

# Journal of the Senate

FORTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 14, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Melcher was excused.

President Wagle introduced guest Chaplain, Pastor Gary Roten, Emmanuel Baptist Church, Topeka, who delivered the following invocation:

Jesus this afternoon I pray for this Senate body of Kansas. I pray: That they be granted wisdom, knowledge, and understanding for the challenges they are facing. That they will respect authority and practice accountability to each other and other parts of our Kansas government. That they will be honest in our state's financial, tax and ethical matters. That they will desire honesty and integrity in their public and private life. That they will have the courage to resist manipulation, pressure and the fear of man. That they will continue to seek ways to be generous and have compassionate hearts for the poor and needy. That they would seek to find ways to restore the sanctity of life, families, and morality in our nation. That they will have a desire for humility and meekness and have a desire to serve and cooperate with their fellow state senators. I pray in their personal life: That they will be honest and faithful to their family. That they will have a desire for purity. That they be prepared to give an account to Almighty God. Amen

The Pledge of Allegiance was led by President Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 509**, AN ACT concerning state finances; creating a budget stabilization fund; relating to state general fund revenue and expenditures; review of risk-based practices by the legislative budget committee; amending K.S.A. 75-3722 and 75-6704 and K.S.A. 2015 Supp. 75-3721 and repealing the existing sections, by Committee on Ways and Means.

**SB 510**, AN ACT concerning medical marijuana; eliminating criminal penalties and professional discipline for recommendation, distribution or possession of medical marijuana or related paraphernalia, by Committee on Ways and Means.

**SB 511**, AN ACT concerning the state health care benefits program; relating to the powers of the Kansas state employees health care commission; requiring legislative approval before changing coverage options; establishing qualified participants;

amending K.S.A. 2015 Supp. 75-6501 and repealing the existing section, by Committee on Ways and Means.

**SB 512**, AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal year ending June 30, 2017, for the department of education; relating to the classroom learning assuring student success act; amending K.S.A. 2015 Supp. 72-6463, 72-6465, 72-6476, 72-6481 and 74-4939a and repealing the existing sections, by Committee on Ways and Means.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 508**.

Public Health and Welfare: **HB 2369**, **HB 2571**.

Ways and Means: **HB 2509**.

### MESSAGES FROM THE GOVERNOR

March 2, 2016

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments, made by me as the Governor of the State of Kansas, pursuant to law.

Sam Brownback  
Governor

*Member, State Board of Indigent Defense Services*, Paul Beck (D), Ness City, pursuant to the authority vested in me by K.S.A. 22-4519, and effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2019, to succeed himself.

*Member, Human Rights Commission*, Harold Schorn, Jr., (D), Newton, pursuant to the authority vested in me by K.S.A. 44-1003 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2018, to succeed Marilyn Wilder.

*Member, Human Rights Commission*, Melvin Neufeld (R), Garden City, pursuant to the authority vested in me by K.S.A. 44-1003 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15-2020, to succeed himself.

*Member, University of Kansas Hospital Authority*, Robba Moran (R), Manhattan, pursuant to the authority vested in me by K.S.A. 76-3304 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2018, to succeed Dave Kerr.

*Member, University of Kansas Hospital Authority*, Mark Uhlig (R), Leawood, pursuant to the authority vested in me by K.S.A. 76-3304 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2020, to succeed Dr. Dan Thomas.

*Member, State Banking Board*, Brian Weisel (U), Salina, pursuant to the authority vested in me by K.S.A. 74-3004 et seq., and effective upon the date of confirmation by

the Senate, to serve a three year term, to expire March 15, 2018, to succeed Dale Koch. *Member, Kansas Lottery Commission*, James Washington (R), Basehor, pursuant to the authority vested in me by K.S. A. 74-8709 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2020, to succeed himself.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2573**,  
Announcing passage of **SB 369**.  
Announcing passage of **SB 390**, as amended.  
Announcing passage of **SB 55**, as amended by **H Sub SB 55**.  
Announcing passage of **HB 2607**, **HB 2617**, **HB 2662**.  
Announcing passage of **SB 325**, as amended.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2573**, **HB 2607**, **HB 2617**, **HB 2662** were thereupon introduced and read by title.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Petersen, 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, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1777—

A RESOLUTION commemorating the 75<sup>th</sup> Anniversary of Civil Air Patrol.

WHEREAS, Civil Air Patrol (CAP) was founded on December 1, 1941, by a fledgling group of volunteers led by civilian pilots who flew their own planes, at their own expense, to support the Allied Powers' efforts in World War II. After the United States became involved in the war, Civil Air Patrol primarily flew reconnaissance missions near the country's coasts to protect cargo ships, especially vital oil tankers that were being sunk at such an alarming rate that it would, according to U.S. Army Chief of Staff Gen. George Marshall, "threaten our entire war effort"; and

WHEREAS, So many submarines were spotted by these "subchasers" that a decision was soon made by the military to arm the light aircraft with small bombs and the larger aircraft with 325-pound depth bombs, putting these brave civilians at great risk, as they were often flying 100 miles or more from shore in unpredictable weather; and

WHEREAS, Over the next year and a half, these subchasers played an integral role in the defense of America's home front during World War II, spotting 143 German submarines, attacking 57 while directing shore-based fighting units to their targets and forcing the enemy to move farther offshore; and

WHEREAS, The wartime effort, which included border patrol operations, search and rescue, disaster relief, forest fire patrol, emergency transportation of personnel and critical cargo and towing of practice targets for the U.S. military, also resulted in the

loss of 26 coastal patrol members and 90 aircraft in the war's beginning stages, as well as the loss of 150 aircraft and 66 deaths by the war's end; and

WHEREAS, Civil Air Patrol's work on the coast was heralded as a great success, prompting President Harry S. Truman to sign Public Law 476 in 1946, which chartered CAP as a benevolent, nonprofit organization, and nearly two years later, in 1948, the Congress of the United States passed Public Law 557, permanently establishing CAP as the official auxiliary of the U.S. Air Force with the three primary missions of Emergency Services, Cadet Programs and Aerospace Education; and

WHEREAS, Since that auspicious beginning, a modern day Civil Air Patrol has emerged to become one of the nation's premier humanitarian service organizations, saving lives, finding those who are lost, helping fellow citizens in times of disaster, working to keep America safe, preparing future leaders, offering aerospace education to inspire our nation's youth and honoring our military; and

WHEREAS, Civil Air Patrol, forged by a late-century revolution in search and rescue technology, became known worldwide for its unique emergency services operations and for performing vital search and rescue, disaster relief and other important emergency missions for what now numbers more than 1,400 communities across the United States, the District of Columbia and Puerto Rico; and

WHEREAS, Civil Air Patrol, supported by the world's largest fleet of single-engine aircraft equipped with high-technology tools like full-motion video, infrared cameras and glass cockpit instrumentation, has established itself among the nation's search and rescue elite, now participating in up to 90% of the Air Force's inland search and rescue missions; and

WHEREAS, Civil Air Patrol has more than 8,000 air crew members and 30,000 emergency responders trained to Federal Emergency Management Agency standards; has contributed free services valued at \$164 million in 2015 by serving the disaster relief and emergency service needs of communities in the United States, the District of Columbia and Puerto Rico; has saved thousands of lives in its 75-year history; and has a fleet of more than 950 emergency services vehicles for training and mission support; and

WHEREAS, A top resource for disaster relief, Civil Air Patrol is often first on the scene, providing aerial photography and damage assessment to help emergency officials pinpoint critical infrastructure needs in real time as well as ground team support, often providing door-to-door services, which include water, food and supply delivery, and sometimes even laundry services, for victims; and

WHEREAS, Recent high-visibility Civil Air Patrol missions have included responses to tornadoes that have ravaged communities across America, forest fires in numerous states, tsunamis on the Hawaiian and Pacific coasts, hurricanes Katrina and Sandy, wildfires in the Southwest, floods in the Midwest, the September 11<sup>th</sup> terrorist attacks and counterdrug missions across the nation that have helped remove over \$1 billion in illegal drugs from our communities; and

WHEREAS, The aircraft of Civil Air Patrol were the only nonmilitary planes allowed in the skies over the U.S. in the immediate aftermath of the September 11<sup>th</sup> terrorist attacks, and CAP has since performed admirably in other homeland security missions, including responding to the Deepwater Horizon oil spill in the Gulf of Mexico, a continuous 118-day effort, by taking the tens of thousands of aerial photographs necessary for assessing environmental damage, deploying containment

assets and successfully working side by side with numerous state and federal agencies, all the while saving the federal government an estimated \$22 to \$38 million for these services; and

WHEREAS, Civil Air Patrol sets the world standard for volunteer aviation emergency services, prompting other nations, like Denmark and the United Kingdom, to use the CAP model to establish or improve their own similar volunteer programs; and

WHEREAS, Civil Air Patrol's youth program currently includes more than 24,000 cadets who benefit from a curriculum that trains them to be leaders; offers them opportunities for flight, including pilot training; and teaches emergency services techniques, including lifesaving; and

WHEREAS, Civil Air Patrol reaches tens of thousands of the country's school-aged children and their teachers through a comprehensive selection of academic programs that stress the STEM subjects of science, technology, engineering and math, in addition to programs that encourage a drug-free lifestyle; and

WHEREAS, Civil Air Patrol's membership includes more than 475 chaplains who fulfill critical needs for deployed U.S. military chaplains and provide counseling services for soldiers and their families, as well as disaster victims; and

WHEREAS, In its partnership with Wreaths Across America, Civil Air Patrol annually honors military veterans by helping sponsor and place tens of thousands of wreaths at the graves of fallen soldiers at U.S. cemeteries nationwide and overseas; and

WHEREAS, Civil Air Patrol is celebrating 75 years of performing these "Missions for America": Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commend and celebrate the 75<sup>th</sup> Anniversary of Civil Air Patrol and honor the men and women who have served, and those who continue to serve, their fellow citizens through Civil Air Patrol, a noble and patriotic organization; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Petersen.

On emergency motion of Senator Petersen **SR 1777** was adopted unanimously.

## REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **HB 2436** be amended on page 5, in line 3, following "after" by inserting "January 1, 2017, and"; and the bill be passed as amended.

Also, **Sub HB 2473** be amended on page 3, in line 30, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**HB 2522** be amended on page 3, in line 33, before "digital" by inserting ": (1)"; also in line 33, after "photograph" by inserting a semicolon; also in line 33, by striking "black and white" and inserting "(2) a";

On page 5, in line 3, after the comma by inserting "either: (1)"; also in line 3, after "photograph" by inserting a semicolon; also in line 3, by striking "black and white" and inserting "(2) a"; in line 14, after "until" by inserting "either: (1)"; in line 15, after the first "photograph" by inserting a semicolon; also in line 15, by striking "black and white" and inserting "(2) a"; in line 18, after "cause" by inserting "either: (1)"; in line 19, after the first "photograph" by inserting a semicolon; also in line 19, by striking "black and white" and inserting "(2) a"; in line 23, after "containing" by inserting "either: (1)"; in line 24, after "photograph" by inserting a semicolon; also in line 24, by

striking "black and white" and inserting "(2) a";

On page 9, in line 22, after the second comma by inserting "either: (1)"; in line 23, after the first "photograph" by inserting a semicolon; also in line 23, by striking "black and white" and inserting "(2) a"; and the bill be passed as amended.

**HB 2563**, as amended by House Committee, be amended on page 2, in line 18, by striking "\$50" and inserting "\$25"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, March 15, 2016.

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

