

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 16, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 37 senators present.
Senators Haley, Holland and Love were excused.
Invocation by Father Don Davidson:

Dear God, thank you for the beauty of our Kansas Flint Hills. A drive through the flint hills can stir the heart. We have great respect for the majesty of the mountains and the commanding power of the oceans and yet the unobstructed land stretching for miles and miles gives us assurance of your artistry. In our haste to go from place to place let us never take for granted the beauty of your creation. Thank you, dear Lord. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 231, AN ACT concerning law enforcement; relating to Wichita state university; amending K.S.A. 2014 Supp. 76-726 and repealing the existing section, by Committee on Federal and State Affairs.

SB 232, AN ACT concerning liens or claims against real or personal property; relating to prohibitions on certain filings; public officials; notice; criminal penalties; amending K.S.A. 2014 Supp. 58-4301 and repealing the existing section, by Committee on Federal and State Affairs.

SB 233, AN ACT concerning taxation; relating to rates of taxation; cigarettes, tobacco products and alcoholic beverages; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2014 Supp. 79-3310, 79-3310c, 79-3311, 79-3312 and 79-4101 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 234, AN ACT concerning state finances; relating to state general fund tax receipts and expenditures; providing a tax amnesty; creating a budget stabilization fund and tax reduction fund; ending balances; income tax rates, itemized deductions; reports to the legislature; amending K.S.A. 75-3722 and 75-6704 and K.S.A. 2014 Supp. 75-3721, 75-6702, 79-32,110, 79-32,120 and 79-32,269 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 235, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2015, June 30, 2016, and June 30, 2017, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and

limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

SB 236, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2016, and June 30, 2017, for the judicial branch, by Committee on Ways and Means.

SB 237, AN ACT making and concerning appropriations for fiscal years ending June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2014 Supp. 2-223, 12-5256, 55-193, 68-2320, 74-50,107, 74-8963, 74-99b34, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections; also repealing K.S.A. 2014 Supp. 74-99b34a, by Committee on Ways and Means.

SB 238, AN ACT concerning taxation; relating to homestead property tax refunds; eligibility for armed forces service-connected disability; amending K.S.A. 2014 Supp. 79-4502 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 224**, **SB 225**, **SB 226**; **SCR 1603**.

Judiciary: **SB 229**, **SB 230**.

Natural Resources: **SB 227**.

Senate Select Committee on KPERS: **SB 228**.

CHANGE OF REFERENCE

An objection having been made to **SB 22**, **SB 161** appearing on the Consent Calendar, the President directed the bills be removed and placed on the calendar under the heading of General Orders.

The President withdrew **SB 191**, **SB 196** from the Committee on **Judiciary**, and referred the bills to the Committee on **Corrections and Juvenile Justice**.

MESSAGES FROM THE GOVERNOR

February 10, 2015

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 Civil Service Board, Allen Schmidt (D), Hays, pursuant to the authority vested in me by K.S.A. 75-2929a, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2017, to succeed James Lowther.

February 11, 2015

Member, Racing and Gaming Commission, Laura McConwell (R), Mission, pursuant to the authority vested in me by K.S.A. 74-8803 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2019, to succeed herself.

Member, State Board of Indigent Defense Services, Samantha Angel (R), Salina, 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, 2018, to succeed herself.

Member, State Board of Indigent Defense Services, Jeffrey Leiker (U), Kansas 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, 2018, to succeed himself.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2010, HB 2029, HB 2051, HB 2056, HB 2097.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2010, HB 2029, HB 2051, HB 2056, HB 2097 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Abrams introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1712—

A RESOLUTION congratulating and commending the
2015 Kansas Horizon Award Program educators.

WHEREAS, Thirty-two beginning educators from across the state have been named as Kansas Horizon Award Program educators; and

WHEREAS, The Kansas Horizon Award Program, sponsored by the Kansas State Department of Education and Capitol Federal, identifies and recognizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the Kansas Horizon Award Program is to recognize exemplary first-year teachers who perform in a way that distinguishes them as outstanding; and

WHEREAS, The Kansas Horizon Award Program, currently in its 13th year, allows all school districts in the state an opportunity to nominate one elementary and one secondary teacher for the award. To be eligible for the program, teachers must have successfully completed their first year of teaching and have performed in such a way as to distinguish themselves as outstanding. The Kansas Horizon Award Program is a regional competition with four regions corresponding to the state's United States congressional districts. Four elementary and four secondary classroom teachers may be selected for the award from each district; and

WHEREAS, This year's recipients are: Region 1: Collin Carlson, Salina South High School, USD 305 Salina; Leah DeTravernier, South Middle School, USD 480 Liberal; Madeline Dierking, Logan Avenue Elementary School, USD 253 Emporia; Justin

Heeke, Miller Elementary School, USD 443 Dodge City; Austyn McNew, Bluemont Elementary School, USD 383 Manhattan-Ogden; Chrystiana Miller, Sheridan Elementary School, USD 475 Geary County; Maria Loewen, McPherson Middle School, USD 418 McPherson; Olga Silverman, Solomon High School, USD 393 Solomon; and

Region 2: Alyssa Buxman, Berryton Elementary School, USD 450 Shawnee Heights; Collin Eidelson, Ottawa High School, USD 290 Ottawa; Nichole Gurwell, Tonganoxie Elementary School, USD 464 Tonganoxie; Laura Hochman, South Middle School, USD 497 Lawrence; Wendy Mader, Rossville Grade School, USD 321 Kaw Valley; Jessica Otradovec, Seaman High School, USD 345 Seaman; Brittany Roper, Shawnee Heights High School, USD 450 Shawnee Heights; Hannah Rosell, Earl M. Lawson Elementary School, USD 453 Leavenworth; and

Region 3: Kelsey Bradley, Indian Valley Elementary School, USD 229 Blue Valley; Jamie Drogemeier, Spring Hill Middle School, USD 230 Spring Hill; Katherine Durick, Lakewood Middle School, USD 229 Blue Valley; Haley Epperson, Spring Hill Elementary School, USD 230 Spring Hill; Joel McGhee, Broadmoor Elementary School, USD 416 Louisburg; Taylor Newman, Prairie Ridge Elementary School, USD 232 DeSoto; Alyssa Passmore, Turner Sixth Grade Academy, USD 202 Turner; Katherine Wilber, Monticello Trails Middle School, USD 232 DeSoto; and

Region 4: Bethany Brewer, McCollom Elementary School, USD 259 Wichita; Jessica Dosser, Garfield Elementary School, USD 402 Augusta; Patrick Huddleston, Andover Central High School, USD 385 Andover; Caleb McCaffree, Ruth Clark Elementary School, USD 261 Haysville; Kathryn Richardson, Coleman Middle School, USD 259 Wichita; Grant Threlkeld, Amelia Earhart Elementary School, USD 265 Goddard; Susanna Tippett, Newton High School, USD 373 Newton; Kaitlin Woellhof, Valley Center High School, USD 262 Valley Center: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2015 Kansas Horizon Award Program educators for outstanding performance in their chosen career; and

Be it further resolved: That the Secretary of the Senate shall send 32 enrolled copies of this resolution to the Commissioner of Education for forwarding to each educator so honored plus one copy to the Commissioner of Education.

On emergency motion of Senator Abrams **SR 1712** was adopted unanimously.

Senator Abrams introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1713—

A RESOLUTION congratulating and commending the Kansas recipient of the 2014 Milken Educator Award.

WHEREAS, Amy Stanislawski, 3rd grade teacher at Dodge Literacy Magnet Elementary School, Wichita USD 259, has been selected as the Kansas recipient of the 2014 Milken Educator Award. She will receive an unrestricted award of \$25,000 plus recognition by her community, school and peers; and

WHEREAS, The Milken Educator Awards program was established by the Milken Family Foundation in 1985 and the first awards were presented in 1987; and

WHEREAS, The Milken Educator Awards program provides public recognition and financial awards to elementary and secondary school teachers, principals and other

educational professionals who are furthering excellence in education. By honoring outstanding educators, the program strives to attract, retain and motivate talented people to the challenge and adventure of teaching; and

WHEREAS, The Milken Educator Awards are announced each year at a surprise notification held during an all-school assembly. Foundation representatives and the chief state school officer make the announcements. Amy Stanislawski was one of about 40 educators around the country recognized with the award this year. By publicizing these awards, our communities are reminded of the crucial, positive impact of educators. Furthermore, it is hoped these awards will attract the attention of those who might consider teaching as a rewarding career choice: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Amy Stanislawski upon her selection as the Kansas recipient of the 2014 Milken Educator Award; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the Commissioner of Education for forwarding to the 2014 Milken Educator.

On emergency motion of Senator Abrams **SR 1713** was adopted unanimously.

Senator Abrams introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1714—

A RESOLUTION congratulating and commending the
2014 Kansas National Board Certified Teachers.

WHEREAS, Eleven of Kansas' finest educators have satisfied the highest professional qualifications of the National Board of Professional Teaching Standards to be designated as National Board Certified Teachers. They will be recognized as such at a program on February 19, 2015; and

WHEREAS, The 2014 Kansas National Board Certified Teachers are: Stephanie Brachtenbach, Harmony Elementary School, USD 229 Blue Valley; Brenda Colwell, Blue Valley North High School, USD 229 Blue Valley; Jamie Dawson, Emporia High School, USD 253 Emporia; Trevor Goertzen, Prairie Star Middle School, USD 229 Blue Valley; Kristen Leaming, Morse Elementary School, USD 229 Blue Valley; Steve Maack, Wichita East High School, USD 259 Wichita; Michael Alan Petermann, Wamego Middle School, USD 320 Wamego; Jean Reynolds, Blue Valley North High School, USD 229 Blue Valley; Tonya Runnels, Harmony Elementary School, USD 229 Blue Valley; Nancy L. Smith, Bentwood Elementary School, USD 233 Olathe; Amy D. Wasinger, Kathryn O'Loughlin Elementary School, USD 489 Hays; and

WHEREAS, National Board Certification, a voluntary process established by the National Board of Professional Teaching Standards, is a symbol of professional teaching excellence. It is achieved through a performance-based assessment process that measures a teacher's practice against high and rigorous advanced standards to demonstrate accomplished practice. Through a series of assessments, teachers demonstrate their subject matter knowledge, provide evidence that they know how to teach their subjects to students most effectively and demonstrate their ability to manage and measure student learning; and

WHEREAS, The National Board of Professional Teaching Standards is an independent, nonprofit, nonpartisan and nongovernmental organization. Its mission is to

advance the quality of teaching and learning by: Maintaining high and rigorous standards for what accomplished teachers should know and be able to do; providing a national voluntary system certifying teachers who meet these standards; and advocating related educational reforms to integrate National Board Certification in American education and to capitalize on the expertise of National Board Certified Teachers: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend each of these outstanding educators who have attained the status of National Board Certified Teachers; and

Be it further resolved: That the Secretary of the Senate shall send 11 enrolled copies of this resolution to the Commissioner of Education for forwarding to each of the teachers so honored plus a copy to the Commissioner of Education.

On emergency motion of Senator Abrams **SR 1714** was adopted unanimously.

Senator O'Donnell introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1715—

A RESOLUTION honoring native Kansan, Frederick L. Simon, for his service in the U.S. Army and the success of Freddy's Frozen Custard & Steamburgers.

WHEREAS, Frederick L. Simon was born on February 24, 1925, in Colwich, Kansas, and will turn 90 next week. He is a lifetime Kansan, having resided in Wichita all of his adult life; and

WHEREAS, After being denied admittance to the Army because he was underage at the time Pearl Harbor was bombed, Simon joined the United States Army in 1943 after graduating from high school. He trained at Fort Riley, Kansas, after which he was assigned to the 1st Cavalry Division; and

WHEREAS, On October 20, 1944, Private 1st Class Simon was on the first wave of ships at the historic amphibious landings at Leyte, Philippines. The landings commenced the liberation of the Philippines and fulfilled General Douglas MacArthur's famous "I shall return" commitment of the United States to the Filipino people; and

WHEREAS, While serving, Simon earned and was awarded the Purple Heart for injuries sustained, and the Bronze Star for valor. He was promoted to Sergeant shortly before the end of the war, only 10 months after the landing in the Philippines; and

WHEREAS, After World War II, Freddy, as he was known in his childhood and in the Army, returned to Wichita, where he graduated from Wichita University with a degree in accounting. He joined a wholesale liquor company shortly after prohibition was repealed in Kansas and worked there for 56 years; and

WHEREAS, Over the past 20 years, Freddy has provided a first-hand account of his World War II experiences to nearly 100 audiences of young and old Kansans but, primarily, to high school history classes in the state; and

WHEREAS, Freddy is the namesake and co-founder of Freddy's Frozen Custard & Steamburgers. The award-winning company opened its first store in Wichita in 2002. Today, the company has 140 stores in 23 states and, in its first 12 years, has created approximately 6,000 new jobs, 1,000 of which are in Kansas; and

WHEREAS, Freddy has been married to his wife, Norma Jean, for 67 years and raised six children. They have 19 grandchildren and nine great-grandchildren: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we wish Freddy Simon a happy 90th birthday next week, recognize him for his heroic service to this country and congratulate him on the nation-wide success of his restaurant business; and

Be it further resolved: That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator O'Donnell.

On emergency motion of Senator O'Donnell **SR 1715** was adopted unanimously.

Guests introduced were Freddy Simon, Randy Simon, Bill Simon and Sally Simon.

The Senate honored the guests with a standing ovation.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HCR 5002** submits the following report:

The House accedes to all Senate amendments to the resolution, and your committee on conference further agrees to amend the resolution as printed as Amended by Senate on Final Action, as follows:

On page 4, in line 43, before "A" by inserting "Subject to any limitations imposed under the constitution of the state of Kansas, no more than a total of four additional bills or concurrent resolutions or parts of bills or concurrent resolutions in conference or bills or concurrent resolutions or parts of bills or concurrent resolutions which have passed in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution, except that reports of conference committees on any taxation bill are not subject to the limitation contained in this provision.";

And your committee on conference recommends the adoption of this report.

JEFF KING

TERRY BRUCE

ANTHONY HENSLEY

Conferees on part of Senate

JOHN BARKER

MARK KAHRIS

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **HCR 5002**.

On roll call, the vote was: Yeas 27; Nays 7; Present and Passing 2; Absent or Not Voting 4.

Yeas: Abrams, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Hensley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, Melcher, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Arpke, Baumgardner, Kelly, McGinn, Pettey, Pyle, Schmidt.

Present and Passing: Francisco, Hawk.

Absent or Not Voting: Haley, Holland, Love, O'Donnell.

The Conference Committee Report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **SB 95** be amended on page 1, in line 26, after "container" by inserting ", although it does include an abortion in which a dismemberment abortion, as defined in subsection (b)(1), is used to cause the death of an unborn child but suction is subsequently used to extract fetal parts after the death of the unborn child"; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 109** be amended on page 1, in line 18, after "means" by inserting "work in preparation for a disaster and"; in line 20, by striking "that relate" and inserting "on or related"; in line 21, by striking "the" and inserting "any"; in line 32, by striking "the" and inserting "any"; in line 36, by striking "the" and inserting "any";

On page 2, in line 3, after "state" by inserting "except for disaster or emergency-related work during any disaster response period"; in line 8, after "state" by inserting "during any disaster response period"; also in line 8, by striking "This" and inserting "An "out-of-state business"; in line 11, by striking the second "the" and inserting "any"; in line 17, by striking "the" and inserting "any"; also in line 17, after "disaster" by inserting "response"; in line 18, after "presence" by inserting ", as a result of such disaster or emergency-related work"; in line 27, by striking "the" and inserting "any"; in line 31, by striking "activity" and inserting "disaster or emergency-related work";

On page 3, in line 1, by striking "the" and inserting "any"; in line 8, by striking the second "the" and inserting "any"; in line 9, by striking "a" and inserting "such"; in line 12, by striking the second "the" and inserting "any"; in line 17, by striking "it" and inserting "such out-of-state business"; in line 27, by striking the second "the" and inserting "any";

Also on page 3, following line 34, by inserting:

"(f) No provision of this act shall be interpreted to exempt any person from the requirements of K.S.A. 2014 Supp. 50-6,121 through 50-6,138, and amendments thereto."; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 17, 2015.

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

