

# Journal of the Senate

TWENTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 19, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with 40 senators present.  
Invocation by Father Don Davidson:

The great poet Ralph Waldo Emerson once said that “In art, the hand can never execute anything higher than the heart can imagine.” Decisions made without the heart tend to be decisions poorly made. It is the heart of a person that demonstrates our humanity, our relationship to others and our ability to care. Help us always in our days, O Lord, to engage our heart in all the decisions we make. In your name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

## POINT OF PERSONAL PRIVILEGE

Senator Kelly rose on a Point of Personal Privilege to honor and introduce four Robinson Middle School students from Topeka who may have saved a man’s life after they witnessed him struggling in the cold. The students, Tehya Bush, Alejandro Esparza, Noah Bush and Jessica Widow, saw a homeless man who was frozen from head to toe stumbling down their street and they sensed something was wrong. Rather than ignoring the man, the youngsters got involved, helping him after he had fallen, making sure he didn’t walk away, then called 911 for emergency care. Police who responded to the scene told the youths their actions likely saved the man’s life. As the man continued trying to get up, Tehya Bush told him help was on the way. The man heard sirens coming a short time later and became upset. “He kept saying, ‘I don’t got the money for this,’ ” Bush said. “And I said, ‘Well, we’re still gonna call for help, ‘cause you could get hurt out here.’ ” (*excerpts taken from The Topeka Capital-Journal story dated February 3, 2015*)

Other guests introduced included: Ann Bush, Anthony Bush, Maribel Heirrich, John Heirrich, Maria Chacon, Tinya Widow, Christina O’Brian, Temmy Hazelton, Todd Berry, Tammyh Hazelton, Todd Berry and Dr. Julie Ford.

The Senate honored the students and guests with a standing ovation..

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 254**, AN ACT concerning the behavioral sciences regulatory board; amending K.S.A. 65-5802, 65-5806, 65-5808, 65-6306, 65-6314, 65-6319, 65-6402, 65-6407, 65-6408, 65-6411, 74-5302, 74-5311, 74-5318, 74-5322, 74-5361, 74-5363, 74-5365 and

74-5370 and K.S.A. 2014 Supp. 65-5804a, 65-5807, 65-5809, 65-6309, 65-6311, 65-6313, 65-6404, 65-6405, 65-6406, 65-6412, 65-6608, 65-6609, 65-6610, 65-6611, 65-6613, 65-6614, 65-6615, 65-6618, 74-5310, 74-5315, 74-5316, 74-5324, 74-5367, 74-5369, 74-5375, 74-7507 and 74-7508 and repealing the existing sections; also repealing K.S.A. 74-5319, 74-5320, 74-5321, 74-5325, 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336 and 74-5338 and K.S.A. 2014 Supp. 65-5815, 65-6619 and 74-5337, by Committee on Ways and Means.

**SB 255**, AN ACT concerning sales of cigarettes and tobacco products; relating to the directory and certification of tobacco product manufacturers; relating to disclosure of information and criminal penalties therefor; amending K.S.A. 50-6a02 and K.S.A. 2014 Supp. 50-6a04, 50-6a07, 50-6a10, 50-6a11, 50-6a16 and 75-5133 and repealing the existing sections, by Committee on Federal and State Affairs.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 251**.

Corrections and Juvenile Justice: **SB 252**.

Judiciary: **HB 2124**.

Utilities: **SB 253**.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2044**, **HB 2090**, **HB 2094**, **HB 2142**.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2044**, **HB 2090**, **HB 2094**, **HB 2142** were thereupon introduced and read by title.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 8**, AN ACT concerning school district performance audits; amending K.S.A. 2014 Supp. 46-1226 and repealing the existing section; also repealing K.S.A. 2014 Supp. 46-1130 and 46-1132, 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 11**, AN ACT concerning regulated scrap metal; relating to the crime of theft; sentencing; evidence at preliminary examination; regulation of scrap metal dealers; unlawful acts; penalties; amending K.S.A. 2014 Supp. 21-5804, 21-5813, 21-6604, 21-6804, 50-6,109, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b and 50-6,112c and repealing the existing sections; also repealing K.S.A. 2014 Supp. 21-6604c and 50-6,112, 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 14**, AN ACT concerning the disposition of district court fines, penalties and forfeitures; relating to the criminal justice information system line fund; amending K.S.A. 2014 Supp. 74-7336 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, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Melcher, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, Schmidt, Smith, Wagle, Wilborn, Wolf.

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

The bill passed, as amended.

**SB 17**, AN ACT concerning the judicial council; relating to membership; amending K.S.A. 20-2201 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, 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.

Present and Passing: Haley.

The bill passed, as amended.

**SB 24**, AN ACT concerning technical professions; amending K.S.A. 2014 Supp. 74-7003 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 36**, AN ACT concerning water; relating to multi-year flex accounts; amending K.S.A. 2014 Supp. 82a-708c and 82a-736 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 76**, AN ACT concerning insurance; relating to assessments; enacting the risk management and own risk and solvency assessment act; sanctions, 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 101**, AN ACT concerning insurance; relating to the health care provider insurance availability act; definitions; amending K.S.A. 2014 Supp. 40-3401 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.

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 89** be passed.

Also, **SB 128** be amended on page 7, in line 36, after "attorney," by inserting "a special assistant United States attorney,"; by striking all in line 37; in line 38, by striking all before the period and inserting "special assistant attorney general, a county attorney, an assistant county attorney, a special assistant county attorney, a district attorney, an assistant district attorney, a special assistant district attorney, a city attorney, an assistant city attorney or a special assistant city attorney"; and the bill be passed as amended.

**SB 214** be amended on page 7, in line 24, after "to" by inserting "three times"; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 77**, **SB 78** be passed.

Committee on **Judiciary** recommends **SB 148** be passed.

Also, **SB 184** 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 **Natural Resources** recommends **SB 120**, **125** be passed.

Also, **SB 124** be amended on page 3, in line 30, after "(E)" by inserting "The seller of any property where land-spreading has occurred pursuant to this paragraph shall disclose such land-spreading and the date thereof to any potential purchaser of such property.

(F)";

On page 4, following line 2, by inserting:

"(G) On or before January 30 of each year, the state corporation commission shall present a report to the senate standing committees on natural resources and ways and means and to the house standing committees on agriculture and natural resources and appropriations. Such report shall include, but not be limited to, information concerning the implementation and status of land-spreading procedures and the costs associated with the regulation of land-spreading pursuant to this paragraph."; and the bill be passed as amended.

**SB 156** be amended on page 2, in line 4, by striking "\$75,000" and inserting "\$95,000"; and the bill be passed as amended.

**SB 227** be amended on page 1, in line 8, by striking all after "holder"; in line 9, by striking all before "when";

On page 3, in line 20, by striking all after "plan"; by striking all in lines 21 and 22; in line 23, by striking all before the colon; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 182** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 182," as follows:

"Substitute for SENATE BILL NO. 182

By Committee on Public Health and Welfare

"AN ACT concerning the department of health and environment; relating to the elimination of inspector general; amending K.S.A. 2014 Supp. 75-2973 and repealing the existing section; also repealing K.S.A. 2014 Supp. 75-7427.";

And the substitute bill 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 Donovan in the chair.

On motion of Senator Donovan the following report was adopted:

Recommended: **SB 52**, **SB 55**, **SB 72**, **SB 95** be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Francisco to amend **SB 95** failed.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, February 20, 2015.

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

COREY CARNAHAN, *Secretary of the Senate*.

