

# Journal of the Senate

THIRTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 23, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.  
The roll was called with 39 senators present.  
Senator Holland was excused.  
Invocation by Father Don Davidson:

Humanity agrees on little and although agreement may be far away, most everyone complains about the weather. Those of us who live in areas where the weather has always been unpredictable seem to have the shortest of memories of when it was ever this cold or when have we ever had such heat. Dear Lord, thank you for making us the way we are, but help us along our earthly journey to be better stewards of the earth you have made and less concerned for our own comfort, for you are the Lord of all. 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 261**, AN ACT concerning sales taxation; relating to gas, electricity, heat and other fuel sources for production of heat and lighting for residential premises and agricultural use; imposing state sales tax thereon; amending K.S.A. 2014 Supp. 79-3603 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 262**, AN ACT concerning charitable gaming; establishing the charitable gaming act; amending K.S.A. 2014 Supp. 21-6403 and 79-3603 and repealing the existing sections; also repealing K.S.A. 79-4702 and 79-4715 and K.S.A. 2014 Supp. 79-4701, 79-4701a, 79-4703, 79-4704, 79-4705, 79-4705a, 79-4706, 79-4707, 79-4708, 79-4710, 79-4711, 79-4712a, 79-4713, 79-4716, 79-4717, 79-4718 and 79-4719, by Committee on Federal and State Affairs.

**SB 263**, AN ACT concerning sales taxation; providing for sales tax exemption for certain sales of fresh fruit and vegetables; amending K.S.A. 2014 Supp. 79-3606 and repealing the existing the section, by Committee on Assessment and Taxation.

**SB 264**, AN ACT concerning sales taxation; eliminating the sales tax exemptions for farm machinery and equipment; amending K.S.A. 2014 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 257, SB 258, SB 259, SB 260.**

Public Health and Welfare: **SB 256.**

**CHANGE OF REFERENCE**

Under the authority of the Senate President, Vice President King withdrew **SB 61** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Federal and State Affairs.**

The Vice President withdrew **SB 162** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Ways and Means.**

**MESSAGES FROM THE GOVERNOR**

February 23, 2015

*Message to the Senate of the State of Kansas*

Enclosed herewith is Executive Order No. 15-03 for your information.

SAM BROWNBACK  
*Governor*

Vice President King announced Executive Order No. 15-03, regarding creating the Social Services Policy Council, is on file in the office of the Secretary of the Senate and available for review at any time.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2053, HB 2155, HB 2156, HB 2164, HB 2165.**

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2053, HB 2155, HB 2156, HB 2164, HB 2165** were thereupon introduced and read by title.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators O'Donnell, Donovan, Faust-Goudeau, Kerschen, Masterson, McGinn, Petersen and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1718—

A RESOLUTION recognizing the 44<sup>th</sup> Wichita Riverfest.

WHEREAS, Originally a one-day event in 1970 to recognize Wichita's centennial, the Wichita River Festival, now known as Riverfest, has grown into the largest community event in Kansas; and

WHEREAS, The nine-day event, which involved more than 200 community partners and 5,000-plus volunteers and attracted 380,000 attendees in 2014, is celebrating its 44<sup>th</sup> Festival from May 29 to June 6, 2015; and

WHEREAS, Riverfest enhances the region's quality of life and creates an economic

impact between \$25 and \$30 million annually; and

WHEREAS, 2014 ticket sales made Riverfest the 35<sup>th</sup> largest outdoor event site worldwide, as compiled by Pollstar, and the event has been named one of the top 100 festival destinations in the United States by travel and leisure organizations. Over the years, Riverfest and its lead volunteers have received dozens of industry awards; and

WHEREAS, Wichita Festivals, Inc. is the producing organization of Riverfest and its mission is to create diverse and high-quality community celebrations: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize Riverfest's success as a signature event for generations of area citizens that brings people of all interests and backgrounds together to celebrate all things Wichita with a high-quality, family-friendly, engaging and safe community celebration; and

*Be it further resolved:* That the Secretary of the Senate shall send eight enrolled copies of this resolution to Senator O'Donnell.

On emergency motion of Senator O'Donnell **SR 1718** was adopted unanimously.

Guests introduced included Ron Ryan, Renae Ryan, Todd Johnson, Chris Goebel, Rigby Carey, Bob Dool, Mary Eves, Mary Beth Jarvis and Brenda Johnson.

The Senate honored the guests with a standing ovation.

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** 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:*

State Civil Service Board, Member: K.S.A. 75-2929a

Allen Schmidt, to fill a term expiring on March 15, 2017

## CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointment, submitted by the Governor to the Senate for conformation was considered.

Senator Bruce moved the following appointment be confirmed as recommended by the Committee on Federal and State Affairs.

*By the Governor*

On the appointment to the:

*State Civil Service Board:*

Allen Schmidt, Term ends March 15, 2017

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

The appointment was confirmed.

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 18** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 18," as

follows:

"Substitute for SENATE BILL NO. 18

By Committee on Corrections and Juvenile Justice

"AN ACT concerning law enforcement; relating to audio and video recordings; confidential and exempt from open records act.";

And the substitute bill be passed.

Committee on **Education** recommends **SB 188** be amended on page 2, in line 39, before "each" by inserting "On or before November 1 of each school year,"; also in line 39, by striking "annually";

On page 3, in line 32, after "(i)" by inserting "(a) For school districts with a total enrollment of 500 or more,"; in line 34, after "year" by inserting "and the title of each such employee"; following line 34, by inserting:

"(b) for school districts with a total enrollment of less than 500, the aggregate annual compensation for each of the three employees of the school district receiving the largest amount of aggregate annual compensation for the current school year and the title of each such employee;

(i) the expenditures budgeted by the school district for the current school year for amounts to be paid to or on behalf of members of the school district board of education, including, but not limited to, association dues, travel and per diem expenses and reimbursements for any other expenses;"

And by redesignating remaining subparagraphs accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 113** be passed.

Also, **SB 112** be amended on page 1, in line 12, by striking "32-1178" and inserting "32-1179"; and the bill be passed as amended.

**SB 133** be amended on page 2, in line 13, by striking "A person is immune from criminal prosecution for a violation"; by striking all in lines 14 through 35; in line 36, by striking "(3)" and inserting "A person and, if applicable, one or two other persons acting in concert with such person are immune from criminal prosecution for a violation of this section, and any city ordinance or county resolution prohibiting the acts prohibited by this section, if such person:

(A) (i) Initiated contact with law enforcement or emergency medical services and requested medical assistance on such person's behalf because such person reasonably believed such person was in need of medical assistance; and

(ii) cooperated with emergency medical services personnel and law enforcement officers;

(B) (i) initiated contact with law enforcement or emergency medical services, or was one of one or two other persons who acted in concert with such person, and requested medical assistance for another person who reasonably appeared to be in need of medical assistance;

(ii) provided their full name, the name of one or two other persons acting in concert with such person, if applicable, and any other relevant information requested by law enforcement or emergency medical services;

(iii) remained at the scene with the person who reasonably appeared to be in need of medical assistance until emergency medical services personnel and law enforcement officers arrived; and

(iv) cooperated with emergency medical services personnel and law enforcement

officers; or

(C) (i) was the person who reasonably appeared to be in need of medical assistance as described in subsection (f)(1)(B), but did not initiate contact with law enforcement or emergency medical services; and

(ii) cooperated with emergency medical services personnel and law enforcement officers.

(2)"; and the bill be passed as amended.

**SB 140** be amended on page 1, in line 26, by striking "county or district"; in line 27, by striking "attorney shall file a motion for judgment of default. The"; in line 28, before "enter" by inserting "on motion by the county attorney or district attorney"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 127** be amended on page 1, in line 6, before "Section" by inserting "New"; following line 13, by inserting:

"New Sec. 2. That portion of United States highway 69 from the junction of United States highway 69 and 135<sup>th</sup> street in Johnson county, then south on United States highway 69 to the junction of United States highway 69 and 167<sup>th</sup> street is hereby designated as the 2<sup>nd</sup> Lieutenant Justin L Sisson memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the 2<sup>nd</sup> Lieutenant Justin L Sisson memorial highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

New Sec. 3. The portion of K-96 highway from the junction with interstate highway 135 then east to the junction with Rock Road in Sedgwick county is hereby designated as the George Ablah expressway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the George Ablah expressway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

Sec. 4. K.S.A. 2014 Supp. 68-10,106 is hereby amended to read as follows: 68-10,106. The portion of K-96 highway from the junction with ~~interstate highway 135~~ Rock Road in Sedgwick county then east to the junction with interstate highway 35 is hereby designated as the Bonnie Huy memorial highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the Bonnie Huy memorial highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

New Sec. 5. That portion of K-7 highway from the southern city limits of the city of Lansing then north on K-7 highway to the northern city limits of the city of Lansing

is hereby designated as the Kenneth W Bernard memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the Kenneth W Bernard memorial highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

Sec. 6. K.S.A. 68-1034 is hereby amended to read as follows: 68-1034. From the junction of United States highway 24 and United States highway 40 with United States highway 73 and highway K-7, United States highway 73 and highway K-7 north to the southern city limits of Lansing, then north from the northern city limits of Lansing to the eastern junction with United States highway 59 in the city of Atchison, United States highway 73 west to the junction with United States highway 159, is hereby designated as the Amelia Earhart memorial highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the Amelia Earhart memorial highway. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

Sec. 7. K.S.A. 68-1034 and K.S.A. 2014 Supp. 68-10,106 are hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "installation" by inserting "; designating the 2<sup>nd</sup> Lieutenant Justin L Sisson memorial highway, the George Ablah expressway and the Kenneth W Bernard memorial highway; amending K.S.A. 68-1034 and K.S.A. 2014 Supp. 68-10,106 and repealing the existing sections"; and the bill be passed as amended.

Also, **SB 150** be amended on page 1, in line 23, by striking "an"; in line 24, by striking "officer" and inserting "a duly authorized representative"; and the bill be passed as amended.

**SB 190** be amended on page 1, in line 22, by striking "either: (A)"; in line 23, by striking "with a" and inserting "that does not have a motor and has an overall"; also in line 23, by striking "20 feet" and inserting "16 feet, seven inches"; also in line 23, after "less" by inserting a comma; in line 24, by striking all following "class"; by striking all in lines 25 and 26; in line 27, by striking all before the period;

On page 1, in the title, in line 1 by striking "safety education"; also in line 1, by striking "sailboats"; in line 2, by striking all before the semicolon and inserting "safety education courses, exceptions therefrom; certain sailboats"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 24, 2015.

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

