

Journal of the Senate

THIRTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 11, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-nine senators present.
Senator Pettey was excused.
Invocation by Father Don Davidson:

There are few things more difficult to understand than why bad things happen to good people. Dear Lord, when we watch a person go through horrible disease, or a terrible accident we are brought to our knees in wonder, sometimes anger and disbelief. While we may never know why, we do know you are not absent from us even when we are unable or unwilling to sense your presence. When we are at our worst, pour your grace upon us as that is, spoken or unspoken, when we need you the most. In your holy name 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 433, AN ACT concerning energy; repealing the renewable energy standards act; amending K.S.A. 2013 Supp. 66-104d, 66-1,184, 66-1264, 66-1269 and 66-1282 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 66-1256, 66-1257, 66-1258, 66-1259, 66-1260, 66-1261, 66-1262 and 66-1271, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 431**.
Ways and Means: **SB 429**, **SB 430**, **SB 432**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1793—

A RESOLUTION congratulating and commending
The Honorable Christel E. Marquardt, Kansas Court of Appeals Judge,
for her retirement and many years of service to the legal profession.

WHEREAS, The Honorable Christel E. Marquardt was appointed in 1995 by Governor Bill Graves to the Kansas Court of Appeals, where she remained until her retirement in January 2013; and

WHEREAS, Judge Marquardt was born in Chicago, Illinois. She attended Concordia Teachers University in River Forest, Illinois and received her bachelor of science degree from Missouri Western State College in St. Joseph, Missouri; and

WHEREAS, Judge Marquardt graduated with honors from Washburn University School of Law in 1974, where she served as a managing editor of the Washburn Law Journal; and

WHEREAS, Judge Marquardt began her legal career with the firm of Cosgrove, Webb & Oman. In 1986, Judge Marquardt joined the firm of Palmer, Marquardt & Snyder and remained there until she joined the firm of Levy & Craig in 1991; and

WHEREAS, In 1994, Judge Marquardt and her son Andrew formed Marquardt & Associates, L.L.C. in Fairway, Kansas, where she practiced law until her appointment to the Kansas Court of Appeals in 1995; and

WHEREAS, In 2000, the Kansas Bar Association awarded Judge Marquardt the Phil Lewis Medal of Distinction, the highest award given by the association. Judge Marquardt has also received the Jennie Mitchell Kellogg Circle's Attorney of Achievement Award for professional excellence and commitment to service; and

WHEREAS, Judge Marquardt received the Distinguished Service Award from Washburn University School of Law in 2002; and

WHEREAS, Judge Marquardt has been a lecturer on legal issues for the American Bar Association, Kansas Bar Association, Kansas Trial Lawyers, Kansas Municipal Attorneys, Kentucky Bar, Louisiana Bar, Washburn University, Missouri Western University, Kansas Women Attorneys, The Menninger Foundation and a variety of civic organizations; and

WHEREAS, Judge Marquardt served as the first woman president of the Kansas Bar Association beginning in 1987. She has served on many committees of the American Bar Association, has been a member of its Board of Governors, has served in its House of Delegates since 1988, was State Delegate from 1995 to 1999 and is currently serving as a State Delegate; and

WHEREAS, Judge Marquardt is a past chair of the Washburn University Board of Regents and a past chair of the Washburn University School of Law Board of Governors; and

WHEREAS, Judge Marquardt currently serves on an advisory panel charged by the United States Secretary of Defense to study sexual assault in the military: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Judge Marquardt for her retirement from the Kansas Court of Appeals. We thank her for her many years of service to the legal profession and civic organizations in Kansas; and

Be it further resolved: That the Secretary of the Senate shall send 12 enrolled copies of this resolution to the Honorable Christel E. Marquardt.

On emergency motion of Senator V. Schmidt **SR 1793** was adopted unanimously.

Guests also introduced were Philip Marquardt, Mary Jane Marquardt, Ben Marquardt, Grace Marquardt, Andrew Marquardt, Jackie Marquardt, Sarah Marquardt, Maddie Marquardt, Joel Marquardt, Gyaltzen Marquardt, Tash Marquardt, Amy

English, Pam Konetzni, Susan Farley, Juli Mazachek and Betty Barber.
Senators honored her with a standing ovation.

Senators Holland, Abrams, Apple, Arpke, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Kelly, Kerschen, King, Lynn, Ostmeyer, Petersen, Pettey, V. Schmidt, Tyson and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1794—

A RESOLUTION recognizing the
Kansas Small Business Development Center's
2014 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (KSBDC) is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting, training and resources; and

WHEREAS, The KSBDC regional directors and staff select eight Emerging Business of the Year award recipients and eight Existing Business of the Year award recipients; and

WHEREAS, The Kansas Small Business Development Center's Business of the Year awards are designed to recognize KSBDC clients for superior performance; and

WHEREAS, Business of the Year award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and impact based on the KSBDC Economic Impact Tracking spreadsheet, a record of profitability and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2014 KSBDC Emerging Businesses of the Year are: After Hours Auto Repair, Inc. in Wichita, Kansas, owned by Mark and Summer Guerrero; Bolling's Meat Market and Deli in Iola, Kansas and Moran, Kansas, owned by Mitch and Sharon Bolling and Cara Bolling Thomas; Cardinal Pharmacy, LLC in Hoisington, Kansas, owned by Richard Bieber and Marla and Gene Mooney; Fulton Valley Farms, LLC in Towanda, Kansas, owned by David and Betty Corbin; Grip EQ in Lawrence, Kansas, owned by Justin Atwater-Taylor; Keltic Star Public House in Manhattan, Kansas, owned by Perry, Shirley and Darren McCall; notes to self, llc in Prairie Village, Kansas, owned by Laura Schmidt; and Wasinger Chiropractic and Acupuncture, LLC in Garden City, Kansas, owned by Dr. Blake Wasinger; and

WHEREAS, The 2014 KSBDC Existing Businesses of the Year are: Condray & Young Landscape and Professional Groundskeeping in Topeka, Kansas, owned by Kelly Condray, Matt Young and Michael Young; Great Plains Quilt Company in Burlingame, Kansas, owned by Kathy and Larry Smith; Hooked on Ornaments in Olathe, Kansas, owned by Nicki Pierce; Independence Pharmacy in Independence, Kansas, owned by Terry Scott and Bonnie Tucker; Sander Furniture and Gifts in Norton, Kansas, owned by Bradley and Kim Sander; 6th Street Fashions & Footwear in Concordia, Kansas and Belleville, Kansas owned by Shari Haug; Studio 54 in Greensburg, Kansas, owned by Scott and Susan Reinecke; and Sunlite Science & Technology in Lawrence, Kansas, owned by Jeff Chen; and

WHEREAS, The KSBDC Businesses of the Year serve as examples of the success that the KSBDC and small business owners across Kansas can achieve: Now, therefore, *Be it resolved by the Senate of the State of Kansas:* That we recognize the Kansas Small

Business Development Center's 2014 Emerging and Existing Businesses of the Year and wish all of them and the KSBDC continued success in the future; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1794** was adopted unanimously.

Kansas Small Business Owners present were introduced.

Senators honored them with a standing ovation.

Senator Faust-Goudeau introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1795—

A RESOLUTION designating March 11, 2014, as Kansas TRIO Day.

WHEREAS, A college education is an important part of the American dream. Our nation's commitment to the dream of education for all Americans regardless of race, ethnic background or economic circumstances led to the funding of Special Programs for Students from Disadvantaged Backgrounds. This program is for students who are first-generation college students from low-income backgrounds or who are physically disabled; and

WHEREAS, Congress established a series of programs to help low-income Americans enter college, graduate and move on to participate more fully in America's economic and social life. These programs are funded under Title IV of the Higher Educational Act of 1965 and are referred to as the TRIO programs. There are now seven TRIO programs; and

WHEREAS, The TRIO programs are designed to help students address educational discrepancies. They provide educational information, counseling, academic instruction, tutoring, assistance in applying for financial aid and supportive encouragement to both students and their families. While student financial aid programs help students overcome financial barriers to higher education, TRIO programs help students overcome class, social and cultural barriers to higher education; and

WHEREAS, The purpose of the TRIO programs is to provide services that assist disadvantaged students to begin and complete a post-secondary education. More than 2,700 TRIO programs currently serve nearly 866,000 low-income Americans. Many programs service students in grades six through 12; and

WHEREAS, Students enrolled in today's TRIO programs mirror our nation's multicultural and multiethnic society. Thirty-seven percent of TRIO students are white, 35% are African-American, 19% are Hispanic, 4% are Native American, 4% are Asian-American, and 1% are listed as "other," including multiracial students; and

WHEREAS, Twenty-two thousand students with disabilities and more than 25,000 U.S. veterans are currently enrolled in the TRIO programs; and

WHEREAS, Over 1,200 colleges, universities, community colleges and agencies now offer TRIO programs in America. All TRIO program services are available to low-income, physically disabled and first-generation college students; and

WHEREAS, Kansas is proud to host 45 TRIO programs, serving 12,259 students, with a \$12,413,166 federal budget. Specifically, there are nine Upward Bound programs, two Upward Bound Math and Science Centers, two Veterans Upward Bound programs, six Education Talent Search programs, nineteen Student Support Services programs, three McNair Scholars programs, three Educational Opportunity Centers and

one Disability Support Services program: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate March 11, 2014, as Kansas TRIO Day and recognize the importance of TRIO programs in helping all Kansans achieve the American dream; and

Be it further resolved: That the Secretary of the Senate shall send one enrolled copy of this resolution to Senator Faust-Goudeau; Mike Conley, Coordinator of the University of Kansas Upward Bound Program and President-Elect for MO-KAN-Ne Board of Directors; Kaye Monk Morgan, President-Elect of Mid-American Association of Educational Opportunity Program Personnel; Deltha Colvin, Associate Vice-President for Campus Life and University Relations, Special Programs at Wichita State University and former President of The Mid-America Association of Educational Opportunity Program Personnel; Ngondi Kamatuka, Director of the Center for Educational Opportunity Program at the University of Kansas; and Dr. Mildred Edwards, Executive Director of Kansas African American Affairs Commission.

On emergency motion of Senator Faust-Goudeau **SR 1795** was adopted unanimously.

Also introduced were Alan Dsouza, Lydia Santiago, Mulu Negash, Traniece Bruce and Karen Rogers.

Senators rose for a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2595**, as amended by House Committee, 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 415** be amended on page 1, by striking all in lines 28 through 35 and inserting:

"(A) (i) Subsection (a)(1) is a severity level 6, person felony, except as provided in subsection (c)(1)(B);

(ii) subsection (a)(2) is a severity level 7, nonperson felony, except as provided in subsection (c)(1)(B); and

(iii) subsection (a)(3) is a severity level 9, nonperson felony, except as provided in subsection (c)(1)(B); and

(B) (i) Subsection (a)(1), with intent to commit the theft of a firearm, is a severity level 5, person felony; and

(ii) subsection (a)(2) or (a)(3), with intent to commit the theft of a firearm, is a severity level 5, nonperson felony.";

Also on page 1, in line 36, by striking "(3)" and inserting "(2)";

And the bill be passed as amended.

Committee on **Local Government** recommends **HB 2597**, as amended by House Committee, be passed.

Also, **HB 2591** 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 **Ways and Means** recommends **SB 366**, **SB 370**, **SB 396** 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 Longbine in the chair.

On motion of Senator Longbine the following report was adopted:

SB 346, SB 362, HB 2172 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 394** recommending a **Sub SB 394**, be adopted, be amended by motion on Senator Faust-Goudeau, on page 2, by striking all in lines 37 through 40 and **Sub SB 394** be passed as amended.

The committee report on **HB 2154** recommending a **S Sub HB 2154** be adopted, be amended by a motion of Senator V. Schmidt, on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2013 Supp. 65-1904 is hereby amended to read as follows: 65-1904. (a) Unless revoked for cause, all licenses of cosmetologists, cosmetology technicians, estheticians, electrologists and manicurists issued or renewed by the board shall expire on the expiration dates established by rules and regulations adopted by the board under this section. Subject to the other provisions of this subsection, each such license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration of the license, payment of the nonrefundable license renewal fee established under this section and the filing of a successfully completed written renewal examination prescribed by the board under this subsection. For renewal applications the board shall prescribe a written renewal examination for each classification of licensee under this subsection which will test the applicant's understanding of the laws relating to the practice for which the applicant holds a license, will test the applicant's understanding of health and sanitation matters relating to the practice for which the applicant holds a license and will test the understanding of the applicant about safety matters relating to the practice for which the applicant holds a license. The board shall fix the score for the successful completion of a written renewal examination. At least 30 days prior to the expiration of a license, the board shall provide to the licensee notice of the date of expiration of the license.

(b) (1) Any cosmetologist's, cosmetology technician's, esthetician's, electrologist's or manicurist's license may be renewed by the applicant within six months after the date of expiration of the applicant's last license upon submission of proof, satisfactory to the board, of the applicant's qualifications to practice as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist, successfully completing the renewal exam and payment of the applicable nonrefundable renewal fee and delinquent fee prescribed pursuant to this section.

(2) Any applicant whose license as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist has been expired for more than six months may obtain reinstatement of such license upon application to the board, upon filing with the board a successfully completed written renewal examination and upon payment of the applicable nonrefundable delinquent renewal fee and a nonrefundable renewal penalty fee of \$100.

(c) Any applicant for a license other than a renewal license shall make a verified application to the board on such forms as the board may require and, upon payment of the license application fee and the examination fee shall be examined by the board or their appointees and shall be issued a license, if found to be duly qualified to practice the profession of cosmetologist, esthetician, electrologist or manicurist.

(d) The board is hereby authorized to adopt rules and regulations fixing the amount of nonrefundable fees for the following items and to charge and collect the amounts so

fixed, subject to the following limitations:

Cosmetologist license application fee, for two years – not more than.....	\$60
Cosmetologist license renewal fee.....	60
Delinquent cosmetologist renewal fee.....	25
Cosmetology technician license renewal fee, for two years not more than	60
Delinquent cosmetology technician renewal fee.....	25
Electrologist license application fee, for two years not more than	60
Electrologist license renewal fee.....	60
Delinquent electrologist renewal fee.....	25
Manicurist license application fee, for two years – not more than	60
Manicurist license renewal fee.....	60
Delinquent manicurist renewal fee.....	25
Esthetician license application fee, for two years – not more than.....	60
Esthetician license renewal fee	60
Delinquent esthetician renewal fee.....	25
Any apprentice license application fee – not more than.....	15
New school license application fee.....	150
School license renewal fee – not more than.....	75
Delinquent school license fee – not more than.....	50
New cosmetology services salon or electrology clinic license application fee – not more than.....	100
Cosmetology services salon or electrology clinic license renewal fee – not more than	50
Delinquent cosmetology services salon or electrology clinic renewal fee.....	30
Cosmetologist's examination – not more than.....	75
Electrologist's examination – not more than.....	75
Manicurist's examination – not more than.....	75
Esthetician examination – not more than.....	75
Instructor's examination – not more than.....	75
Reciprocity application fee – not more than.....	75
Senior status license fee.....	30
<u>Delinquent senior status license renewal fee.....</u>	<u>25</u>
Verification of licensure.....	20
Any duplicate of license.....	25
Instructor's license application fee, for two years – not more than.....	100
Renewal of instructor's license fee.....	75
Delinquent instructor's renewal fee – not more than.....	75
Temporary permit fee.....	15
Statutes and regulations book.....	5
Instructor-in-training permit.....	50

(e) Whenever the board determines that the total amount of revenue derived from the fees collected pursuant to this section is insufficient to carry out the purposes for which the fees are collected, the board may amend its rules and regulations to increase the amount of the fee, except that the amount of the fee for any item shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this section provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the board to decrease the amount of the fee for one or more of the items listed in this subsection by amending the rules and regulations which fix the fees.

(f) Any person who has held a license issued by the board for at least 40 years and is 70 years or more of age and not regularly engaged in cosmetology practice in Kansas shall be entitled to a senior status license upon application and payment of the senior status license fee. The holder of the senior status license shall not be required to complete a written renewal examination. A senior status license shall entitle the holder to all privileges attendant to the cosmetology practice in which such holder was engaged, except that such senior license shall not entitle the holder of such license to practice cosmetology.

(g) Any person who failed to obtain a renewal license while in the armed forces of the United States shall be entitled to a renewal license upon filing application, paying the nonrefundable renewal fee for the current year during which the person has been discharged and successfully completing the renewal exam.;

Also on page 1, in line 7, by striking "Section 1." and inserting "Sec. 2.";

On page 2, in line 15, by striking "2013" and inserting "2014"; in line 18, by striking "2012" and inserting "2013"; in line 43, by striking "2012" and inserting "2013";

On page 3, in line 25, by striking "2012" and inserting "2013";

On page 5, in line 4, by striking "2012" and inserting "2013"; in line 14, by striking "2012" and inserting "2013"; in line 28, by striking "2012" and inserting "2013"; also in line 28, after "Supp." by inserting "65-1904,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "2012" and inserting "2013"; also in line 3, after "Supp." by inserting "65-1904,

S Sub HB 2154 be further amended by motion of Senator Pilcher-Cook, on page 2, in line 15, by striking "2013" and inserting "2014"; in line 18, by striking "2012" and inserting "2013"; in line 43, by striking "2012" and inserting "2013";

On page 3, in line 25, by striking "2012" and inserting "2013";

On page 5, in line 4, by striking "2012" and inserting "2013"; in line 14, by striking "2012" and inserting "2013"; in line 28, by striking "2012" and inserting "2013";

On page 1, in the title, in line 3, by striking "2012" and inserting "2013" and **S Sub 2154** be passed as amended.

Sub SB 298 be passed over and retain a place on the calendar.

CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **Sub SB 298** from the calendar under the heading of **General Orders** and rereferred the bill to the Committee on **Assessment and Taxation**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 12, 2014.

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

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