

# Journal of the Senate

TWENTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 20, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with thirty-eight senators present.  
Senators Hawk and Ostmeyer were excused.  
Invocation by Father Don Davidson:

Dear Lord, on this date in 1962 one of your more colorful children orbited the earth becoming the first human being ever to do so. People all over the world held their breath as John Glenn went around the world three times in a craft named Friendship 7. Four hours later the craft re-entered the atmosphere of the earth and Glenn was brought to an awaiting ship in the Atlantic Ocean. Seven years later astronauts would walk on the moon. Help us never to forget the need to explore, and learn about your world and that nothing is beyond our ability. Thank you for giving us the will to explore. In your name we pray. Amen

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

## POINT OF PERSONAL PRIVILEGE

Senator King rose on a Point of Personal Privilege to recognize the 2014 members of Leadership Montgomery. Guests present were Gail Billman, Andrea Bray, Donald Butler, Alex Knott, Shelly Martin, Zack Schibi, Casey Starrett, Bess Stone, Tony Encarnacion, Shawn Tasset, Jaylen Lane, Rick Agston and Master Sergeant Troy Sommers.

Senators rose for a standing ovation.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 414**, AN ACT concerning the Kansas department for children and families; photograph of a recipient on the card used for public assistance programs, by Committee on Ways and Means.

**SB 415**, AN ACT concerning crimes, punishment and criminal procedure; relating to burglary; amending K.S.A. 2013 Supp. 21-5807 and repealing the existing section, by Committee on Ways and Means.

**SB 416**, AN ACT concerning criminal procedure; relating to entitlement of defendants to counsel; amending K.S.A. 22-4503 and repealing the existing section, by Committee on Ways and Means.

**CHANGE OF REFERENCE**

Under authority of the Senate President, Vice President Jeff King withdrew **SB 156** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Ethics and Elections**.

The Vice President withdrew **SB 281** from the Committee on **Natural Resources**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **SB 316** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **S Sub HB 2141** from the Committee on **Interstate Cooperation**, and rereferred the bill to the Committee on **Ethics and Elections**.

The Vice President withdrew **S Sub HB 2197** from the **Calendar** under the heading of **General Orders** and rereferred to Committee on **Education**.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2493, HB 2495, HB 2501, HB 2502, HB 2511**.

The House nonconcurrs in Senate amendments to **S Sub HB 2389**, requests a conference and has appointed Representatives **Rubin, Gonzalez and Pauls** as conferees on the part of the House.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2493, HB 2495, HB 2501, HB 2502, HB 2511** were thereupon introduced and read by title.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 278**, AN ACT concerning the state board of veterinary examiners; relating to the veterinary examiners fee fund; powers of the board; establishing the board within the animal health division of the Kansas department of agriculture for a two-year period; amending K.S.A. 2013 Supp. 47-820 and 47-821 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeyer.

The bill passed.

**SB 284**, AN ACT concerning 911 emergency services; relating to the 911 coordinating council, composition, contracting authority, expenses; amending K.S.A. 2013 Supp. 12-5363, 12-5364, 12-5367 and 12-5377 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox,

LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeier.

The bill passed, as amended.

**SB 308**, AN ACT concerning the Kansas no-call act; amending K.S.A. 50-670 and 50-670a and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeier.

The bill passed.

**SB 337**, AN ACT concerning utilities; relating to the state corporation commission, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeier.

The bill passed.

**SB 339**, AN ACT concerning ethics and elections; relating to campaign finance disclosures; amending K.S.A. 2013 Supp. 25-4148a and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeier.

The bill passed.

**SB 354**, AN ACT concerning crimes and punishments; relating to mistreatment of an elder person or dependent adult; amending K.S.A. 2013 Supp. 21-5417 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson,

Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeyer.

The bill passed.

**SB 355**, AN ACT concerning the Kansas power of attorney act; relating to durable powers of attorney; duties of the attorney in fact; amending K.S.A. 58-651 and 58-664 and K.S.A. 2013 Supp. 58-652 and 58-656 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeyer.

The bill passed, as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 360** be amended on page 2, following line 41, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 79-1703 is hereby amended to read as follows: 79-1703. (a) Except as provided in subsection (b) or as otherwise provided by law, no board of county commissioners or other officer of any county shall have power to release, discharge, ~~or remit or commute~~ any portion of the taxes assessed or levied against any person or property within their respective jurisdictions for any reason whatever. Any taxes so discharged, released, ~~or remitted or commuted~~ may be recovered by civil action from the members of the board of county commissioners or such other officer and the sureties of their official bonds at the suit of the attorney general, the county attorney, or of any citizen of the county or the board of education of any school district a part of the territory of which is in such county, as the case may be, and when collected shall be paid into the county treasury to be properly apportioned and paid to the county, municipalities, school districts and other taxing subdivisions entitled thereto. Nothing in this subsection shall be construed to prohibit a board of county commissioners from entering into an agreement whereby the board agrees to pay the full amount of the taxes assessed or levied against any person or property on behalf of such person, as long as such amount is properly apportioned and paid to the county, municipalities, school districts and other taxing subdivisions entitled to a portion of such amount.

(b) In the event a person, partnership or corporation has failed to pay any portion of the taxes assessed or levied against its property located within any county and such person, partnership or corporation is a debtor in an action filed pursuant to the United States bankruptcy code, the county commissioners of any such county may compromise, assign, transfer or otherwise settle such tax claim in such fashion as the commissioners deem to be in the best interest of the state and all taxing subdivisions affected thereby, subject to approval by the state court of tax appeals; except that, the state and each other taxing subdivision affected by any such settlement shall receive the

same proportional share of its respective tax claim. The state court of tax appeals shall respond to such settlement request within 30 days from the date of receiving such request or such request shall be deemed approved.";

Also on page 2, in line 42, by striking "is" and inserting "and 79-1703 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "certain agreements by board of county commissioners as to payment of taxes;"; in line 3, after "79-1613" by inserting "and 79-1703"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 371** be passed.

Also, **SB 372** be amended on page 2, in line 34, by striking "bee" and inserting "been"; and the bill be passed as amended.

Committee on **Commerce** also begs leave to submit the following report: The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, Employment Security Board of Review: K.S.A. 2013 Supp. 44-709

Phillip Hayes, to fill a term expiring on June 30, 2017.

Committee on **Ethics and Elections** recommends **HB 2381**, as amended by House Committee, be amended on page 1, in line 6, by striking "2012" and inserting "2013"; in line 25, by striking "target" and inserting "solicit"; following line 27, by inserting:

"(c) Subsection (b) shall not apply to acceptance or solicitations of contributions on behalf of a political committee established by a state committee of any political party and designated as a recognized political committee for the senate or house of representatives.

Sec. 2. K.S.A. 2013 Supp. 25-4153 is hereby amended to read as follows: 25-4153.

(a) The aggregate amount contributed to a candidate and such candidate's candidate committee and to all party committees and political committees and dedicated to such candidate's campaign, by any political committee or any person except a party committee, the candidate or the candidate's spouse, shall not exceed the following:

(1) For the pair of offices of governor and lieutenant governor or for other state officers elected from the state as a whole, \$2,000 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.

(2) For the office of member of the house of representatives, district judge, district magistrate judge, district attorney or a candidate for local office, \$500 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.

(3) For the office of state senator or member of the state board of education, \$1,000 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.

(b) For the purposes of this section, the face value of a loan at the end of the period of time allocable to the primary or general election is the amount subject to the limitations of this section. A loan in excess of the limits herein provided may be made during the allocable period if such loan is reduced to the permissible level, when combined with all other contributions from the person making such loan, at the end of such allocable period.

(c) For the purposes of this section, all contributions made by unemancipated children under 18 years of age shall be considered to be contributions made by the parent or parents of such children. The total amount of such contribution shall be attributed to a single custodial parent and 50% of such contribution to each of two parents.

(d) The aggregate amount contributed to a state party committee by a person other than a national party committee or a political committee shall not exceed \$15,000 in each calendar year; and the aggregate amount contributed to any other party committee by a person other than a national party committee or a political committee shall not exceed \$5,000 in each calendar year.

The aggregate amount contributed by a national party committee to a state party committee shall not exceed \$25,000 in any calendar year, and the aggregate amount contributed to any other party committee by a national party committee shall not exceed \$10,000 in any calendar year.

The aggregate amount contributed to a party committee by a political committee shall not exceed \$5,000 in any calendar year.

(e) Any political funds which have been collected and were not subject to the reporting requirements of this act shall be deemed a person subject to these contribution limitations.

(f) Any political funds which have been collected and were subject to the reporting requirements of the campaign finance act shall not be used in or for the campaign of a candidate for a federal elective office.

~~(g) The amount contributed by each individual party committee of the same political party other than a national party committee to any candidate for office, for any primary election at which two or more candidates are seeking the nomination of such party shall not exceed the following:~~

~~(1) For the pair of offices of governor and lieutenant governor and for each of the other state officers elected from the state as a whole, \$2,000 for each primary election (or in lieu thereof a caucus or convention of a political party).~~

~~(2) For the office of member of the house of representatives, district judge, district magistrate judge, district attorney or a candidate for local office, \$500 for each primary election (or in lieu thereof a caucus or convention of a political party).~~

~~(3) For the office of state senator or member of the state board of education, \$1,000 for each primary election (or in lieu thereof a caucus or convention of a political party).~~

~~(h) (g) When a candidate for a specific cycle does not run for office, the contribution limitations of this section shall apply as though the individual had sought office.~~

~~(i) (h) No person shall make any contribution or contributions to any candidate or the candidate committee of any candidate in the form of money or currency of the United States which in the aggregate exceeds \$100 for any one primary or general election, and no candidate or candidate committee of any candidate shall accept any contribution or contributions in the form of money or currency of the United States which in the aggregate exceeds \$100 from any one person for any one primary or general election."~~

Also on page 1, in line 28, by striking by striking "2012 Supp." and inserting "2013 Supp. 25-4153 and"; also in line 28, by striking "is" and inserting "are";

And by renumbering sections accordingly;

Also on page 1, in line 1, by striking all after the semicolon; in line 2, by striking all before "amending" in line 3, by striking "2012 Supp." and inserting "2013 Supp. 25-4153 and"; also in line 3, by striking "section and inserting "sections"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 344, SB 351** be passed.

#### COMMITTEE OF THE WHOLE

On motion of Senator Bruce, 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:

Recommended:

**SB 315, SB 321** be passed.

**SB 285, SB 299, SB 306** be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report of **HB 2387** recommending a **Senate Sub HB 2387** be adopted, and the substitute bill be passed.

#### EMERGENCY FINAL ACTION

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 285, SB 299, SB 306, SB 315, SB 321** and **HB 2387** were advanced to Final Action and roll call.

**SB 285**, AN ACT concerning payments for providing vision care services; pertaining to limitations imposed by insurance plans and discount plans.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 1; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Denning.

Absent or Not Voting: Hawk, Ostmeyer.

The bill passed, as amended.

**SB 299**, AN ACT concerning insolvent insurance companies; pertaining to certain exemptions for the federal home loan bank; amending K.S.A. 40-3609, 40-3619, 40-3625, 40-3629, 40-3630 and 40-3631 and repealing the existing sections.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 1; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: King.

Absent or Not Voting: Hawk, Ostmeyer.

The bill passed, as amended.

**SB 306**, AN ACT concerning insurance companies; relating to investments; amending K.S.A. 40-2a08, 40-2a14, 40-2a28, 40-2b07, 40-2b12 and 40-2b29 and K.S.A. 2013 Supp. 40-2a27 and 40-2b28 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeier.

The bill passed, as amended.

**SB 315**, AN ACT concerning the Kansas state fair; pertaining to the purchase of certain insurance coverage; amending K.S.A. 2-224 and K.S.A. 2013 Supp. 75-4105 and 75-4109 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeier.

The bill passed.

**SB 321**, AN ACT concerning insurance; relating to the return of premiums separate from the notice of denial of coverage; amending K.S.A. 2013 Supp. 40-3118 and repealing the existing section.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeier.

The bill passed.

**S Sub HB 2387**, AN ACT concerning crimes, punishment and criminal procedure; relating to murder; sentencing of certain persons to mandatory minimum term of imprisonment; amending K.S.A. 2013 Supp. 21-6620 and 22-3717 and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 3; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.



Nays: Faust-Goudeau, Francisco, Haley.  
Absent or Not Voting: Hawk, Ostmeyer.  
The bill passed.

**REPORT ON ENGROSSED BILLS**

**SB 285, 355** reported correctly engrossed February 20, 2014.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, February 21, 2014.

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

