

# Journal of the Senate

TWENTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 7, 2017, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.  
The roll was called with 40 senators present.  
Invocation by Reverend Cecil T. Washington:

Lord, You are the Almighty God of Heaven and earth. There is no person and nothing created that is on Your level. But Lord, can we just talk? Would you allow a feeble, fumbling, sometimes failing creation of Yours to approach You today? Can we talk?

There have been times when Your holiness was so real that it seemed impossible to cross the threshold into Your presence. How can a holy and totally righteous God be receptive to one so lowly?

But then You gave us that Isaiah moment. In chapter 6:1-9, he had a vision that contrasted Your holiness with his un-holiness. Considering Your majesty brought about his modesty.

He saw that he was not worthy to come talk to You. So, in Your love and mercy, You came to him. His un-holiness was forgiven. You touched his mouth and allowed him to talk to You. You even permitted him to talk for You.

In a like manner Lord, touch us with Your love and mercy. Forgive our un-holiness. Remind us that we should talk to You...that You do hear our prayers. And from time to time, when You provide the opportunity, we'll even talk for You.

In the precious name of Jesus, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 164**, AN ACT concerning alcoholic beverages; relating to the club and drinking establishment act; concerning the consumption of alcoholic beverages in public; amending K.S.A. 2016 Supp. 41-719 and 41-2653 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 165**, AN ACT concerning opioids; providing insurance coverage for abuse-deterrent opioid analgesic drug products; relating to standards governing the use and administration of emergency opioid antagonists; education requirements; civil and criminal liability; amending K.S.A. 2016 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 166**, AN ACT concerning higher education; relating to private and out-of-state

educational institutions; exempting Cleveland university-Kansas City; amending K.S.A. 2016 Supp. 74-32,164 and repealing the existing section, by Committee on Education.

**SB 167**, AN ACT concerning property taxation; amending K.S.A. 2016 Supp. 25-432, 79-5a27, 79-1466, 79-1467, 79-1801 and 79-2925b and repealing the existing sections; also repealing K.S.A. 2016 Supp. 25-433a and 79-2925c, by Committee on Assessment and Taxation.

**SB 168**, AN ACT repealing K.S.A. 2016 Supp. 74-8723; concerning the Kansas lottery, by Committee on Federal and State Affairs.

**SB 169**, AN ACT concerning the Kansas lottery; dealing with lottery ticket vending machines; amending K.S.A. 2016 Supp. 74-8702 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 170**, AN ACT concerning the Kansas department for children and families; relating to performance-based contracting, by Senator Faust-Goudeau.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 162**.

Federal and State Affairs: **SB 157, SB 158, SB 163; HB 2098, HB 2132**.

Financial Institutions and Insurance: **HB 2043**.

Judiciary: **SB 156, HB 2049**.

Public Health and Welfare: **SB 160; HB 2045, HB 2055**.

Ways and Means: **SB 159, SB 161**.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1710—

A RESOLUTION congratulating and commending Ray Lipovac's fifth grade class at Stony Point Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through the I Am Here program.

WHEREAS, KC Healthy Kids is a nonprofit advocacy program dedicated to improving the health of Kansas City metropolitan area children; and

WHEREAS, KC Healthy Kids is celebrating I Am Here on March 2, 2017, at the Kansas City Convention Center; and

WHEREAS, This event is KC Healthy Kids' youth photo contest, which is designed to empower students to speak out for healthy communities; and

WHEREAS, I Am Here lifts up the voices of students in grades 3-8 as they share their ideas about how to create a healthier Kansas City; and

WHEREAS, School districts throughout the Kansas City metropolitan area were invited to have classrooms submit captioned photos showing how their communities help or hinder healthy habits; and

WHEREAS, Through this contest, teachers help students think critically about how their surroundings — walking trails or broken sidewalks, safe playgrounds or blighted lots, schoolyard gardens or fast food restaurants — impact their health; and

WHEREAS, KC Healthy Kids has announced the first place award recipients for I Am Here, that include Ray Lipovac's fifth grade class at Stony Point Elementary

School, located in beautiful Kansas City, Kansas; and

WHEREAS, First place award recipients received \$1,000 to promote student wellness, such as the purchase of new playground balls and pedometers, offering fruit and vegetable tastings or providing nutrition education and school wellness council projects; and

WHEREAS, The great state of Kansas affirms the importance of ensuring that all children have the knowledge and opportunities to eat healthy and be physically fit where they live, learn and play; and

WHEREAS, Actively engaged citizens and healthy communities are strengthened when young people are introduced to civic responsibility early through programs such as I Am Here: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Ray Lipovac's fifth grade class at Stony Point Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through the I Am Here program; and

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

On emergency motion of Senator Pettey **SR 1710** was adopted unanimously.

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

SENATE RESOLUTION No. 1711—

A RESOLUTION congratulating and commending Kristina Kidwell's third grade class at Whittier Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through the I Am Here program.

WHEREAS, KC Healthy Kids is a nonprofit advocacy program dedicated to improving the health of Kansas City metropolitan area children; and

WHEREAS, KC Healthy Kids is celebrating I Am Here on March 2, 2017, at the Kansas City Convention Center; and

WHEREAS, This event is KC Healthy Kids' youth photo contest, which is designed to empower students to speak out for healthy communities; and

WHEREAS, I Am Here lifts up the voices of students in grades 3-8 as they share their ideas about how to create a healthier Kansas City; and

WHEREAS, School districts throughout the Kansas City metropolitan area were invited to have classrooms submit captioned photos showing how their communities help or hinder healthy habits; and

WHEREAS, Through this contest, teachers help students think critically about how their surroundings — walking trails or broken sidewalks, safe playgrounds or blighted lots, schoolyard gardens or fast food restaurants — impact their health; and

WHEREAS, KC Healthy Kids has announced the first place award recipients for I Am Here, that include Kristina Kidwell's third grade class at Whittier Elementary School, located in beautiful Kansas City, Kansas; and

WHEREAS, First place award recipients received \$1,000 to promote student wellness, such as the purchase of new playground balls and pedometers, offering fruit and vegetable tastings or providing nutrition education and school wellness council projects; and

WHEREAS, The great state of Kansas affirms the importance of ensuring that all

children have the knowledge and opportunities to eat healthy and be physically fit where they live, learn and play; and

WHEREAS, Actively engaged citizens and healthy communities are strengthened when young people are introduced to civic responsibility early through programs such as I Am Here: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Kristina Kidwell's third grade class at Whittier Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through the I Am Here program; and

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

On emergency motion of Senator Pettey **SR 1711** was adopted unanimously.

#### **COMMUNICATIONS FROM STATE OFFICERS**

February 06, 2017

Kansas Attorney General, Derek Schmidt, submitted the fiscal year 2016 annual report of the Crime Victims Compensation Board.

The Vice President announced that this report is on file in the office of the Secretary of the Senate and available for review at any time.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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The senate met pursuant to recess with Vice President Longbine in the chair.

#### **CHANGE OF REFERENCE**

Under the authority of the President, the Vice President withdrew **SB 135** from the Committee on **Transportation**, and referred the bill to the Committee on **Federal and State Affairs**.

#### **COMMITTEE OF THE WHOLE**

On motion of Senator Denning, 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 13, SB 18, SB 20** be passed.

**SB 14, SB 16, SB 21** be amended by the adoption of the committee amendments, and the bills be passed as amended.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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

**REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **SB 147**, Corrected, be amended on page 11, in line 7, by striking "all"; also in line 7, after the second comma by inserting "and ending before January 1, 2017,"; in line 23, by striking "all"; also in line 23, after the second comma by inserting "and ending before January 1, 2017,"; and the bill be passed as amended.

Committee on **Education** recommends **SB 75** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 26** be passed.

Also, **SB 35** be amended on page 1, following line 26, by inserting:

"(e) The secretary of transportation and persons designated by the board of county commissioners of Johnson and Wyandotte counties shall report to the legislature on or before February 1 in 2018, 2019 and 2020, concerning the implementation and operation of the program authorized by this section."; and the bill be passed as amended.

**SB 36** be amended on page 4, in line 35, before "rules" by inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in";

On page 6, in line 5, before "rules" by inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in";

On page 8, in line 33, before "rules" by inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in";

On page 9, in line 42, by striking all before the first comma and inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in rules and regulations adopted by the state corporation commission";

On page 13, in line 10, by striking "K.A.R. 82-4-1(z)" and inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in rules and regulations adopted by the state corporation commission";

On page 14, in line 32, by striking "K.A.R. 82-4-1(z)" and inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in rules and regulations adopted by the state corporation commission";

On page 16, in line 41, by striking "K.A.R. 82-4-1(f)" and inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in rules and regulations adopted by the state corporation commission";

On page 17, in line 40, by striking "K.A.R. 82-4-1(f)" and inserting "49 C.F.R. § 390.5, as in effect on July 1, 2017, or any later version as established in rules and regulations adopted by the state corporation commission"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 27** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 27," as follows:

"Substitute for SENATE BILL NO. 27

By Committee on Ways and Means

"AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, June 30, 2018, and June 30, 2019, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2016 Supp. 74-4920 and 75-2319 and repealing the

existing sections; also repealing K.S.A. 2016 Supp. 75-2319d.";

And the substitute bill be passed.

Also, **SB 115** be amended on page 3, in line 26, by striking "all" and inserting "\$100,000,000 of such";

On page 6, in line 22, by striking "\$317,100,000" and inserting "\$100,000,000"; in line 28, after the sixth comma by inserting "and"; in line 29, by striking "June 30, 2022, June 30, 2023, and June 30, 2024,"; in line 30, by striking "\$45,300,000" and inserting "\$25,000,000"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, February 8, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

