

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 24, 2014, 2:30 p.m.

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

God our Creator, you are the giver of life and the gift itself. Teach us to value all that is precious in what you have made, and give us hearts that are always thankful. As we begin a new day and a new week, remind us always to see in each other the way you see us, as your precious children. In your blessed name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 417, AN ACT concerning the court of appeals; relating to appointment of judges; amending K.S.A. 2013 Supp. 20-3002, 20-3006 and 20-3010 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 20-3020, by Committee on Ways and Means.

SB 418, AN ACT concerning regulated scrap metal; relating to the crime of theft; sentencing; evidence at preliminary examination; regulation of scrap metal dealers; unlawful acts; penalties; amending K.S.A. 2013 Supp. 21-5804, 21-6804, 50-6,109, 50-6,110, 50-6,111, 50-6,112, 50-6,112a and 50-6,112b and repealing the existing sections; also repealing K.S.A. 2013 Supp. 50-6,112c, by Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2246; HB 2398, HB 2440, HB 2444 HB 2447, HB 2448; Sub HB 2452; HB 2466, HB 2490, HB 2518, HB 2525, HB 2533, HB 2548, HB 2550, HB 2551, HB 2564, HB 2602, HB 2636, HB 2668.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2246; HB 2398, HB 2440, HB 2444, HB 2447, HB 2448; Sub HB 2452; HB 2466, HB 2490, HB 2518, HB 2525, HB 2533, HB 2548, HB 2550, HB 2551, HB 2564, HB 2602, HB 2636, HB 2668 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator King, the Senate acceded to the request of the House for a conference on **S Sub for HB 2389**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2172**, as amended by House Committee, be amended on page 1, in line 6, by striking "2012" and inserting "2013"; in line 14, by striking "section 4" and inserting "K.S.A. 2013 Supp. 17-1301c"; in line 21, after "insurance" by inserting "or secretary of state contract fees";

On page 2, in line 19, by striking "2012" and inserting "2013"; in line 35, by striking "cemetery"; in line 37, by striking "2012" and inserting "2013"; in line 39, by striking "merchandise and services products" and inserting "cemetery merchandise and preneed burial products or services";

On page 3, in line 43, by striking "2012" and inserting "2013";

On page 4, in line 12, by striking "2012" and inserting "2013";

On page 5, in line 7, by striking "or" and inserting a comma; also in line 7, after "insurance" by inserting "or secretary of state burial space fees"; in line 23, by striking "2012" and inserting "2013"; in line 24, before " a permanent" by inserting "in"; in line 25, by striking "or"; in line 31, by striking "section 4" and inserting "K.S.A. 2013 Supp. 17-1301c";

On page 6, in line 9, by striking "section 6" and inserting "K.S.A. 17-1312"; in line 15, by striking "2012" and inserting "2013";

On page 8, in line 10, by striking "2012" and inserting "2013";

On page 9, following line 20, by inserting:

"Sec. 8. K.S.A. 2013 Supp. 17-1366 is hereby amended to read as follows: 17-1366. As used in this act: (a) "Abandoned cemetery" means:

(1) Any cemetery owned by a corporation, as defined in K.S.A. 17-1312f, and amendments thereto, in which, for a period of at least one year, there has been a failure to cut grass or weeds or care for graves, grave markers, walls, fences, driveways and buildings; ~~and or~~

(2) any cemetery owned by a corporation, as defined in K.S.A.17-1312f, and amendments thereto, in which for a period of 180 days ~~which~~, proper records have not been maintained and annual or quarterly reports have not been made to the secretary of state, pursuant to the provisions of K.S.A. 17-1312a et seq., and amendments thereto.

(b) "Municipality" means the cemetery district in which all or any portion of an abandoned cemetery is located. If no portion of such cemetery is located within a cemetery district, the term shall mean the city in which all or any portion of an abandoned cemetery is located unless such cemetery is not within the corporate limits of a city, in which case such term shall mean the county in which such cemetery is located.";

Also on page 9, in line 21, by striking "2012" and inserting "2013"; in line 22, by striking the "and" and inserting a comma; also in line 22, after "17-1312a" by inserting "and 17-1366";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "2012" and inserting "2013"; in line 2, by striking "and" and inserting a comma; also in line 2, after "17-1312a" by inserting "and 17-1366"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 352** be passed.

Also **SB 10** be amended on page 1, following line 5, by inserting:

"New Section 1. (a) Record requests under the Kansas open records act that can be provided with less than one hour of staff time or less than 25 pages shall be provided at no charge. For requests that exceed one hour or 25 pages or require records to be mailed or faxed, the following rates shall apply: (1) \$.25 per page; (2) for mailed records, \$.50 for the first five pages, and \$.25 for additional five-page or less increments; and (3) \$.65 per 10-page or fewer faxes and \$.25 for additional five-page or less increments faxes.

(b) Staff time may be charged at the rate of pay for each person whose time is used in order to assist or respond to a specific request. This may include the time spent to access records maintained on computer facilities, to review records to determine whether closure exceptions apply and to redact open from closed information.

Attorney time may be charged at no more than \$60 per hour. Clerical time may be charged at no more than \$18 per hour. Information technology (IT) services may be charged at no more than \$38 per hour.

(c) Any other costs incurred by the public agency in connection with complying with a record request may be assessed to the requester. The public agency shall provide an estimate of the fees which shall be paid prior to such agency gathering the records. However, in order to assure payment, the final cost of providing access to or furnishing copies may be required to be paid before the records are provided. If the final cost is less than the estimate, the requester shall be reimbursed for the difference.

(d) Records may be faxed if the request is for 15 pages or less and fax time and facilities are readily available. If records for air express delivery are requested, the requester shall arrange for pick-up and packaging of the records and all associated costs for such delivery shall be paid by the requester. The records custodian has sole discretion as to whether to honor requests for faxing or express delivery.

(e) This section shall be a part of and supplemental to the Kansas open records act.";

Also on page 1, in line 6, by striking "2012" and inserting "2013"; in line 31, by striking all after "records"; by striking all in lines 32 through 36;

On page 2, by striking all in lines 1 through 15; in line 16, by striking all before the period and inserting "in accordance with section 1, and amendments thereto"; by striking all in line 26; in line 27, by striking all before "remit"; in line 42, by striking "2012" and inserting "2013";

On page 3, by striking all in lines 5 and 6; in line 7, by striking "page" and inserting "as provided in section 1, and amendments thereto";

On page 4, in line 3, by striking "2012" and inserting "2013";

On page 5, in line 20, by striking "2012" and inserting "2013";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "2012" and inserting "2013"; and the bill be passed as amended.

HB 2599 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **SB 348 SB 402, SB 403** be passed.

Also **SB 312** be amended on page 3, in line 20, by striking "The state" and inserting "A party"; in line 25, by striking "the state" and inserting "a party"; and the bill be passed as amended.

SB 334 be amended on page 1, in line 33, by striking "in the case of a misdemeanor" and inserting ", except as provided in subsection (b)(1)(B)";

On page 2, in line 1, by striking "in the case of a misdemeanor" and inserting ", except as provided in subsection (b)(2)(B)"; in line 8, by striking "in the case of a misdemeanor" and inserting ", except as provided in subsection (b)(4)(B)";

On page 3, in line 14, by striking "or"; in line 16, after "duty;" by inserting:

"or

(E) court services officer, while such court services officer is engaged in the performance of such court services officer's duty;"

Also on page 3, in line 28, by striking "or"; following line 30, by inserting:

"(E) court services officer, while such court services officer is engaged in the performance of such court services officer's duty; or";

On page 4, in line 13, by striking "or"; following line 15, by inserting:

"(E) court services officer, while such court services officer is engaged in the performance of such court services officer's duty;"

Also on page 4, in line 25, by striking "or"; following line 27, by inserting:

"(E) court services officer, while such court services officer is engaged in the performance of such court services officer's duty; or";

On page 6, in line 14, by striking "and"; in line 17, by striking the period and inserting:

"; and

(9) "court services officer" means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court."; and the bill be passed as amended.

SB 359 be amended on page 2, in line 4, by striking "3" and inserting "4"; and the bill be passed as amended.

SB 401 be amended on page 1, in line 9, after "commercial" by inserting "or public"; also in line 9, by striking "knowingly" and inserting "recklessly"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 357** be passed.

REPORT ON ENROLLED BILLS

SR 1790 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 24, 2014.

REPORT ON ENGROSSED BILLS

SB 285, SB 299, SB 306 reported correctly engrossed on February 20, 2014.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 25, 2014.

FEBRUARY 24, 2014

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

