

Journal of the Senate

TWENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 15, 2017, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Fitzgerald was excused.

President Wagle introduced guest chaplain, Pastor Theodis Williams, True Holiness Family Church in Topeka, to deliver the invocation:

Lord God, we thank you for the privilege and honor to call on Your holy name and acknowledge You as our Father. From the time You formed us, You filled us to function according to Your Divine purpose. We confess, Lord God, that today more than ever before, we need the leading of Your Holy Spirit in every decision that we make. Lord God, Divine guidance is a must if we are going to avoid the snare that entraps and enslaves. We know that to revere You is wisdom and to depart from evil is understanding. From a few we have become a nation of many because of Your Divine favor. Lord God, You have embraced us in spite of our flaws, You have empowered us as a people, state and nation. It is You, Father God, that has determined that the great State of Kansas and the United States of America are to be a leader, path finder and trail blazer. So today, we pray for men, women and children everywhere to be recipients of all that our constitution promises. We pray today, Lord God, that You bless our leaders with the wisdom and integrity that is mandated by Your Holy word. We pray for the new administration in Washington. We pray that the heart of the Trump administration be in Your hand and submit to Your guidance. We pray that our leaders understand that their lips speak as an oracle and must never betray justice. Bless our leaders to know that justice gives our country stability. Bless our politicians to embrace righteousness that our nation may be exalted in the eyes of God. Bless our men and women to be leaders in the home and in society. We pray, Lord God, that our diversity is not allowed to divide us. We confess this day that we have strayed from Our principles that govern our family and society. Heal us this day, oh God, that we may be the leaders that will guide this great nation and state according to your Holy Word. Bless the leaders of this senate to embrace the responsibility that comes with the office, that we may live in peaceable life, that exemplifies the character of the true and living God. In Jesus' Name we pray; thank God and Amen.

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Estes rose on a Point of Personal Privilege to introduce JAG-Kansas (Jobs

for Americas Graduates) students and their Career Specialists. JAG-Kansas is an in-school program that works to move students toward high school graduation and on to a successful career path.

The senators honored the students and other guests with a standing ovation.

POINT OF PERSONAL PRIVILEGE

Senator Tyson rose on a Point of Personal Privilege to recognize Eagle Scouts Isaac Kubasko, Aaron Kubasko, Nathan Wiltsey and Sam Wood.

The senators honored the scouts with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 196, AN ACT concerning utilities, relating to electric rates, billing standards; concerning the state corporation commission, powers and duties; electric rates and billing, by Committee on Utilities.

SB 197, AN ACT concerning social work; creating the social work examining committee within the behavioral sciences regulatory board; providing the powers, duties and functions thereof; amending K.S.A. 65-6302, 65-6303, 65-6306, 65-6308, 65-6317 and 65-6319 and K.S.A. 2016 Supp. 22-4612, 59-2132, 59-2946, 65-6309, 65-6309a, 65-6311, 65-6616 and 74-7501 and repealing the existing sections, by Committee on Ways and Means.

SB 198, AN ACT concerning the department of revenue; relating to persons with access to federal tax information; fingerprinting, by Committee on Assessment and Taxation.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

SR 1715, A RESOLUTION urging unified school district boards to adopt comprehensive sex education standards and curriculum. By Committee on Federal and State Affairs.

President Wagle referred **SR 1715** to the Committee on **Education**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 194**; **HB 2192**.

Assessment and Taxation: **SB 192**.

Education: **SR 1715**; **HB 2048**.

Public Health and Welfare: **SB 195**; **HB 2030**.

Transportation: **HB 2096**.

Ways and Means: **SB 193**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2071**, **HB 2085**, **HB 2110**.

Announcing adoption of **HCR 5003**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2071, HB 2085, HB 2110; HCR 5003 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators V. Schmidt, Hensley and Kelly introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1713—

A RESOLUTION congratulating and commending Washburn University men's basketball head coach, Bob Chipman, on a successful career.

WHEREAS, Washburn University's Bob Chipman has spent 41 years as a basketball coach, including the last 38 as the head coach of the Ichabods; and

WHEREAS, On January 14, 2017, Bob Chipman became the 17th head coach in National Collegiate Athletic Association (NCAA) history and the third head coach in NCAA Division II history to win at least 800 games; and

WHEREAS, Bob Chipman will finish his career as the all-time wins leader in the Mid-America Intercollegiate Athletic Association (MIAA); and

WHEREAS, The Ichabods, led by Bob Chipman, were the 1987 National Association of Intercollegiate Athletics (NAIA) National Champions, the 2001 NCAA Runner-up, won 12 MIAA regular season titles and five MIAA Postseason Tournament championships, which is an MIAA coaching record; and

WHEREAS, Bob Chipman coached 15 NCAA and NAIA All-American selections, along with 14 first-team All-MIAA and 10 MIAA Most Valuable Players; and

WHEREAS, Bob Chipman's wife, Carol, father, Bob Chipman, Sr., and children, Kelsey and Bobby, have traveled this long journey by his side every step of the way: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Washburn University men's basketball head coach Bob Chipman on a successful career; and

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

On emergency motion of Senator V. Schmidt **SR 1713** was adopted unanimously.

The senate honored Coach Chipman and guests with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 147** be amended by adoption of the amendments recommended by Senate Committee on Assessment and Taxation as reported in the Journal of the Senate on February 7, 2017, and the bill, as printed with amendments by Senate Committee, be further amended on page 3, in line 15, by striking all after "(e)"; by striking all in line 16; in line 17, by striking "(f)";

On page 11, following line 42, by inserting:

"Sec. 3. K.S.A. 2016 Supp. 79-32,120 is hereby amended to read as follows: 79-32,120. (a) (1) If federal taxable income of an individual is determined by itemizing deductions from such individual's federal adjusted gross income, such individual may elect to deduct the Kansas itemized deduction in lieu of the Kansas standard deduction.

(2) For the tax year commencing on January 1, 2013, the Kansas itemized deduction of an individual means 70% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(3) For the tax year commencing on January 1, 2014, the Kansas itemized deduction of an individual means 65% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(4) For the tax years commencing on and after January 1, 2015, and ending before January 1, 2017, the Kansas itemized deduction of an individual means the following deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section: (A) 100% of charitable contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 50% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (C) 50% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.

(5) For the tax years commencing on and after January 1, 2017, the Kansas itemized deduction of an individual means the following deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section: (A) 100% of charitable contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 100% of expenses for medical care allowable as deductions in section 213 of the federal internal revenue code; (C) 50% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (D) 50% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.

(b) The total amount of deductions from federal adjusted gross income shall be reduced by the total amount of income taxes imposed by or paid to this state or any other taxing jurisdiction to the extent that the same are deducted in determining the federal itemized deductions and by the amount of all depreciation deductions claimed for any real or tangible personal property upon which the deduction allowed by K.S.A. 2016 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto, is or has been claimed.";

Also on page 11, in line 43, by striking "and" and inserting a comma; also in line 43, after "79-32,117" by inserting ", 79-32,120 and 79-32,269";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "itemized deductions;"; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "79-32,117" by inserting "and 79-32,120"; also in line 3, after "sections" by inserting "; also repealing K.S.A. 2016 Supp. 79-32,269"; and the bill be reported without recommendation.

Committee on **Federal and State Affairs** recommends **SB 86** be amended

On page 1, following line 16, by inserting:

"(c) The provisions of this section shall not apply to charges assessed by a public agency for providing records for individuals other than citizens of Kansas.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also, on page 1, following line 18, by inserting:

"Sec. 2. K.S.A. 45-218 is hereby amended to read as follows: 45-218. (a) All public records shall be open for inspection by any ~~person~~ citizen of the state of Kansas, except as otherwise provided by this act, and suitable facilities shall be made available by each public agency for this purpose. Records requests made by persons other than citizens of Kansas must be made on behalf of a Kansas citizen and include the name, legal address and signature of a Kansas citizen who supports the request. No person shall ~~remove~~ remove original copies of public records from the office of any public agency without the written permission of the custodian of the record. The custodian may require the requestor to provide their name and legal address.

(b) Upon request in accordance with procedures adopted under K.S.A. 45-220, and amendments thereto, any person may inspect public records during the regular office hours of the public agency and during any additional hours established by the public agency pursuant to K.S.A. 45-220, and amendments thereto.

(c) If the person to whom the request is directed is not the custodian of the public record requested, such person shall so notify the requester and shall furnish the name and location of the custodian of the public record, if known to or readily ascertainable by such person.

(d) Each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. If the request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester not later than the end of the third business day following the date that the request for the statement is received.

(e) The custodian may refuse to provide access to a public record, or to permit inspection, if a request places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency. However, refusal under this subsection must be sustained by preponderance of the evidence.

(f) A public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records, subject to K.S.A. 45-219, and amendments thereto.";

On page 5, in line 32, before "K.S.A." by inserting "K.S.A. 45-218 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "Kansas open meetings act; relating to the recording of minutes of meetings;"; also in line 2, after "amending" by inserting "K.S.A. 45-218 and"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 41** be amended on page 1, in line 18, after the first "officer" by inserting a comma; in line 21, after the first "officer" by inserting a

comma; in line 29, by striking the second "in,"; by striking all in lines 30 through 35; in line 36, by striking all before the period and inserting ", while such employee is engaged in the performance of such employee's duty operating a vehicle";

On page 5, in line 10, by striking all after "employee"; by striking all in lines 11 through 15; in line 16, by striking all before the period and inserting ", while such employee is engaged in the performance of such employee's duty operating a vehicle"; and the bill be passed as amended.

Also, **SB 62** be amended on page 2, in line 30, by striking all after "finding"; in line 31, by striking "signatures" and inserting "that the petition, substantially in the form required by this subsection on its face, is not in proper form"; in line 33, by striking "such decision" and inserting "the decision to not summon a grand jury"; and the bill be passed as amended.

SB 63 be amended on page 3, in line 23, after the first "disclose" by inserting "to a designated recipient"; in line 41, after "fiduciary" by inserting "or designated recipient"; in line 43, after "fiduciary" by inserting "or designated recipient";

On page 4, in line 1, after "fiduciary's" by inserting "or designated recipient's";

On page 8, in line 11, after "fiduciary's" by inserting "or designated recipient's"; in line 15, after "(3) " by inserting "in the case of a fiduciary,";

On page 9, in line 9, by striking "14" and inserting "15"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 94** be amended on page 1, in line 20, by striking all after the third comma; in line 21, by striking "after" and inserting "during the reporting period beginning"; also in line 21, after the second comma by inserting "and ending December 31, 2020,"; also in line 21, after "5.77%" by inserting ", and on and after January 1, 2021, the privilege fee shall be 3.31%"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, February 16, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

