amount reappropriated for a state agency for the fiscal year ending June 30, 2017, by chapters 4, 81, 92 and 104 of the 2015 Session Laws of Kansas, chapters 12, 45 and 111 of the 2016 Session Laws of Kansas, this act or other appropriation act of the 2017 regular session of the legislature from the state general fund, the sum equal to 1% of such reappropriation that is not exempt is hereby lapsed.

(c) The following items are exempt from and shall not be lapsed pursuant to this section:

(1) Any item of appropriation or reappropriation from the state general fund for fiscal year 2017 for debt service for payments made pursuant to contractual bond obligations; and

(2) any item of appropriation or reappropriation from the state general fund for fiscal year 2017 for the Kansas department for children and families, division of health care finance of the department of health and environment, department of corrections or the Kansas department for aging and disability services that are required to meet caseload obligations under the state medicaid plan, including general medical expenditures under KanCare and non-KanCare expenditures included in the consensus caseload estimating process or for the Kansas department for children and families to meet caseload obligations for temporary assistance for families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this subsection. At the same time that any certification is made by the director of the budget to the director of accounts and reports under this section, the director of the budget shall deliver a copy of such certification to the director of legislative research.

(d) Agencies affected by this section may, by written request addressed to the governor within 10 days after the effective date of this act, ask the governor to not impose the lapses provided by subsections (a) and (b) because such lapse would result

in an undue hardship on the financial resources of the agency. The governor shall hear appeals and render a decision within 10 days after the governor receives requests for such review. If the governor determines such lapse would impose an undue hardship, the governor may reduce such lapse. However, if the governor reduces such lapse, the governor shall increase the lapse to another item of appropriation or reappropriation from the state general fund for fiscal year 2017 in an amount equal to the reduced lapse. Any changes made pursuant to this subsection shall be delivered to the director of legislative research upon approval by the governor.

(e) During fiscal year 2017, no school district shall reduce any expenditure in the classroom or for instruction during school year 2016-2017 due to any adjustment and reduction in funding from any account of the state general fund made pursuant to this section. As used in this subsection, "instruction" means the same as defined in K.S.A. 2016 Supp. 72-64c01, and amendments thereto.

Sec. 42. K.S.A. 2016 Supp. 72-8801 is hereby amended to read as follows: 72-8801. (a) The board of education of any school district may make an annual tax levy at a mill rate not to exceed the statutorily prescribed mill rate upon the taxable tangible property in the school district for the purposes specified in this act and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. No levy shall be made under this act until a resolution is adopted by the board of education in substantially the following form, including the purposes listed in subsection (c) if applicable:

_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The above-named school board shall be authorized to make an annual tax levy for a period not to exceed _____ years in an amount not to exceed _____ mills upon the taxable tangible property in the school district for the purpose of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Acquisition of computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board; (4) architectural expenses; (5) acquisition of building sites; (6) undertaking and maintenance of asbestos control projects; (7) acquisition of school buses; and (8) acquisition of other fixed assets, and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. The tax levy authorized by this resolution may be made, unless a petition in opposition to the same, signed by not less than 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 40 calendar days after the last publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether the tax levy shall be authorized to the electors in the school district at an election called for that purpose or at the next general election, as is specified by the board of education of the above school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the ____ day of _____, _____

All of the blanks in the above resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the word "mills" shall be filled with a specific number, and no word shall be inserted in either of the blanks. The resolution shall be published once a week for two consecutive weeks in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board of education may make the tax levy specified in the resolution. If a petition is filed as provided in the resolution, the board of education may notify the county election officer of the date of an election to be held to submit the question of whether the tax levy shall be authorized. If the board of education fails to notify the county election officer within 60 calendar days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board of education within the nine months following the first publication of the resolution.

(b) As used in this act:

(1) "Unconditionally authorized to make a capital outlay tax levy" means that the school district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election has been held by which the tax levy specified in the resolution was approved;

(2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the mill levy rate in excess of eight mills if the resolution fixing such rate was approved at an election prior to the effective date of this act; or (C) the mill levy rate in excess of eight mills if no petition or no sufficient petition was filed in protest to a resolution fixing such rate in excess of eight mills and the protest period for filing such petition has expired;

(3) "asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in buildings of school districts and includes, but not by way of limitation, any activity undertaken for the removal or encapsulation of asbestos-containing material, for any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation, for conducting inspections, reinspections and periodic surveillance of buildings, performing response actions, and developing, implementing and updating operations and maintenance programs and management plans;

(4) "asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite; and

(5) "asbestos-containing material" means any material or product which contains more than 1% asbestos.

(c) For school years 2017-2018 and 2018-2019, the board of education of any school district may include in the resolution the following purposes: Utilities, property and casualty insurance premiums, and security personnel, equipment and improvements.

Sec. 43. K.S.A. 2016 Supp. 72-8804 is hereby amended to read as follows: 72-8804. (a) Except as provided further, any moneys in the capital outlay fund of any school district and any moneys received from issuance of bonds under K.S.A. 72-8805

or 72-8810, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Acquisition of computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board of education; (4) architectural expenses; (5) acquisition of building sites; (6) undertaking and maintenance of asbestos control projects; (7) acquisition of school buses; and (8) acquisition of other fixed assets, and, for school years 2015-2016 and 2016-2017, subject to the provisions of K.S.A. 2016 Supp. 72-6478, and amendments thereto, may be transferred to the general fund of the school district as approved by the board of education. For school years 2017-2018 and 2018-2019, in addition to the aforementioned purposes, moneys in the capital outlay fund of any school district may be used for the purposes of utilities, property and casualty insurance premiums, and security personnel, equipment and improvements.

(b) The board of education of any school district is hereby authorized to invest any portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein, or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.";

On page 33, in line 35, after "Supp." by inserting "72-8801, 72-8804,";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after "Supp." by inserting "72-8801, 72-8804,"

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

On roll call, the vote was: Yeas 10; Nays 30; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Fitzgerald, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wagle.

Nays: Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wilborn.

The amendment was rejected.

A motion by Senator Pyle to amend **S Sub Sub HB 2052** failed and the following amendment was rejected; on page 18, following line 3, by inserting:

"Sec. 41. (a) Except as provided in subsection (d), on the effective date of this act, of each amount appropriated for a state agency for the fiscal year ending June 30, 2017, by chapters 4, 81, 92 and 104 of the 2015 Session Laws of Kansas, chapters 12, 45 and 111 of the 2016 Session Laws of Kansas, this act or other appropriation act of the 2017 regular session of the legislature from the state general fund, the sum equal to 0.5% of such appropriation that is not exempt is hereby lapsed.

(b) Except as provided in subsection (d), on the effective date of this act, of each amount reappropriated for a state agency for the fiscal year ending June 30, 2017, by chapters 4, 81, 92 and 104 of the 2015 Session Laws of Kansas, chapters 12, 45 and 111 of the 2016 Session Laws of Kansas, this act or other appropriation act of the 2017

regular session of the legislature from the state general fund, the sum equal to 0.5% of such reappropriation that is not exempt is hereby lapsed.

(c) The following items are exempt from and shall not be lapsed pursuant to this section:

(1) Any item of appropriation or reappropriation from the state general fund for fiscal year 2017 for debt service for payments made pursuant to contractual bond obligations; and

(2) any item of appropriation or reappropriation from the state general fund for fiscal year 2017 for the Kansas department for children and families, division of health care finance of the department of health and environment, department of corrections or the Kansas department for aging and disability services that are required to meet caseload obligations under the state medicaid plan, including general medical expenditures under KanCare and non-KanCare expenditures included in the consensus caseload estimating process or for the Kansas department for children and families to meet caseload obligations for temporary assistance for families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this subsection. At the same time that any certification is made by the director of the budget to the director of accounts and reports under this section, the director of the budget shall deliver a copy of such certification to the director of legislative research.

(d) Agencies affected by this section may, by written request addressed to the governor within 10 days after the effective date of this act, ask the governor to not impose the lapses provided by subsections (a) and (b) because such lapse would result in an undue hardship on the financial resources of the agency. The governor shall hear appeals and render a decision within 10 days after the governor receives requests for such review. If the governor determines such lapse would impose an undue hardship, the governor may reduce such lapse. However, if the governor reduces such lapse, the governor shall increase the lapse to another item of appropriation or reappropriation from the state general fund for fiscal year 2017 in an amount equal to the reduced lapse. Any changes made pursuant to this subsection shall be delivered to the director of legislative research upon approval by the governor.

(e) During fiscal year 2017, no school district shall reduce any expenditure in the classroom or for instruction during school year 2016-2017 due to any adjustment and reduction in funding from any account of the state general fund made pursuant to this section. As used in this subsection, "instruction" means the same as defined in K.S.A. 2016 Supp. 72-64c01, and amendments thereto.

Sec. 42. K.S.A. 2016 Supp. 72-8801 is hereby amended to read as follows: 72-8801. (a) The board of education of any school district may make an annual tax levy at a mill rate not to exceed the statutorily prescribed mill rate upon the taxable tangible property in the school district for the purposes specified in this act and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. No levy shall be made under this act until a resolution is adopted by the board of education in substantially the following form, including the purposes listed in subsection (c) if applicable:

_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The above-named school board shall be authorized to make an annual tax levy for a period not to exceed _____ years in an amount not to exceed _____ mills upon the taxable tangible property in the school district for the purpose of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Acquisition of computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board; (4) architectural expenses; (5) acquisition of building sites; (6) undertaking and maintenance of asbestos control projects; (7) acquisition of school buses; and (8) acquisition of other fixed assets, and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. The tax levy authorized by this resolution may be made, unless a petition in opposition to the same, signed by not less than 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 40 calendar days after the last publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether the tax levy shall be authorized to the electors in the school district at an election called for that purpose or at the next general election, as is specified by the board of education of the above school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the ____ day of _____, _____

All of the blanks in the above resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the word "mills" shall be filled with a specific number, and no word shall be inserted in either of the blanks. The resolution shall be published once a week for two consecutive weeks in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board of education may make the tax levy specified in the resolution. If a petition is filed as provided in the resolution, the board of education may notify the county election officer of the date of an election to be held to submit the question of whether the tax levy shall be authorized. If the board of education fails to notify the county election officer within 60 calendar days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board of education within the nine months following the first publication of the resolution.

(b) As used in this act:

(1) "Unconditionally authorized to make a capital outlay tax levy" means that the school district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election has been held by which the tax levy specified in the resolution was approved;

(2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the mill levy rate in excess of eight mills if the resolution fixing such rate was approved at an election

prior to the effective date of this act; or (C) the mill levy rate in excess of eight mills if no petition or no sufficient petition was filed in protest to a resolution fixing such rate in excess of eight mills and the protest period for filing such petition has expired;

(3) "asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in buildings of school districts and includes, but not by way of limitation, any activity undertaken for the removal or encapsulation of asbestos-containing material, for any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation, for conducting inspections, reinspections and periodic surveillance of buildings, performing response actions, and developing, implementing and updating operations and maintenance programs and management plans;

(4) "asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite; and

(5) "asbestos-containing material" means any material or product which contains more than 1% asbestos.

(c) For school years 2017-2018 and 2018-2019, the board of education of any school district may include in the resolution the following purposes: Utilities, property and casualty insurance premiums, and security personnel, equipment and improvements.

Sec. 43. K.S.A. 2016 Supp. 72-8804 is hereby amended to read as follows: 72-8804. (a) Except as provided further, any moneys in the capital outlay fund of any school district and any moneys received from issuance of bonds under K.S.A. 72-8805 or 72-8810, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Acquisition of computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board of education; (4) architectural expenses; (5) acquisition of building sites; (6) undertaking and maintenance of asbestos control projects; (7) acquisition of school buses; and (8) acquisition of other fixed assets, and, for school years 2015-2016 and 2016-2017, subject to the provisions of K.S.A. 2016 Supp. 72-6478, and amendments thereto, may be transferred to the general fund of the school district as approved by the board of education. For school years 2017-2018 and 2018-2019, in addition to the aforementioned purposes, moneys in the capital outlay fund of any school district may be used for the purposes of utilities, property and casualty insurance premiums, and security personnel, equipment and improvements.

(b) The board of education of any school district is hereby authorized to invest any portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein, or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.;

On page 33, in line 35, after "Supp." by inserting "72-8801, 72-8804,";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after "Supp." by inserting "72-8801, 72-8804,"
Upon the showing of five hands a roll call vote was requested.

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

Yeas: Alley, Olson, Pilcher-Cook, Pyle, Tyson, Wagle.

Nays: Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wilborn.

The amendment was rejected.

The committee report on **Sub SB 95** recommending **Sub Sub SB 95** be adopted, and the substitute bill be passed.

The committee report on **SB 85** recommending **Sub SB 85** be adopted, and the substitute bill be passed.

A motion by Senator Bollier to amend **Sub SB 85** failed.

FINAL ACTION ON CONSENT CALENDAR

HB 2109 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2109, AN ACT concerning the disposition of state real property; authorizing the state board of regents on behalf of Kansas state university to sell certain real property in Riley county; authorizing the state board of regents on behalf of Wichita state university to exchange and convey certain real property in Sedgwick county.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Wilborn the Senate nonconcurrred in the House amendments to **SB 42** and requested a conference committee be appointed.

The Vice President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

Senator V. Schmidt moved the Senate concur in House amendments to **SB 32**.

SB 32, AN ACT relating to mental health care; medical student and resident loan assistance; medical student loan agreements; practice commitment agreements; providing for agreements for the practice of psychiatry; establishing the psychiatry medical loan repayment fund and the rural health bridging psychiatry fund; concerning mental healthcare facilities; amending K.S.A. 76-387 and 76-12a07 and K.S.A. 2016 Supp. 75-3373, 76-381, 76-382, 76-383, 76-384 and 76-385 and repealing the existing sections.

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

Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Pilcher-Cook, Pyle.

The Senate concurred.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 55, SB 70; Sub SB 85; Sub Sub SB 95; SB 96, SB 117, SB 130, SB 137, SB 184; S Sub Sub HB 2052; HB 2192, HB 2387** were advanced to Final Action and roll call.

SB 55, AN ACT concerning public construction contracts; relating to performance and payment bonds; Kansas fairness in public construction contract act.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Pettey.

The bill passed, as amended.

SB 70, AN ACT concerning open meetings; relating to justifications for closed or executive meetings; amending K.S.A. 2016 Supp. 75-4319 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: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Givens.

The bill passed, as amended.

Sub SB 85, AN ACT concerning healthcare; relating to withholding cardiopulmonary resuscitation from unemancipated minors; information requirements; refusal of consent, exceptions; dispute resolution.

On roll call, the vote was: Yeas 29; Nays 9; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Haley, Hardy, Hensley, Holland, Kelly, Pettey, Rogers, Sykes.

Present and Passing: Francisco, Hawk.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: **Sub SB 85** (Simon's Law), addresses a situation that as a mother, I cannot imagine. While I do think we need to address the situation this bill highlights, I have some concerns. The bill appropriately ensures that information is provided to all involved upon the institution of a do-not-resuscitate order. No family should learn of DNR orders after the fact; this disrespects the humanity of the child and the parent(s). Section 1(c) raises some concerns. Healthcare decision-making should be collaborative with opportunities for providers and others to honestly present information followed by an ongoing discussion of how to proceed with care. The standard medical education paradigm, as I understand it, teaches that the goal of end-of-life care is a shared decision-making process where the priorities of the patient and family, as well as, the clinical decision-making of the physician are aligned. The proposed legislation does not encourage that process. The implication is that physicians routinely act with malicious intent prioritizing their expectation for a clinical outcome over the desires of the family or guardian. I cannot support this legislation as it stands today and believe there may be unintended consequences that further complicate already difficult situations rather than simplifying them.—DINAH SYKES

Senators Bollier, Haley, Hardy, Hawk, Holland, Kelly, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **Sub SB 85**.

Sub Sub SB 95, AN ACT authorizing telephonic signatures for public assistance applications; relating to powers, duties and functions of the Kansas department for children and families.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Faust-Goudeau, Fitzgerald, Masterson, Pilcher-Cook, Pyle, Suellentrop, Tyson.
The substitute bill passed.

SB 96, AN ACT concerning cigarettes and tobacco products; relating to the cigarette and tobacco products act; definitions, licenses and permits, suspension or revocation licenses, stamps, records required of dealers, unlawful acts, penalties, sale of cigarettes, application of certain laws to taxes, remittance of taxes and escrow deposits; amending K.S.A. 79-3304, 79-3309, 79-3323, 79-3324a, 79-3326 and 79-3378 and K.S.A. 2016 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3311, 79-3312, 79-3316, 79-3321, 79-3322, 79-3333, 79-3335, 79-3387, 79-3391, 79-3392 and 79-3393 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes,

Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

SB 117, AN ACT concerning agriculture; relating to noxious weeds; declaration by county commissioners; amending K.S.A. 2-1314b 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: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

SB 130, AN ACT concerning the cigarette and tobacco products act; relating to consumable material; amending K.S.A. 2016 Supp. 79-3302 and 79-3399 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

SB 137, AN ACT concerning retirements and pensions; relating to the Kansas police and firemen's retirement system; providing certain death benefits to surviving spouses; amending K.S.A. 74-4959 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: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

SB 184, AN ACT establishing the Kansas intelligence fusion center act.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

S Sub Sub HB 2052, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, June 30, 2024, and June 30, 2025, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2016 Supp. 74-4920, 75-2263, 75-2319, 75-4209 and 75-6706 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 75-2319d.

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

Yeas: Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

The substitute bill passed, as amended.

HB 2192, AN ACT renaming Lake Scott state park; amending K.S.A. 2016 Supp. 32-837 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: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

HB 2387, AN ACT concerning sales and compensating use tax; exemption for repairing, rebuilding or replacing certain property destroyed by wildfires; amending K.S.A. 2016 Supp. 79-3606d 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: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2312** be passed.

Committee on **Federal and State Affairs** recommends **HB 2140** be amended on page 3, in line 34, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 23** be passed.

Committee on **Transportation** recommends **HB 2170** be amended on page 1, in line 12, by striking "or"; in line 14, before the period by inserting "; or (3) the operator of such bicycle shall be wearing clothing that emits light that shall be visible at a distance of 500 feet to the rear"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1721, SR 1722, SR 1724, SR 1725 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 16, 2017.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, March 17, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

