

# Journal of the Senate

## FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, January 13, 2014, 2:00 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with forty senators present.

Invocation by Father Don Davidson:

Holy Creator, we implore your blessing upon this chamber, this legislative body and people of Kansas as we begin anew this day. Bless our Senators in their deliberation and collaboration as they reflect the common hope of those they represent. Give them good health, clear minds, and sensitive hearts that they may use the gifts you have given them. Bless all those who assist them in their work and stay with all of us each and every day. In your life-giving spirit we pray. Amen.

The Pledge of Allegiance was led by President Susan Wagle.

### INTRODUCTION OF GUESTS

President Wagle introduced Dr. Mary Beth Miller, President of the Kansas Academy of Family Physicians. Dr. Miller is currently the Chief of Staff at Cheyenne County Hospital. The Academy sponsors the Doctor of the Day program and provides daily assistance for health concerns here in the Capitol during the session.

### SPECIAL REMARKS

President Wagle introduced new staff serving in the Senate. Corey Carnahan, Secretary of the Senate, Nick Nicolay, Sergeant at Arms, Joyce Hladky, desk clerk, Roger Williams, Dean Glatt and Bud Weiler, doormen. Don Cackler, Highway Patrol, is returning.

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Wagle, Bruce and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1772—

A RESOLUTION relating to the organization of the Senate.

*Be it resolved by the Senate of the State of Kansas:* That the Secretary of the Senate notify the House of Representatives that the Senate is organized with the following officers:

Susan Wagle, president,  
Jeff King, vice-president,  
Terry Bruce, majority leader,  
Anthony Hensley, minority leader,  
Corey Carnahan, secretary,  
Charles (Nick) Nicolay, sergeant at arms,  
and awaits the pleasure of the House of Representatives.

On emergency motion of Senator Bruce **SR 1772** was adopted unanimously.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 248**, AN ACT concerning the secretary of corrections; relating to victim notification prior to release of certain inmates; amending K.S.A. 2013 Supp. 22-3727 and repealing the existing section, by Senator Faust-Goudeau.

**SB 249**, AN ACT concerning hair braiding; amending K.S.A. 65-1928 and repealing the existing section, by Senator Faust-Goudeau.

**SB 250**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing of certain persons to mandatory minimum term of imprisonment of 50 years; amending K.S.A. 2013 Supp. 21-6620 and 22-3717 and repealing the existing sections, by Senators Bruce, King and Smith.

**SB 251**, AN ACT concerning health care predetermination requests relating to health insurance benefits coverage, by Senator Denning.

**SB 252**, AN ACT concerning the court of appeals; relating to appointment of judges; public information; amending K.S.A. 2013 Supp. 20-3020 and repealing the existing section, by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk and Pettey.

**SB 253**, AN ACT concerning elections; enacting the Kansas protection against voter suppression act; amending the crime of perjury; amending K.S.A. 2013 Supp. 21-5903 and 25-2309 and repealing the existing sections, by Senator Faust-Goudeau.

**SB 254**, AN ACT concerning certain administrative rules and regulations; relating to the medical assistance recovery program; relating to the children's health insurance program; amending K.S.A. 38-2002 and K.S.A. 2013 Supp. 39-709 and repealing the existing sections, by Committee on Joint Committee on Administrative Rules and Regulations.

**SB 255**, AN ACT concerning crimes, punishment and criminal procedure; relating to capital murder; attempt; sentencing; amending K.S.A. 2013 Supp. 21-5301, 21-5401 and 21-6620 and repealing the existing sections, by Committee on Judiciary.

**SR 1773**, A resolution relating to the rules of the Senate for 2013-2016; amending Rule 7, relating to standing committees.

### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Financial Institutions and Insurance: **SB 251**.

Judiciary: **SB 248**, **SB 250**, **SB 252**.

Public Health and Welfare: **SB 249**.

**MESSAGE FROM THE GOVERNOR**

December 9, 2013

*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 Banking Board, Norman Pishny, pursuant to the authority vested in me by KSA 74-3004 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.*

*Member, Kansas Human Rights Commission: Marilyn Wilder (U), Hesston, pursuant to the authority vested in me by the KSA 44-1003 effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2014, to succeed Joshua Ney.*

December 12, 2013

*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, Jeffrey Leiker (U), Kansas City, pursuant to the authority vested in me by the KSA 22-4519 effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2015, to succeed James Colgan.*

*Member, University of Kansas Hospital Authority, Deryl (U), Kansas City, pursuant to the authority vested in me by the KSA 76-3304 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2017, to succeed himself.*

*Secretary, Department of Agriculture, Jackie McClaskey (R), Manhattan, pursuant to the authority vested in me by the KSA 74-560 effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Dale Rodman.*

*Member, Central Interstate Low-Level Radioactive Waste Commission, John Mitchell (R), Lawrence, pursuant to the authority vested in me by the KSA 65-34a02 effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed John Mitchell.*

*Member, University of Kansas Hospital Authority, Jack Newman, Jr. (R), Leawood, pursuant to the authority vested in me by the KSA 76-3304 effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2016, to succeed Betty Keim.*

*Member, State Board of Indigent Defense Services, Jaime Rogers (R), Overland Park, pursuant to the authority vested in me by the KSA 22-4519 effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 14, 2016, to succeed John Poertner.*

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January 8, 2014

*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.

*Executive Director, Kansas Lottery Commission, Terry Presta (R), Overland Park pursuant to the authority vested in me by the KSA 74-8703 effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Dennis Wilson.*

*Commissioner, Kansas Corporation Commission, Jay Emler (R), Lindsborg, pursuant to the authority vested in me by the KSA 74-601 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2015, to fill the unexpired term created by the resignation of Mark Sievers.*

*Member, State Board of Indigent Defense Services, Ronald Wurtz (U), Topeka, pursuant to the authority vested in me by the KSA 22-4519 effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2014, to succeed Penny Moylan.*

**COMMUNICATIONS FROM STATE OFFICERS**

January 13, 2014

The Honorable Susan Wagle  
President, Kansas Senate  
State Capitol  
Topeka, Kansas 66612

Dear President Wagle:

As provided in KSA 75-105, I have received from the Honorable Sam Brownback, Governor of the State of Kansas, since the adjournment of the 2013 session of the legislature the following communications:

Executive Directives Nos. 13-442, 13-443, 13-444, 13-445, 13-446, 13-447, 13-448, 13-449 all relating to Authorizing Expenditure of Federal Funds and Authorizing Fund Transfers.

Executive Order 13-02, declaring a drought watch or drought warning or drought emergency for the counties listed and authorizing and directing all agencies under the jurisdiction of the Governor to implement the appropriate Watch, Warning, or Emergency level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team.

Executive Order 13-03, for governor's reward.

Executive Order 14-01, conditional and temporary relief from Motor Carrier Rules and Regulations.

Sincerely,

Corey Carnahan  
Secretary of the Senate

January 13, 2014

The Honorable Susan Wagle  
President, Kansas Senate  
State Capitol  
Topeka, Kansas 66612

Dear President Wagle:

This letter is to advise you that of the Office of the Secretary of the Senate received the following communications during the interim since adjournment of the 2013 Special Session of the Legislature:

The Johnson County Education Research Triangle Authority, Ed Eilert, Chairman, submitted its annual report concerning the financial activities of the Authority.

The Kansas Attorney General, Derek Schmidt, submitted the 2013 Annual Report of the Kansas State Child Death Review Board.

The Kansas Public Employees Retirement System submitted the Comprehensive Annual Financial Report for Fiscal Year 2013.

The Kansas Department of Administration submitted the 60<sup>th</sup> Annual Financial Report of the State of Kansas for Fiscal Year 2013.

The Kansas Department of Health and Environment provided the inspection results and recommendations for insuring proper sanitary conditions and adequate health supervision for state children's institutions as directed by KSA 65-176.

The Pooled Money Investment Board, in compliance with KSA 75-4222(h), submitted a copy of the Annual Report of the Pooled Money Investment Board for Fiscal Year 2013.

Sincerely,

Corey Carnahan  
Secretary of the Senate

President Wagle announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

#### **MESSAGE FROM THE HOUSE**

Announcing adoption of **HR 6038**, a resolution relating to the organization of the House of Representatives:

Be it resolved by the House of Representatives of the State of Kansas:

That the chief clerk of the House of Representatives notify the Senate that the House is organized with the following officers:

Ray Merrick, Speaker  
Peggy Mast, Speaker Pro Tem,  
Jene Vickrey, Majority Leader,  
Paul Davis, Minority Leader,  
Susan Kannarr, Chief Clerk,

Hal Hudson, Sergeant at Arms,  
and awaits the pleasure of the Senate.

Announcing adoption of **HCR 5021** a concurrent resolution creating a committee to inform the Governor that the legislature is organized and ready to receive communications. Representatives Ryckman, Jr., Seiwert and Meier are appointed to wait upon the Governor.

Upon reading of the House message, and on motion of Senator Bruce, an emergency was declared, the rules suspended and **HCR 5021** was adopted by voice vote.

The President appointed Senators Lynn and Haley to wait upon the Governor.

Announcing adoption of **HCR 5022** a concurrent resolution providing for joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor and for the purpose of hearing a message from the Supreme Court.

The following escorts are appointed for the State of the State:

To escort the Governor: Reps. Ryckman, Jr., Seiwert and Ballard

to escort the Lt. Governor: Reps. Schwab, O'Brien and Henry

to escort the Supreme Court: Reps. Crum, Johnson and Carlin

to escort the Senators: Reps. Hedke, Shultz and Victors

Upon reading of the House message, and on motion of Senator Bruce, an emergency was declared, the rules suspended and **HCR 5022** was adopted by voice vote.

The President appointed Senator Peterson and Senator Hawk to escort the Governor; Senator Emler and Senator Francisco to escort the Lieutenant Governor; and Senator Smith and Senator Petty to escort the Supreme court.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m, Tuesday, January 14, 2014.

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

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