

Journal of the Senate

FORTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 12, 2015, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with 40 senators present.
Invocation by Father Don Davidson:

For some of us, O Lord, the spring means one thing above all others, the sound of the umpires calling out balls and strikes and that unmistakable crack when a pitched ball is belted high and far into the outfield. There is a great joy with the potential of a new season watching the youngest players to the oldest of veterans. We all believe that this will be the year. Give us moments of hope, for with hope and your Grace nothing is impossible. Thank you, O Lord. 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 279, AN ACT concerning a convention of the states under article V of the United States constitution; prescribing the appointment and qualifications of delegates; the duties and responsibilities thereof; instruction thereof by the legislature, by Committee on Assessment and Taxation.

SB 280, AN ACT concerning sales taxation; relating to countywide retailers' sales tax, authority for Thomas county; amending K.S.A. 2014 Supp. 12-187 and 12-189 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 281, AN ACT concerning sales taxation; providing for sales tax exemption for certain mobility enhancing equipment; amending K.S.A. 2014 Supp. 79-3606 and repealing the existing section, by Committee on Federal and State Affairs.

SB 282, AN ACT exempting the state of Kansas from daylight saving time, by Committee on Ways and Means.

SB 283, AN ACT concerning STAR bonds; relating to economic impact studies; base year assessed valuation for additions of area to project districts; financing an excess of approved amounts; amending K.S.A. 2014 Supp. 12-17,162, 12-17,164, 12-17,166, 12-17,168 and 12-17,171 and repealing the existing sections, by Committee on Ways and Means.

SB 284, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; enacting the Kansas deferred retirement option program act; providing terms, conditions, requirements, benefits and contributions

related thereto; relating to member election; eligible employer affiliation; interest credits; account distribution, by Committee on Ways and Means.

CHANGE OF REFERENCE

Under the authority of the Senate President, Vice President King withdrew **SB 203** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Judiciary**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2135**, **HB 2197**, **HB 2246**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2135, **HB 2197**, **HB 2246** were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators O'Donnell, Donovan, Faust-Goudeau, Kerschen, Masterson, McGinn, Melcher, Petersen and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1725—

A RESOLUTION commemorating the 90th Anniversary
of the Junior League of Wichita.

WHEREAS, The Junior League of Wichita is an organization of women committed to promoting volunteerism, developing the potential of women and improving communities; and

WHEREAS, The Junior League of Wichita was founded on January 15, 1925, and has devotedly served Wichita continuously for the past 90 years; and

WHEREAS, The Junior League of Wichita reaches out to women of all races, religions and national origins who demonstrate an interest in and a commitment to volunteerism; and

WHEREAS, The Junior League of Wichita has always focused on the current needs of its community and today focuses on combating child abuse through awareness, prevention and intervention; and

WHEREAS, The nearly 800 members of the Junior League of Wichita give generously of their time and talents to volunteer in many areas of this community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend and celebrate the 90th Anniversary of the Junior League of Wichita. We hope that all Kansans will celebrate and be inspired by its many accomplishments and hopeful determination so that its successes can be replicated where possible throughout the State of Kansas; and

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

On emergency motion of Senator O'Donnell **SR 1725** was adopted unanimously.

Guests present included: Patty Armstrong, Denise Bandemer, Trinh Bui, Julie Buth, Megan Camille Dillehay, Macaela Harris, Melissa Hebb, Charissa JarboeGale, Martha Linsner, Cindy Miles, Jessica Strog, Jessica Suhr, Kathy Sweeney, Tina Trooper, Jeanette Clement, Kelly Bryant, Prisca Barnes.

The Senate honored the guests with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2056** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2056," as follows:

"Senate Substitute for HOUSE BILL NO. 2056
By Committee on Corrections and Juvenile Justice

"AN ACT concerning bail enforcement agents; relating to licensure by the attorney general; sureties and bail agents; amending K.S.A. 2014 Supp. 22-2809a and repealing the existing section.";

And the substitute bill be passed.

Also, recommends **HB 2051** be amended on page 3, in line 22, after "(f)" by inserting "The state of Kansas, the secretary of corrections and the secretary's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission in making the good time and program credit calculations authorized by this section.

(g)";

Also on page 3, in line 23, after "by" by inserting "the amendments to"; also in line 23, after "section" by inserting "by this act";

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

Also, on page 3, following line 26, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 75-5291 is hereby amended to read as follows: 75-5291. (a) (1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services that address the criminogenic needs of felony offenders including, but not limited to, adult intensive supervision, substance abuse and mental health services, employment and residential services, and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127, and amendments thereto.

(2) Except as otherwise provided, placement of offenders in a community correctional services program by the court shall be limited to placement of adult offenders, convicted of a felony offense:

(A) ~~Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-C, 3-D, 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes for crimes committed prior to July 1, 2012, or in grid blocks 4-C, 4-D, 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes for crimes committed on or after July 1, 2012. In addition, the court may place in a community correctional services program adult offenders, convicted of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for nondrug crimes~~ Who, on or after July 1, 2014, are determined to be moderate risk, high risk or very high risk by use of a statewide, mandatory, standardized risk assessment tool or instrument which shall be specified by the Kansas sentencing commission;

(B) whose severity level and criminal history score designate a presumptive prison sentence on either sentencing guidelines grid but receive a nonprison sentence as a result of departure;

(C) all offenders convicted of an offense which satisfies the definition of offender pursuant to K.S.A. 22-4902, and amendments thereto, and which is classified as a severity level 7 or higher offense and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed;

(D) any offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in the offender being required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections;

~~(E) on and after January 1, 2011, for offenders who are expected to be subject to supervision in Kansas, who are determined to be "high risk or needs, or both" by the use of a statewide, mandatory, standardized risk assessment tool or instrument which shall be specified by the Kansas sentencing commission;~~

~~(F)~~ (E) placed in a community correctional services program as a condition of supervision following the successful completion of a conservation camp program;

~~(G)~~ (F) who have been sentenced to community corrections supervision pursuant to K.S.A. 21-4729, prior to its repeal, or K.S.A. 2014 Supp. 21-6824, and amendments thereto; or

~~(H)~~ (G) who have been placed in a community correctional services program for supervision by the court pursuant to K.S.A. 8-1567, and amendments thereto.

(3) Notwithstanding any law to the contrary and subject to the availability of funding therefor, adult offenders sentenced to community supervision in Johnson county for felony crimes that occurred on or after July 1, 2002, but before July 1, 2013, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10th judicial district. The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this paragraph shall expire on July 1, 2013.

(4) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.

(5) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert

offenders from prison.

(2) The secretary shall appoint one member from the southeast community corrections region, one member from the northeast community corrections region, one member from the central community corrections region and one member from the western community corrections region. The deputy secretary of community and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.

(3) Each member shall be appointed for a term of three years and such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.

(4) The committee, in collaboration with the deputy secretary of community and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:

- (A) Efficiencies in the delivery of field supervision services;
- (B) effectiveness and enhancement of existing interventions;
- (C) identification of new interventions; and
- (D) statewide performance indicators.

(5) The committee's report concerning enhanced or new interventions shall address:

- (A) Goals and measurable objectives;
- (B) projected costs;
- (C) the impact on public safety; and
- (D) the evaluation process.

(6) The committee shall submit its report to the secretary annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget request for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.";

Also on page 3, in line 27, by striking "is" and inserting "and 75-5291 are"; in line 29, by striking all before "its"; also in line 29, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "credits;" by inserting "community corrections; use of risk assessment tool;"; in line 3, after "21-6821" by inserting "and 75-5291"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2090** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2090," as follows:

"Senate Substitute for HOUSE BILL NO. 2090

By Committee on Transportation

"AN ACT concerning motor vehicles; relating to registration; decals for license plates, serial numbers; apportioned fleet registration, mileage applications, fees and calculations; permanent registration of certain vehicles, annual report; amending K.S.A. 8-1,107 and K.S.A. 2014 Supp. 8-134 and 8-1,134 and repealing the existing sections.";

And the substitute bill be passed.

Also, recommends **HB 2044**, as amended by House Committee, be amended on page 9, following line 37, by inserting:

"Sec. 8. K.S.A. 2014 Supp. 8-2503 is hereby amended to read as follows: 8-2503.

(a) Except as provided in subsection (b):

(1) Each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 or an autocycle, who is 18 years of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion; and

(2) each occupant of either a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 or an autocycle, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.

(b) This section does not apply to:

(1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;

(2) carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes; or

(3) newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes.

(c) The secretary of transportation shall initiate an educational program designed to encourage compliance with the safety belt usage provisions of this act.

(d) The secretary shall evaluate the effectiveness of this act and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits under 23 U.S.C. § 402.

(e) Law enforcement officers shall not stop drivers for violations of subsection (a) (1) by a back seat occupant in the absence of another violation of law. A citation for violation of subsection (a)(1) by a back seat occupant shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.";

And by renumbering sections accordingly;

Also on page 9, in line 39, by striking "and" and inserting a comma; also in line 39, after "8-1598" by inserting "and 8-2503";

On page 1, in the title, in line 1, after "definitions;" by inserting "safety belts;"; in line 3, after "8-1486" by striking "and" and inserting a comma; also in line 3, after "8-1598" by inserting "and 8-2503"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, March 13, 2015.

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

