

Journal of the Senate

TWENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 11, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Father Don Davidson:

Our English language can befuddle the most able scholar, and while never spoken by Moses, Jesus, Buddha or Mohammed, the language brings our many faiths to life. We can easily get wound-up in the wounds that the wrong word brings, and flummoxed with mismatched syntax. In our prayers, in our most personal inner thoughts, dear lord, help us to pray with our hearts for that is the language you truly understand, the sharing of our selves. In your name, Amen.

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

Senator McGinn rose on a Point of Personal Privilege to introduce Abbey Pomeroy, reigning Miss Rodeo Kansas 2015. Abbey is the daughter of Jerry and Dixie Pomeroy of Hesston and is a graduate of KSU with a degree in Interior Design. As Miss Rodeo Kansas she will travel the state and country promoting the sport and the western way of life. When not on horseback, Abbey can be found creating leather creations or rock climbing, canyoneering and exploring Kansas.

The Senate honored Abbey with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 193, AN ACT concerning postsecondary educational institutions; relating to degree program transparency, by Committee on Ways and Means.

SB 194, AN ACT concerning school districts; creating the Kansas public school security act, by Committee on Corrections and Juvenile Justice.

SB 195, AN ACT concerning the Kansas family law code; relating to the enforcement of support orders; reporting of support arrearages to consumer credit reporting agencies; distribution of support payments; rules and regulations; amending K.S.A. 2014 Supp. 23-3121 and 23-3123 and repealing the existing sections, by Committee on Judiciary.

SB 196, AN ACT concerning public safety; relating to peer support counseling sessions, by Committee on Judiciary.

SB 197, AN ACT concerning attorneys; relating to the supreme court nominating

commission and judicial district nominating commissions; selection of chairperson and members; applicability of open meetings act; attorney licensure and information; applicability of open records act; amending K.S.A. 20-122, 20-123, 20-128, 20-130, 20-132, 20-2904 and 20-2907 and K.S.A. 2014 Supp. 7-127 and repealing the existing sections, by Committee on Judiciary.

SB 198, AN ACT concerning the department of labor; relating to the state directory of new hires; amending K.S.A. 2014 Supp. 75-5742 and 75-5743 and repealing the existing sections, by Committee on Judiciary.

SB 199, AN ACT concerning income taxation; relating to credit for dependent care expenses necessary for gainful employment, by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly and Pettey.

SB 200, AN ACT concerning income taxation; relating to the earned income tax credit; amending K.S.A. 2014 Supp. 79-32,205 and repealing the existing section, by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly and Pettey.

SB 201, AN ACT concerning the open records act; relating to public records and personal electronic devices; amending K.S.A. 2014 Supp. 45-217 and repealing the existing section, by Senator Hensley.

SB 202, AN ACT concerning insurance; relating to certain health plans; pertaining to patient co-payments and co-insurance fees; exception to formulary request process, by Committee on Financial Institutions and Insurance.

SB 203, AN ACT concerning the sale of cigarettes and tobacco products; relating to regulations, licensure and taxation; dealing with crimes, penalties and fines; amending K.S.A. 79-3304, 79-3309, 79-3323, 79-3324a, 79-3374 and 79-3378 and K.S.A. 2014 Supp. 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, by Committee on Federal and State Affairs.

SB 204, AN ACT concerning the revised Kansas code for care of children; relating to visitation; amending K.S.A. 2014 Supp. 38-2255 and repealing the existing section, by Committee on Federal and State Affairs.

SB 205, AN ACT concerning the regional system of cooperating libraries; amending K.S.A. 2014 Supp. 75-2550 and repealing the existing section, by Committee on Federal and State Affairs.

SB 206, AN ACT concerning public agencies; relating to the state of Kansas and local units of government; providing certain powers to the attorney general for investigation of violations of the open records act and the open meetings act; open government fund; amending K.S.A. 45-223, 45-228 and 75-4320a and K.S.A. 2014 Supp. 45-222, 75-4320 and 75-4320b and repealing the existing sections, by Committee on Federal and State Affairs.

SB 207, AN ACT concerning employment; requiring employers to allow leave for certain purposes; parents attending court pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code; duties of secretary of labor; amending K.S.A. 2014 Supp. 44-1133 and repealing the existing section, by Committee on Federal and State Affairs.

SB 208, AN ACT concerning public employment; relating to wage discrimination on the basis of sex; study by secretary of administration, by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly and Pettey.

SB 209, AN ACT repealing K.S.A. 2014 Supp. 16-2001, 16-2002, 16-2003, 16-2004

and 16-2005; concerning certain labor agreements for public works construction projects; relating to prohibiting agencies and municipalities from requiring contractors to make such agreements, by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly and Pettey.

SB 210, AN ACT concerning employment; relating to employment requirements in certain state contracts; employment requirements for certain tax benefits; amending K.S.A. 2014 Supp. 12-17,166, 74-50,131, 74-50,212, 79-32,154 and 79-32,243 and repealing the existing sections, by Senators Hensley, Faust-Goudeau, Hawk, Holland and Pettey.

SB 211, AN ACT concerning technical professions; relating to scope of practice; amending K.S.A. 2014 Supp. 74-7003, 74-7031, 74-7032, 74-7033, 74-7034 and 74-7040 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 189**.

Assessment and Taxation: **SB 178, SB 187**.

Commerce: **SB 179**.

Education: **SB 176, SB 188**.

Ethics and Elections: **SB 177**.

Federal and State Affairs: **SB 192**.

Financial Institutions and Insurance: **SB 186**.

Judiciary: **SB 175, SB 183, SB 184, SB 185, SB 191; HB 2101**.

Public Health and Welfare: **SB 180, SB 181, SB 182**.

Transportation: **SB 173, SB 174, SB 190**.

MESSAGES FROM THE GOVERNOR

February 10, 2015

Message to the Senate of the State of Kansas

Enclosed herewith is Executive Order No. 15-01 for your information.

SAM BROWNBACK
Governor

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 15-02 for your information.

SAM BROWNBACK
Governor

President Wagle announced Executive Order No. 15-01, regarding rescinding certain Executive Orders, and Executive Order No. 15-02 regarding employment practices for veterans and disabled individuals, are on file in the office of the Secretary of the Senate and available for review at any time.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on

Senate amendments to **HCR 5002** 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.

JEFF KING

TERRY BRUCE

ANTHONY HENSLEY

Conferees on part of Senate

JOHN BARKER

MARK KAHR

ED TRIMMER

Conferees on part of House

On motion of Senator King the Senate adopted the conference committee report on **HCR 5002**, and requested a new conference be appointed.

The President appointed Senators King, Bruce and Hensley as a second Conference Committee on the part of the Senate on **HCR 5002**.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 63** be amended on page 1, following line 34, by inserting:

"Sec. 2. K.S.A. 19-26,111 is hereby amended to read as follows: 19-26,111. (a) Until sold or otherwise disposed of by the bank and except for special assessments levied by a municipality to finance public improvements, any property acquired by the bank shall be exempt from the payment of ad valorem taxes levied by the state and any other political or taxing subdivision of the state.

(b) Except for special assessments levied by a municipality to finance public improvements, when the board acquires property pursuant to this act, the county treasurer shall remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the board.

(c) Property held by the bank shall remain liable for special assessments levied by a municipality to finance public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the bank.

(d) The governing body of any municipality which has levied special assessments on property acquired by the bank may abate part or all of the special assessments, and the bank and governing body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the county treasurer as of the effective date of the abatement.

(e) The governing body of any municipality which has levied special assessments on property acquired by the bank may enter into an agreement with the bank to defer or reamortize part or all of the special assessments. The governing body of the municipality shall provide for such deferral or reamortization by passage of an ordinance, if a city, and by passage of a resolution by any other municipality. Any special assessments that are deferred or reamortized shall be corrected on the tax rolls by the county treasurer as of the effective date of the ordinance or resolution providing for such deferral or reamortization."

Also on page 1, in line 35, before "K.S.A." by inserting "K.S.A. 19-26,111 and"; also

in line 35, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "amending" by inserting "K.S.A. 19-26,111 and"; in line 2, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 56** be amended on page 1, in line 9, after "commercial" by inserting "or public"; and the bill be passed as amended.

Also, **SB 90** be amended on page 1, in line 27, by striking "therefor"; in line 28, after the first "a" by inserting "bail enforcement agent"; in line 30, after "verified" by inserting "under penalty of perjury"; in line 33, by striking ", and two"; by striking all in lines 34 and 35; in line 36, by striking all before the semicolon;

On page 2, in line 1, by striking "and"; in line 2, after "any" by inserting:

"; and

(5) one classifiable set of the applicant's fingerprints.

(b) (1) Fingerprints submitted pursuant to this section shall be released by the attorney general to the Kansas bureau of investigation for the purpose of conducting criminal history records checks, utilizing the files and records of the Kansas bureau of investigation and the federal bureau of investigation.

(2) Each applicant shall be subject to a state and national criminal history records check which conforms to applicable federal standards for the purpose of verifying the identity of the applicant and whether the applicant has been convicted of any crime that would disqualify the applicant from being licensed as a bail enforcement agent under sections 1 through 9, and amendments thereto. The attorney general is authorized to use the information obtained from the state and national criminal history records check to determine the applicant's eligibility for such license.

(3) Each applicant shall pay a fee for the criminal history records check in an amount necessary to reimburse the attorney general for the cost of the criminal history records check. Such fee shall be in an amount fixed by the attorney general pursuant to section 8, and amendments thereto, and shall be in addition to the applicable original or renewal application fee amount fixed by the attorney general pursuant to section 8, and amendments thereto";

And by redesignating subsections accordingly;

On page 4, following line 19, by inserting:

"(d) In addition to the applicable original or renewal application fee amount fixed by the attorney general pursuant to this section, the attorney general may charge and collect a fee from each applicant to conduct a criminal history records check. Such fee shall be in an amount fixed by the attorney general and shall not exceed an amount necessary to reimburse the attorney general for the cost of such criminal history records check."; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 117** be passed.

Also, **SB 101** be amended on page 2, in line 33, after "midwife" by inserting "or nurse anesthetist"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, February 12, 2015.

FEBRUARY 11, 2015

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

