

Journal of the Senate

SEVENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, June 1, 2017, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Senator Bud Estes delivered the invocation:

Heavenly Father, we ask Your blessing as we gather here today to do the people's work. Guide us and fill us with understanding and give us the ability to govern in a way that is right and proper according to Your teachings. I ask that You help us in this strenuous and difficult time that we may work together in love and respect with our fellow legislators to find solutions to the very challenging issues facing our state. We thank You for all of those around us who help in the Capitol. Their long hours of service and always cheerful attitudes are so very much appreciated. Bless our leaders and our Governor as we look for guidance from You through them. We thank You too, for all of the blessings You have bestowed upon us and the people of the state of Kansas. Be with us as we continue along life's journey, that we may be worthy in Your eyes. In Jesus' precious name, I pray, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2092**.

The House not adopts the Conference Committee report on **HB 2313**, requests a conference and appoints Representatives Barker, Highland and Ruiz as Second conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Estes, the Senate acceded to the request of the House for a conference on **HB 2313**.

The Vice President appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

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:

S Sub HB 2278 (*adoption of the committee amendments recommending a substitute bill reported in Senate Journal May 16, 2017*), be amended by the adoption of the committee amendments, and **S Sub HB 2278** be passed as amended.

Upon the showing of five hands a roll call vote was requested to recommend for passage.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Alley, Baumgardner, Billinger, Bowers, Estes, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wagle, Wilborn.

The motion carried.

Citing Rule 52 Senator Pyle moved to strike the enacting clause on **S Sub HB 2278**. A roll call vote was required.

On roll call, the vote was: Yeas 12; Nays 27; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Estes, Fitzgerald, Hilderbrand, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wilborn.

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

Present and Passing: Suellentrop.

The motion failed.

A motion by Senator Wagle to amend **S Sub HB 2278** failed and the following amendment was rejected; as amended by Senate Committee, on page 5, by striking all in lines 39 through 43;

On page 6, by striking all in lines 1 through 29; following line 29, by inserting:

"(i) (1) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may prohibit the carrying of a handgun or other firearm concealed or unconcealed by any person into any secure area of a building located on such premises:

(A) A state psychiatric institution;

(B) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; or

(C) any building owned or leased by the authority created under the university of Kansas hospital authority act, or any building located within the health care district, as defined in the unified government of Wyandotte county and Kansas City, Kansas City-wide master plan, Rosedale master plan and traffic study or similar master plan or comprehensive planning or zoning document approved by the unified government of Wyandotte county and Kansas City, Kansas in effect on January 12, 2017.

(2) Any portion of such building located outside of a secure area and readily

accessible to the public shall remain subject to the provisions of subsection (a).";

Also on page 6, in line 30, by striking the colon; in line 31, by striking "(l)"; in line 32, by striking the semicolon; by striking all in lines 41 through 43;

On page 7, by striking all in lines 1 through 12; in line 13, by striking all before the period;

On page 8, following line 19, by inserting:

"(6) "Secure area" means any portion of a building designated as a secure area by the governing body or the chief administrative officer, if no governing body exists, of such building: (A) That is accessible only through a restricted access entrance or for which access is restricted to only individuals who have been issued a badge or other form of identification by building personnel; (B) that has gun lockers or similar storage options available in the building to ensure firearms are securely stored upon entry to such secure area; and (C) that is conspicuously posted with either permanent or temporary signage at the entrance to such secure area approved by the governing body or the chief administrative officer, if no governing body exists, in accordance with K.S.A. 2016 Supp. 75-7c10, and amendments thereto. No structure or any portion thereof designated for the parking of motor vehicles shall be considered a building for purposes of this paragraph. No building may be designated as a secure area in its entirety.";

Also on page 8, following line 28, by inserting:

"(9) "State psychiatric institution" means Larned state hospital, Osawatomie state hospital, Parsons state hospital and training center and Kansas neurological institute.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

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

On roll call, the vote was: Yeas 16; Nays 24; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Estes, Fitzgerald, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wagle, Wilborn.

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

EXPLANATION OF VOTE

Mr. Vice President: I appreciate the fiscal concerns that the University of Kansas Medical Center and the State Hospitals have for coming into compliance with concealed carry and securing their facilities. However, there are 60 plus rural health care organizations that have similar fiscal concerns with compliance and they are not included in this amendment. Many of these hospitals are under considerable financial stress and this would just compound that problem. Therefore I cannot support this amendment.—ED BERGER

Senators Bowers, Francisco, Givens, Hardy, Hawk, Kelly, Pettey, Rogers and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **S Sub HB 2278**.

Mr. Vice President: It was stated earlier that the Governor will support this amendment but will not sign the underlying bill. I refuse to be held hostage by the Governor's pen and vote NO on this amendment.—BARBARA BOLLIER

Senators Bowers, Francisco, Givens, Haley, Hardy, Hawk, Kelly, Pettey, Rogers and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Bollier on **S Sub HB 2278**.

A motion by Senator Masterson to amend **S Sub HB 2278** failed and the following amendment was rejected; as amended by Senate Committee, on page 6, in line 17, by striking all before "by"

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

On roll call, the vote was: Yeas 5; Nays 29; Present and Passing 6; Absent or Not Voting 0.

Yeas: Doll, Francisco, Hawk, Hensley, Kelly.

Nays: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Faust-Goudeau, Haley, Holland, Longbine, V. Schmidt, Sykes.

EXPLANATION OF VOTE

Mr. Vice President: I am voting no on this amendment. I am supportive of another Senator who suggests that concealed carry on college campuses be part of a different bill and considered separately from the bill before us. I also want to honor the carrier of this bill who has requested that this bill be passed out of this chamber with no amendments and focus exclusively on healthcare facilities.—ED BERGER

Senators Hardy, Hawk, Rogers, Skubal and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **S Sub HB 2278**.

Mr. Vice President: I vote "AYE" on the amendment to the **S Sub HB 2278** to strike the date of July 1, 2017, in Section 2 (j). The change would allow a governing body of any postsecondary educational institution to exempt any building of such institution from the requirement of the Personal and Family Protection Act to provide adequate security measures or allow for the carrying of a concealed handgun beyond that date. The substitute bill was recommended to exempt state or municipally-owned medical care facilities, adult care homes, community mental health centers and indigent health care clinics from that requirement and I fully support doing that. However, the Lawrence campus of the University of Kansas is in my district and I recognize that many of my constituents are just as concerned with the impending change for that campus, especially as there are no longer requirements for licensing and training, as they are with the change for the Bert Nash Mental Health Center and the Lawrence Memorial Hospital. Allowing concealed carry in any of these institutions makes no sense to me. My vote is to allow the prohibition of concealed carry in all of them.—MARCI FRANCISCO

A motion by Senator Pyle to amend **S Sub HB 2278** failed and the following amendment was rejected; as amended by Senate Committee, on page 8, following line

33, by inserting:

"Sec. 3. K.S.A. 2016 Supp. 75-7c04 is hereby amended to read as follows: 75-7c04. (a) The attorney general shall not issue a license pursuant to this act if the applicant:

(1) Is not a resident of the county where application for licensure is made or is not a resident of the state;

(2) is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or K.S.A. 2016 Supp. 21-6301(a)(10) through (a)(13) or K.S.A. 2016 Supp. 21-6304(a)(1) through (a)(3), and amendments thereto; or

(3) is less than 21 years of age, except as provided in subsection (d).

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour handgun safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of handguns, actual firing of handguns and instruction in the laws of this state governing the carrying of concealed handguns and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic handgun training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A handgun course certified or sponsored by the attorney general; or (ii) a handgun course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or handgun training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed \$150.

(2) The cost of the handgun safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved handgun safety and training course:

(A) Evidence of completion of a course that satisfies the requirements of subsection (b)(1), in the form provided by rules and regulations adopted by the attorney general;

(B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant;

(C) evidence of completion of a course offered in another jurisdiction which is determined by the attorney general to have training requirements that are equal to or greater than those required by this act; or

(D) a determination by the attorney general pursuant to subsection (c).

(c) The attorney general may:

(1) Create a list of concealed carry handgun licenses or permits issued by other jurisdictions which the attorney general finds have training requirements that are equal to or greater than those of this state; and

(2) review each application received pursuant to K.S.A. 2016 Supp. 75-7c05, and amendments thereto, to determine if the applicant's previous training qualifications were equal to or greater than those of this state.

(d) A person who is on active duty with any branch of the armed forces of the United States may be issued a license if such person is not less than 18 years of age.

~~(d)~~(e) For the purposes of this section:

(1) "Equal to or greater than" means the applicant's prior training meets or exceeds the training established in this section by having required, at a minimum, the applicant to: (A) Receive instruction on the laws of self-defense; and (B) demonstrate training and competency in the safe handling, storage and actual firing of handguns.

(2) "Jurisdiction" means another state or the District of Columbia.

(3) "License or permit" means a concealed carry handgun license or permit from another jurisdiction which has not expired and, except for any residency requirement of the issuing jurisdiction, is currently in good standing.";

Also on page 8, in line 34, after "Supp." by inserting "75-7c04,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "Supp." by inserting "75-7c04,"

A ruling of the chair was requested as to the germaneness of the amendment. The Subcommittee on Rules determined the amendment was germane to the bill.

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

On roll call, the vote was: Yeas 17; Nays 20; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Estes, Fitzgerald, Haley, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wagle, Wilborn.

Nays: Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Hardy, Hawk, Hensley, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor.

Present and Passing: Givens, Goddard, Holland.

A motion by Senator Hilderbrand to amend **S Sub HB 2278** failed and the following amendment was rejected; as amended by Senate Committee, on page 8, following line 33, by inserting:

"Sec. 3. K.S.A. 2016 Supp. 75-7c05 is hereby amended to read as follows: 75-7c05. (a) The application for a license pursuant to this act shall be completed, under oath, on a form prescribed by the attorney general and shall only include:

(1) (A) Subject to the provisions of subsection (a)(1)(B), the name, address, social security number, Kansas driver's license number or Kansas nondriver's license identification number, place and date of birth, a photocopy of the applicant's driver's license or nondriver's identification card and a photocopy of the applicant's certificate of training course completion; (B) in the case of an applicant who presents proof that such person is on active duty with any branch of the armed forces of the United States, or is the dependent of such a person, and who does not possess a Kansas driver's license or Kansas nondriver's license identification, the number of such license or identification shall not be required;

(2) a statement that the applicant is in compliance with criteria contained within K.S.A. 2016 Supp. 75-7c04, and amendments thereto;

(3) a statement that the applicant has been furnished a copy of this act and is knowledgeable of its provisions;

(4) a conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under K.S.A. 2016 Supp. 21-5903, and amendments thereto; and

(5) a statement that the applicant desires a concealed handgun license as a means of lawful self-defense.

(b) Except as otherwise provided in subsection (i), the applicant shall submit to the sheriff of the county where the applicant resides, during any normal business hours:

(1) A completed application described in subsection (a);

(2) a nonrefundable license fee of ~~\$132.50~~ \$75, if the applicant has not previously been issued a statewide license or if the applicant's license has permanently expired, which fee shall be in the form of two cashier's checks, personal checks or money orders of ~~\$32.50~~ \$25 payable to the sheriff of the county where the applicant resides and ~~\$100~~ \$50 payable to the attorney general;

(3) if applicable, a photocopy of the proof of training required by K.S.A. 2016 Supp. 75-7c04(b)(1), and amendments thereto; and

(4) a full frontal view photograph of the applicant taken within the preceding 30 days.

(c) (1) Except as otherwise provided in subsection (i), the sheriff, upon receipt of the items listed in subsection (b), shall provide for the full set of fingerprints of the applicant to be taken and forwarded to the attorney general for purposes of a criminal history records check as provided by subsection (d). In addition, the sheriff shall forward to the attorney general the application and the portion of the original license fee which is payable to the attorney general. The cost of taking such fingerprints shall be included in the portion of the fee retained by the sheriff. Notwithstanding anything in this section to the contrary, an applicant shall not be required to submit fingerprints for a renewal application under K.S.A. 2016 Supp. 75-7c08, and amendments thereto.

(2) The sheriff of the applicant's county of residence or the chief law enforcement officer of any law enforcement agency, at the sheriff's or chief law enforcement officer's discretion, may participate in the process by submitting a voluntary report to the attorney general containing readily discoverable information, corroborated through public records, which, when combined with another enumerated factor, establishes that the applicant poses a significantly greater threat to law enforcement or the public at large than the average citizen. Any such voluntary reporting shall be made within 45 days after the date the sheriff receives the application. Any sheriff or chief law enforcement officer submitting a voluntary report shall not incur any civil or criminal liability as the result of the good faith submission of such report.

(3) All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's office which shall be used solely for the purpose of administering this act.

(d) Each applicant shall be subject to a state and national criminal history records check which conforms to applicable federal standards, including an inquiry of the national instant criminal background check system for the purpose of verifying the identity of the applicant and whether the applicant has been convicted of any crime or has been the subject of any restraining order or any mental health related finding that would disqualify the applicant from holding a license under this act. The attorney general is authorized to use the information obtained from the state or national criminal

history record check to determine the applicant's eligibility for such license.

(e) Within 90 days after the date of receipt of the items listed in subsection (b), the attorney general shall:

(1) Issue the license and certify the issuance to the department of revenue; or

(2) deny the application based solely on: (A) The report submitted by the sheriff or other chief law enforcement officer under subsection (c)(2) for good cause shown therein; or (B) the ground that the applicant is disqualified under the criteria listed in K.S.A. 2016 Supp. 75-7c04, and amendments thereto. If the attorney general denies the application, the attorney general shall notify the applicant in writing, stating the ground for denial and informing the applicant the opportunity for a hearing pursuant to the Kansas administrative procedure act.

(f) Each person issued a license shall pay to the department of revenue a fee for the cost of the license which shall be in amounts equal to the fee required pursuant to K.S.A. 8-243 and 8-246, and amendments thereto, for replacement of a driver's license.

(g) (1) A person who is a retired law enforcement officer, as defined in K.S.A. 2016 Supp. 21-5111, and amendments thereto, shall be: (A) Required to pay an original license fee as provided in subsection (b)(2), to be forwarded by the sheriff to the attorney general; (B) exempt from the required completion of a handgun safety and training course if such person was certified by the Kansas commission on peace officer's standards and training, or similar body from another jurisdiction, not more than eight years prior to submission of the application; (C) required to pay the license renewal fee; (D) required to pay to the department of revenue the fees required by subsection (f); and (E) required to comply with the criminal history records check requirement of this section.

(2) Proof of retirement as a law enforcement officer shall be required and provided to the attorney general in the form of a letter from the agency head, or their designee, of the officer's retiring agency that attests to the officer having retired in good standing from that agency as a law enforcement officer for reasons other than mental instability and that the officer has a nonforfeitable right to benefits under a retirement plan of the agency.

(h) A person who is a corrections officer, a parole officer or a corrections officer employed by the federal bureau of prisons, as defined by K.S.A. 75-5202, and amendments thereto, shall be: (1) Required to pay an original license fee as provided in subsection (b)(2); (2) exempt from the required completion of a handgun safety and training course if such person was issued a certificate of firearms training by the department of corrections or the federal bureau of prisons or similar body not more than one year prior to submission of the application; (3) required to pay the license renewal fee; (4) required to pay to the department of revenue the fees required by subsection (f); and (5) required to comply with the criminal history records check requirement of this section.

(i) A person who presents proof that such person is on active duty with any branch of the armed forces of the United States and is stationed at a United States military installation located outside this state, may submit by mail an application described in subsection (a) and the other materials required by subsection (b) to the sheriff of the county where the applicant resides. Provided the applicant is fingerprinted at a United States military installation, the applicant may submit a full set of fingerprints of such applicant along with the application. Upon receipt of such items, the sheriff shall

forward to the attorney general the application and the portion of the original license fee which is payable to the attorney general.”;

Also on page 8, in line 34, after "Supp." by inserting "75-7c05,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "Supp." by inserting "75-7c05,"

A ruling of the chair was requested as to the germaneness of the amendment. The Subcommittee on Rules determined the amendment was germane to the bill.

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

On roll call, the vote was: Yeas 15; Nays 23; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Estes, Fitzgerald, Givens, Hilderbrand, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Bowers, Denning, Doll, Francisco, Goddard, Haley, Hardy, Hawk, Hensley, Kelly, Kerschen, Longbine, Lynn, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor.

Present and Passing: Faust-Goudeau, Holland.

EXPLANATION OF VOTE

Mr. Vice President: Voting “NO” on this amendment which would allow only concealed carry PERMIT holders to access our public facilities is easy for me. As a part of my Explanation of Vote for supporting **SB 45** in 2015 (regarding public PERMITLESS concealed carry of weapons) stated (and which was signed on to by a record TWENTY Republican Senators), “...in our society, I prefer to favor the lawful over the lawless...provide the same personal safety and protection to a...law-abiding gun owning citizen that parallels (simply)...unregistered gun possess(ing).” This amendment reinstates, though lowers the cost of, the economic and time-consumptive annual registration fees and training requirements which creates the disparity among those who CAN NOT afford either but deserve to be able to lawfully arm themselves just as much as those who CAN afford the money and the time to “register” and garner a “permit.” Again, I proudly and consistently vote NO on a reinstatement that will now, once again, perpetuate discrimination based on financial and free time ability favoring “legal” permit holders to carry weapons.—DAVID HALEY

A motion by Senator Pilcher-Cook to amend **S Sub HB 2278** failed.

An amendment was offered by Senator Alley on **S Sub HB 2278**. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules determined the amendment not germane.

An amendment was offered by Senator Tyson on **S Sub HB 2278**. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules determined the amendment not germane.

Senator Olson motioned to return **S Sub HB 2278** jointly to the Committee on Federal and State Affairs and the Committee on Ways and Means.

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

On roll call, the vote was: Yeas 11; Nays 27; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Estes, Fitzgerald, Hilderbrand, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson.

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

Present and Passing: Billinger, Wagle.

The motion failed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **S Sub HB 2278** was advanced to Final Action and roll call.

S Sub HB 2278, AN ACT concerning firearms; relating to the personal and family protection act; prohibiting the carrying of concealed firearms in certain buildings; concerning the liability of public employers; amending K.S.A. 2016 Supp. 75-7c10 and 75-7c20 and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Alley, Baumgardner, Billinger, Bowers, Estes, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wagle, Wilborn.

The substitute bill passed.

EXPLANATION OF VOTE

Mr. Vice President: As a strong supporter of the Second Amendment and a member of NRA it is with concerns that I vote in support of this bill. Earlier I proposed an amendment that would have provided a solid compromise between those who would allow guns on hospital campuses and those who would prohibit guns in these facilities. It would have only allowed those with concealed carry permits to carry in these environments. It would not have provided any burden for security, the same process and procedures that are currently in place could have been utilized. It would have provided assurance that those carrying had the appropriate training, had respect for the weapon, could use the weapon and were aware of safety issues. Contrast this with those carrying without the permit who do not necessarily have respect for the weapon or the skills necessary to use the weapon. This amendment passed the Senate but did not have adequate support to stay in the bill. Being aware of the economic impact of compliance and the fact that no other state allows guns on their campuses I reluctantly vote for this bill.—ED BERGER

Senators Givens, Goddard, and Hardy request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **S Sub HB 2278**.

Mr. Vice President: I vote yes. I support **S Sub HB 2278** that provides for sanity on the carrying of guns in our state mental hospitals, our state and municipal-owned medical care facilities, our adult care homes, our community mental health centers, our indigent health care clinics, and the University of Kansas Hospital Authority. The United States Supreme Court in its Heller decision on the Second Amendment stated "like most rights, The Second Amendment right is not unlimited... The Court's opinion should not be taken to cast doubt on longstanding prohibitions on the possession of

firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings.” Strong reasons were made in debate that supported the legal, safety and financial wisdom of this decision today. I believe those same reasons should also apply to campus carry in our state’s post-secondary institutions. Recognizing and supporting the importance of keeping the hospital portion of this bill as a prime focus, I remain disappointed that we have not been able to deal with the prohibition of guns on our college campuses. It is my sincere hope that we will deal with the original **SB 53** on the floor of this Senate before final adjournment.—TOM HAWK

Senators Bollier, Francisco, Hensley, Holland, Kelly, Pettey, Rogers, Skubal and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **S Sub HB 2278**

Mr. Vice President: I would like to thank the ladies who were here with us today, the “Moms Demand Action for Gun Sense” group. I appreciate their presence and patience in working to have their voices heard. I also want to recognize one of their members, Alison Bauer, who was tragically killed in an auto accident nearly two weeks ago. I saw and spoke with Alison nearly three weeks ago here when she was advocating on this issue. Alison, this one’s for you.—TOM HOLLAND

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Holland on **S Sub HB 2278**.

Mr. Vice President: I vote yes on **S Sub HB 2278**. I rise on behalf of the 10,000 plus employees and the tens of thousands of grateful patients from every corner of Kansas and give voice to their respectful support of this legislation. Passage of this bill will maintain that the Kansas University hospital authority will have the same policy as all other hospitals in a 7-county metro area with the prohibition on guns.—PAT PETTEY

Senators Hawk, Holland, Kelly, Rogers, Skubal, and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **S Sub HB 2278**.

MESSAGES FROM THE GOVERNOR

SB 23 approved on June 01, 2017

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **S Sub HB 2186**, requests a conference and has appointed Representatives Campbell, Aurand and Trimmer as conferees on the part of the House.

The House announced the appointment of Representatives Campbell, Aurand and Trimmer as conferees on **SB 19**.

ORIGINAL MOTION

On motion of Senator Denning, the Senate acceded to the request of the House for a conference on **S Sub HB 2186**.

The Vice President appointed Senators Denning, McGinn and Hensley as conferees on the part of the Senate.

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

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

SB 254, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal use of weapons; exempting certain suppressors; amending K.S.A. 2016 Supp. 21-6301 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The President referred **SB 254** to the Committee on Federal and State Affairs.

On motion of Senator Longbine, the Senate adjourned until 10:00 a.m., Friday, June 2, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

