

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 4, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 Senators present.

Senator Love was excused.

Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, You have blessed us with lofty responsibilities. You have us serving in capacities to influence change for the betterment of Your people. Help us to not get lofty in pride due to these lofty positions. When the citizens regard us highly or when we're pleased with an achievement, help us maintain humility. In Proverbs 16:18, You warned us that undue pride goes before a downfall but humility precedes being elevated. So, help us balance a healthy degree of pride with a healthy portion of humility. Deliver us from the "I" problem of I did this or I did that. Remind us that nothing we accomplish is independent of the direct or indirect blessings of others. As the brilliance of a diamond is seen through its many facets, let the brilliance of what we do be seen through the light of Your grace, provided for us through the unique gifts and contributions of others. Thanks for blessing us through the lives, efforts and concerns of many. Thanks for all the things You've taught us and all the ways You've loved us. In the final analysis, when all is said and done, it is You to Whom we owe all our successes. In humility and gratefulness, in Jesus' name, 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 406, AN ACT concerning elections; dealing with voter registration; amending K.S.A. 2015 Supp. 22-3722 and repealing the existing section, by Committee on Ethics and Elections.

SB 407, AN ACT concerning civil commitment of sexually violent predators; reviving K.S.A. 59-29a18, by Committee on Corrections and Juvenile Justice.

SB 408, AN ACT concerning abuse, neglect and exploitation of persons; relating to reporting and investigation; duties and powers of attorney general, law enforcement and department of corrections; amending K.S.A. 2015 Supp. 38-2223, 38-2226 and 75-723 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

SB 409, AN ACT concerning public health; relating to transportation arrangements prior to a funeral; amending K.S.A. 2015 Supp. 65-1753 and repealing the existing section, by Committee on Ways and Means.

SB 410, AN ACT concerning the revised Kansas code for care of children; establishing a CARE family pilot program for foster care; amending K.S.A. 2015 Supp. 38-2218 and repealing the existing section, by Committee on Judiciary.

SB 411, AN ACT concerning utilities; relating to electric transmission lines, right to construct, by Committee on Utilities.

SB 412, AN ACT concerning counties; relating to the grant of an easement to a water district, conditions and purposes; amending K.S.A. 19-3521b and repealing the existing section, by Committee on Utilities.

SENATE CONCURRENT RESOLUTION No. SCR 1609—

By Senators Holland, Faust-Goudeau, Francisco,
Haley, Hawk, Hensley, Kelly and Pettey

A PROPOSITION to revise article 10 of the constitution of the state of Kansas; relating to reapportionment of congressional districts, legislative districts and state board of education member districts.

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: Article 10 of the constitution of the state of Kansas is hereby amended to read as follows:

**"Article 10.—APPORTIONMENT OF THE LEGISLATURE
CONGRESSIONAL, LEGISLATIVE AND STATE BOARD OF EDUCATION
MEMBER DISTRICTS**

"§ 1. Reapportionment of senatorial and representative districts required. ~~(a) At its regular session in 1989, the legislature shall by law reapportion the state representative districts, the state senatorial districts or both the state representative and senatorial districts upon the basis of the latest census of the inhabitants of the state taken by authority of chapter 61 of the 1987 Session Laws of Kansas. At its regular session in 1992 2022, and at its regular session every tenth 10th year thereafter, the legislature shall by law reapportion the United States congressional districts, the state senatorial districts and, the state representative districts and the state board of education member districts as provided by this article. Reapportionment of such districts shall be on the basis of the population of the state as established by the most recent census of population taken and published by the United States bureau of the census. Senatorial and, representative and state board of education member districts shall be reapportioned upon the basis of the population of the state adjusted:—(1) (a) To exclude nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and—(2) (b) to include military personnel stationed within the state who are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence. Bills reapportioning legislative districts shall be published in the Kansas register immediately upon final passage and shall be effective for the next following election~~

of legislators and thereafter until again reapportioned.

~~(b) Within 15 days after the publication of an act reapportioning the legislative districts within the time specified in (a), the attorney general shall petition the supreme court of the state to determine the validity thereof. The supreme court, within 30 days from the filing of the petition, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall enact a statute of reapportionment conforming to the judgment of the supreme court within 15 days.~~

~~(c) Upon enactment of a reapportionment to conform with a judgment under (b), the attorney general shall apply to the supreme court of the state to determine the validity thereof. The supreme court, within 10 days from the filing of such application, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall again enact a statute reapportioning the legislative districts in compliance with the direction of and conforming to the mandate of the supreme court within 15 days after entry thereof.~~

~~(d) Whenever a petition or application is filed under this section, the supreme court, in accordance with its rules, shall permit interested persons to present their views.~~

~~(e) A judgment of the supreme court of the state determining a reapportionment to be valid shall be final until the legislative districts are again reapportioned in accordance herewith.~~

"§ 4. Establishment of redistricting commission. (a) Not later than February 15 of each year ending in one, a redistricting commission shall be established to recommend to the legislature redistricting plans for United States congressional districts, state representative districts, state senatorial districts and state board of education member districts.

(b) The redistricting commission shall consist of the following members:

(1) One shall be appointed by the majority leader of the senate;
(2) one shall be appointed by the majority leader of the house of representatives;

(3) one shall be appointed by the minority leader of the senate;

(4) one shall be appointed by the minority leader of the house of representatives; and

(5) within 30 days after the appointments described in paragraphs (1) through (4) have been made, but not later than March 15 of the year in which the commission is established, the four commission members so appointed shall select, by a vote of at least three members, the fifth commission member, who shall serve as chairperson.

(c) Any vacancy in the membership of the redistricting commission shall be filled in the same manner as the original appointment or selection.

(d) No person, while a member of the commission, shall:

(1) Hold any federal, state or local office; or
(2) be an employee of the Kansas legislature, state board of education or United States congress.

(e) No person who has been a member of the redistricting commission shall be eligible, within two years after being a member of the commission, to:

(1) Be a member or employee of the Kansas legislature or state board of

education; or

(2) hold any appointive office.

(f) The legislature shall provide by law for payment of compensation and expenses of members of the redistricting commission and for adequate staff, office space, equipment and materials for the commission.

(g) The terms of members of the redistricting commission shall expire on July 1 of each year ending in two, and the commission shall be inactive until reestablishment of the commission pursuant to this section.

"§ 5. Commission procedure and recommendations. (a) The redistricting commission shall establish rules and procedures as necessary to carry out the commission's functions. Such rules and procedures shall include rules requiring formal submission to the commission of all communications with commission members. Ex parte communications with members of the commission in relation to the merits of matters before the commission shall be prohibited. Members of the commission shall report any violations of this prohibition to the attorney general and the legislature shall provide by law criminal penalties for such violations.

(b) The redistricting commission shall conduct public hearings throughout the state, including at least one public hearing in each state board of education member district.

(c) In recommending redistricting plans, the redistricting commission shall consider only the requirements of the constitution of the state of Kansas and federal laws, preservation of political subdivisions and preservation of communities of interest. The commission shall avoid placing more than one incumbent in a district except when necessary due to changes in the population of the state. Except as expressly provided in this subsection, the commission shall not intentionally develop districts that favor or discriminate against any individual, political party or group.

"§ 6. Legislative action; court review and action. (a) On or before the first day of the regular legislative session in each year ending in two, the redistricting commission shall introduce in the house of representatives a bill reapportioning the state representative districts and a bill reapportioning the United States congressional districts, and shall introduce in the senate a bill reapportioning the state senatorial districts and a bill reapportioning the state board of education member districts. Such bills shall not be subject to amendment by either chamber of the legislature and each such bill shall be acted upon by each chamber within seven days after such bill is introduced in such chamber.

(b) If a bill introduced pursuant to subsection (a) is not enacted, the redistricting commission, within 10 days after rejection of the bill by either chamber of the legislature or veto of the bill by the governor, shall introduce another bill reapportioning such districts. If the Kansas supreme court enters a judgment that a bill introduced pursuant to subsection (a) is invalid, the redistricting commission, within 10 days after entry of such judgment, shall introduce another bill reapportioning such districts. Introduction of a bill pursuant to this section shall be in the same chamber as introduction of the original bill pursuant to subsection (a). Such bill shall not be subject to amendment by either chamber and shall be acted upon by each chamber within seven days after the bill is introduced in such chamber.

(c) If a bill introduced pursuant to subsection (b) is not enacted, the

redistricting commission, within 10 days after rejection of the bill by either chamber of the legislature or veto of the bill by the governor, shall introduce another bill reapportioning such districts. If the Kansas supreme court enters a judgment that a bill introduced pursuant to subsection (b) is invalid, the redistricting commission, within 10 days after entry of such judgment, shall introduce another bill reapportioning such districts. Introduction of a bill pursuant to this section shall be in the same chamber as introduction of the original bill pursuant to subsection (a). Such bill shall be subject to amendment by either chamber and shall be acted upon by each chamber within 14 days after the bill is introduced in such chamber. When a bill is introduced pursuant to this subsection, the commission shall make the commission's staff and technical resources available to the legislature for use in preparation and consideration of amendments to such bill.

(d) If either chamber of the legislature rejects a bill introduced pursuant to this section, or the governor vetoes such bill, the chamber that rejects the bill, or the governor in the case of a veto, shall transmit to the commission a letter stating the reasons why the bill was not enacted, and the commission shall take such reasons into consideration in introducing a bill pursuant to this section, subject to the requirements of section 6(c). Any such letter shall be signed by both the speaker of the house of representatives and the minority leader of the house of representatives or both the president of the senate and the minority leader of the senate.

(e) Reapportionment bills shall be published in the Kansas register immediately upon final passage and approval by the governor. The districts enacted shall be effective for the next following regular election and thereafter until again such districts are reapportioned, except that the senatorial districts shall be effective for the next following regular election at which all senators are elected.

(f) Within 15 days after publication of any reapportionment bills enacted pursuant to this article, the attorney general shall petition the Kansas supreme court to determine the validity of such bill. The Kansas supreme court, in accordance with its rules, shall permit interested persons to present their views. Within 30 days after the filing of such petition, the Kansas supreme court shall enter its judgment. A judgment of the Kansas supreme court determining such bill to be valid shall be final until reapportionment of the districts is again required by this article.

"§ 7. Implementing legislation. The legislature may enact legislation, not in conflict with the provisions of this article, as reasonably necessary to implement such provisions."

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

"Explanatory statement. Current article 10 of the constitution of the state of Kansas governs reapportionment of state legislative districts. It provides for reapportionment by the legislature and requires it be based on the most recent census taken by the United States bureau of the census, adjusted to exclude certain military personnel and certain students residing at colleges and universities. The revision of article 10 would govern reapportionment of the United States congressional districts, state legislative districts and the state board of education member districts. Under the revision, a redistricting commission would be established to recommend redistricting plans to the legislature. The

legislature would enact a plan which would be subject to review by the Kansas supreme court. There would be strict deadlines for legislative action and if no plan is adopted by the deadline, the Kansas supreme court would reapportion the districts. Reapportionment of state legislative districts would be based on the most recent census taken by the United States bureau of the census, adjusted to exclude certain military personnel and certain students residing at colleges and universities.

"A vote for this proposition would change the procedure for reapportionment of United States congressional, state legislative and state board of education member districts.

"A vote against this proposition would continue the current procedures and basis for reapportionment."

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:

Ethics and Elections: **SB 398, SB 399, SB 400.**

Judiciary: **SB 393, SB 397.**

Public Health and Welfare: **SB 402.**

Transportation: **SB 405.**

Utilities: **SB 401.**

Ways and Means: **SB 403, SB 404.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Faust-Goudeau and Holmes introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1759—

A RESOLUTION recognizing the Kansas Board of Emergency
Medical Services for its work in ensuring that quality out-of-hospital
care is available throughout the state of Kansas.

WHEREAS, Emergency Medical Services or "EMS" were established within the state of Kansas in 1974 by the Kansas Legislature. Emergency Medical Services were provided by Mobile Intensive Care Technicians who were specially trained in emergency cardiac and non-cardiac care in a training program certified by the University of Kansas School of Medicine. This training consisted of a minimum of 200 hours and included didactic and clinical experience in a cardiac care unit and in an

emergency vehicle unit; and

WHEREAS, Created by SB 297 and approved on April 21, 1975, the Emergency Medical Services Council, under the supervision of the secretary of health and environment, within the state of Kansas was established. The Council was tasked to approve, modify or reject rules and regulations, to review and recommend the allocation and expenditure of funds in the state for EMS and to conduct hearings for all EMS regulatory matters; and

WHEREAS, EMS personnel not certified as mobile intensive care technicians had to complete an 81-hour course on preliminary emergency medical care approved by the University of Kansas Medical Center in order to be granted a certificate; and

WHEREAS, In 1988, the Bureau of Emergency Medical Services and the Emergency Medical Services Council were abolished and all powers were transferred to the current Emergency Medical Services Board; and

WHEREAS, The Emergency Medical Services Board consists of 15 members: 11 appointed by the Governor and four appointed by the Kansas Legislature. Of the 15 appointed positions, three are Kansas physicians engaged in the practice of EMS, three are EMS providers, two are county commissioners, one is a fire services representative, one is a hospital administrator and one is an EMS educator. Those currently appointed to the Board are: Dr. Joel Hornung (Chair) – Morris County; Chad Pore (Vice-Chair) – Butler County; Dr. Martin Sellberg – Sedgwick County; Dr. David Kingfisher – Shawnee County; John Ralston – Seward County; Deborah Kaufman – Sheridan County; Jeri Smith – Cowley County; Keith Olsen – Brown County; Ricky James – Linn County; Dennis Franks – Neosho County; Shane Pearson – Saline County; Senator Oletha Faust-Goudeau – Sedgwick County; Senator Mitch Holmes – Stafford County; Representative Broderick Henderson – Wyandotte County and Representative Susie Swanson – Clay County; and

WHEREAS, The Kansas Board of EMS is located in Topeka, Kansas, under the administration of Joseph House, paramedic and acting Executive Director, who performs the role of the chief office administrator for the EMS Board. The Executive Director has appointed 13 staff members to assist in carrying out the functions of the Emergency Medical Services Board; and

WHEREAS, Kansas EMS currently consists of four levels of out-of-hospital providers: Emergency Medical Responder (EMR), Emergency Medical Technician (EMT), Advanced Emergency Medical Technician (AEMT) and Paramedic. In addition to providing medical transportation of the sick and injured, these highly skilled and trained providers are able to perform multiple life-saving and life-sustaining procedures by utilizing a combination of their knowledge, their assessment and the medical protocols established by Kansas physicians. Currently, there are approximately 10,700 certified EMS providers within the state of Kansas. These providers are a combination of full-time employees, part-time employees and volunteers. EMS providers must complete approximately 90 hours of education prior to gaining certification as an EMR and at least 1,200 hours of education prior to gaining certification as a Paramedic; and

WHEREAS, There are 172 permitted ambulance services operating 669 licensed ground ambulances and 53 licensed air ambulances within the state that respond to approximately 340,000 calls annually: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Kansas Board of Emergency Medical Services for its work in ensuring that quality out-of-

hospital care is available throughout the state of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Senator Oletha Faust-Goudeau, Joseph House, Dennis Franks, Representative Broderick Henderson, Senator Mitch Holmes, Dr. Joel Hornung, Commissioner Ricky James, Deborah Kaufman, Dr. David Kingfisher, Commissioner Keith Olsen, Shane Pearson, Chad Pore, John Ralston, Dr. Martin Sellberg, Jeri Smith and Representative Susie Swanson.

On emergency motion of Senator Faust-Goudeau **SR 1759** was adopted unanimously.

Guests introduced were Dennis Franks, Rick James, Jeri Smith, Joe House, Dr. Joel Hornung, Chad Pore, Shane Pearson and John Ralston.

The senators honored the guests with a standing ovation.

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

SENATE RESOLUTION No. 1760—

A RESOLUTION recognizing February 5, 2016, as National Wear Red Day.

WHEREAS, Heart disease and stroke kill one in three women in the U.S., yet 80% of cardiac events may be prevented; and

WHEREAS, Cardiovascular diseases and stroke kill one woman every 80 seconds in the U.S.; and

WHEREAS, An estimated 44 million women in the U.S. are affected by cardiovascular diseases; and

WHEREAS, Only one in five American women believe that heart disease is her greatest health threat, yet 90% of women have one or more risk factors for developing heart disease; and

WHEREAS, Women comprise only 24% of participants in all heart-related studies; and

WHEREAS, Women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than they are if someone else were having a heart attack; and

WHEREAS, Only 36% of African-American women and 34% of Hispanic women know that heart disease is their greatest health risk, compared with 65% of Caucasian women; and

WHEREAS, Women involved with the American Heart Association's Go Red For Women movement live healthier lives, and nearly 90% have made at least one healthy behavior change; and

WHEREAS, Go Red For Women encourages women to take charge of their health and schedule a well-woman visit to learn about their health status and risk for diseases: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize February 5, 2016, as National Wear Red Day to raise awareness of the importance of the ongoing fight against heart disease and stroke by wearing the color red and urge all citizens to show their support for women by commemorating this day; and

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

On emergency motion of Senator V. Schmidt **SR 1760** was adopted unanimously. Guests introduced were Caroline Meyer, Nanci Meyer, Kevin Walker, Tammie Tipton and Dennis Hower.

The senators honored the guests with a standing ovation.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2485**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2485 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** 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 Governor:

Member, State Board of Tax Appeals: K.S.A. 74-2433

Devin Sprecker, for a term of four years

Member, State Board of Tax Appeals: K.S.A. 74-2433

James Cooper, for a term of four years

Committee on **Transportation** recommends **SB 349** be amended on page 1, in line 9, by striking all after "operation"; in line 10, by striking all before the semicolon; and the bill be passed as amended.

Also, **SB 373** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, February 5, 2016.

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

