

Journal of the Senate

FORTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 20, 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, God and Savior, it's the beginning of another week. It's Monday!! Blues singer, Fat's Domino called it Blue Monday, while song writer, B.B. King called it Stormy Monday. Both of them said that Tuesday is just as bad and Wednesday is oh, so sad. And not until the weekend, would the grind of another work week be lifted.

Lord, help us rise above all of that. To promote the health benefits of happiness, humor and laughter, Dr. Dale Anderson was inspired to declare, today, Monday March 20th, as "Act Happy Day." He said that when we act happy, we set in motion a chemistry that makes it a reality.

Maybe he was inspired by Your words in James 1:2, where You told us to count it all joy when we encounter various difficulties, because You're using them to grow us.

Abraham Lincoln said "Most folks are as happy as they make up their minds to be." So, Lord, help us make up our minds to be happy!

Irrespective of the problems we must face today...regardless of the problems we must face, give us ways to demonstrate happiness.

And let the infectious chemistry of joy, that is produced when we start acting happy, begin to lift the spirits of those around us.

In the same way that the Pharrell Williams song, "Happy," started a "happydemic" of people joyously singing and dancing. Help us put on happy faces and broad smiles that will be contagious.

As we practice being happy, permeate all that we do with Your Spirit of joy.
To Your glory and to our good, I come in the 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 234, AN ACT concerning the uniform consumer credit code; relating to consumer loans; amending K.S.A. 16a-2-401, 16a-2-404 and 16a-2-405 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 235, AN ACT concerning firearms; relating to the personal and family protection act; prohibiting the carrying of concealed firearms in certain buildings; amending

K.S.A. 2016 Supp. 75-7c20 and repealing the existing section, by Committee on Ways and Means.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1728—

A RESOLUTION congratulating and commending the Garden City High School girls bowling team for winning the 2017 Kansas State High School Activities Association (KSHSAA) Class 6A State Bowling Championship.

WHEREAS, The Garden City High School Buffalo girls bowling team won the KSHSAA Class 6A State Bowling Championship for the first time in team history; and

WHEREAS, This is the first state championship earned by a girls program in Garden City High School history; and

WHEREAS, As a team, these ladies set a new program record by earning an overall team score of 3,143; and

WHEREAS, In addition to winning the Class 6A State Championship, the team was the runner-up in their Class 6A regional competition, and was also the 2017 Western Athletic Conference champions; and

WHEREAS, Ryleigh Whitehurst was both the Class 6A state and the regional individual runner-up, and Alexis Leon was the regional individual champion; and

WHEREAS, The team members were: Madison Farr, senior and captain; Karly Larson, freshman; Angelina Leeper, freshman; Alexis Leon, sophomore; Faith Whited, sophomore; and Ryleigh Whitehurst, sophomore; and

WHEREAS, The team is led by head coach Kip Nichols and assistant coach Bethany Howard: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Garden City High School girls bowling team for winning the 2017 Kansas State High School Activities Association Class 6A State Bowling Championship; and

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

On emergency motion of Senator Doll **SR 1728** was adopted unanimously.

The senate honored Coach Nichols and team with a standing ovation.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointment, submitted by the Governor to the Senate for confirmation were considered.

Senator Denning moved the following appointments be confirmed as recommended by the Committee on **Federal and State Affairs**.

By the Governor

On the appointment to the:

Kansas Army National Guard:

John Rueger, General Officer

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Air National Guard:

David Weishaar, Commander

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2223; HB 2343**.

Announcing passage of **SB 17**.

Announcing passage of **SB 19**, as amended.

The House concurs in Senate amendments to **HB 2387**.

Announcing passage of **Sub HB 2331**.

Announcing passage of **SB 66**.

Announcing passage of **SB 60**, as amended by **H Sub SB 60; SB 65**, as amended.

The House nonconcurrs in Senate amendments to **S Sub Sub HB 2052**, requests a conference and has appointed Representatives Waymaster, Davis and Wolfe Moore as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 42** and has appointed Representatives Jennings, Whitmer and Highberger as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2223; HB 2331, HB 2343 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **S Sub Sub HB 2052**.

The Vice President appointed Senators McGinn, Billinger and Kelly as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Billinger the Senate nonconcurrred in the House amendments to **SB 19** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Billinger and Rogers as a

conference committee on the part of the Senate.

On motion of Senator Kerschen the Senate nonconcurred in the House amendments to **H Sub SB 60** and requested a conference committee be appointed.

The Vice President appointed Senators Kerschen, Estes and Francisco as a conference committee on the part of the Senate.

On motion of Senator Billinger the Senate nonconcurred in the House amendments to **SB 65** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Billinger and Rogers as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 216** be amended on page 7, in line 25, after "families" by inserting "or the Kansas department for aging and disability services";

On page 8, in line 16, after "(3)" by inserting "the secretary for aging and disability services or the secretary's designee;

(4) ";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Also, **HB 2301** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 22-3408 is hereby amended to read as follows: 22-3408. (1) (a) When drawn, a list of prospective jurors ~~and their addresses~~ shall be filed in the office of the clerk of the court ~~and~~.

(b) The list filed pursuant to paragraph (a) shall not be a public record. The provisions of this paragraph shall expire on July 1, 2022, unless the legislature reviews and reenacts such provisions pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022.

(2) (a) The qualifications of jurors and grounds for exemption from jury service in civil cases shall be applicable in criminal trials, except as otherwise provided by law.

(b) An exemption from service on a jury is not a basis for challenge, but is the privilege of the person exempted.

(3) The prosecuting attorney and the defendant or ~~his the defendant's~~ attorney shall conduct the examination of prospective jurors. The court may conduct an additional examination. The court may limit the examination by the defendant, ~~his the defendant's~~ attorney or the prosecuting attorney if the court believes such examination to be harassment, is causing unnecessary delay or serves no useful purpose.";

On page 5, in line 1, by striking "9-153c,"; in line 39, before "K.S.A" by inserting "K.S.A. 22-3408 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "public records; relating to trial jurors"; in line 2, after "amending" by inserting "K.S.A. 22-3408 and"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, March 21, 2017.

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

