

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 12, 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:

John Ruskin said "What we think, or what we know, or what we believe is, in the end, of little consequence. The only consequence is what we do." Our actions speak volumes especially to those who do not know us. Dear Lord, help us to be the best person that others hope us to be, and to be the best person that we hope to be. In your holy name, we pray. 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 212, AN ACT concerning employees; relating to certain employee organizations; certain deductions from wages; amending K.S.A. 2014 Supp. 75-4338 and repealing the existing section, by Committee on Assessment and Taxation.

SB 213, AN ACT concerning crimes, punishment and criminal procedure; relating to murder in the first degree; inherently dangerous felony; amending K.S.A. 2014 Supp. 21-5402 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

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, 38-2202, 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, by Committee on Corrections and Juvenile Justice.

SB 215, AN ACT concerning motor vehicles; relating to registration of vehicles; penalties, evidence of renewal; amending K.S.A. 2014 Supp. 8-142 and repealing the existing section, by Committee on Transportation.

SB 216, AN ACT concerning law enforcement officers and officer-involved deaths; enacting the investigation and review of deaths involving law enforcement officers act, by Committee on Federal and State Affairs.

SB 217, AN ACT concerning farm wineries; relating to farmers' market sales permits; amending K.S.A. 2014 Supp. 41-351 and repealing the existing section, by Committee on Agriculture.

SB 218, AN ACT concerning advanced practice registered nurses; amending K.S.A. 2014 Supp. 65-1113 and 65-1130 and repealing the existing sections, by Committee on Ways and Means.

SB 219, AN ACT concerning social welfare; relating to the reporting of abuse, neglect or exploitation of certain persons; amending K.S.A. 39-1438 and K.S.A. 2014 Supp. 39-1430, 39-1431, 39-1433, 39-1435, 39-1437 and 39-1443 and repealing the existing sections, by Committee on Judiciary.

SB 220, AN ACT concerning crimes and punishment; relating to battery against a mental health employee; amending K.S.A. 2014 Supp. 21-5413 and repealing the existing section, by Committee on Judiciary.

SB 221, AN ACT concerning credit and debit transactions; relating to surcharges; amending K.S.A. 72-8245 and K.S.A. 2014 Supp. 12-16,125, 19-122 and 75-30,100 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 16a-2-403, by Committee on Judiciary.

SB 222, AN ACT concerning crimes and punishment; relating to creating a hazard; amending K.S.A. 2014 Supp. 21-6318 and repealing the existing section, by Committee on Judiciary.

SB 223, AN ACT concerning the legislature; relating to length of regular sessions, 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 199, SB 200, SB 203.**

Commerce: **SB 198, SB 207, SB 208, SB 209, SB 210.**

Corrections and Juvenile Justice: **SB 194.**

Federal and State Affairs: **SB 201, SB 205, SB 211.**

Financial Institutions and Insurance: **SB 202.**

Judiciary: **SB 195, SB 196, SB 197, SB 204, SB 206.**

Ways and Means: **SB 193.**

CHANGE OF REFERENCE

Under authority of the Senate President, Vice President King withdrew **SB 54** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

An objection having been made to **SB 105** appearing on the Consent Calendar, the Vice President directed the bill be removed and placed on the calendar under the heading of General Orders.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2006, HB 2025, HB 2042, HB 2043, HB 2055, HB 2065, HB 2066, HB 2111, HB 2126.**

The House adopts the Conference Committee report to agree to disagree on **HCR 5002**, and has appointed Representatives Barker, Kahrs and Trimmer as second conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2006, HB 2025, HB 2042, HB 2043, HB 2055, HB 2065, HB 2066, HB 2111, HB 2126 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Powell introduced the following resolution which was read:

SENATE RESOLUTION No. 1711—

A RESOLUTION endorsing the twenty-sixth anniversary of sister state relations with the Republic of China (Taiwan), Taiwan's participation in the Trans-Pacific Partnership (TPP) and the United Nations Framework Convention on Climate Change (UNFCCC) and Taiwan's participation as an observer in the International Civil Aviation Organization (ICAO).

WHEREAS, On November 14, 1989, the State of Kansas and the Republic of China (Taiwan) entered into a sister state relationship of enduring friendship and international cooperation; and

WHEREAS, Over the past twenty-six years, the bonds of true friendship and steadfast trade partnership between Kansas and Taiwan have been strengthened, resulting in tourism and a strong economic, social and cultural exchange; and

WHEREAS, Every other year, Taiwan has sent an agricultural trade goodwill mission to the U.S. Midwest region, including Kansas, to demonstrate Taiwan's continuing goodwill and willingness to purchase Kansas agricultural products. The Kansas agricultural industry has benefited greatly over the past decades from the sale of beef, wheat and corn to Taiwan; and

WHEREAS, Kansas and Taiwan have enjoyed a long and mutually beneficial relationship and anticipate continuing growth. Taiwan ranks as Kansas' 12th largest export destination with \$194.5 million worth of Kansas goods shipped to Taiwan; and

WHEREAS, The United States ranks as Taiwan's third largest trading partner. Taiwan is the tenth largest trading partner of the United States with bilateral trade reaching \$63.6 billion; and

WHEREAS, The Trade and Investment Framework Agreement (TIFA) meeting between the United States and Taiwan is laying the groundwork for a Bilateral Investment Agreement (BIA). Negotiation for a BIA is an important step toward further strengthening bilateral trade and paving the way for entering into a free trade agreement between the United States and Taiwan, thereby increasing the exports of Kansas to Taiwan and creating bilateral investment through tariff reduction and other trade facilitation measures; and

WHEREAS, Taiwan, seeking to contribute to greater regional integration in the Asia-Pacific region and promote bilateral investment and trade relations with the United States, applauds the United States' announcement of its intent not only to join the Trans-Pacific Partnership (TPP), but to expand TPP membership in the future to include other countries, such as the Republic of China (Taiwan); and

WHEREAS, Taiwan's inclusion in the TPP would contribute substantially to the depth, viability, and quality of the TPP. Taiwan's strong economic weight in the Asia-Pacific and the world, its well-developed knowledge base and highly skilled workforce, its vital position along regional supply chains and value chains and the positive economic and strategic gains for all make Taiwan an ideal candidate economy for the TPP's expansion; and

WHEREAS, Taiwan's absence from the United Nations Framework Convention on Climate Change has hampered Taiwan's ability to participate in global climate initiatives and respond to natural disasters. Taiwan can be a valuable and constructive partner in the international response to the adverse effects of climate change and severe weather emergencies, as evidenced by Taiwan's speedy and generous response to aid the victims of Typhoon Haiyan in the Philippines, which included donations of approximately \$12.22 million; and

WHEREAS, The development of international civil aviation in a safe and orderly manner is the supreme cause of the International Civil Aviation Organization (ICAO). The ICAO depends to a great extent on multilateral cooperation to achieve the goals of safety, order and sustainable development; and

WHEREAS, Taiwan is an integral part of the global aviation network. With an excellent geographic location, Taiwan is a key aviation hub for regions in Asia and the world; and

WHEREAS, Taiwan Taoyuan International Airport is ranked 16th globally in international passenger traffic by the Airports Council International (ACI), and 58 domestic and foreign airlines connect Taiwan with 117 cities across the world. The Taipei Flight Information Region (FIR) each year provides more than 1.3 million navigation services to aircraft carrying 45 million passengers and over 1.68 million tons of cargo. The large volume of cargo and passenger traffic make Taiwan an important part of the global air transport network; and

WHEREAS, Without Taiwan's participation, international flight plans, regulations and procedures that the ICAO formulates will be incomplete and unsafe; and

WHEREAS, Taiwan's request to participate in the ICAO is fully in line with the United States government's policy of supporting Taiwan's meaningful participation in United Nations specialized agencies: Now, therefore,

Be it resolved by the Senate of the State of Kansas:

(1) That Kansas is celebrating the twenty-sixth anniversary of sister state relations with the Republic of China (Taiwan); and

(2) Kansas supports Taiwan's efforts to secure entry into the Trans-Pacific Partnership (TPP), and endorses the signing of the Bilateral Investment Agreement (BIA) with the United States; and

(3) Kansas supports Taiwan's appropriate participation in the United Nations Framework Convention on Climate Change (UNFCCC) and endorses Taiwan's participation as an observer in the International Civil Aviation Organization (ICAO); and

Be it further resolved: That copies of this resolution are sent to the United States Secretary of State, John F. Kerry, President Ma Ying-jeou of the Republic of China (Taiwan), Secretary General Raymond Benjamin of the International Civil Aviation Organization, Executive Secretary Christiana Figueres of the United Nations Framework Convention on Climate Change, each member of the Kansas Congressional

Delegation and Director General Jack J.C. Yang of the Taipei Economic and Cultural Office.

On emergency motion of Senator Powell **SR 1711** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 32** be amended on page 1, in line 9, by striking "five" and inserting "seven"; in line 14, after the semicolon by inserting:

"(5) one representative appointed by the minority leader of the house of representatives;

(6) one senator appointed by the minority leader of the senate;";

Also on page 1, in line 15, by striking "(5)" and inserting "(7)"; in line 35, by striking "three" and inserting "four";

On page 2, in line 5, by striking "reconvene to" and inserting "be reconstituted in accordance with subsection (a). The task force shall"; in line 9, by striking "reconvenes" and inserting "is reconstituted"; in line 13, by striking all after "(a)"; in line 14, by striking all before the period and inserting "For school year 2016-2017, six unified school districts shall conduct a compliance audit. The efficient operation of schools task force shall select the six school districts"; in line 28, after "for" by inserting "1/2 of"; in line 29, by striking "annual"; in line 36, after "reports" by inserting "an amount that is equal to 1/2 of"; in line 37, by striking "annual"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 155** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 155," as follows:

"Substitute for SENATE BILL NO. 155

By Committee on Financial Institutions and Insurance

"AN ACT concerning insurance; relating to surplus lines coverage; defining terms; relating to gross premiums and tax thereon; nonadmitted insurers authorized to write excess coverage on Kansas risks; amending K.S.A. 2014 Supp. 40-246b, 40-246c and 40-246e and repealing the existing sections; also repealing K.S.A. 2014 Supp. 40-5701, 40-5702 and 40-5703.";

And the substitute bill be passed.

Committee on **Natural Resources** recommends **SB 64** be amended on page 2, in line 9, by striking "as"; in line 10, by striking all before the period and inserting "at a rate per annum equal to the average of the monthly net earnings rate for the pooled money investment portfolio for the preceding calendar year for each year of storage"; following line 10, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 82a-1605 is hereby amended to read as follows: 82a-1605. (a) The state may participate with a sponsor in the development, construction or renovation of a class II multipurpose small lake project if the sponsor has a general plan which has been submitted to and approved by the chief engineer in the manner provided by K.S.A. 24-1213 and 24-1214, and amendments thereto. If the Kansas water office determines that additional public water supply storage shall be needed in that area of the state within 20 years from the time such project is to be completed and a water user is not available to finance public water supply storage, the state may include future use public water supply storage in the project. The Kansas water office shall apply for a water appropriation right sufficient to insure a dependable yield from public water supply storage. The Kansas water office shall be exempt from all applicable fees

imposed pursuant to K.S.A. 82a-701 et seq., and amendments thereto, for such applications. The Kansas water office shall have authority to adopt rules and regulations relative to the inclusion of public water supply storage in proposed projects under this act and the disposition of state-owned water rights and associated public water supply storage space in such projects.

(b) In a class II project, the state may assume initial financial obligations for public water supply storage in watersheds by entering into long-term contracts with the federal government. In order to provide security to the federal government, the state may grant assignments of water rights, either appropriation rights or water reservation rights; assignments of rights under existing or prospective water purchase contracts; assignments, mortgages or other transfers of interests in real property held by the state and devoted to the specific small lake project for which security is sought; or may provide other security that is permissible under state law and acceptable by the federal government. Instead of contracting to repay costs under long-term contracts, the state may pay all of the required costs of the public water supply storage in a lump sum.

(c) The sponsor of such class II project shall be responsible for acquiring land rights and for the costs of operation and maintenance of such project. The state or federal government may provide up to 50% of the engineering and construction costs and up to 50% of the costs of land rights associated with recreation features. Subject to the provisions of subsection (d), the state may pay up to 100% of the engineering and construction costs of flood control and public water supply storage. All other costs of such project, including land, construction, operation and maintenance shall be paid by the sponsor.

(d) The state shall not participate in the costs of public water supply storage in a renovation project unless the Kansas water office determines that renovation is the most cost effective alternative for such storage. The state shall be authorized to pay only up to 50% of the engineering and construction costs of public water supply storage in such a renovation project.

(e) The Kansas water office may recover the state's costs incurred in providing public water supply storage in such class II project, and interest on such costs, by selling such storage and the associated water rights. Interest on such costs shall be computed at a rate per annum ~~which is equal to the greater of: (1) The average rate of interest earned the past calendar year on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board, less 5%; or (2) four percent equal to the average of the monthly net earnings rate for the pooled money investment portfolio for the preceding calendar year for each year of storage.~~

Sec. 3. K.S.A. 2014 Supp. 82a-1606 is hereby amended to read as follows: 82a-1606. (a) The state may participate with a sponsor in the development, construction or renovation of a class III multipurpose small lake project if the sponsor has a general plan which has been submitted to and approved by the chief engineer in the manner provided by K.S.A. 24-1213 and 24-1214, and amendments thereto. If public water supply storage is included in the project, the sponsor of such class III project shall pay for 100% of the costs associated with the public water supply storage portion of such project unless the Kansas water office determines that additional public water supply storage shall be needed in that area of the state within 20 years from the time such project is to be completed and a sponsor is not available to finance 100% of the costs associated with the public water supply storage, the state may participate in the future

use public water supply storage costs of the project. If the state participates in the public water supply storage costs, the Kansas water office shall apply for a water appropriation right sufficient to insure a dependable yield from public water supply storage. The Kansas water office shall be exempt from all applicable fees imposed pursuant to K.S.A. 82a-701 et seq., and amendments thereto, for such applications. The Kansas water office shall have authority to adopt rules and regulations relative to the inclusion of public water supply storage in proposed projects under this act and the disposition of state-owned water rights and associated public water supply storage space in such projects.

(b) The sponsor of such class III project shall be responsible for acquiring land rights and for the costs of operation and maintenance of the project. The state may provide up to 50% of the engineering and construction costs and up to 50% of the costs of land rights associated with recreation features. Subject to the provisions of subsection (c), the state may pay up to 100% of the engineering and construction costs of flood control storage and public water supply storage. All other costs of such project, including land, construction, operation and maintenance, shall be paid by the sponsor.

(c) The state shall not participate in the costs of public water supply storage in a renovation project unless the Kansas water office determines that renovation is the most cost effective alternative for such storage. The state shall be authorized to pay only up to 50% of the engineering and construction costs of public water supply storage in such a renovation project.

(d) The Kansas water office may recover the state's costs incurred in providing public water supply storage in such class III project, and interest on such costs, by selling such storage and the associated water rights. Interest on such costs shall be computed at a rate per annum ~~which is equal to the greater of: (1) The average rate of interest earned the past calendar year on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board, less 5%; or (2) four percent equal to the average of the monthly net earnings rate for the pooled money investment portfolio for the preceding calendar year for each year of storage.~~

Also on page 2, in line 11, by striking "is" and inserting ", 82a-1605 and 82a-1606 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "82a-1604" by inserting ", 82a-1605 and 82a-1606"; also in line 2, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **SB 97** be amended on page 2, in line 19, by striking ", possession"; in line 26, after "(a)" by inserting "Except as provided in subsection (e),"; in line 33, by striking "To prevent injuries to members of the public, all"; in line 34, by striking all after "animals"; in line 35, by striking all before "tethered" and inserting "removed from confinement shall not be allowed to run at large or be"; in line 36, by striking "unsupervised";

On page 3, in line 4, by striking "physical"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 68** be amended on page 1, following line 29, by inserting:

"New Sec. 3. 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. 4. 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.";

Also on page 1, in line 30, before "K.S.A." by inserting "K.S.A. 68-1034 and"; also in line 30, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "ACT" by inserting "concerning roads and highways;"; also in line 1, by striking "a portion of K-96 as"; also in line 1, after "expressway;" by inserting "the Kenneth W Bernard memorial highway;"; in line 2, after "amending" by inserting "K.S.A. 68-1034 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **SB 43** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

SB 73 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

REPORT ON ENROLLED BILLS

SR 1709, SR 1710 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 12, 2015.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, February 13, 2015.

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

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