

# Journal of the Senate

EIGHTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Sunday, June 4, 2017, 2:00 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present.  
Senator Carolyn McGinn delivered the invocation:

During Pope Francis', incisive homily on Pentecost Sunday, Pope Francis spoke of two "recurrent temptations" in the 21st century. The first "seeks diversity without unity," while the second "seeks unity without diversity."

He explained that both are contrary to the Spirit of the Risen Jesus. He explained that the first temptation "seeks diversity without unity." This happens, he said, "when we want to separate, when we take sides and form parties, when we adopt rigid and airtight positions, when we become locked into our own ideas and ways of doing things, perhaps even thinking that we are better than others, or always in the right." It happens when "we choose the part over the whole, belonging to this or that group before belonging to the Church." It happens when "we become avid supporters for one side, rather than brothers and sisters in the one Spirit. We become Christians of the "right" or the "left," before being on the side of Jesus, unbending guardians of the past or the avant-garde of the future before being humble and grateful children of the Church. The result is diversity without unity."

He described the second "recurrent temptation" as that of "seeking unity without diversity." When this happens, "unity becomes uniformity, where everyone has to do everything together and in the same way, always thinking alike. Unity ends up being homogeneity and no longer freedom. But, as Saint Paul says, "where the Spirit of the Lord is, there is freedom."

He prayed, too, that the Spirit of the Risen Jesus "may give peace to the entire world, and heal the wounds of war and terrorism, which last night struck innocent civilians in London." He asked everyone to pray for the victims and the families of this latest terrorist attack.

Peace Prayer of Saint Francis

Lord, make me an instrument of Your peace:  
where there is hatred, let me sow love;  
where there is injury, pardon; where there is doubt, faith;  
where there is despair, hope; where there is darkness, light;  
where there is sadness, joy.

O divine Master, grant that I may not so much seek  
to be consoled as to console,  
to be understood as to understand,

to be loved as to love.  
 For it is in giving that we receive,  
 it is in pardoning that we are pardoned,  
 and it is in dying that we are born to eternal life. Amen.

The Pledge of Allegiance was led by President Wagle.

**CHANGE OF CONFERENCE**

Pursuant to joint rule 3(f), the President appointed Senators Denning, McGinn, and Hensley to replace Senators Longbine, Billinger, and Rogers as conferees on **SB 19** following the session on June 3.

On motion of Senator Denning, the Senate recessed until 4:30.

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

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **HB 2079**.

The House adopts the Conference Committee report to agree to disagree on **SB 19**, and has appointed Representatives Campbell, Aurand and Trimmer and second conferees on the part of the House.

**ORIGINAL MOTION**

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 19**.

**CONFERENCE COMMITTEE REPORT**

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 19** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

LARRY CAMPBELL  
 CLAY AURAND  
*Conferees on part of House*

JIM DENNING  
 CAROLYN MCGINN  
*Conferees on part of Senate*

On motion of Senator Denning the Senate adopted the conference committee report on **SB 19**, and requested a new conference be appointed.

The Vice President appointed Senators Denning, McGinn and Hensley as a second Conference Committee on the part of the Senate on **SB 19**.

**ORIGINAL MOTION**

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub HB 2002**.

**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 V. Schmidt in the chair.

On motion of Senator V. Schmidt the following report was adopted:

The committee report on **HB 2002** recommending **S Sub HB 2002** be adopted, be amended by motion of Senator Denning; on page 15, following line 29, by inserting:

"Sec. 47. (a) On July 1, 2018, the amount authorized to be expended from each appropriation from the state general fund during the fiscal year ending June 30, 2019, in 2017 Substitute for Senate Bill No. 189, for employer contributions for eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4920 and 74-4939, and amendments thereto, in the aggregate, is hereby decreased by \$194,022,683.";

And by renumbering sections accordingly;

On page 23, in line 34, by striking "subsection" and inserting "subsections"; after "(17)" by inserting "and (19)";

On page 26, following line 41, by inserting:

"(19) The actuarial cost of the lapse or transfer of amounts pursuant to section 47, and amendments thereto, shall be amortized over 20 years as a level dollar amount, as certified by the board upon recommendation of the consulting actuary, through an additional percentage of compensation for participating employers under K.S.A. 74-4931, and amendments thereto. This additional percentage of compensation shall first be reflected in employer contribution rates for participating employers under K.S.A. 74-4931, and amendments thereto, effective on the first day of the first payroll period for the fiscal year 2020."

**S Sub HB 2002** be further amended by motion of Senator Denning; on page 14, in line 29, after "2019" by inserting ": *And provided, however*; That any additional bonds issued pursuant to this proviso shall be subject to the limitations established on maximum annual debt service and principal amount by K.S.A. 68-2320, and amendments thereto";

On page 15, in line 9, after "2019" by inserting ": *And provided, however*; That any additional bonds issued pursuant to this proviso shall be subject to the limitations established on maximum annual debt service and principal amount by K.S.A. 68-2320, and amendments thereto";

On page 19, in line 5, by striking all before "limitation"; in line 6, by striking "annual debt service" and inserting "total amount of principal"; in line 9, by striking "are hereby suspended" and inserting "shall be an aggregate total of \$1,900,000,000"

**S Sub HB 2002** be further amended by motion of Senator Olson; on page 10, following line 43, by inserting:

"(b) Notwithstanding the provisions of K.S.A. 76-1115, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the Kansas state school for the blind from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the Kansas state school for the blind from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 for the Kansas state school for the blind to have a superintendent of the Kansas state school for the blind that is a separate and distinct position from the superintendent appointed pursuant to K.S.A. 76-1002, and amendments thereto: *Provided*, That the superintendent positions created under K.S.A. 76-1002 and 76-1115, and amendments thereto, shall each be served by a different person.";

On page 11, following line 5, by inserting:

"(b) Notwithstanding the provisions of K.S.A. 76-1115, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas state school for the blind from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the Kansas state school for the blind from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for the Kansas state school for the blind to have a superintendent of the Kansas state school for the blind that is a separate and distinct position from the superintendent appointed pursuant to K.S.A. 76-1002, and amendments thereto: *Provided*, That the superintendent positions created under K.S.A. 76-1002 and 76-1115, and amendments thereto, shall each be served by a different person.";

Also on page 11, following line 10, by inserting:

"(b) Notwithstanding the provisions of K.S.A. 76-1002, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the Kansas state school for the deaf from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the Kansas state school for the deaf from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 for the Kansas state school for the deaf to have a superintendent of the Kansas state school for the deaf that is a separate and distinct position from the superintendent appointed pursuant to K.S.A. 76-1115, and amendments thereto: *Provided*, That the superintendent positions created under K.S.A. 76-1002 and 76-1115, and amendments thereto, shall each be served by a different person: *Provided further*, That in selecting a superintendent of the Kansas state school for the deaf, the state board of education shall select an individual who demonstrates professional fluency in American sign language and English.";

Also on page 11, following line 15, by inserting:

"(b) Notwithstanding the provisions of K.S.A. 76-1002, and amendments thereto,

or any other statute, during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas state school for the deaf from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the Kansas state school for the deaf from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for the Kansas state school for the deaf to have a superintendent of the Kansas state school for the deaf that is a separate and distinct position from the superintendent appointed pursuant to K.S.A. 76-1115, and amendments thereto: *Provided*, That the superintendent positions created under K.S.A. 76-1002 and 76-1115, and amendments thereto, shall each be served by a different person: *Provided further*, That in selecting a superintendent of the Kansas state school for the deaf, the state board of education shall select an individual who demonstrates professional fluency in American sign language and English."

**S Sub HB 2002** be further amended by motion of Senator Schmidt; on page 5, following line 10, by inserting:

"Sec. 15.

DEPARTMENT OF HEALTH AND ENVIRONMENT –

DIVISION OF PUBLIC HEALTH

(a) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health during fiscal year 2018 from moneys appropriated from the state general fund or any special revenue fund or funds by this or any other appropriation act of the 2017 regular session of the legislature, expenditures shall be made from such moneys to contract for the services of one or more persons to survey and certify dialysis treatment facilities located in the state of Kansas: *Provided*, That, if the above agency has not surveyed a newly constructed dialysis treatment facility within one year after the operator of the facility notifies the above agency that the facility is operational, then the above agency may charge the cost of any survey performed on the facility to the operator of such facility.

Sec. 16.

DEPARTMENT OF HEALTH AND ENVIRONMENT –

DIVISION OF PUBLIC HEALTH

(a) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health during fiscal year 2019 from moneys appropriated from the state general fund or any special revenue fund or funds by this or any other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made from such moneys to contract for the services of one or more persons to survey and certify dialysis treatment facilities located in the state of Kansas: *Provided*, That, if the above agency has not surveyed a newly constructed dialysis treatment facility within one year after the operator of the facility notifies the above agency that

the facility is operational, then the above agency may charge the cost of any survey performed on the facility to the operator of such facility.";

And by renumbering sections accordingly

**S Sub HB 2002** be further amended by motion of Senator Baumgardner; on page 3, following line 5, by inserting:

"Sec. 8.

#### KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) During fiscal year 2018, in addition to the other purposes for which expenditures may be made by the Kansas public employees retirement system from moneys appropriated for fiscal year 2018 from the Kansas public employees retirement fund (365-00-7002-7000) by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the Kansas public employees retirement system from moneys appropriated from the Kansas public employees retirement fund for fiscal year 2018 to provide a report to the legislature describing investment exposure across all asset classes in the Kansas public employees retirement system investment portfolio in any business entity that makes the type of consumer loans described in K.S.A. 16a-2-404, and amendments thereto: *Provided*, That such report shall include all investments currently held by the Kansas public employees retirement system as of November 30, 2017: *Provided further*, That such report shall be submitted to the legislature on or before January 31, 2018.

Sec. 9.

#### KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) During fiscal year 2019, in addition to the other purposes for which expenditures may be made by the Kansas public employees retirement system from moneys appropriated for fiscal year 2019 from the Kansas public employees retirement fund (365-00-7002-7000) by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the Kansas public employees retirement system from moneys appropriated from the Kansas public employees retirement fund for fiscal year 2019 to provide a report to the legislature describing investment exposure across all asset classes in the Kansas public employees retirement system investment portfolio in any business entity that makes the type of consumer loans described in K.S.A. 16a-2-404, and amendments thereto: *Provided*, That such report shall include all investments currently held by the Kansas public employees retirement system as of November 30, 2018: *Provided further*, That such report shall be submitted to the legislature on or before January 31, 2019.";

And by renumbering sections accordingly

**S Sub HB 2002** be further amended by motion of Senator Francisco; on page 11, following line 20, by inserting:

"(b) Notwithstanding the provisions of K.S.A. 75-2721, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2018, as authorized by this or other appropriation act of the 2017 regular session of the legislature, expenditures shall be made by the above agency from the state general fund

or from any special revenue fund or funds for fiscal year 2018 to fix admission fees at constitution hall in Lecompton, Kansas at \$3 per adult single admission, \$1 per student single admission, \$2 per student for guided tours and \$3 per adult for guided tours: *Provided, however,* That such admission fees may be increased by the above agency during fiscal year 2018 if all moneys from such admission fees are invested in constitution hall and the total amount of such admission fees exceeds the amount of the Lecompton historical society's constitution hall promotional expenses as determined by the average of such promotional expenses for the preceding three calendar years: *Provided further,* That the state historical society may request annual financial statements from the Lecompton historical society for the purpose of calculating such three-year average of promotional expenses.";

Also on page 11, following line 25, by inserting:

"(b) Notwithstanding the provisions of K.S.A. 75-2721, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2019, as authorized by this or other appropriation act of the 2017 or 2018 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2019 to fix admission fees at constitution hall in Lecompton, Kansas at \$3 per adult single admission, \$1 per student single admission, \$2 per student for guided tours and \$3 per adult for guided tours: *Provided, however,* That such admission fees may be increased by the above agency during fiscal year 2019 if all moneys from such admission fees are invested in constitution hall and the total amount of such admission fees exceeds the amount of the Lecompton historical society's constitution hall promotional expenses as determined by the average of such promotional expenses for the preceding three calendar years: *Provided further,* That the state historical society may request annual financial statements from the Lecompton historical society for the purpose of calculating such three-year average of promotional expenses."

And **S Sub HB 2002** be passed as further amended.

A motion by Senator McGinn to amend **S Sub HB 2002** failed and the following amendment was rejected; on page 7, in line 40, after "(b)" by inserting "On July 1, 2017, of the \$629,296,318 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 85(a) of 2017 Substitute for Senate Bill No. 189, from the general fund in the LTC – medicaid assistance – NF account (039-00-1000-0520), the sum of \$15,159,739 is hereby lapsed: *Provided,* That the provisions of the second proviso of the LTC – medicaid assistance – NF account in section 85(a) of 2017 Substitute for Senate Bill No. 189, requiring that expenditures be made from such account for the purpose of providing a 5% rate increase for providers of home and community based services for fiscal year 2018 from such account are hereby declared to be null and void and shall have no force and effect.

(c)";

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

On page 9, following line 1, by inserting:

"(b) On July 1, 2018, of the \$651,044,716 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 86(a) of 2017 Substitute for Senate Bill

No. 189, from the state general fund in the LTC – medicaid assistance – NF account (039-00-1000-0520), the sum of \$24,710,375 is hereby lapsed: *Provided*, That the provisions of the second proviso of the LTC – medicaid assistance – NF account in section 86(a) of 2017 Substitute for Senate Bill No. 189, requiring that expenditures be made from such account for the purpose of providing a 3% rate increase for providers of home and community based services for fiscal year 2019 from such account are hereby declared to be null and void and shall have no force and effect.";

On page 15, following line 29, by inserting:

"Sec. 47. On the effective date of this act, the provisions of section 156 of 2017 Substitute for Senate Bill No. 189 are hereby declared to be null and void and shall have no force and effect.";

On page 26, in line 42, before "K.S.A" by inserting "Section 156 of 2017 Substitute for Senate Bill No. 189 and"; in line 43, by striking "is" and inserting "are";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 9, after the second "repealing" by inserting "section 156 of 2017 Substitute for Senate Bill No. 189,"

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

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

Yeas: Alley, Denning, Estes, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Wagle.

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

Present and Passing: Baumgardner, Tyson.

#### EXPLANATION OF VOTE

Madam Chair: We vote yes on this amendment because it is nothing more than political games and an attempt to force us to vote no or give the public a false impression of what we stand for. We will not play the game and stand strong for the tax payers. It deceives the public into thinking we do not support funding for front-line service workers which is patently false. This vote represents nothing more than our desire to hold all NEW spending until there are dollars to pay for it. We know that those proposing this amendment yet voted no are counting on, and promoting, a massive new tax plan to draw billions of additional dollars from our constituents, but that has not come to pass. Yet, they push to add tens of millions in new spending in anticipation of such an event. Only government can budget to add massive spending increase before they even have their tax in hand. The timing is nothing less than irresponsible.—Ty MASTERSON

Senators Alley, Pilcher-Cook and Suellentrop request the record to show they concur with the "Explanation of Vote" offered by Senator Masterson on **S Sub HB 2002**.

A motion by Senator McGinn to amend **S Sub HB 2002** failed and the following amendment was rejected; on page 7, in line 40, after "(b)" by inserting "On July 1, 2017, of the \$2,515,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 85(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the senior care act account (039-00-1000-0260), the sum of



\$2,100,000 is hereby lapsed.

(c) ";

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

On page 9, following line 1, by inserting:

"(b) On July 1, 2018, of the \$2,515,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 86(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the senior care act account (039-00-1000-0260), the sum of \$2,100,000 is hereby lapsed."

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

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

Yeas: Alley, Masterson, Pilcher-Cook, Pyle, Suellentrop, Wagle.

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

Present and Passing: Baumgardner, Hilderbrand, Lynn, Tyson.

#### EXPLANATION OF VOTE

Madam Chair: We will not be intimidated into voting for new spending, regardless of the reason, when we are in a deficit situation. We must first look at other spending and prioritize. In recent polls from both sides, the Docking Institute and the State Chamber, confirmed our constituents want us in large part (75% and 57% respectively) to include spending cuts as part of the deficit solution. What is being proposed is ADDING spending, inflating the deficit, and trying to convince the people a massive retroactive tax plan is somehow "necessary." This is absolutely false and the Republican Balanced Budget Solution released last week proves that. We simply ask those supporting a massive retroactive tax to be honest with the people and admit it is not a "have to" situation, they simply want to impose massive new taxes to make government budgeting decisions easier regardless of the fact it makes the decisions of our constituents at home more difficult.—TY MASTERSON

Senators Alley, Pilcher-Cook and Suellentrop request the record to show they concur with the "Explanation of Vote" offered by Senator Masterson on **S Sub HB 2002**.

A motion by Senator Masterson to amend **S Sub HB 2002** failed and the following amendment was rejected; on page 2, following line 38, by inserting:

"Sec. 6.

#### ATTORNEY GENERAL

(a) On July 1, 2017, of the \$4,230,164 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 30(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the operating expenditures account (082-00-1000), the sum of \$50,000 is hereby lapsed.

Sec. 7.

ATTORNEY GENERAL

(a) On July 1, 2018, of the \$4,277,253 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 31(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the operating expenditures account (082-00-1000), the sum of \$50,000 is hereby lapsed.";

On page 3, by striking all in lines 1 through 5; following line 26, by by inserting:  
"MSA compliance compact fund .....\$1,292,144";

Also, on page 3, following line 42, by by inserting:

"(c) On July 1, 2017, the \$449,737 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 64(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the MSA compliance compact account (565-00-1000-0305) is hereby lapsed.";

On page 4, following line 6, by inserting:  
"MSA compliance compact fund .....\$1,331,477";

Also on page 4, following line 22, by inserting:

"(c) On July 1, 2018, the \$450,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 65(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the MSA compliance compact account (565-00-1000-0305) is hereby lapsed.";

On page 5, following line 10, by inserting:  
"Sec. 16.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF PUBLIC HEALTH

(a) On July 1, 2017, of the \$8,070,690 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 79(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the aid to local units – primary health projects account (264-00-1000-0460), the sum of \$500,000 is hereby lapsed.  
Sec. 17.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF PUBLIC HEALTH

(a) On July 1, 2018, of the \$8,070,690 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 80(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the aid to local units – primary health projects account (264-00-1000-0460), the sum of \$500,000 is hereby lapsed.";

On page 7, in line 28, by subtracting \$4,700,000 from the dollar amount and by adjusting the dollar amount in line 28 accordingly;

Also on page 7, by striking all in lines 29 through 37; in line 40, after "(b)" by inserting "On July 1, 2017, of the \$629,296,318 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 85(a) of 2017 Substitute for Senate Bill No. 189, from the general fund in the LTC – medicaid assistance – NF account (039-00-

1000-0520), the sum of \$15,159,739 is hereby lapsed: *Provided*, That the provisions of the second proviso of the LTC – medicaid assistance – NF account in section 85(a) of 2017 Substitute for Senate Bill No. 189, requiring that expenditures be made from such account for the purpose of providing a 5% rate increase for providers of home and community based services for fiscal year 2018 from such account are hereby declared to be null and void and shall have no force and effect.

(c) On July 1, 2017, of the \$20,057,484 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 85(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the community aid account (039-00-1000-3004), the sum of \$2,800,000 is hereby lapsed.

(d) On July 1, 2017, of the \$2,515,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 85(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the senior care act account (039-00-1000-0260), the sum of \$2,100,000 is hereby lapsed.

(e) On July 1, 2017, of the \$22,680,993 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 85(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the community mental health centers supplemental funding account (039-00-1000-3001), the sum of \$1,300,000 is hereby lapsed.

(f) On July 1, 2017, of the \$29,552,599 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 85(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the Larned state hospital – operating expenditures account (410-00-1000-0103), the sum of \$2,500,000 is hereby lapsed.

(g) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2018, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (039-00-8100-8240) .....\$2,500,000

*Provided*, That notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, or any other statute, in addition to other purposes for which expenditures may be made by the above agency from the rehabilitation and repair projects account of the state institutions building fund during fiscal year 2018, expenditures may be made from such account for salary costs of maintenance, rehabilitation and repair personnel.

(h)";

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

On page 8, by striking all in lines 32 through 42;

On page 9, following line 1, by inserting:

"(b) On July 1, 2018, of the \$651,044,716 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 86(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the LTC – medicaid assistance – NF account (039-00-1000-0520), the sum of \$24,710,375 is hereby lapsed: *Provided*, That the provisions of the second proviso of the LTC – medicaid assistance – NF account in section 86(a) of 2017 Substitute for Senate Bill No. 189, requiring that expenditures be made from such account for the purpose of providing a 3% rate increase for providers of home and community based services for fiscal year 2019 from such account are

hereby declared to be null and void and shall have no force and effect.

(c) On July 1, 2018, of the \$20,057,484 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 86(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the community aid account (039-00-1000-3004), the sum of \$2,800,000 is hereby lapsed.

(d) On July 1, 2018, of the \$2,515,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 86(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the senior care act account (039-00-1000-0260), the sum of \$2,100,000 is hereby lapsed.

(e) On July 1, 2018, of the \$22,680,993 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 86(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the community mental health centers supplemental funding account (039-00-1000-3001), the sum of \$1,300,000 is hereby lapsed.

(f) On July 1, 2018, of the \$29,978,239 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 86(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the Larned state hospital – operating expenditures account (410-00-1000-0103), the sum of \$2,500,000 is hereby lapsed.

(g) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2019, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (039-00-8100-8240) .....\$2,500,000

*Provided*, That notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, or any other statute, in addition to other purposes for which expenditures may be made by the above agency from the rehabilitation and repair projects account of the state institutions building fund during fiscal year 2019, expenditures may be made from such account for salary costs of maintenance, rehabilitation and repair personnel.";

Also on page 9, by striking all in lines 13 and 14; by striking all in lines 32 through 43;

On page 10, by striking all in line 1; following line 1, by inserting the following:

"(c) On July 1, 2017, of the \$93,556,053 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 87(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the state operations (including official hospitality) account (629-00-1000-0013), the sum of \$70,564 is hereby lapsed.";

Also on page 10, by striking all in lines 7 and 8; following line 38, by inserting:

"(d) On July 1, 2018, of the \$93,868,847 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 88(a) of 2017 Substitute for Senate Bill No. 189, from the general fund in the state operations (including official hospitality) account (629 - 00 - 1000 - 0013), the sum of \$70,564 is hereby lapsed.

Sec. 27.

DEPARTMENT OF EDUCATION

(a) On July 1, 2017, the \$50,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 91(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the incentive for technical education account (652-00-

1000-0110), is hereby lapsed.

Sec. 28.

DEPARTMENT OF EDUCATION

(a) On July 1, 2018, the \$50,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 92(a) of 2017 Substitute for Senate Bill No. 189, from the state general fund in the incentive for technical education account (652-00-1000-0110), is hereby lapsed.

(b) On July 1, 2018, of the \$1,804,867,062 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 92(a) of Substitute for Senate Bill No. 189, from the state general fund in the general state aid account (652-00-1000-0820), the sum of \$38,000,000 is hereby lapsed.";

On page 11, by striking all in lines 16 through 25;

On page 12, by striking all in lines 37 through 43;

On page 13, by striking all in lines 1 through 26;

On page 15, following line 29, by inserting:

"Sec. 44. On the effective date of this act, the provisions of sections 163 and 164 of 2017 Substitute for Senate Bill No. 189, are hereby declared to be null and void and shall have no force and effect.

Sec. 45. On the effective date of this act, the provisions of section 156 of 2017 Substitute for Senate Bill No. 189, are hereby declared to be null and void and shall have no force and effect.";

On page 17, in line 15, by striking all after "year"; by striking all in line 16; in line 17, by striking all before the period and inserting "; and (2) no moneys shall be transferred pursuant to this section from the state general fund to the state fair capital improvement fund during the fiscal years ending June 30, 2018 and June 30, 2019";

On page 26, in line 42, before "K.S.A" by inserting "Section 156 of 2017 Substitute for Senate Bill No. 189, section 163 of 2017 Substitute for Senate Bill No. 189, and section 164 of 2017 Substitute for Senate Bill No. 189,"; in line 43, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 9, after the second "repealing" by inserting "section 156 of 2017 Substitute for Senate Bill No. 189,"; in line 11, after the first comma by inserting "section 163 of 2017 Substitute for Senate Bill No. 189, and section 164 of 2017 Substitute for Senate Bill No. 189,"

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

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

Yeas: Alley, Baumgardner, Fitzgerald, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

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

Present and Passing: Estes.

Motions offered by Senators McGinn and Tyson to amend **S Sub HB 2002** 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 2002** was advanced to Final Action and roll call.

**S Sub HB 2002**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, and June 30, 2020, 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. 2-223, 12-1775a, 68-2320, 74-4914d and 74-4920, as amended by section 43 of 2017 Senate Substitute for Substitute for House Bill No. 2052 and repealing the existing sections; also repealing section 161 of 2017 Substitute for Senate Bill No. 189, section 162 of 2017 Substitute for Senate Bill No. 189, and K.S.A. 2016 Supp. 2-223, as amended by section 212 of 2017 Substitute for Senate Bill 189.

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

Yeas: 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, Wilborn.

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

The bill passed, as amended.

On motion of Senator Denning, the Senate adjourned until 2:00 p.m., Monday, June 5, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

