

Journal of the Senate

SEVENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Saturday, May 30, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 39 senators present.
Senator Arpke was excused.
Invocation by Reverend Cecil T. Washington:

Heavenly Father,

You are so beyond us that words fail us...they just fall short in proclaiming Your attributes. When we say that You're omnipresent; when we say You're omniscient; when we say you're omnipotent, You're all that and more. The Old Testament prophet Isaiah, refers to You three times in 41, 44-48 as the First and the Last. Four times, in the New Testament, the book of Revelation, refers to You, by using the first and last letters of the Greek alphabet (1:8, 11; 21:6 22:13). You're the Alpha and Omega. Lord, You're the Beginning and the End. This means that You are the whole of everything...You're all we need, from the beginning to the end. You've been with us from the first day we gathered under this dome. And Lord, we know You'll be with us to the last day. Although we pull in one direction and then push in another, the beginning, middle and end of it all, is in Your sovereign Hand. It's all been in Your hands from day one. Hebrews 12:2 says, You are the Author and You are the Finisher of our faith, You are the Beginning, the Middle and the End of all we will accomplish, during this time together. So, Lord, the same way that You bring the beginning into the middle and then into the end, where we have conflicting views, would You do the same. Bring us from the beginning of conflict into the middle ground of agreement and then bring us to a glorious end. In Jesus name. So be it!

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 310, AN ACT concerning school districts; authorizing income tax contributions for the benefit of school districts, by Committee on Ways and Means.

CHANGE OF REFERENCE

The President withdrew **S Sub HB 2109** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Assessment and Taxation**.

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF CORRECTIONS

May 21, 2015

Secretary of Corrections, Ray Roberts, submitted the Kansas Department of Corrections State Forfeiture Fund for December 2, 2012 through December 1, 2013.

Secretary of Corrections, Ray Roberts, submitted the Kansas Department of Corrections State Forfeiture Fund for December 2, 2013 through December 1, 2014.

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

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **H Sub SB 270** and has appointed Representatives Kleeb, Suellentrop and Sawyer as conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 113**, and has appointed Representatives Pauls, Macheers and Ward as fourth conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 113** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

JOHN BARKER

CHARLES MACHEERS

Conferees on part of House

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

On motion of Senator King the Senate adopted the conference committee report on **SB 113**, and requested a new conference be appointed.

The President appointed Senators King, Smith and Haley as a fourth Conference Committee on the part of the Senate on **SB 113**.

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

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

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **S Sub HB 2228**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2331** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

RALPH OSTMEYER
 JACOB LATURNER
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

STEVEN BRUNK
 TRAVIS COUTURE-LOVELADY
 ANNIE TIETZE
Conferees on part of House

On motion of Senator Ostmeyer the Senate adopted the conference committee report on **HB 2331**, and requested a new conference be appointed.

The Vice President appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as a second Conference Committee on the part of the Senate on **HB 2331**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION NO. 1753—

A RESOLUTION congratulating and commending Vanya Shivashankar of Olathe, Kansas, for winning the 2015 National Spelling Bee.

WHEREAS, Vanya Shivashankar, a 13-year-old student at California Trail Junior High in Olathe, Kansas, is the 2015 Scripps National Spelling Bee co-champion. Vanya devoted much of her free time to studying spelling and takes her education very seriously, aspiring to one day be a cardiac surgeon. Earlier this year, Vanya was named the winner of Lifetime's "Child Genius" competition show; and

WHEREAS, Vanya, with support from her parents, Mirle and Sandy, and sister Kavya, made the trip to Washington, D.C., for the 88th annual competition. More than 11 million students took part in local and state spelling bees and only 285 competitors made it to the national competition. This was Vanya's fifth appearance in the National Spelling Bee; and

WHEREAS, Vanya's sister, Kavya, was named the national champion in 2009. Vanya's victory marked the first time in the National Spelling Bee's history that a sibling of a previous winner had also gone on to win the competition; and

WHEREAS, Vanya's words included "thamakau," "hippocrepiform" and "scherenschnitte." Vanya and Gokul Venkatachalam were crowned co-winners after Gokul exhausted the championship word list by successfully spelling "nunatak." Each champion received a \$30,000 prize plus an engraved trophy; a \$5,000 cash prize from

Words With Friends; a \$2,500 U.S. savings bond and a reference library from Merriam-Webster; and \$1,100 worth of reference works from Encyclopedia Britannica: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Vanya Shivashankar for winning the 2015 National Spelling Bee competition and take pride in her outstanding achievements as a role model for her peers in Kansas and across the nation. We wish her all the best for continued success in 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 Vanya Shivashankar and one enrolled copy to her parents, Mirle and Sandy Shivashankar.

On emergency motion of Senator Lynn **SR 1753** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **S Sub HB 2109**, as amended by Senate Committee of the Whole, be amended on page 3, by striking all in lines 19 through 43;

By striking all on pages 4 through 47;

On page 48, by striking all on lines 1 through 5;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; by striking all in line 2; in line 3, by striking "credit;"; also in line 3, by striking all after "amnesty"; by striking lines 4 through 12; also in line 13, by striking all before the period; and the bill be passed as amended.

On motion of Senator Bruce, the Senate recessed until 4:00 p.m.

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

CONFERENCE COMMITTEE REPORTS

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to HB 2005 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 amendments, as follows:

On page 1, in line 30, by striking "\$96,689,750" and inserting "\$101,904,750";

On page 3, in line 24, by striking "\$96,706,812" and inserting "\$105,685,224";

On page 8, in line 34, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 11, in line 27, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 12, in line 24, by striking the first "and"; also in line 24, following "2018," by inserting "and June 30, 2019,"; in line 27, by striking "2019" and inserting "2020";

On page 13, in line 9, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 16, in line 38, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 21, in line 35, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 24, in line 20, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 25, in line 22, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 27, in line 6, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 17, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 28, in line 20, before "the" by inserting "on and after July 1, 2015, through June 30, 2017,";

On page 29, in line 22, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 31, in line 6, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 17, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 33, in line 25, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 35, in line 38, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 37, in line 15, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 40, in line 2, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 18, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 42, in line 20, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 43, in line 26, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,";

On page 44, in line 1, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 16, before "The" by inserting "On and after July 1, 2015, through June 30, 2017,"; in line 19, before "The" by inserting "Except as provided further,"; in line 28, after the period by inserting "If the appropriations to the judicial branch for fiscal year 2016 or fiscal year 2017 are reduced below the amounts appropriated in this act by any other act of the 2015 or 2016 regular session of the legislature, the provisions of this section are hereby declared to be null and void and shall have no force and effect and the provisions of this act and of 2014 Senate Substitute for House Bill No. 2338, chapter 82 of the 2014 Session Laws of Kansas, are declared to be severable.";

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

Ty Masterson

JEFF KING

Conferees on part of Senate

RON RYCKMAN, JR.

JOHN BARKER

Conferees on part of House

The motion of Senator King to adopt the Conference Committee Report on **HB 2005** failed.

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

Yeas: Abrams, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, Love, Masterson, Ostmeier, Petersen, Powell, Smith, Wagle, Wilborn.

Nays: Baumgardner, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, Lynn, McGinn, Melcher, O'Donnell, Olson, Pettey, Pilcher-Cook, Pyle, Schmidt, Tyson, Wolf.

Absent or Not Voting: Arpke.

The Conference Committee Report was not adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2183** 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 (Corrected), as follows:

On page 1, following line 9, by inserting:

"New Section 1. (a) Every person who is registered as a lobbyist shall file with the secretary of state a detailed report listing the amount of public funds paid to hire or contract for the lobbying services on behalf of: (1) A governmental entity; or (2) any association of governmental entities that receive public funds. The report shall include a listing of the amount of public funds paid to hire or contract for the lobbying services of such lobbyist and which association of governmental entities that receive public funds hired such lobbyist on a form and in the manner prescribed and provided by the governmental ethics commission. Each report required to be filed by this section is a public record and shall be open to public inspection upon request. A report shall be filed on or before January 10, 2017, and on or before January 10 of each subsequent year for the reporting period containing the preceding calendar year.

(b) The reports filed with the secretary of state pursuant to subsection (a) shall be made available on a searchable public website by the secretary of state.

(c) As used in this section:

(1) "Governmental entity" has the meaning as defined in K.S.A. 75-6102, and amendments thereto.

(2) "Lobbying" has the meaning as defined in K.S.A. 46-225, and amendments thereto.

(3) "Public funds" means moneys appropriated by the state or any of its subdivisions.";

On page 2, following line 16, by inserting:

"Sec. 4. K.S.A. 2014 Supp. 25-4119f is hereby amended to read as follows: 25-4119f. (a) In addition to any other fee required by law, every person becoming a candidate for the following offices shall pay a fee at the time of filing for such office in the amount prescribed by this section:

- (1) Governor and lieutenant governor.....~~\$480~~ \$650;
- (2) state offices elected by statewide election, other than the governor and lieutenant governor.....~~\$480~~ \$650;
- (3) state senator, state representative, state board of education, district attorney, board of public utilities of the city of Kansas City and elected county offices. ~~\$35~~ \$50; and
- (4) members of boards of education of unified school districts having 35,000 or more pupils regularly enrolled in the preceding school year, members of governing bodies of cities of the first class and judges of the district court in judicial districts in which judges are elected.....~~\$35~~ \$50.

(b) The secretary of state shall remit all fees received by that office to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. County election officers receiving fees in accordance with this section shall remit such fees to the county treasurer of the county who shall quarterly remit the same to the state treasurer. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.

Sec. 5. K.S.A. 2014 Supp. 25-4145 is hereby amended to read as follows: 25-4145.

(a) Each party committee and each political committee which anticipates receiving contributions or making expenditures shall appoint a chairperson and a treasurer. The chairperson of each party committee and each political committee which anticipates receiving contributions or making expenditures for a candidate for state office shall make a statement of organization and file it with the secretary of state not later than 10 days after establishment of such committee. The chairperson of each political committee which anticipates receiving contributions or making expenditures for any candidate for local office, shall make a statement of organization and file it with the county election officer not later than 10 days after establishment of such committee.

(b) Every statement of organization shall include:

(1) The name and address of the committee. The name of the committee shall reflect the full name of the organization with which the committee is connected or affiliated or sufficiently describe such affiliation. If the political committee is not connected or affiliated with any one organization, the name shall reflect the trade, profession or primary interest of the committee as reflected by the statement of purpose of such organization;

(2) the names and addresses of the chairperson and treasurer of the committee;

(3) the names and addresses of affiliated or connected organizations; and

(4) in the case of a political committee, the full name of the organization with which the committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(c) Any change in information previously reported in a statement of organization shall be reported on a supplemental statement of organization and filed not later than 10 days following the change.

(d) (1) Each political committee which anticipates receiving contributions shall register annually with the commission on or before July 1 of each year. Each political committee registration shall be in the form and contain such information as may be required by the commission.

(2) Each registration by a political committee anticipating the receipt of \$2,501 or more in any calendar year shall be accompanied by an annual registration fee of ~~\$240~~ \$300.

(3) Each registration by a political committee anticipating the receipt of more than \$500 but less than \$2,501 in any calendar year shall be accompanied by an annual registration fee of ~~\$35~~ \$50.

(4) Each registration by a political committee anticipating the receipt of \$500 or less in any calendar year shall be accompanied by an annual registration fee of ~~\$20~~ \$25.

(5) Any political committee which is currently registered under subsection (d)(3) or (d)(4) and which receives contributions in excess of \$2,500 for a calendar year, shall file, within three days of the date when contributions exceed such amount, an amended registration form which shall be accompanied by an additional fee for such year equal to the difference between ~~\$240~~ \$300 and the amount of the fee that accompanied the current registration.

(6) Any political committee which is currently registered under subsection (d)(4) and which receives contributions in excess of \$500 but which are less than \$2,501, shall file, within three days of the date when contributions exceed \$500, an amended registration form which shall be accompanied by an additional fee of ~~\$20~~ \$25 for such year.

(e) All such fees received by or for the commission shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.";

On page 7, following line 25, by inserting:

"Sec. 12. K.S.A. 46-222 is hereby amended to read as follows: 46-222. (a) "Lobbyist" means: (1) Any person employed in considerable degree for lobbying; (2) any person formally appointed as the primary representative of an organization or other person to lobby in person on state-owned or leased property; or (3) any person who makes expenditures in an aggregate amount of ~~\$100~~ \$1,000 or more, exclusive of personal travel and subsistence expenses, in any calendar year for lobbying.

(b) "Lobbyist" shall not include: (1) Any state officer or employee engaged in carrying out the duties of their office; (2) the employer of a lobbyist, if such lobbyist has registered the name and address of such employer under K.S.A. 46-265, and amendments thereto; (3) any nonprofit organization which has qualified under ~~paragraph (3) of subsection (c) of section 501(c)(3)~~ of the internal revenue code of ~~1954~~ 1986, as amended, which is interstate in its operations and of which a primary purpose is the nonpartisan analysis, study or research of legislative procedures or practices and the dissemination of the results thereof to the public, irrespective of whether such organization may recommend a course of action as a result of such analysis, study or research; (4) any justice or commissioner of the supreme court or judge of the judicial branch or employee or officer of the judicial branch or, any member of a board, council or commission who is appointed by the supreme court or who is elected or appointed to

exercise duties pertaining to functions of the judicial branch, when such person is engaged in performing a function or duty for the judicial branch; or (5) any appointed member of an advisory council, commission or board, who serves without compensation other than amounts for expense allowances or reimbursement of expenses as provided for in ~~subsection (c)~~ of K.S.A. 75-3223~~(c)~~, and amendments thereto, when such member is engaged in performing a function or duty for such council, commission or board.

Sec. 13. K.S.A. 2014 Supp. 46-265 is hereby amended to read as follows: 46-265. (a) Every lobbyist shall register with the secretary of state by completing and signing a registration form prescribed and provided by the commission. Such registration shall show the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying, the purpose of the employment and the method of determining and computing the compensation of the lobbyist. If the lobbyist is compensated or to be compensated for lobbying by more than one employer or is to be engaged in more than one employment, the relevant facts listed above shall be stated separately for each employer and each employment. Whenever any new lobbying employment or lobbying position is accepted by a lobbyist already registered as provided in this section, such lobbyist shall report the same on forms prescribed and provided by the commission before engaging in any lobbying activity related to such new employment or position, and such report shall be filed with the secretary of state. When a lobbyist is an employee of a lobbying group or firm which contracts to lobby and not an owner or partner of such entity, the lobbyist shall report each client of the group, firm or entity whose interest the lobbyist represents. Whenever the lobbying of a lobbyist concerns a legislative matter, the secretary of state promptly shall transmit copies of each registration and each report filed under this act to the secretary of the senate and the chief clerk of the house of representatives.

(b) On or after October 1, in any year any person may register as a lobbyist under this section for the succeeding calendar year. Such registration shall expire annually on December 31; of the year for which the lobbyist is registered. In any calendar year, before engaging in lobbying, persons to whom this section applies shall register or renew their registration as provided in this section. Except for employees of lobbying groups or firms, every person registering or renewing registration who anticipates spending \$1,000 or less for lobbying in such registration year on behalf of any one employer shall pay to the secretary of state a fee of ~~\$35~~ \$50 for lobbying for each such employer. Except for employees of lobbying groups or firms, every person registering or renewing registration who anticipates spending more than \$1,000 for lobbying in such registration year on behalf of any one employer shall pay to the secretary of state a fee of ~~\$300~~ \$350 for lobbying for such employer. Any lobbyist who at the time of initial registration anticipated spending less than \$1,000, on behalf of any one employer, but at a later date spends in excess of such amount, within three days of the date when expenditures exceed such amount, shall file an amended registration form which shall be accompanied by an additional fee of ~~\$220~~ \$300 for such year. Every person registering or renewing registration as a lobbyist who is an employee of a lobbying group or firm and not an owner or partner of such entity shall pay an annual fee of ~~\$360~~ \$450. The secretary of state shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire

amount in the state treasury to the credit of the governmental ethics commission fee fund.

(c) Any person who has registered as a lobbyist pursuant to this act may file, upon termination of such person's lobbying activities, a statement terminating such person's registration as a lobbyist. Such statement shall be on a form prescribed by the commission and shall state the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying and the date of the termination of the lobbyist's lobbying activities.

(d) No person who has failed or refused to pay any civil penalty imposed pursuant to K.S.A. 46-280, and amendments thereto, shall be authorized or permitted to register as a lobbyist in accordance with this section until such penalty has been paid in full.";

On page 8, in line 7, after "right-of-way" by inserting "for city streets or county roads"; also in line 7, by striking "30-day" and inserting "45-day"; in line 8, by striking "seven-day" and inserting "two-day"; in line 9, after "election." by inserting "Cities and counties may regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons."; in line 10, after "25-4173" by inserting ", 46-222"; in line 11, after "Supp." by inserting "25-4119f, 25-4145,"; also in line 11, by striking "and" and inserting a comma; in line 12, after "4169a" by inserting "and 46-265";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "campaign finance" and inserting "governmental ethics"; also in line 1, by striking ", contributor"; in line 2, after "lobbyist" by inserting "fees and"; in line 5, after "25-4173" by inserting ", 46-222"; also in line 5, after "Supp." by inserting "25-4119f, 25-4145,"; in line 6, by striking the first "and" and inserting a comma; also in line 6, after "25-4169a" by inserting "and 46-265";

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

Mitch Holmes
 STEVE FITZGERALD
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

MARK KAHRs
 KEITH ESAU
 TOM SAWYER

Conferees on part of House

Senator Holmes moved the Senate adopt the Conference Committee Report on **HB 2183**.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 1; Absent or Not Voting 1.

Yeas: Abrams, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Holmes, Kerschen, King, Knox, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Smith, Wagle, Wilborn.

Nays: Baumgardner, Hensley, Holland, Kelly, LaTurner, McGinn, Pettey, Pyle, Schmidt, Tyson, Wolf.

Present and Passing: Francisco.

Absent or Not Voting: Arpke.
The Conference Committee Report was adopted.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **HB 2331**, and has appointed Representatives Brunk, Couture-Lovelady and Tietze as Second conferees on the part of the House.

On motion of Senator Bruce, the Senate adjourned until 2:00 p.m., Sunday, May 31, 2015.

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

