

Journal of the Senate

THIRTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 5, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.

The roll was called with 37 senators present.

Senators Hawk, Kelly and Powell were excused.

The Vice President introduced the guest Chaplain, Reverend Kent Otott, Executive Director, North Central Kansas Teens For Christ, who delivered the invocation:

Our Most Gracious God, this afternoon, I want to lift up the ladies and gentlemen here today who are preparing to do business that will affect the people of the State of Kansas. The individuals in this room have been chosen by their constituents, yet ordained by You for the positions they now hold. As they prepare for the items of this day's session, we look to the Book of Romans which tells us all: "And do not be conformed to this world, but be transformed by the renewing of your mind, so that you may prove what the will of God is, that which is good and acceptable and perfect." ~ Romans 12:2 (NASB) With that all said Father, transform the hearts and minds of these men and women to do Your will whether they acknowledge You or not. Do not allow them to be conformed to special interest groups which may harm men and women, children and families of our great State. May the words out of their mouths be those of the best interests of Kansans who went to the polls to send them to this solemn chamber. As they are in the midst of this session, I want to lift up the families of the Senators in this room along with the families of their staff. Much time is spent on the business of our great State, that it takes a heavy toll on all during this time. Comfort hearts, strengthen minds and give rest to those who are weary of this process. Before we close this prayer, may you strengthen the people of the great State of Kansas. Bless their businesses, farms, families, and those who are serving in our Armed Forces. Be with those who protect our cities, serve our citizens and teach our children. All of these things I ask in the name of Your Risen Son, Jesus Christ! 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 271, AN ACT regulating traffic; concerning size limitations of certain vehicles; exceptions, forage cutter and custom harvester; amending K.S.A. 2014 Supp. 8-1904 and repealing the existing section, by Committee on Assessment and Taxation.

SB 272, AN ACT concerning income taxation; relating to certain modifications of Kansas adjusted gross income for the net gain from Christmas trees for sale; amending K.S.A. 2014 Supp. 79-32,117 and repealing the existing section, by Committee on Assessment and Taxation.

SB 273, AN ACT concerning school districts; relating to school finance; making and concerning appropriations for the fiscal years ending June 30, 2015, June 30, 2016, and June 30, 2017, for the department of education; creating the classroom learning assuring student success act; amending K.S.A. 12-1677, 12-1775a, 72-1414, 72-6622, 72-6757, 72-8190, 72-8230, 72-8233, 72-8236, 72-8309, 72-8908, 79-2001 and 79-5105 and K.S.A. 2014 Supp. 10-1116a, 12-1770a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1923, 72-3607, 72-3711, 72-3712, 72-3715, 72-5333b, 72-6434, 72-6460, 72-64b01, 72-64c03, 72-64c05, 72-6624, 72-6625, 72-67,115, 72-7535, 72-8187, 72-8237, 72-8249, 72-8250, 72-8251, 72-8302, 72-8316, 72-8415b, 72-8804, 72-8814, as amended by section 54 of 2015 House Substitute for Senate Bill No. 4, 72-9509, 72-9609, 72-99a02, 74-32,141, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213 and 79-2925b and repealing the existing sections; also repealing K.S.A. 72-6406, 72-6408, 72-6411, 72-6415, 72-6418, 72-6419, 72-6424, 72-6427, 72-6429, 72-6432, 72-6436, 72-6437, 72-6444, 72-6446 and 72-6447 and K.S.A. 2014 Supp. 46-3401, 46-3402, 72-3716, 72-6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6415b, 72-6416, 72-6417, 72-6420, 72-6421, 72-6423, 72-6425, 72-6426, 72-6428, 72-6430, 72-6431, 72-6433, 72-6433d, 72-6434, as amended by section 38 of this act, 72-6434b, 72-6435, 72-6438, 72-6439, 72-6439a, 72-6441, 72-6441a, 72-6442b, 72-6443, 72-6445a, 72-6448, 72-6449, 72-6450, 72-6451, 72-6452, 72-6453, 72-6455, 72-6456, 72-6457, 72-6458, 72-6460, as amended by section 39 of this act, 72-6461, 72-8801a, 72-8814, as amended by section 63 of this act, 72-8814b, 72-8815 and 79-213f, by Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION No. SCR 1605—

By Committee on Ways and Means

A PROPOSITION to amend sections 6, 7, 8 and 9 of article 11 of the constitution of the state of Kansas; concerning state debts.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Sections 6, 7, 8 and 9 of article 11 of the constitution of the state of Kansas are hereby amended to read as follows:

"**§ 6. State debts**; ~~annual tax; proceeds.~~ For the purpose of defraying extraordinary expenses and making public improvements, the state may contract public debts; ~~but such debts shall never, in the aggregate, exceed one million dollars, except as hereinafter provided,~~ including, but not limited to, debts that constitute a general obligation of the state. Every such debt shall be authorized by law for some purpose specified therein, and the vote of a ~~majority~~ *two-thirds* of all the members

electd to each house, to be taken by the yeas and nays, shall be necessary to the passage of such law; ~~and. Every such law shall provide for levying an annual~~ *specify the sources of tax revenue sufficient to pay the principal of and interest on such debt when it shall become due and, to the extent deemed necessary by the legislature, impose a tax sufficient to pay the annual such principal and interest of such debt, and the principal thereof, when it shall become due; and shall specifically appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished, until the interest and principal of such debt shall have been wholly paid. The legislature shall appropriate revenues of the state to pay interest on its debt which is payable in the year for which such appropriation is made and to pay the principal of such debt, payable in such year. To the extent that insufficient revenues of the state are available to pay principal of and interest on such debt when due and payable, the first public moneys of the state thereafter received shall be set aside and applied to the payment of the principal of and interest of such debt. Borrowings by the state that are secured solely by annual appropriations at the discretion of the legislature shall not be considered debt within the meaning of this section or section 7 of this article.*

"§ 7. Election on indebtedness. *Except as otherwise provided in this section, no debt shall be contracted by the state except as herein provided, unless the proposed law for creating such debt shall first be submitted to a direct vote of the electors of the state at some general a statewide election; and if such proposed law shall be ratified by a majority of all the votes cast at such general election, then it shall be the duty of the legislature next after such election to enact such law and create such debt, subject to all the provisions and restrictions provided in the preceding section of this article. Public debt may be contracted without a vote of the electors of the state if: (a) Such debt is contracted pursuant to section 8 of this article to refund public debt contracted pursuant to section 6 of this article; or (b) except for refunding debt described in (a) of this section, such debt is contracted pursuant to sections 6 or 8 of this article and at the time of issuance of such debt, the maximum annual debt service for the current or any future fiscal year on all outstanding debt issued pursuant to sections 6 and 8 of this article, including the debt to be issued on such date, will not exceed 6% of the state revenues available for debt service in the immediately preceding fiscal year. Debt shall not be considered outstanding to the extent principal and interest payments are irrevocably provided for from a dedicated escrow established for such payments.*

"§ 8. Borrowing money by state. ~~The state may borrow money to repel invasion, suppress insurrection, or defend the state in time of war; but the money thus raised, shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.~~ *Refunding of state debt. The legislature may enact such additional laws, as may be necessary, permitting the state to refund any public debt contracted pursuant to section 6 of this article or any moneys borrowed by or on behalf of the state that are secured solely by annual appropriations at the discretion of the legislature without further legislative approval.*

"§ 9. Internal improvements; state highway system; flood control; conservation or development of water resources. The state shall never be a party

in carrying on any work of internal improvement except that: (1) It may adopt, construct, reconstruct and maintain a state system of highways, ~~but no general property tax shall ever be laid nor~~ and may issue general obligation bonds ~~issued by~~ of the state pursuant to sections 6 and 7 of this article or highway revenue bonds for such highways; (2) it may be a party to flood control works and works for the conservation or development of water resources; (3) it may, for the purpose of stimulating economic development and private sector job creation in all areas of the state, participate in the development of a capital formation system and have a limited role in such system through investment of state funds authorized in accordance with law; (4) it may be a party to any work of internal improvement, whenever any work of internal improvement not authorized by (1), (2) or (3) is once authorized by a separate bill passed by the affirmative vote of not less than two-thirds of all members then elected (or appointed) and qualified to each house, ~~but no general property tax shall ever be laid nor~~ and may issue general obligation bonds ~~be issued by the state~~ therefor pursuant to sections 6 and 7 of this article; and (5) it may expend funds received from the federal government for any public purpose in accordance with the federal law authorizing the same."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

Explanatory statement. The purpose of this amendment is to clarify and modernize the provisions of the state constitution which permit the state to contract for public debt. Under the current constitutional provisions the state may contract for public debt not to exceed one million dollars upon the approval of a majority vote of the electors of the state after the debt is authorized by a vote of a majority of all of the members in each house of the legislature. The one million dollar limitation would be eliminated and the vote in each house of the legislature changed from a majority to two-thirds of all of the members in each house of the legislature. Every law authorizing such debt would specify the sources of tax revenue sufficient to pay the principal and interest on the debt. If revenues proved insufficient to pay the principal and interest the first public moneys received thereafter would be set aside and applied to the payment of the principal and interest. Public debts could be contracted which constitute a general obligation of the state. The current provision to submit the question of approval of the debt to the electors of the state at a general election is changed to submission at a statewide election and the following exceptions to the vote of the electors of the state are made: (1) The debt is contracted to refund other public debt; or (2) the debt contracted will not exceed 6% of state revenues available for debt service. The current authorization for the state to borrow money to repel invasion, suppress insurrection or defend the state in time of war is eliminated and the legislature is authorized to enact laws allowing the state to refund any public debt without further legislative approval. The current provision prohibiting a general property tax from being laid and prohibiting the issuance of general obligation bonds for certain internal improvements is eliminated.

"A vote for this proposition would provide that debts which constitute a general obligation of the state could be incurred, that public debts in the aggregate are not limited to one million dollars, that two-thirds of all of the members of each house of the legislature would be necessary to authorize a law for a public debt, that each such law would be required to specify the sources of tax revenue sufficient to pay the principal

and interest on the debt, that if revenues proved insufficient to pay the principal and interest, the first public moneys received thereafter would be set aside and applied to the payment of the principal and interest, that the question of approval of the debt would be submitted to the electors of the state at a statewide election unless the debt is to refund public debt or will not exceed 6% of state revenues available for debt service, that the current authorization for the state to borrow money to repel invasion, suppress insurrection or defend the state in time of war is eliminated, that the legislature is authorized to enact laws allowing the state to refund any public debt without further legislative approval, that the current provision prohibiting general property tax from being laid and prohibiting the issuance of general obligation bonds for certain internal improvements is eliminated.

"A vote against this proposition would continue in effect: The current constitutional provisions relating to contracting for public debt, including the one million dollar limitation on such debt, the majority vote requirement of members of each house of the legislature for the approval of a law authorizing a public debt, the levying of an annual tax sufficient to pay the annual interest and principal of such debt and appropriations of the proceeds of such tax for such purposes, which appropriations are not to be repealed or such taxes postponed or diminished until the debt is fully paid, a direct vote of the electors on the proposed law for creating any such debt at a general election, the authorization for the state to borrow money to repel invasion, suppress insurrection or defend the state in time of war and the prohibition on the use of a general property tax and the use of general obligation bonds to fund certain internal improvements."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2016 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2267**.

Corrections and Juvenile Justice: **HB 2275, HB 2336**.

Financial Institutions and Insurance: **HB 2352**.

Judiciary: **Sub HB 2115, Sub HB 2159**.

Public Health and Welfare: **HB 2149, HB 2225**.

CHANGE OF REFERENCE

Under authority of the Senate President, Vice President King withdrew **SB 141** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Public Health and Welfare**.

The Vice President withdrew **SB 151** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Utilities**.

The Vice President withdrew **Sub SB 155** from the Committee on **Ways and Means**, and rereferred to the calendar under the heading of **General Orders**.

The Vice President withdrew **SB 59, SB 105, SB 133, SB 170** from the Committee on **Federal and State Affairs**, and rereferred to the calendar under the heading of **General Orders**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1721—

A RESOLUTION honoring the Seaman High School Marching Band for their performance at the Valero Alamo Bowl Pre-Game Show.

WHEREAS, The Seaman High School Band is one of the finest high school bands in Kansas, having been a representative at regional, state and national performances and competitions in Kansas City, St. Louis, New York City, and in Colorado and Florida; and

WHEREAS, The band has also traveled internationally, performing in France, Germany and Switzerland; and

WHEREAS, The Marching Vikes are led by Cary Stahly, who is in his 17th year as Seaman Band Director. Under Mr. Stahly's direction, the band has grown to become one of the largest in Kansas, with over 200 students; and

WHEREAS, Mr. Stahly has previously been recognized by the Kansas Music Educators Association as Outstanding High School Band Director of the Year; and

WHEREAS, The band is also backed by two Assistant Directors, Anna Kennedy and Emory Dease, a committed support staff and dedicated parents; and

WHEREAS, While at the Valero Alamo Bowl Band Competition in December and January, the Marching Vikes were awarded 13 trophies, including Outstanding Music, Drum Major, Effect, Percussion, Auxiliary and Marching; and

WHEREAS, Having also been awarded Sweepstakes Grand Champion, Mr. Stahly and the Seaman Band were chosen to perform the pre-game show at the Alamo Bowl Game between Kansas State University and UCLA on January 2, 2015, in front of 60,000 people. This is an outstanding achievement and deserving of recognition: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Seaman High School Band and Cary Stahly for their success and look forward to their continued achievements; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Kelly.

On emergency motion of Senator Hensley **SR 1721** was adopted unanimously.

Guests introduced included: Cary Stahly, Anna Kennedy, Jamie Andres, Frank Henderson, Mike Mathes, Jeff Zehnder, Emory Dease, Ryan Simpson, Sarah Brinkley, Ron Vinduska, Marilyn Rigsby, Darcie Guerrero, Anna Reb, David Liston, Dewayne Christensen, Danette Meinholdt, Stacy Colhour, Josie Price and Andrew Ralston.

The Senate honored the guests with a standing ovation.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator LaTurner in the chair.

On motion of Senator LaTurner the following report was adopted:

SB 6, SB 247 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 244 be amended by the adoption of the committee amendments, be further amended by motion of Senator Tyson, on page 2, in line 7, by striking "a" and inserting "the official"; in line 10, by striking the first "a" and inserting "an official"; in line 35, by striking the first "a" and inserting "the official"; in line 38, by striking "a" and inserting "an official"

SB 244 be further amended by motion of Senator Francisco, on page 2, in line 4, by striking the second "and" and inserting a comma; also in line 4, by striking the last comma and inserting "and passes"

SB 244 be further amended by motion of Senator Love, on page 2, in line 10, by striking all after "newspaper"; in line 11, by striking "circulation therein" and inserting "in each county which contains at least 5% of the total appraised value of the real property in that municipality and in each county in which 15% of the total appraised value in the county is subject to the tax" and **SB 244** be passed as further amended.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2053**, as amended by House Committee of the Whole, be amended on page 2, in line 38, after "scored." by inserting "Prior misdemeanors for offenses that were committed before July 1, 1993, shall be scored as a person or nonperson crime using an existing comparable offense under the Kansas criminal code.";

On page 1, in the title, in line 2, by striking "correction of sentence;"; and the bill be passed as amended.

Your Committee on **Judiciary** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

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

Samantha Angell, to fill a term expiring on January 15, 2018

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

Jeffrey Leiker, to fill a term expiring on January 15, 2018

Court of Appeals, Judge: K.S.A. 20-3020

Kathryn A. Gardner, to fill a term expiring on January 9, 2017

On motion of Senator Bruce, the Senate recessed until the sound of the gavel for the purpose of introduction of bills under that order of business.

The Senate met, pursuant to recess, with President Wagle in the chair.

On motion of Senator Bruce, the Senate adjourned pro forma until 8:00 a.m., March 6, 2015.

MARCH 5, 2015

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

