

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 19, 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 Hawk was excused.
Invocation by Father Don Davidson:

Dear God, we all have been given the wonderful ability to think and to learn. For most of us, our learning has been assisted by the ministrations of teachers including our parents, family, friends and those who manage classrooms full of other members of your earthly creation, all striving to learn. Today we pray for those who teach and those who learn. May we always seek to learn and grow in knowledge of you and in our stewardship of your creation. In the wisdom of your name we pray. Amen

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 411**.
Federal and State Affairs: **SB 409, SB 413**.
Natural Resources: **SB 410**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 156** from the heading of **General Orders** and referred to the Committee on **Ways and Means**.

The Vice President withdrew **SB 409** from the Committee on **Federal and State Affairs**, and referred the bill to the Committee on **Natural Resources**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2491, HB 2504, HB 2557, HB 2599; Sub HB 2436**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2491, HB 2504, HB 2557, HB 2599; Sub HB 2436 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Faust-Goudeau introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1790—

A RESOLUTION recognizing the importance of the strategic partnership between the United States of America and the Republic of Kazakhstan.

WHEREAS, The Republic of Kazakhstan declared its sovereign independence from the Soviet Union on December 25, 1991, and has enjoyed a growing democratic tradition over the last 22 years; and

WHEREAS, The United States of America was the first country to recognize the independence of the Republic of Kazakhstan in 1991 and established full-fledged diplomatic relations with it; and

WHEREAS, Over the last 22 years, the Republic of Kazakhstan has consolidated its sovereignty and independence and has become a leader in the Central Asia region; and

WHEREAS, The United States of America, along with the United Nations, recognizes and supports the Republic of Kazakhstan's sovereignty; and

WHEREAS, The United States of America and the Republic of Kazakhstan have developed a strong strategic partnership based on shared values and interests and a shared vision; and

WHEREAS, The Republic of Kazakhstan is a staunch ally and strategic partner of the United States of America in the critically important Central Asia region; and

WHEREAS, The Republic of Kazakhstan is a leader in the area of nuclear non-proliferation, having voluntarily given up its nuclear arsenal upon independence, and today works with international partners to promote the reduction of nuclear weapons stockpiles world-wide; and

WHEREAS, The United States of America and the Republic of Kazakhstan continue their successful cooperation in counter-terrorism efforts and the non-proliferation of weapons of mass destruction, which is of particular importance, given that the Republic of Kazakhstan is an ally nation located in a geopolitically important region; and

WHEREAS, The Republic of Kazakhstan possesses vast oil and gas resources and contributes to the energy security of the United States of America and the European nations, and it is a critical element in diversification of energy supplies used by European allies of the Republic of Kazakhstan and the United States of America; and

WHEREAS, The Republic of Kazakhstan has also been a strong partner of the United States and NATO missions in Afghanistan, opening supply lines through the Northern Distribution Network when southern supply routes were cut off; and

WHEREAS, The Republic of Kazakhstan is also committed to supporting democracy in Afghanistan, and has established a \$50 million scholarship program to provide educational opportunities for Afghan students in Kazakhstan; and

WHEREAS, The Republic of Kazakhstan is committed to working toward completing accession to the World Trade Organization and appreciates the United States' support in this endeavor; and

WHEREAS, The United States is an important trading partner with the Republic of Kazakhstan and the two countries both support increasing and deepening trade relations with each other; and

WHEREAS, The Republic of Kazakhstan has a long-standing tradition of peaceful coexistence with various ethnic and religious communities; and

WHEREAS, The Republic of Kazakhstan attaches great importance to expanding its relations in all spheres, including trade, cultural and educational exchanges with the state of Kansas; and

WHEREAS, It is critical for the United States of America to further strengthen relations with its allies, such as the Republic of Kazakhstan, to advance common interests currently and in the future: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the importance of a strategic partnership and friendship between the United States of America and the Republic of Kazakhstan and work to further enhance the partnership through mutual efforts over the years to come; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Governor Sam Brownback, the Principal Deputy Assistant Secretary of the U.S. State Department's Bureau of Educational and Cultural Affairs and the Deputy Assistant Secretary of the U.S. Economic Development Administration and four enrolled copies to Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1790** was adopted unanimously.

Guests introduced were: Selahattin Aydin, Eyyup Esen and Sydin Cayir.

Senators rose for a standing ovation.

FINAL ACTION ON CONSENT CALENDAR

SB 303, AN ACT concerning firearms; relating to the Sedgwick county regional forensic science center; disposition of stolen weapons; forfeiture of firearms; amending K.S.A. 2013 Supp. 21-6307 and 60-4117 and repealing the existing sections.

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

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

Absent or Not Voting: Hawk.

The bill passed.

SB 329, AN ACT concerning the revised Kansas juvenile justice code; orders relating to parents; amending K.S.A. 2013 Supp. 38-2362 and repealing the existing section.

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

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

Absent or Not Voting: Hawk.

The bill passed.

SB 349, AN ACT concerning the boiler safety act; amending K.S.A. 2013 Supp. 44-918 and repealing the existing section; also repealing K.S.A. 2013 Supp. 44-919.

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

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

Absent or Not Voting: Hawk.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 98, AN ACT concerning elections; relating to local government candidates; amending K.S.A. 25-904 and 25-4173 and repealing the existing sections, was considered on final action.

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

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

Absent or Not Voting: Hawk.

The bill passed, as amended.

SB 248, AN ACT concerning the secretary of corrections; relating to victim notification prior to release of certain inmates; amending K.S.A. 2013 Supp. 22-3303, 22-3305, 22-3428, 22-3428a, 22-3430, 22-3431, 22-3727 and 22-3727a and repealing the existing sections, was considered on final action.

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

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

Absent or Not Voting: Hawk.

The bill passed, as amended.

SB 271, AN ACT concerning the Kansas medicaid fraud control act; relating to penalties and fines; amending K.S.A. 2013 Supp. 21-5926, 21-5927, 21-5933 and 75-7508 and repealing the existing sections, was considered on final action.

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

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

Absent or Not Voting: Hawk.

The bill passed, as amended.

SB 286, AN ACT concerning the Kansas department of agriculture; relating to fees; extending sunset date on certain fees; amending K.S.A. 2013 Supp. 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-3304, 2-3306, 65-778, 65-781, 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-727 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Melcher, Pilcher-Cook, Pyle.

Absent or Not Voting: Hawk.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2047**, as amended by House Committee of the Whole, be amended on page 1, in line 6, by striking "2012" and inserting "2013";

On page 2, in line 27, by striking "2012" and inserting "2013";

On page 1, in the title, in line 3, by striking "2012" and inserting "2013"; and the bill be passed as amended.

Committee on **Education** recommends **SCR 1619** be amended on page 2, in line 3, after "oversight" by inserting "by the Kansas state board of education"; and the resolution be adopted as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 309** be amended on page 1, in line 7, before "Any" by inserting "(a)" in line 13, by striking "(a)" and inserting

"(1)";

Also on page 1, in line 18, by striking "(b)" and inserting "(2)"; in line 23, by striking "(c) (1)" and inserting "(3) (A)"; in line 28, by striking "(2)" and inserting "(B)"; in line 32, by striking "(d)" and inserting "(4)";

On page 2, in line 1, by striking "(e)" and inserting "(5)"; following line 7, by inserting:

"(6) is organized as a farmers' cooperative under the Kansas cooperative marketing act, K.S.A. 17-1601 et seq., and amendments thereto, on January 13, 1983, and is an association of farmers' cooperatives and other like associations operated on a cooperative basis and their affiliated companies, which provides benefits for employees, and family members of such employees, of such associations, and complies with K.S.A. 40-2222a, and amendments thereto;"

Also on page 2, in line 8 by striking "(f)" and inserting "(7)"; also in line 8, after "qualified" by inserting "trade, merchant, retail or"; also in line 8, after "association" by inserting "or business league"; in line 10, by striking "(g)" and inserting "(8)"; in line 13, by striking "(h)" and inserting "(9)"; following line 16, by inserting:

"(b) For the purposes of this section, a qualified trade, merchant, retail or professional association or business league shall mean any bona fide trade, merchant, retail or professional association or business league that:

- (1) Has been in existence for at least five calendar years; and
- (2) is comprised of five or more employers.";

Also on page 2, in line 21, by striking "subsections (a), (b), (c),"; in line 22, by striking all before "of" and inserting "subsection (a)"; in line 35, by striking all after "in" and inserting "subsection (a) of K.S.A.";

And the bill be passed as amended.

Also, recommends **HB 2152** be amended on page 1, in line 9, by striking "2012" and inserting "2013";

On page 3, in line 7, by striking "2012 and inserting "2013";"

On page 1, in the title, in line 2, by striking "2012" and inserting "2013"; in line 6, by striking "2012" and inserting "2013"; 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 Donovan in the chair.

On motion of Senator Donovan the following report was adopted:

Recommended: **SB 278, SB 308, SB 337, SB 339, SB 354** be passed.

SB 284 be amended by the adoption of the committee amendment, and the bill be passed as amended.

SB 355 be amended by motion of Senator Francisco, on page 3, in line 25, by striking "ask your attorney to explain it to you" and inserting "seek legal advice" and **SB 355** be passed as further amended.

REPORT ON ENROLLED BILLS

SR 1783, SR 1785, SR 1786, SR 1787, SR 1788, SR 1789 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 19, 2014.

REPORT ON ENGROSSED BILLS

SB 98, SB 248, SB 271 reported correctly engrossed February 19, 2014.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, February 20, 2014.

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

