

Journal of the Senate

THIRTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 25, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with 40 senators present.
Invocation by Father Don Davidson:

Dear Lord, every thought we have is a seed and not every seed will grow a beautiful flower, some may grow a disgusting weed. We have the power of guarding our thoughts so we live in a world of beauty and not in a world of thorns. As we reach the time of “turnaround” this session, let us reflect on the seeds we have planted and those still needing to be planted and what we see growing down the road. Truly, dear Lord, you are our Master Gardener. Amen

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

POINT OF PERSONAL PRIVILEGE

Senator Tyson rose on a Point of Personal Privilege to introduce Paul Bean, Lisa Johnson, and Lucky Defries, representing Ottawa University. The 150th anniversary of the University was recognized in **SR 1720**, which was introduced and adopted on February 24, 2015.

The Senate honored the guests with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 267, AN ACT concerning certain crimes; relating to fantasy sports leagues; amending K.S.A. 2014 Supp. 21-6403 and repealing the existing section, by Committee on Federal and State Affairs.

SB 268, AN ACT concerning water; relating to stream maintenance and obstructions; amending K.S.A. 32-1012 and K.S.A. 2014 Supp. 82a-301 and 82a-307 and repealing the existing sections, by Committee on Ways and Means.

SB 269, AN ACT concerning wildlife; relating to the nongame and endangered species conservation act; amending K.S.A. 32-960 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 266**.

Public Health and Welfare: **SB 265**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2096, HB 2103, HB 2109, HB 2154, HB 2216, HB 2254, HB 2256, HB 2258, HB 2259, HB 2260**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2096, HB 2103, HB 2109, HB 2154, HB 2216, HB 2254, HB 2256, HB 2258, HB 2259, HB 2260 was thereupon introduced and read by title.

FINAL ACTION ON CONSENT CALENDAR

SB 184 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

SB 184, AN ACT concerning the code of civil procedure; relating to judgments; dormancy; amending K.S.A. 2014 Supp. 60-2403 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, 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 bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 7, AN ACT concerning information technology; relating to the office of information technology services; providing for information technology audits; amending K.S.A. 46-1128 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, 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 bill passed, as amended.

SB 28, AN ACT concerning lobbyists; regarding definitions; amending K.S.A. 46-222 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Abrams, Hensley, Holland, Kelly, LaTurner, McGinn, Olson, Pyle, Schmidt, Tyson.

The bill passed, as amended.

SB 29, AN ACT concerning sales taxation; relating to the community improvement district sales tax administration fund; amending K.S.A. 2014 Supp. 12-6a31 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Fitzgerald, Olson, Pilcher-Cook, Pyle, Tyson.

The bill passed.

SB 34, AN ACT concerning elections; relating to voting; penalties for voting crimes; prosecution of election crimes; amending K.S.A. 25-2409, 25-2416, 25-2423 and 25-2431 and K.S.A. 2014 Supp. 25-1128 and 25-2507 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 23; Nays 17; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Ostmeyer, Pettey, Schmidt, Wagle, Wilborn, Wolf.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on **SB 34**. This bill creates another taxpayer-funded lawyer to search for a problem that doesn't exist. If there was a need for the Secretary of State to have prosecution powers, other states would adopt such laws. To date, no state in our nation has done so. Additionally, we have 105 county prosecutors and the U.S. Attorney for the District of Kansas ready and willing to prosecute voter fraud cases. I cannot support giving prosecution powers to Kris Kobach, who has proven himself time and time again to be a self-serving partisan politician. For these reasons, I vote "No" on **SB 34**.—ANTHONY HENSLEY

Senators Francisco and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 34**.

SB 46, AN ACT concerning domesticated deer; relating to identification of deer; amending K.S.A. 2014 Supp. 47-2101 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, 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 bill passed.

SB 47, AN ACT concerning insurance; relating to life insurance companies; reserve valuation method; principle-based valuation; standard nonforfeiture law; amending K.S.A. 2014 Supp. 40-409 and 40-428 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, 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 bill passed.

SB 56, AN ACT concerning crimes and punishment; relating to promotion to minors of material harmful to minors; removing an affirmative defense; amending K.S.A. 2014 Supp. 21-6402 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, O'Donnell, Pettey, Schmidt, Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I recognize that the change we are making simply removes the affirmative defense for materials or devices purchased, leased, or acquired by a public, private or parochial school. Many of us are encouraging the same age students to go to the public library where, for librarians who may have purchased the exact same materials, the affirmative defense would still be in place. I vote "No" on **SB 56**, and hope that we will continue to show the same respect for our teachers that we are granting our librarians.—MARCI FRANCISCO

Senators Haley and Holland request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SB 56**.

Mr. Vice-President: I vote "No" on **SB 56**. Because of the profound chilling effect it has on educators, and from a first amendment perspective, this bill ties their hands; good hands; regulated hands. It prevents them from offering real world perspectives in a structured environment. Most of us recognize that we now live in the 21st century in an era where unstructured exposure to offensive materials is on most streets (sometimes even by so-called church's hateful placards); on television and on the internet, to name but a few such exposures. Students can get information ANY where. Why limit the arena where learning is structured and moderated? It is the responsibility of educators and administrators to ensure that the information they display is accurate and not of a prurient nature, not ours. It should be realized and bears repeating yet again, that Kansas does not exist in a time-warped vacuum and that the world that exists beyond our classrooms and beyond our State's borders is huge and our children, mostly anyway,

will go out in to it someday. Attempting to overly shelter youth from what is reality does them ultimately no justice. Instead, it might actually handicap them. Accordingly, again, I vote "No" on **SB 56** and hope a more realistic House will fix it.—DAVID HALEY

Mr Vice President: I vote "No" on **SB 56**. As a lifelong educator dedicated to giving students the best education possible, I cannot be part of the chilling effect this bill will have on the quality and accuracy of the education students receive. Teachers should not have to fear criminal persecution when they are working to engage their students in critical thinking around subjects such as art, literature, biology, and human sexuality. At this time in history when young people have access to massive amounts of sexually explicit information courtesy of the internet and various social media, it is a gross disservice to both teachers and students to limit, threaten, or censor those who provide our students with honest, accurate information on difficult subjects.—TOM HAWK

Senators Francisco and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **SB 56**.

Mr. Vice President: I vote "No" on **SB 56**. Current law already protects minors in their homes, schools and from sex predators. No evidence suggests minors are currently being harmed by public school teachers knowingly showing harmful materials by this bill. School teachers should not be criminalized for doing their jobs. This bill is an attack on teachers and their ability to determine what content is suitable for their students. This bill would have a chilling effect on teachers and librarians, and will lead to self-censorship across educational disciplines in order to avoid potential prosecution. If parents object to materials taught in a public school, multiple alternatives exist to address their concerns. Threatening teachers with a class B nonperson misdemeanor for doing their jobs is dangerous and unacceptable. As Dr. John Richard Schrock wrote, "The new social media and our unregulated internet allow youngsters to have access to pornography and sexually explicit misinformation at very young age. At a time when accurate information is ever more important, this bill will censor that responsible teaching of Kansas students younger than 18 years of age." For these reasons, I vote "No."—ANTHONY HENSLEY

Senators Francisco, Holland and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 56**.

Mr. Vice President: Current law makes it a crime to display or distribute to a minor material containing nudity, sexual conduct, sexual excitement or sadomasochistic abuse which a reasonable, adult person, applying contemporary community standards, believes to appeal to a prurient interest in sex, to be patently offensive, and to lack serious literary, scientific, educational, artistic or political value. Presently schools, museums, and libraries are given an affirmative defense from prosecution if the nudity is for a bona fide scientific, medical, educational, or cultural purpose. But, faculty and administrators of colleges and universities, and teachers at primary and secondary schools are allowed to disseminate to minors, for any purpose, any such material as part of an approved course of instruction. They are presently exempted from the law. If it is illegal in society at large to exhibit to minors patently offensive material that appeals to a prurient interest in sex and that has no literary, scientific, educational, artistic or political value, we should expect the same for our children in primary schools, middle

schools, and high schools. I vote "Aye" for **SB 56**.—FORREST KNOX

Senators Arpke, Fitzgerald, Holmes, Lynn and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Knox on **SB 56**.

Mr. Vice President: This bill is a solution looking for a problem. Removing the affirmative defense from K-12 educators is a thinly veiled method of attacking any material which are perceived to be "harmful" to minors. Kansas schools already have in place reasonable safeguards to protect minors from exposure to inappropriate and/or harmful material. This bill infringes on the local control of school curriculum and teaching standards. Threatening teachers and school librarians with a class B nonperson misdemeanor is criminalizing education professionals for doing their job. I vote "No" on **SB 56**.—PAT PETTEY

Senators Francisco and Haley request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **SB 56**.

Mr. Vice President: Our state laws should safeguard the rights of parents to shield and protect their children from harmful material, especially in schools. When highly offensive sexually explicit material was knowingly posted in a middle school from a sexual education curriculum with phrases that are even blurred out on television, it is clear that pornography and obscene materials are becoming more and more prevalent in our society, and it is all too common to hear of cases where children are not protected from the harm it inflicts. This bill ensures that for materials to be considered harmful to minors, they would have to be patently offensive to prevailing standards in the adult community with respect to what is suitable for minors....," and they must lack "serious literary, scientific, educational, artistic or political value for minors." This law would also give teachers a measure of protection from presenting materials they have serious concerns about. I vote "Aye" for **SB 56**.—MARY PILCHER-COOK

Mr. Vice President: As a public K-12 school teacher in Kansas I have no concerns with **SB 56**, a bill that adds, by my count, 8 words to current law and strikes seven words. Baseless fear and paranoia are no reason to vote against a bill. This is not an attack on teachers. **SB 56** does not provide an affirmative defense for commercial establishments nor does current law. Many commercial establishments sell replicas of the Statute of David, other artwork, and classic literary works those in opposition of the bill claim will be banned, yet they (business owners) are not arrested for allowing minors to view these materials. Why? Because they have literary, scientific, education, artistic or political value. I vote "Aye" on **SB 56**.—GREG SMITH

Senators Abrams, Arpke, Holmes and Melcher request the record to show they concur with the "Explanation of Vote" offered by Senator Smith on **SB 56**.

SB 62, AN ACT concerning search and rescue and hazardous material response matters; dealing with tort claims immunity; amending K.S.A. 2014 Supp. 75-6102 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, 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 bill passed, as amended.

SB 106, AN ACT concerning real estate brokers and salespersons; relating to licensure; technical amendments; amending K.S.A. 58-30,106 and K.S.A. 2014 Supp. 58-3046a, 58-3050, 58-3062 and 58-30,103 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, 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 bill passed.

SB 108, AN ACT concerning real estate brokers and salespersons; relating to license fees; amending K.S.A. 2014 Supp. 58-3063 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Fitzgerald, Pilcher-Cook, Pyle, Tyson.

The bill passed.

SB 109, AN ACT concerning emergencies and disasters; creating the Kansas disaster utilities response act; department of revenue, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, 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 bill passed, as amended.

SB 117, AN ACT concerning insurance; relating to self-insurance under the health care provider insurance availability act; health care systems; amending K.S.A. 2014 Supp. 40-3401 and 40-3414 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, 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 bill passed.

SB 123, AN ACT repealing K.S.A. 2014 Supp. 39-7,121b; concerning medications used to treat mental illness under the state medicaid plan; , was considered on final action.

On roll call, the vote was: Yeas 15; Nays 25; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Fitzgerald, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Pilcher-Cook, Powell, Wagle.

Nays: Bowers, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, Longbine, McGinn, Olson, Ostmeyer, Petersen, Pettey, Pyle, Schmidt, Smith, Tyson, Wilborn, Wolf.

A constitutional majority having failed to vote in favor of the bill, **SB 123** did not pass.

EXPLANATION OF VOTE

Mr. Vice President: I have no doubt that passage of **SB 123** would reduce expenditures for the managed care organizations providing Medicaid services through KanCare, although I do not believe the savings will be nearly as great as estimated in the fiscal note for the bill and that some of reduction would be related, not to the bill's passage, but to the expiration of patents. I am concerned that other private and state entities will see their expenses for emergency care, public safety, hospitalization and incarceration increase if patients cannot get or are unwilling to use a substitute; those costs may not be eligible for a federal match. I will work to promote policies that enhance patient safety and create efficiency without jeopardizing patient access to medication. I vote "No" on **SB 123**.—MARCI FRANCISCO

Senator Haley, Hawk and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SB 123**.

Mr. Vice President: **SB 123** repeals a law from 2002 that specifically prohibits preferred drug lists or prior authorization requirements for mental health drugs for Medicaid patients. The 2002 law has prevented any protective oversight for patients and is hindering efforts at improving health care outcomes – in some cases jeopardizing the health and safety of Medicaid patients. Psychotropic drugs are powerful drugs with significant side effects. While patients who are stable on their current medications will be able to continue their prescribed treatment, this bill will help us to address a CMS report that shows Kansas is 46th worst among all states in psychotropic drug use on senior citizens with dementia symptoms and the tripling of the number of children on anti-psychotics in the past fifteen years who are at higher risk for long-term side effects. It is vital that we protect the health and safety of our most vulnerable population in Kansas. I vote "Aye" on **SB 123**.—MARY PILCHER-COOK

SB 214, AN ACT concerning human trafficking and related crimes; relating to commercial sexual exploitation of a child; civil action for victims; restitution; amending K.S.A. 2014 Supp. 21-5501, 21-6328, 22-3424, 22-3436, 22-3701, 22-3727, 22-3727a, 22-4614, 23-2225, 23-3222, 38-2202, 38-2271, 38-2309, 38-2310, 39-970, 44-706, 59-2132, 59-29a14, 60-455, 60-5001, 65-5117, 72-1397, 74-7305, 75-452 and 76-11a13 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 38-2310, as amended by section 2 of chapter 131 of the 2014 Session Laws of Kansas, was

considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, 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 bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 220** be amended on page 3, following line 26, by inserting:

"(g) Aggravated battery against a mental health employee is an aggravated battery, as defined in subsection (b), committed against a mental health employee by a person in the custody of the secretary for aging and disability services, while such employee is engaged in the performance of such employee's duty.";

Also on page 3, in line 27, by striking "(g)" and inserting "(h)";

On page 4, in line 4, by striking the colon; by striking all in lines 5 through 8; in line 9, by striking all before the period and inserting:

"severity level 5, person felony.

(7) Aggravated battery against a mental health employee is a severity level 3, person felony";

Also on page 4, in line 10, by striking "(h)" and inserting "(i)"; in line 33, after "means" by inserting ": (A)"; in line 35, by striking "and Rainbow mental health facility"; in line 38, after "thereto" by inserting "; and (B) contractors and employees of contractors under contract to provide services to the Kansas department for aging and disability services working at any such institution or facility"; and the bill be passed as amended.

Also, **SB 252** 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 **Education** recommends **SB 136** be amended on page 2, in line 40, by striking "(A)"; in line 42, by striking all after the semicolon; by striking all in line 43;

On page 3, by striking all in lines 1 through 19; in line 20, by striking all before "and"; also in line 20, by striking "(C)";

On page 4, in line 26, by striking ". In"; by striking all in lines 27 through 32; in line 33, by striking "upon the mutual agreement of" and inserting "and such other terms and conditions of professional service as mutually agreed to by"; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 10** be amended on page 1, in line 19, before "The" by inserting "Except as provided in subsection (d),"; in line 21, by striking "30" and inserting "60"; in line 22, by striking "30-day" and inserting "60-day"; following line 28, by inserting:

"(d) The provisions of subsection (c) shall not apply to any municipality which has a procedure for filling vacancies in its governing body and which has filled such vacancies within 60 days."; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 86** be passed.

Also, **SB 98** be amended on page 1, in line 6, by striking all after "(a)"; by striking all in lines 7 through 34; in line 35, by striking all before the period and inserting "Charges for public records requests under the Kansas open records act shall be subject to the following:

(1) Charges for copies of public records which may be provided on black and white standard size pages shall not exceed \$.25 per page;

(2) all other public records provided shall be charged at no more than the cost to the public agency to provide the public records to the records requestor; and

(3) staff time shall be charged at the lowest hourly rate of the person who is qualified to provide the public records.

(b) "Standard size" means 8½ x 11 inches or 21.59 x 27.94 centimeters";

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

On page 5, in line 25, after "meeting" by inserting ": (1)"; in line 26, by striking ". The secretary of state shall"; in line 27, by striking "determine the format of the minutes" and inserting "; and

(2) to determine the format of the minutes"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 219** be amended on page 1, in line 10, by striking ", emotional"; in line 12, by striking ", emotional"; in line 28, before the first "vulnerable" by inserting "a"; in line 34, before "vulnerable" by inserting "a";

On page 2, in line 6, by striking "emotional or";

On page 4, in line 4, by striking "have reasonable cause to suspect or believe"; by striking all in line 5; in line 6, by striking "mental or emotional abuse or neglect or sexual abuse" and inserting "has reasonable cause to believe that an adult is being or has been abused, neglected, exploited or subjected to fiduciary abuse";

On page 5, in line 16, by striking "a vulnerable" and inserting "an"; and the bill be passed as amended.

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 Masterson in the chair.

On motion of Senator Masterson the following report was adopted:

Recommended: **SB 43, SB 57, SB 77, SB 78** be passed.

SB 13, SB 44, SB 45, SB 51, SB 54, SB 58, SB 93, SB 150, SB 188 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 70 be amended by the adoption of the committee amendments and the bill be passed as amended.

A motion by Senator Petty to amend **SB 70** failed and the following amendment was rejected on page 1, in line 6, by striking "Each person making an initial application for a"; by striking all in lines 7 through 9; in line 10, by striking all before the period and inserting "The following persons shall submit, at the time of application, a complete set of legible fingerprints of the person: (1) Each person making an initial application for a Kansas teaching certificate or teaching license on or after July 1, 2015; (2) each person making an application for renewal of an expired Kansas teaching certificate or teaching license on or after July 1, 2015; and (3) each person making an application for renewal of a valid Kansas teaching certificate or teaching license on or after July 1, 2015, if such person has never submitted fingerprints as part of any previous application for a Kansas

teaching certificate or teaching license issued by the state board of education";

Also on page 1, in line 15, after "investigation." by inserting "The state department of education shall maintain a subscription to the criminal history record monitoring service provided by the Kansas bureau of investigation records management section for each person whose fingerprints are submitted pursuant to this section, until such person no longer has a valid Kansas teaching certificate or teaching license."; in line 27, by striking "taken by a qualified law enforcement"; in line 28, by striking "agency"; in line 32, after "investigation." by inserting "The school district shall maintain a subscription to the criminal history record monitoring service provided by the Kansas bureau of investigation records management section for each person whose fingerprints are submitted pursuant to this section, until such person is no longer employed by such school district in a position with direct contact with students."; in line 33, by striking "Each school district shall release fingerprints submitted pursuant"; by striking all in lines 34 through 36;

On page 2, by striking all in lines 1 through 4; and in line 5, by striking "(c)"; on page 2, following line 8, by inserting:

"(c) Any person who does not comply with the provisions of this section shall not be employed by a school district in a position with direct contact with students.";

On page 7, in line 29, after "(f)" by inserting "(1)"; in line 31, by striking "taken by a qualified law enforcement"; in line 32, by striking "agency"; in line 37, after "investigation." by inserting "The public innovative district shall maintain a subscription to the criminal history record monitoring service provided by the Kansas bureau of investigation records management section for each person whose fingerprints are submitted pursuant to this section, until such person is no longer employed by such public innovative district in a position with direct contact with students.

(2) ";

Also on page 7, in line 38, by striking "Each district also shall release"; by striking all in lines 39 through 43;

On page 8, by striking all in line 1 and 2; following line 2, by inserting "(3) Any person who does not comply with the provisions of this section shall not be employed by a public innovative district in a position with direct contact with students."

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 11; Nays 26; Present and Passing 0; Absent or Not Voting 3.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Schmidt.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: King, Olson, Ostmeyer.

A motion by Senator Petty to amend **SB 188** failed.

The committee report on **Sub SB 38** recommending **Sub SB 38** be adopted, and the substitute bill be passed.

The committee report on **Sub SB 60** recommending **Sub SB 60** be adopted, and the substitute bill be passed.

SB 27 be amended by motion of Senator Abrams, on page 2, in line 16, after "organization" by inserting "or any religious organization";

On page 4, following line 22, by inserting:

"Sec. 6. K.S.A. 2014 Supp. 25-4148a is hereby amended to read as follows: 25-4148a. When a report is made under this act and the amount being contributed by an individual is over \$150, the report shall list the occupation ~~and industry~~ of the individual contributor. If the individual contributor is not employed for compensation then the report shall list the occupation ~~and industry~~ of the contributor's spouse."; in line 24, after "Supp." by inserting "25-4148a and";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "Supp." by inserting "25-4148a and"

SB 27 be further amended by motion of Senator McGinn, on page 4, following line 22, by inserting:

"Sec. 6. K.S.A. 46-269 is hereby amended to read as follows: 46-269. Each report required to be filed by K.S.A. 46-268, and amendments thereto, is a public record and shall be open to public inspection upon request. Such report shall disclose the following:

(a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist during the period reported.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist's employer for or in direct relation to lobbying during the reporting period, if such expenditures exceed \$100. Individual expenditures of less than \$2 shall not be required to be reported under this subsection. Every lobbyist shall keep detailed accounts of all expenditures required to be reported pursuant to K.S.A. 46-268, and amendments thereto. Such expenditures shall be reported according to the following categories of expenditures:

- (1) Food and beverages provided as hospitality;
 - (2) entertainment, gifts, honoraria or payments;
 - (3) mass media communications;
 - (4) recreation provided as hospitality;
 - (5) communications for the purpose of influencing legislative or executive action;
- and
- (6) all other reportable expenditures made in the performance of services as a lobbyist.

With regard to expenditures for entertainment or hospitality which is primarily recreation, food and beverages, only amounts expended on a state officer or employee or on such officer or employee's spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this subsection and subsection (d), no lobbyist shall be responsible to report any expenditure by the lobbyist's employer of which such person has no knowledge.

(c) (1) In addition to the information reported pursuant to subsection (b), each lobbyist expending an aggregate amount of \$100 or more for lobbying in any reporting period shall report any gift, entertainment or hospitality provided to members of the legislature, members of the judicial branch of government and any employees of the legislature or judicial branch of government. Such report shall disclose the full name of the legislator, member of the judicial branch and employee who received such gift, entertainment or hospitality the date and the amount expended on such gift, entertainment or hospitality.

(2) No report shall be required to be filed pursuant to this subsection (c) for the following:

(A) Meals, the provision of which is motivated by a personal or family relationship;
 (B) meals provided at public events in which the person is attending in an official capacity;

(C) meals provided to a person subject to this section when it is obvious such meals are not being provided because of the person's official position;

(D) food such as soft drinks, coffee or snack foods not offered as part of a meal; and

(E) entertainment or hospitality in the form of recreation, food and beverages provided at an event to which the following have been invited:

(i) All members of the legislature or all members of either house of the legislature; or

(ii) all members of a political party caucus of the legislature or all members of a political party caucus of either house of the legislature.

(d) Except as provided by subsection (c), whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only the aggregate amount or value of the expenditure contributed by such lobbyist.

(e) Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular expenditure or gift, honoraria or payment. No expenditure or gift, honoraria or payment required to be reported by this section shall be reported by more than one lobbyist.

(f) All accounts, records and documents of the lobbyist which relate to every expenditure reported or which should have been reported shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission.";

Also on page 4, in line 23, following "46-268" by inserting "and 46-269";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "46-268" by inserting "and 46-269" and **SB 27** be passed as amended.

SB 120 be amended by motion of Senator Arpke, on page 1, in line 27, by striking "320" and inserting "160";

On page 2, in line 39, by striking "paragraphs" and inserting "paragraph"; also in line 39, by striking "and (a)(3)"; in line 40, after "lands" by inserting "of less than 640 acres"; also in line 40, after "funds" by inserting "in the southeast Kansas counties of Cherokee, Crawford, Labette and Neosho" and **SB 120** passed as amended.

SB 125 be amended by motion of Senator Schmidt, on page 2, in line 39, after "secretary" by inserting "on or before July 1, 2016" and **SB 125** be passed as amended.

SB 121 be amended by adoption of the committee amendments, by further amended by motion of Senator Pilcher-Cook, on page 2, in line 29, by striking "member" and inserting "members" and **SB 121** be passed as further amended.

A motion by Senator Kelly to amend **SB 121** failed: on page 2, in line 9, by striking "11" and inserting "12"; by striking all in lines 25 through 28; in line 29, by striking all before the period and inserting "one member of the house committee on appropriations

appointed by the chairperson of the house committee on appropriations; (6) one member of the senate committee on ways and means appointed by the chairperson of the senate committee on ways and means; (7) one member of the house committee on appropriations appointed by the ranking minority member of the house committee on appropriations; (8) one member of the senate committee on ways and means appointed by the ranking minority member of the senate committee on ways and means; (9) one member of the house of representatives appointed by the speaker of the house of representatives; and (10) one member of the senate appointed by the president of the senate";

On page 3, in line 7, by striking "Six" and inserting "Seven"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 11; Nays 27; Present and Passing 0; Absent or Not Voting 2.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt.

Nays: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Olson, Ostmeyer.

The motion failed.

SB 124 be amended by adoption of the committee amendments, be further amended by motion of Senator McGinn, on page 4, following line 13, after by inserting:

"(H) The provisions of this paragraph shall expire on July 1, 2018." and **SB 124** be passed as further amended.

REPORT ON ENROLLED BILLS

SR 1717, SR 1718, SR 1719, SR 1720 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 25, 2015.

Senator Wagle assumed the chair.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, February 26, 2015.

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

