

Journal of the Senate

FIFTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 30, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

The President introduced the new Senate Chaplain, Reverend Cecil T. Washington, Jr., of New Beginnings Church, Topeka, who delivered the invocation:

Gracious Father,

As the Senate gathers today, and as I join them in prayer, we're praying that You would renew and refresh. Refresh each Senator and refresh their determination to make right decisions. Give them an unquenchable thirst to know Your will and Your way. And then Lord, satisfy that thirst by letting them drink from the principles of Your Holy Word. Your Word, through the writer of Proverbs, in 3:5-7, reassures that You will show us the right path to take and that we should always trust Your guidance rather than come to conclusions on our own. Lord, guide these Senators that the effectiveness of their service will enhance our Culture like salt and light. (Matthew 5:13-16) In the name of Jesus, we thank You Lord, Amen and Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Bowers rose on a Point of Personal Privilege to introduce two guests visiting the Capitol. Senator Diane Allen from New Jersey, who is the current board chair of the National Foundation for Women Legislators, and Jody Thomas. The Senators welcomed them.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 301, AN ACT reconciling amendments to certain statutes; amending K.S.A. 2014 Supp. 12-1744a, 12-4516, 12-4516a, 17-7673, 17-7674, 17-7677, 21-6604, 21-6614, 38-2310, 39-709, as amended by section 9 of 2015 Senate Substitute for House Bill No. 2258, 65-2895, 74-4911f, 74-4914d, as amended by section 2 of 2015 Senate Bill No. 228, 74-4920, as amended by section 3 of 2015 Senate Bill No. 228, 75-37,121, 76-1936, 79-1609 and 79-1703 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 and 65-2895, as amended by section 36 of chapter 131 of the 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 9-1111, as amended by section 8 of 2015 House

Bill No. 2216, 9-1215, as amended by section 1 of 2015 Senate Substitute for House Bill No. 2258, 9-1216, as amended by section 2 of 2015 Senate Substitute for House Bill No. 2258, 12-1744f, 12-4516b, 12-4516c, 17-7673a, 17-7674a, 17-7677a, 20-380a, 21-6604c, 21-6614e, 39-709, as amended by section 150 of 2015 Senate Bill No. 240, 74-4911j, 74-4914d, as amended by section 55 of 2015 House Substitute for Senate Bill No. 4, 74-4920, as amended by section 56 of 2015 House Substitute for Senate Bill No. 4, 74-99b34a, 75-37,121b, 76-1936a, 79-1609a and 79-1703a, by Committee on Ways and Means.

SB 302, AN ACT concerning taxation; levying a statewide excise tax on the ownership of real property for the purpose of school finance, by Committee on Assessment and Taxation.

MESSAGE FROM THE GOVERNOR

SB 8, SB 76, SB 108, SB 120, SB 252 approved on April 06, 2015.

H Sub SB 36; SB 124, SB 127, SB 156, SB 228, SB 240 approved on April 16, 2015.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 52**.

The House adopts the Conference Committee report on **SB 189**.

The House adopts the Conference Committee report on **HB 2064**.

The House adopts the Conference Committee report on **S Sub HB 2225**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1736—

A RESOLUTION congratulating the Erie High School Chess Team on winning the Kansas Scholastic State Chess Championship two years in a row.

WHEREAS, On March 14, 2015, the Erie High School Chess Team was named the K-12 Team State Champions in the Kansas Scholastic State Chess Championship for the second consecutive year; and

WHEREAS, Many studies have linked scholastic chess programs to the improvement of students' scores in reading and math, as well as improved self-esteem. Chess is a powerful cognitive learning tool that engages students of all learning styles and promotes problem-solving and higher-level thinking skills; and

WHEREAS, David Semrad was the coach of the Erie High School Chess Team and members of the team included: Colton Brown, James Burch, Collin Chaney, Cade Cooper, Colby Hines, Joseph Irelan, Kaden Milner, Cody Newberry, Kaden Ptasznik, Hunter Simoncic, Payton Semrad, Wyatt Semrad, Matthew Stein and Harmon Wolken: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Erie High School Chess Team on winning the Kansas Scholastic State Chess Championship two years in a row.

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

On emergency motion of Senator King **SR 1736** was adopted unanimously. The Senate honored the students and coach with a standing ovation.

Senators Lynn and Olson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1737—

A RESOLUTION congratulating and commending Vanya Shivashankar of Olathe, Kansas, for winning the national "Child Genius" competition.

WHEREAS, On February 24, 2015, the Lifetime television channel aired the final episode of its intelligence competition, "Child Genius," with Vanya Shivashankar, an eighth grade 4.0 Honor Roll student from California Trail Middle School, Olathe, Kansas, being the show's winner, receiving a \$100,000 college fund and the title "Child Genius 2014"; and

WHEREAS, "Child Genius" pitted 20 gifted American youth, ages eight through 12, against each other over an eight-week period by challenging them in a multitude of subjects, including zoology, logic, the human body, earth science, spelling, geography and memory, until the final round, in which the three remaining contestants had 10 minutes each to respond to 50 questions. Vanya placed first by correctly answering 30 questions, six more than the second place finisher; and

WHEREAS, Vanya had previously won the Mid-America Music Association Award for Exceptional Pianist; been a double bronze individual winner on the 2013 Science Olympiad Regional Championship team; placed second in the 2014-15 Martin Luther King, Jr. Essay Contest; and for the fourth time, on February 12, 2015, won the Olathe Spelling Bee, sending her to the Scripps National Spelling Bee finals this May to follow in the footsteps of her older sister, Kavya, who was national champion in 2009; and

WHEREAS, Vanya's parents, Sandy and Mirle Shivashankar, have given strong support, encouragement and inspiration to both of their daughters as the girls have worked hard to achieve their chosen goals, which in Vanya's case is to become a cardiac surgeon, but with a variety of other talents and interests, including playing piano and tuba, singing, dancing, acting, bike riding and swimming, as well as reading through her personal library of over 200 novels at least four times: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Vanya Shivashankar, her parents, her school and its Principal, Mrs. Connie Viebrock, for the remarkable accomplishment of Vanya's earning the title, "Child Genius 2014," such victory demonstrating that her prodigious intelligence is surpassed only by her high levels of motivation and self-discipline. We wish her all the best for continued success in the National Spelling Bee next month and all future academic, personal and career challenges as she further develops and applies her amazing gifts; and

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

On emergency motion of Senator Lynn **SR 1737** was adopted unanimously. The Senate honored Vanya with a standing ovation.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with Senator King in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2013**.

The House adopts the Conference Committee report on **HB 2044**.

The House adopts the Conference Committee report on **S Sub HB 2090**.

The House adopts the Conference Committee report on **HB 2111**.

The House concurs in Senate amendments to **HB 2231**, and requests return of the bill.

The House announced the appointment of Reps. Barker, Macheers and Carmichael to replace Reps. Schwartz, Boldra and Victors as conferees on **S Sub HB 2177**.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 154; HB 2051, HB 2061**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 154** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 53, by striking all in lines 42 and 43;

By striking all on pages 54 through 63;

On page 64, by striking all in lines 1 through 3; in line 5, by striking ", 44-717";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking all after "44-714"; in line 5, by striking "717";

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

MARK HUTTON

LES MASON

Conferees on part of House

JULIA LYNN

SUSAN WAGLE

Conferees on part of Senate

Senator Lynn moved the Senate adopt the Conference Committee Report on **SB 154**.

Senator Holland offered a substitute motion to not adopt the Conference Committee Report and return the bill to conference.

Upon the showing of five hands, a roll call vote was requested.

On roll call, the vote was: Yeas 10; Nays 29; Present and Passing 0; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald,

Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: Petersen.

The substitute motion failed.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Petersen, Pettey, Schmidt.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2051** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 3, by striking all in lines 25 through 30;

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

GREG SMITH
FORREST KNOX
PAT PETTEY

Conferees on part of Senate

JOHN RUBIN
RAMON GONZALEZ
DENNIS HIGHBERGER

Conferees on part of House

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2051**.

Senator O'Donnell offered a substitute motion to not adopt the Conference Committee Report and return the bill to conference.

Upon a showing of five hands, a roll call vote was requested.

On roll call, the vote was: Yeas 20; Nays 20; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Bowers, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kerschen, LaTurner, Love, Masterson, Melcher, O'Donnell, Petersen, Pilcher-Cook, Powell, Schmidt, Tyson, Wagle, Wolf.

Nays: Abrams, Arpke, Bruce, Denning, Donovan, Fitzgerald, Hawk, Holmes, Kelly, King, Knox, Longbine, Lynn, McGinn, Olson, Ostmeyer, Pettey, Pyle, Smith, Wilborn.

The substitute motion failed.

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 Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2061** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 4, in line 4, after the third comma by inserting "on behalf of watershed districts"; in line 10, after "easements" by inserting "held on behalf of watershed districts"; in line 15, by striking "conservation" and inserting "compensatory mitigation"; in line 17, by striking the first "conservation" and inserting "compensatory mitigation"; in line 18, by striking "conservation" and inserting "compensatory mitigation"; in line 26, by striking "conservation" and inserting "compensatory mitigation"; in line 35, after "easements" by inserting "on behalf of watershed districts"; in line 37, by striking "conservation" and inserting "compensatory mitigation"; in line 38, after "easements" by inserting "on behalf of watershed districts";

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

GARRETT LOVE
DAN KERSCHEN
MARCI FRANCISCO

Conferees on part of Senate

SHARON SCHWARTZ
SUE BOLDRA
PONKA-WE VICTORS

Conferees on part of House

Senator Kerschen moved the Senate adopt the Conference Committee Report on **HB 2061**.

On roll call, the vote was: Yeas 21; Nays 18; Present and Passing 1; Absent or Not Voting 0.

Yeas: Bowers, Bruce, Denning, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, McGinn, Pettey, Schmidt, Wilborn, Wolf.

Nays: Abrams, Arpke, Baumgardner, Fitzgerald, Holmes, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Present and Passing: Donovan.

The Conference Committee Report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** begs leave to submit the following report: The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

State Board of Indigent Defense, Member: K.S.A. 22-4519

Roman Rodriguez, to fill a term expiring on January 15, 2016

Committee on **Ways and Means** recommends **SB 293; HB 2268** be passed.

Also, **HB 2395**, as amended by House Committee, be amended on page 1, in line 14, after "1,000,000" by inserting "when architectural services are desired for the project or to exceed \$675,000 when engineering services or land surveying services are desired for the project"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, May 1, 2015.

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

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