

Journal of the Senate

EIGHTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, June 9, 2017, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 39 senators present.
Senator Suellentrop was excused.
Senator Hilderbrand delivered the invocation:

Heavenly Father, thank You for the many blessings that You have given us. We pray for Your direction to guide us through the difficult decisions that we make. We pray that You will give us the humility to understand that we must have a servant's heart and that we are called to be a servant leader. We pray that You will give us the strength and wisdom to carry this burden. Romans 12:3 "For by the grace given me I say to everyone of You: Do not think of yourself more highly than You ought, but think of yourself with sober judgment, according to the measure of faith God has given you."

The Pledge of Allegiance was led by President Wagle.

COMMUNICATIONS FROM STATE OFFICERS

June 02, 2017

Executive Director, Ruth Glover, submitted the Kansas Human Rights Commission Annual Report Fiscal Year 2016.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2426**.

Announcing passage of **SB 86**, as amended by **H Sub SB 86**; **SB 109**, as amended by **H Sub SB 109**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2426 was thereupon introduced and read by title.

On motion of Senator Denning, the Senate recessed until 1:00 p.m.

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Under the authority of the President, the Vice President referred **HB 2426** to the Calendar under the heading of **General Orders**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 96**.

The House adopts the Conference Committee report on **H Sub SB 126**.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 96**; **H Sub SB 86**; **HB 2426**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **HB 2426** was advanced to Final Action, subject to amendment, debate and roll call.

HB 2426, AN ACT reconciling amendments to certain statutes; amending K.S.A. 2016 Supp. 8-135, as amended by section 1 of 2017 Senate Bill No. 36, 12-4117, 12-4120, as amended by section 7 of 2017 Senate Bill No. 89, 12-4516, 21-6614, as amended by section 15 of 2017 House Substitute for Senate Bill No. 40, 22-2410, as amended by section 8 of 2017 Senate Bill No. 112, 22-3717, as amended by section 10 of 2017 Senate Bill No. 112, 22-4903, 38-2312, as amended by section 23 of 2017 House Substitute for Senate Bill No. 40, 65-4202, as amended by section 22 of 2017 Senate Substitute for House Bill No. 2055, 65-6111 and 74-7305, as amended by section 14 of 2017 House Substitute for Senate Bill No. 101, and repealing the existing sections; also repealing K.S.A. 2016 Supp. 8-135, as amended by section 1 of 2017 Senate Bill No. 89, 12-4112a, 12-4117b, 12-4120, as amended by section 5 of 2017 House Substitute for Senate Bill No. 40, 12-4516e, 21-6614, as amended by section 5 of 2017 House Bill No. 2041, 21-6614, as amended by section 3 of 2017 House Bill No. 2085, 22-2410, as amended by section 6 of 2017 House Bill No. 2041, 22-3717, as amended by section 20 of 2017 House Substitute for Senate Bill No. 40, 22-4903a, 38-2312, as amended by section 15 of 2017 House Bill No. 2041, 65-4202, as amended by section 3 of 2017 House Bill No. 2025, 65-6111a and 74-7305, as amended by section 24 of 2017 House Substitute for Senate Bill No. 40.

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

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

Nays: Olson, Pyle.

Absent or Not Voting: Suellentrop.

The bill passed.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 96** 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 amendments, as follows:

On page 1, by striking all in lines 13 through 34;

By striking all on pages 2 through 28;

On page 29, by striking all in lines 1 through 23; following line 23 by inserting:

"New Section 1. (a) The secretary of revenue may require, as a qualification for initial or continuing employment or contracting with the department of revenue, all persons having access to federal tax information received directly from the internal revenue service to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal arrests and convictions in this state or other jurisdictions. The secretary is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the secretary in the taking and processing of fingerprints of such persons and shall release all records of a person's arrests and convictions to the secretary.

(b) The secretary may use the information obtained from fingerprinting and a person's criminal history only for the purposes of verifying the identification of such person and in the official determination of the fitness of such person's qualification for initial or continuing employment. Disclosure or use of any information received by the secretary or a designee of the secretary for any purpose other than the purpose provided for in this section shall be a class A nonperson misdemeanor and shall constitute grounds for removal from office or termination of employment. Nothing in this section shall prevent disclosure of any information received by the secretary pursuant to this section to the post auditor in accordance with the provisions of the legislative post audit act.

(c) Whenever the secretary requires fingerprinting, any associated costs shall be paid by the agency or contractor.

Sec. 2. K.S.A. 2016 Supp. 74-2015 is hereby amended to read as follows: 74-2015. Within the division of vehicles, there shall be a supervisor of driver's license examiners and such driver's license examiners as may be needed. ~~Said~~ The supervisor and all such driver's license examiners shall be within the classified service under the Kansas civil service act, except as otherwise provided by the provisions of K.S.A. 75-2935(1)(x) or (1)(cc), and amendments thereto. Any person employed by a third party who has entered into a contract with the department of revenue pursuant to K.S.A. 8-129, and amendments thereto, to provide services of a driver's license examiner shall not be required to be within the classified service under the Kansas civil service act. Such driver's license examiners shall make and conduct all examinations of applicants for operator's and chauffeur's licenses required by law, and shall exercise and enforce the licensing provisions of the operator's and chauffeur's licensing act, and shall perform such other duties as may be prescribed by law or by the director of vehicles. All such driver's license examiners are hereby vested with the power and authority of peace and

police officers in the execution of the duties imposed upon them by this act and by the director of vehicles. The director of vehicles shall determine what, if any, vehicles, equipment and supplies, and insignia of office are needed by driver's license examiners. The property so determined to be needed shall be furnished without expense to such examiners. All property so furnished shall remain the property of the state and be strictly accounted for by each driver's license examiner. The secretary of revenue may adopt rules and regulations for the conduct and duties of driver's license examiners.

Sec. 3. K.S.A. 2016 Supp. 74-2015 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 9; in line 10, by striking all before the period and inserting "the department of revenue; relating to persons with access to federal tax information, fingerprinting; driver's license examiners, unclassified service; amending K.S.A. 2016 Supp. 74-2015 and repealing the existing section";

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

STEVE JOHNSON

TOM PHILLIPS

TOM SAWYER

Conferees on part of House

CARYN TYSON

DAN KERSCHEN

TOM HOLLAND

Conferees on part of Senate

Senator Tyson moved the Senate adopt the Conference Committee Report on **SB 96**.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Baumgardner, Hilderbrand, Olson, Pyle, Tyson.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 126** 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 as Further Amended by House Committee as follows:

On page 1, by striking all in lines 4 through 34;

By striking all on page 2;

On page 3, by striking all in lines 1 through 39; following line 39, by inserting:

"Section 1. (a) The secretary for children and families shall establish a child welfare system task force to study the child welfare system in the state of Kansas. The

Kansas department for children and families shall provide administrative assistance to facilitate organization and meetings of any working group convened by the task force. The department shall provide assistance to working groups to prepare and publish meeting agendas, public notices, meeting minutes and any research, data or information requested by a working group.

(b) The child welfare system task force shall consist of the following members, each to be appointed by the respective appointing authority on or before July 15, 2017:

(1) The chairperson of the senate standing committee on public health and welfare;

(2) the vice-chairperson of the senate standing committee on public health and welfare;

(3) the ranking minority member of the senate standing committee on public health and welfare;

(4) the chairperson of the house standing committee on children and seniors;

(5) the vice-chairperson of the house standing committee on children and seniors;

(6) the ranking minority member of the house standing committee on children and seniors;

(7) the secretary for children and families or the secretary's designee, who shall be a non-voting member;

(8) the director of prevention and protection services for the Kansas department for children and families, who shall be a non-voting member;

(9) one representative from each entity that contracts with the Kansas department for children and families to provide foster care, family preservation, reintegration and permanency placement services, appointed by each such entity, each of whom shall be a non-voting member;

(10) one member appointed by the chief justice of the supreme court;

(11) one representative of Kansas court-appointed special advocates, appointed by the chief justice of the supreme court;

(12) one member of a citizen review board established pursuant to the revised Kansas code for care of children, appointed by the chief justice of the supreme court;

(13) one member representing a foster parent organization, appointed by the judicial council;

(14) one guardian ad litem with experience representing children in child in need of care cases, appointed by the judicial council;

(15) one family law attorney with experience providing legal services to parents and grandparents in child in need of care cases, appointed by the judicial council;

(16) one social worker licensed by the behavioral sciences regulatory board, appointed by the judicial council;

(17) one member of the state child death review board established by K.S.A. 22a-243, and amendments thereto, appointed by the board;

(18) one county or district attorney with experience in child in need of care cases, appointed by the Kansas county and district attorneys association; and

(19) one law enforcement officer, appointed by the Kansas association of chiefs of police.

(c) (1) The chairperson of the house standing committee on children and seniors shall serve as the first chairperson of the child welfare system task force and the chairperson of the senate standing committee on public health and welfare shall serve as the first vice-chairperson of the task force. The position of chairperson and vice-

chairperson shall alternate annually upon the first meeting of the task force in each calendar year.

(2) The child welfare system task force may meet in an open meeting at any time and at any place within the state of Kansas upon the call of the chairperson. The task force shall meet at least six times per calendar year.

(3) A majority of the voting members of the child welfare system task force constitute a quorum. Any action by the task force shall be by motion adopted by a majority of voting members present when there is a quorum.

(4) Any vacancy on the child welfare system task force shall be filled by appointment in the manner prescribed in this section for the original appointment.

(d) (1) The child welfare system task force shall convene working groups to study the following topics: The general administration of child welfare by the Kansas department for children and families; protective services; family preservation; reintegration; foster care; and permanency placement.

(2) On or before August 15, 2017, the chairperson and vice-chairperson of the child welfare system task force and the ranking minority members appointed under subsections (b)(3) and (b)(6) shall jointly appoint the chairperson and vice-chairperson of each working group from the members of the task force. The chairperson and vice-chairperson of each working group shall jointly appoint members to the working group, each working group consisting of not more than seven non-task force members and not fewer than two task force members. Any non-task force member appointed to a working group shall possess specific expertise related to the working group's assigned topic of study.

(e) The child welfare system task force and each working group convened by the task force shall study the following topics:

(1) The level of oversight and supervision by the Kansas department for children and families over each entity that contracts with the Kansas department for children and families to provide reintegration, foster care and adoption services;

(2) the duties, responsibilities and contributions of state agencies, nongovernmental entities and service providers that provide child welfare services in the state of Kansas;

(3) the level of access to child welfare services, including, but not limited to, health and mental health services and community-based services, in the state of Kansas;

(4) the increasing number of children in the child welfare system and contributing factors;

(5) the licensing standards for case managers working in the child welfare system; and

(6) any other topic the child welfare system task force or working group deems necessary or appropriate.

(f) The child welfare system task force and each working group convened by the task force shall consider, at a minimum, United States department of health and human services child and family services reviews and child and family services plans and reports relating to foster care prepared by the division of post audit, the 2015 special committee on foster care adequacy and the 2016 special committee on foster care adequacy.

(g) The child welfare system task force shall advise and consult with citizen review boards established pursuant to the revised Kansas code for care of children in conducting the study required by this section.

(h) The Kansas department for children and families shall, upon request by the child welfare system task force, provide data and information relating to the child welfare system in the state of Kansas that is not otherwise prohibited or restricted from disclosure by state or federal law, including conditions imposed by federal law or rules and regulations for participation in federal programs administered by the secretary for children and families.

(i) The child welfare system task force shall submit a preliminary progress report to the legislature detailing the task force's study under this section on or before January 8, 2018, and a final report to the legislature detailing the task force's study on or before January 14, 2019.

(j) The child welfare system task force's report shall include recommended improvements regarding the safety and well-being of children in the child welfare system in the state of Kansas, including recommended changes to current law, rules and regulations and child welfare system processes, whether an ongoing task force or similar advisory or oversight entity consisting of legislators, attorneys in the area of family law, judges, foster parents, parents with reintegrated children and other interested parties would aid in addressing child welfare system concerns and any other topics the child welfare system task force deems appropriate.

(k) Staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance as may be requested by the child welfare system task force, including assistance to a legislative task force member serving on a working group, subject to approval by the legislative coordinating council.

(l) (1) Subject to approval by the legislative coordinating council, members of the child welfare system task force attending meetings authorized by the task force shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto, except that task force members who are employed by a state agency shall be reimbursed by such state agency.

(2) Non-task force members of working groups convened by the child welfare system task force attending meetings of such working groups shall be paid by the Kansas department for children and families amounts provided in K.S.A. 75-3223(e), and amendments thereto, except that non-task force members who are employed by a state agency shall be reimbursed by such state agency.

(m) The provisions of this section shall expire on June 30, 2019.";

On page 1, in the title, in line 1, by striking all after "the" and inserting "child welfare system task force; concerning the study of the child welfare system in the state of Kansas; report to the legislature.";

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

STEPHEN ALFORD
LINDA GALLAGHER
JARROD OUSLEY
Conferees on part of House

VICKI SCHMIDT
BARBARA BOLLIER
LAURA KELLY
Conferees on part of Senate

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **H Sub SB 126**.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Alley, Masterson, Olson, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: It is unfortunate that after many years of study in legislative interim and standing committees, in which year after year expose the deficiencies in our child welfare system, we are once again back to the drawing board. It is the job of all child care agencies, departments, and providers to work together on a daily basis to provide safety and security for our most vulnerable families and children. This is their collective job. The job is not being done. It is my hope and desire that the task force will provide clear purpose and direction with aggressive standards and outcomes to hold all agencies and providers accountable. This is the Kansas Way.—JULIA LYNN

Senators Baumgardner, Faust-Goudeau and Fitzgerald request the record to show they concur with the "Explanation of Vote" offered by Senator Lynn on **H Sub SB 126**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Estes moved the Senate concur in House amendments to **H Sub SB 86**.

H Sub SB 86, 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. 40-4801, as amended by section 4 of 2017 House Substitute for Senate Bill No. 70, and K.S.A. 2016 Supp. 40-4802, as amended by section 5 of 2017 House Substitute for Senate Bill No. 70, 44-1601, as amended by section 6 of 2017 House Substitute for Senate Bill No. 70, 44-1602, as amended by section 7 of 2017 House Substitute for Senate Bill No. 70, 44-1603, as amended by section 8 of 2017 House Substitute for Senate Bill No. 70, 44-1604, as amended by section 9 of 2017 House Substitute for Senate Bill No. 70, 44-1607, as amended by section 10 of 2017 House Substitute for Senate Bill No. 70, 44-1610, as amended by section 11 of 2017 House Substitute for Senate Bill No. 70, 44-1613, as amended by section 12 of 2017 House Substitute for Senate Bill No. 70, 44-1614, as amended by section 13 of 2017 House Substitute for Senate Bill No. 70, and sections 1, 2 and 3 of 2017 House Substitute for Senate Bill No. 70.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Hensley, Holland, Olson, Pettey, Pyle, Rogers.
Absent or Not Voting: Suellentrop.
The Senate concurred.

On motion of Senator McGinn the Senate nonconcurred in the House amendments to **H Sub SB 109** and requested a conference committee be appointed.

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

REPORT ON ENROLLED BILLS

SB 19 reported correctly enrolled, properly signed and presented to the Governor on June 9, 2017.

SR 1757 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on June 9, 2017.

On motion of Senator Denning, the Senate adjourned until 9:00 a.m., Saturday, June 10, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

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