

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 20, 2017, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 39 senators present.
Senator Pilcher-Cook was excused.
Invocation by Reverend Cecil T. Washington:

To Our Holy God of heaven and earth, we thank You for the reminder, in Lamentations 3:22-23, that Your mercies are new every day; that Your grace and faithfulness toward us continues to prevail.

On this 3rd Monday in February, we remember the first President, that You gave to this country; George Washington, born February 22, 1732. Through the years, You promoted him and history says he was a great man of faith, and great for this country.

Lord You led him to set an example of faith that all of us should follow. When he left home for a life of service, he remembered and recorded the words of faith his mother, Mary Washington, had taught him, when she said “remember that God is our only sure trust. To Him, I commend you...my son, neglect not the duty of secret prayer.”

Let the words of President Washington's mother ring in our ears as well. Help us to not neglect the duty of secret prayer.

We pray today for President Trump and all that surround him in the new administration. Help them to not forget the duty of prayer. Give them protection and direction, that this nation may be drawn more and more into Your will and Your way.

Lord, I'm thanking You again for Your grace and mercy. In Jesus' name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 205, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; participating service credit; amending K.S.A. 74-4913 and 74-4956 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ways and Means: **Sub HB 2052; HB 2161.**

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2031, HB 2111, HB 2121, HB 2130, HB 2191, HB 2234**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2031, HB 2111, HB 2121, HB 2130, HB 2191, HB 2234 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 166** 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 **Financial Institutions and Insurance** recommends **SB 137** be amended on page 1, in line 19, after "to" by inserting "50% of the member's final average salary; or, for deaths occurring on or after July 1, 2016,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 124** be passed.

Also, **SB 40** be amended on page 1, in line 10, after "(b)" by inserting "(1)"; in line 13, by striking "is" and inserting "may be"; in line 14, by striking all after "condition"; by striking all in lines 15 through 24; in line 25, by striking "violation"; in line 25, after the period, by inserting:

"(2) When the magistrate sets a bond, such magistrate may authorize a pretrial services supervision officer to arrest a defendant without a warrant pursuant to this paragraph, and such magistrate may authorize a pretrial services supervision officer to deputize any other officer with power of arrest to arrest a defendant without a warrant pursuant to this paragraph. If authorized, a pretrial services supervision officer may arrest a defendant without a warrant if the defendant has, in the judgment of the pretrial services supervision officer, violated the conditions of the defendant's bond. If authorized, a pretrial services supervision officer may deputize any other officer with power of arrest to arrest a defendant without a warrant if the pretrial services supervision officer gives such other officer a written or verbal statement setting forth that the defendant has, in the judgment of the pretrial services supervision officer, violated the conditions of the defendant's bond. If a magistrate has authorized an arrest without a warrant pursuant to this paragraph, a written statement delivered to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of the defendant. After making an arrest, the pretrial services supervision officer shall present to the detaining authorities a similar statement of the circumstances of the violation. The defendant shall be detained for an arrest pursuant to this section only until a magistrate is available to consider whether the defendant's bond will be revoked.

(3) ";

Also on page 1, in the title, in line 1, after the second semicolon by inserting "arrest;"; and the bill be passed as amended.

SB 50 be amended on page 1, in line 8, after the period by inserting "(a) (1)"; in line 10, after the period by inserting:

"(2) ";

Also on page 1, in line 15, by striking all after the period; by striking all in lines 16 through 22; in line 23, by striking all before "The" and inserting:

"(3) One member shall be the chairperson of the standing house committee on judiciary, if such chairperson is a member of the Kansas bar, or such chairperson may appoint another member of the standing house committee on judiciary who is a member of the Kansas bar to serve as a member in lieu of such chairperson for such chairperson's then-current term as a legislator.

(4) One member shall be the chairperson of the standing senate committee on judiciary, if such chairperson is a member of the Kansas bar, or such chairperson may appoint another member of the standing senate committee on judiciary who is a member of the Kansas bar to serve as a member in lieu of such chairperson for such chairperson's then-current term as a legislator. If such chairperson is not a member of the Kansas bar and there is not another member of the standing senate committee on judiciary who is a member of the Kansas bar, such chairperson may appoint, with the advice of the president of the senate, a former member of the legislature who is a member of the Kansas bar to serve as a member in lieu of such chairperson for such chairperson's then-current term as a legislator.

(b) ";

Also on page 1, in line 32, after the period by inserting:

"(c) (1) ";

Also on page 1, in line 35, after the period by inserting:

"(2) ";

On page 2, in line 11, after the period by inserting:

"(3) " and the bill be passed as amended.

SB 101 be amended on page 3, in line 8, after "(a)" by inserting "'Sexual assault' means any sexual contact or attempted sexual contact with another person without consent, or when such person is incapable of giving consent.

(b) " by striking all in lines 28 through 30;

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

On page 4, in line 37, after "any" by inserting "one or more"; and the bill be passed as amended.

SB 136 be amended on page 1, in line 9, after "(2)" by inserting "(A)"; in line 16, after "expunged" by inserting "and purged from all applicable state and federal systems pursuant to subsection (d)"; also in line 16, after the period by inserting:

"(B) ";

Also on page 1, in line 23, after the period by inserting "'Mistaken identity' shall not include any situation in which an arrestee intentionally provides false information to law enforcement officials in an attempt to conceal such person's identity.";

On page 3, in line 2, after "(d)" by inserting "(1)"; in line 3, after the second comma by inserting "on a petition for expungement pursuant to subsection (a)(1),"; in line 5, by striking "(a)(2) or"; in line 13, by striking "or"; by striking all in line 14; in line 15, by striking "(2)"; following line 15, by inserting:

"(2) When the court has ordered expungement of arrest records on a petition for expungement pursuant to subsection (a)(2), the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (a)(2). The order shall also direct the Kansas bureau of investigation to purge

the arrest information from the criminal justice information system central repository and all applicable state and federal databases. The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation, which shall carry out the order and shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency that may have a record of the arrest. If an order of expungement is entered, the person eligible for mandatory expungement pursuant to subsection (a)(2) shall be treated as not having been arrested."; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 160** be passed.

Also, **SB 153** be amended on page 1, in line 5, by striking the colon; in line 6, by striking "(1)" and inserting a comma; by striking all in lines 9 and 10; and the bill be passed as amended.

SB 154 be amended on page 3, in line 7, after "services" by inserting ", supportive care services"; in line 28, after "only" by inserting "supportive care services or";

On page 4, in line 11, by striking the second "and"; in line 19, before the period by inserting ";

(k) "supportive care services" means services that do not require supervision by a healthcare professional, such as a physician assistant or registered nurse, to provide assistance with activities of daily living that the consumer could perform if such consumer were physically capable, including, but not limited to, bathing, dressing, eating, medication reminders, transferring, walking, mobility, toileting and continence care, provided in the consumer's temporary or permanent place of residence so that the consumer can remain safely and comfortably in the consumer's temporary or permanent place of residence. "Supportive care services" does not include any home health services; and

(l) "supportive care worker" means an employee of a home health agency who provides supportive care services";

Also on page 4, in line 23, after "services" by inserting ", supportive care services or attendant care services"; in line 25, by striking "home health";

On page 6, in line 37, after "entity" by inserting ", except as provided in subsection (f)";

On page 7, in line 15, by striking "or"; in line 18, after "patients" by inserting ";

(f) individuals who personally provide one or more home health or attendant care services if such individuals are employed in accordance with K.S.A. 39-7,100(b)(2) and 65-1124(l), and amendments thereto"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 88**, **SB 89**, **SB 171** be passed.

Also, **SB 74** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 74," as follows:

"Substitute for SENATE BILL NO. 74

By Committee on Transportation

"AN ACT concerning persons needing assistance with cognition; relating to motor vehicles, placards, identification cards; state-issued identification cards and driver's licenses; amending K.S.A. 2016 Supp. 8-243 and 8-1324 and repealing the existing sections.";

And the substitute bill be passed.

SB 127 be amended on page 1, in line 4, by striking "January" and inserting "July"; in line 5, after "register" by inserting "each vehicle that is escorting an oversize or

overweight load in Kansas"; in line 6, by striking "transportation" and inserting "revenue"; in line 8, by striking "with each" and inserting "per vehicle for the"; in line 27, by striking "state highway" and inserting "commercial motor vehicle"; and the bill be passed as amended.

SB 181 be amended on page 1, in line 8, by striking all before "pursuant" and inserting "county or district attorney"; in line 9, by striking all after "agreement"; by striking all in line 10; in line 11, by striking all before "the"; also in line 11, by striking "court shall" and inserting "chief judge of each judicial district may"; in line 15, after "plans" by inserting ", to be administered by the county or district attorney,"; by striking all in lines 33 through 36;

On page 2, by striking all in lines 1 through 8; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2109** 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 Denning, the Senate adjourned until 10:00 a.m., Tuesday, February 21, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

