

Journal of the Senate

FIFTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 7, 2017, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 38 senators present.
Senators Masterson and Olson were excused.
Invocation by Reverend Cecil T. Washington:

Lord, as we enter this State House...this Capitol Building that rivals the U.S. Capitol, we see massive stones helping to form a firm, reliable foundation. And Lord, in looking at the history of this building, we find that it's so firm and strong that it withstood the Dust Bowl, and EF5 tornado with gusts of wind up to 200 miles an hour. It withstood the Legislative War of 1893, an actual battle in the House of Representatives, that involved a sledgehammer and the Kansas National Guard. Yet, with some loving care, it still stands; strong and firm.

Lord, when we think about that, let it remind us of Your words in Isaiah 28:16. You are Sovereignly and firmly establishing Your Kingdom with a strong foundation and we want to be included. You then paralleled the firmness and patience of what You desire to build in us, with the firmness of faith and trust, we're to build in You. You said, "Faith that is firm is also patient."

So, Lord, increase our faith and our patience. Remind us that what you intend to build in us and in this house will take time.

Give us a firm faith and determination to withstand the storms and winds of opposition; that Your purposes and the good of Your people will prevail.

Lastly, Lord, give wisdom, guidance and protection to the President and leaders of this great nation; that decisions will be under girded by You.

In Jesus' Name, I pray, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **Sub HB 2230**.

Ways and Means: **SB 247; HB 2180, HB 2279**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **S Sub Sub HB 2052**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 46** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 9 through 32;

On page 2, by striking all in lines 1 through 25;

On page 8, in line 14, by striking "82a-701,";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, by striking "82a-701,";

And your committee on conference recommends the adoption of this report.

KYLE HOFFMAN

KENT THOMPSON

SYDNEY CARLIN

Conferees on part of House

DAN KERSCHEN

BUD ESTES

MARCI FRANCISCO

Conferees on part of Senate

Senator Kerschen moved the Senate adopt the Conference Committee Report on **SB 46**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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, McGinn, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Masterson, Olson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2096** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, following line 31, by inserting:

"New Sec. 2. The portion of United States highway 75 from the northern border of Woodson county, then south on United States highway 75 to the northern city limits of the city of Yates Center is hereby designated as the Eldon K Miller memorial highway. Upon compliance with K.S.A. 2016 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at

proper intervals to indicate that the highway is the Eldon K Miller memorial highway.

Sec. 3. K.S.A. 2016 Supp. 68-1051 is hereby amended to read as follows: 68-1051. The portion of United States highway 75 where it enters the state on the Kansas-Nebraska border on the north then south to the junction with K-9, then south from the junction of K-9 with K-62 to the junction of K-62 with K-16 then east to the junction with United States highway 75 then south on United States highway 75 to the southern city limits of Holton, then from the junction of United States highway 75 and N.W. 46th street in Shawnee county then south on United States highway 75 to the southern boundary of Osage county, then from the northern ~~boundary of Woodson county~~ city limits of the city of Yates Center south on United States highway 75 to the northern interchange with United States highway 400, then south from the southern interchange with United States highway 400 to the Kansas-Oklahoma border, is hereby designated the purple heart/combat wounded veterans highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the purple heart/combat wounded veterans highway. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.";

Also on page 1, in line 32, after "Supp." by inserting "68-1051 and"; also in line 32, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "regulating traffic" and inserting "concerning roads and highways"; in line 2, after the semicolon by inserting "designating a portion of United States highway 75 as the Eldon K Miller memorial highway."; also in line 2, after "Supp." by inserting "68-1051 and"; in line 3, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

MIKE PETERSEN

JOHN DOLL

PAT PETTEY

Conferees on part of Senate

RICHARD PROEHL

SHANNON FRANCIS

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2096**.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

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, McGinn, Petersen, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Pilcher-Cook.

Absent or Not Voting: Masterson, Olson.

The Conference Committee Report was adopted.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Lynn moved the Senate concur in House amendments to **H Sub SB 13**.

H Sub SB 13, AN ACT relating to the sale and consumption of alcoholic beverages; amending K.S.A. 41-2706 and 41-2726 and K.S.A. 2016 Supp. 41-102, 41-307, 41-308, 41-2701, 41-2702, 41-2704, 41-2708 and 41-2722 and repealing the existing sections; also repealing K.S.A. 41-103.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 0; Absent or Not Voting 2.

Yeas: Berger, Bollier, Denning, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Kelly, Kerschen, LaTurner, Longbine, Lynn, McGinn, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Wagle, Wilborn.

Nays: Alley, Baumgardner, Billinger, Bowers, Doll, Francisco, Hensley, Holland, Pyle, Taylor, Tyson.

Absent or Not Voting: Masterson, Olson.

The Senate concurred.

EXPLANATION OF VOTE

Mr. Vice President: I am voting yes on **H Sub SB 13** today because small businesses in my District have asked me too. These small businesses provide the livelihood to over 150 individuals or families who live in my district. Many of those owners were part of the discussion and deliberation process for **H Sub SB 13** and reluctantly become proponents of compromise. The 3 big box grocery stores and convenience stores in my district have told me they would simply add some shelf space for product and not hire additional staff if major changes were made to our liquor laws. While access to liquor and wine in these kind of stores would be convenient, it would have meant fewer jobs and businesses for District 25. I'm glad these small businesses were part of the process on this bill because this Senate body was not. With no hearing in our Chamber and only finding out about the compromise in the last couple days. I would have liked more time to hear from constituents. I hope the 10 year compromise referenced by lobbyists and in this chamber will be honored. I for one, will remember it clearly.—LYNN ROGERS

Senator Faust-Goudeau request the record to show she concurs with the "Explanation of Vote" offered by Senator Rogers on **H Sub SB 13**.

Senator Wilborn moved the Senate concur in House amendments to **SB 50**.

SB 50, AN ACT concerning attorneys; relating to the Kansas consumer protection act; unauthorized practice of law; membership of the advisory committee on uniform state laws and the joint committee on special claims against the state; amending K.S.A. 46-407a and K.S.A. 2016 Supp. 46-912 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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, McGinn, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Masterson, Olson.

The Senate concurred.

Senator LaTurner moved the Senate concur in House amendments to **H Sub SB 70**.

H Sub SB 70, AN ACT concerning amusement rides; relating to the Kansas amusement ride act; amending K.S.A. 40-4801 and K.S.A. 2016 Supp. 40-4802, 44-1601, 44-1602, 44-1603, 44-1604, 44-1607, 44-1610, 44-1613 and 44-1614 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 44-1615.

On roll call, the vote was: Yeas 35; Nays 2; Present and Passing 1; Absent or Not Voting 2.

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

Nays: Billinger, Doll.

Present and Passing: Pilcher-Cook.

Absent or Not Voting: Masterson, Olson.

The Senate concurred.

Senator Wilborn moved the Senate concur in House amendments to **SB 124**.

SB 124, AN ACT concerning the care of children; relating to the Kansas family law code; child custody, residency and parenting time; evidence of domestic abuse; relating to the revised Kansas code for the care of children; rules of evidence; admissibility of certain test results; amending K.S.A. 2016 Supp. 23-3201, 23-3203 and 38-2249 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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, McGinn, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Masterson, Olson.

The Senate concurred.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SCR 1608—A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2017 regular session of the legislature., by Senators Wagle, Denning and Hensley

On emergency motion of Senator Denning **SCR 1608** was adopted by voice vote.

REPORT ON ENROLLED BILLS

Sub Sub SB 95, **SB 184** reported correctly enrolled, properly signed and presented to the Governor on April 07, 2017.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the weeks of March 27 through 30 and April 3 through April 7, 2017:

Senator Billinger: congratulating Larry O'Connor on being named the Sports in

Kansas 1A-DII Coach of the Year, congratulating Wallace County High School on winning the Boys Basketball Class 1A-DII State Championship, congratulating Connor Andrew Teget on achieving the rank of Eagle Scout, congratulating Golden Plains High School on receiving the 2017 Sportsmanship Award;

Senator Bowers: congratulating Phillipsburg Fire Department on being named Fire Department of the Year, congratulating Concordia Tractor on its 50th Anniversary, commending Dana Grammon on her commitment to customer service at American Family Insurance, commending Belleville Healthcare Center on its four star rating from the Centers for Medicare and Medicaid Service, congratulating Hanover High School on winning the the Basketball Class 1A Division 1 State Championships;

Senator Faust-Goudeau: remembering and honoring the life Linwood Sexton;

Senator Hardy: congratulating Sacred Heart High School on winning the Boys Basketball Class 2A State Championship;

Senator Hawk: congratulating Manhattan High School on winning the Girls Basketball Class 6A State Championship, congratulating Manhattan High School on winning the Wrestling 6A State Championship;

Senator Olson: congratulating WaterOne on its 60th Anniversary;

Senator Schmidt: commending Jamie Kidd on her outstanding service to Shawnee County and the State of Kansas, congratulating Richard Ross on receiving the Washburn University Alumni Association Distinguished Service Award; and

Senator Schmidt and Senator Kelly: commending Phyllis Hoyt on her dedicated service to teaching and the Topeka community.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Monday, May 1, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

