

Journal of the Senate

TWENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 14, 2014, 8:00 a.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-six senators present.
Senators Faust-Goudeau, Holmes, Lynn and McGinn were excused.
Invocation by Father Don Davidson:

God of love, whose name is love, today we celebrate the wonder and mystery of love. It may be kind of silly as love is around every day, but one day a year we are reminded that we humans need each other and are much better off in our lives when we love and are loved. Red hearts and candy, flowers and bows, might not warm every heart, but knowing that all love is a part of your gracious command to love one another gives us purpose and joy. On this day, dear Lord, on every day, help us to listen and follow that command. By your loving will we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 403, AN ACT concerning civil procedure and civil actions; relating to writ of habeas corpus; abuser of writ; amending K.S.A. 2013 Supp. 60-1501 and repealing the existing section, by Committee on Judiciary.

SB 404, AN ACT concerning crimes, punishment and criminal procedure; relating to the Kansas racketeer influenced and corrupt organization act; amending K.S.A. 2013 Supp. 21-6329 and repealing the existing section, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 392**, **SB 397**.

Commerce: **SB 398**.

Education: **SCR 1619**.

Judiciary: **SB 394**, **SB 399**, **SB 400**, **SB 401**, **SB 402**.

Transportation: **SB 393**.

Ways and Means: **SB 395**, **SB 396**.

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

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

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 311** be amended on page 2, in line 10, by striking "May be" and inserting "Are"; in line 11, by striking "and"; in line 12, after "witness" by inserting "; and (3) are not based on scientific, technical or other specialized knowledge within the scope of subsection (b)";

On page 3, in line 10, by striking "at or before the hearing or trial"; following line 17, by inserting:

"Sec. 5. K.S.A. 60-3801 is hereby amended to read as follows: 60-3801. As used in ~~this act K.S.A. 60-3801 and 60-3802, and amendments thereto:~~

(a) "Claimant" means any person seeking damages in an action for personal injury or death, and includes the heirs at law, executor or administrator of a decedent's estate.

(b) "Collateral source benefits" means benefits which were or are reasonably expected to be received by a claimant, or by someone for the benefit of a claimant, for expenses incurred or reasonably certain to be incurred as a result of the occurrence upon which the personal injury action is based, except life or disability insurance benefits or benefits gratuitously bestowed on the claimant. Such term shall not include: (1) Services or benefits for which a valid lien or subrogation interest exists; however, nothing in this act shall be construed to create or modify lien or subrogation interests not otherwise allowed by law; and

(2) amounts included as part of a criminal sentencing order or pursuant to state programs of victims assistance incurred by virtue of the defendant also committing a criminal act.

~~(c) "Cost of the collateral source benefit" means the amount paid or to be paid in the future to secure a collateral source benefit by the claimant or by anyone on behalf of the claimant. If the amount of any benefit paid or to be paid encompasses amounts paid over a period of time, thus making the benefit greater than it would be without such amounts paid, then evidence of such amounts paid shall be admissible in determining the "cost of the collateral source benefit."~~

~~(d) "Net collateral source benefits" means the sum of collateral source benefits after subtracting the cost of the collateral source benefit";~~

Also on page 3, in line 28, after "60-19a02" by striking "and 60-3802"; and inserting ", 60-3801, 60-3802, 60-3803, 60-3804, 60-3805, 60-3806 and 60-3807";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "60-19a02" by inserting ", 60-3801"; in line 4, after "sections" by inserting "; also repealing K.S.A. 60-3803, 60-3804, 60-3805, 60-3806 and 60-3807"; and the bill be passed as amended.

CHANGE OF REFERENCE

An objection having been made to **SB 339** appearing on the **Consent Calendar**, the President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

REPORT ON ENGROSSED BILLS

SB 54, SB 99, SB 265, SB 272, SB 276 reported correctly engrossed February 13, 2014.

REPORT ON ENROLLED BILLS

SR 1782 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 14, 2014.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 10-14, 2014:

Senator Bowers: recognizing Craig and Janice McClellan for receiving the Bankers Award for Water Quality, recognizing Mark and Gina Dix for receiving the Bankers Award for Soil Conservation, recognizing Stan and Maria Simon for receiving the County Windbreak Award, commending Cloud County Health Center Auxiliary on receiving the Gold Award of Excellence, Town and Country Animal Hospital on being named the Russell Chamber of Commerce 2013 Business of the Year, congratulating Andrew Eilert on achieving the rank of Eagle Scout, congratulating Willie Knapp on receiving the Silver Beaver Award, congratulating Sheila Stuenkel for receiving the Washington County Conservation District 2014 Range Management Award, recognizing Kenneth and Jayne Wurtz for receiving the Bankers Association Award for Soil Conservation, recognizing Ed Taphorn for receiving the Bankers Association Conservation Award, recognizing Sheila Stuenkel for receiving the Washington County Conservation District 2014 Range Management Ward, recognizing Kent and John Polson for receiving the Bankers Association Soil Conservation Award, recognizing Cleve and Mony Walstrom for receiving the County Windbreak Award, recognizing Jim Kotapish for receiving the County Grassland Award;

Senator Faust-Goudeau: recognizing Rev. Carieta C. Grizzell for her service to the community, recognizing Dr. Carolyn Meyers for her service to higher education;

Senator Kelly: congratulating Chris King and the Wamego Drug Store on being named the Wamego Chamber of Commerce 2013 Business of the Year, congratulating the Pottawatomie Economic Development Corporation on receiving the Wamego Chamber of Commerce 2013 Impact Award, congratulating the Nemaha County Co-op on receiving the Wamego Chamber of Commerce 2013 Emerging Business Award, congratulating Betsy Riblett on being named the Wamego Chamber of Commerce 2013 Citizen of the Year, congratulating Mike McCarty and Pizza Hut for receiving the Wamego Chamber of Commerce 2013 Impact Award, congratulating the Wamego High School Chapter of the Future Business Leaders of America on winning the District Championship;

Senators Kelly, Schmidt, and Longbine: recognizing the Richard Feyh Family on receiving the Wabaunsee County Conservation District 2013 Wildlife Habitat Award, recognizing Gerald and Marilyn Hund on receiving the Wabaunsee County Conservation District 2013 Buffer Award, recognizing Joyce Thierer for receiving the Wabaunsee County Conservation District 2013 Grassland Award, recognizing Jeannell Fink for receiving the Wabaunsee County Conservation District 2013 Grassland Award, recognizing Ann Birney for receiving the Wabaunsee County 2013 Grassland Award;

Senator Fitzgerald: congratulating Frank Lee Suggs IV on achieving the rank of Eagle Scout, congratulating Peter Martin Jenkins on achieving the rank of Eagle Scout;

Senator Olson: recognizing Richard Cogswell Sr. for service to his country and the State of Kansas;

Senator Wolf: congratulating Morgan Anderson on earning the Girl Scout Gold Award, congratulating Hannah Haefele on earning the Girl Scout Gold Award, congratulating Taylor S. Hawes on earning the Girl Scout Gold Award, congratulating Mary Kate Lynch on earning the Girl Scout Gold Award, congratulating Emily Reed on earning the Girl Scout Gold Award, congratulating Molly Ross on earning the Girl Scout Gold Award, congratulating Haleigh Savage on earning the Girl Scout Gold Award, congratulating Sara Sharp on earning the Girl Scout Gold Award, congratulating Melissa Stasi on earning the Girl Scout Gold Award, congratulating Jake Anthony Ruthrauff on achieving the rank of Eagle Scout.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, February 17, 2014.

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

