

Journal of the Senate

FORTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 27, 2016, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.

Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, You bless us to take pauses...recesses...times when the demands of work are somewhat relaxed. We thank You for the breaks and pray that You're bringing us back recharged. But Lord, those of us that are driven...and determined, can sometimes find it hard to just stop and rest...to stop the busyness and get replenished. So teach us to have healthy margins on the pages of our lives. Deliver us from the stress and potential burn out of life's pages being filled to the edges. Lord, there is always more work to do and more opportunities to pursue. But before we take on one more thing, help us turn these marginal moments of prayer into an ongoing habit. In Mark 6:31, the disciples were so busy, trying to meet people's needs, that they didn't even have a chance to eat. But the Lord said to them "Come with Me, by yourselves, to a quiet place and get some rest." Teach us to have some quiet, white space times with You. Prompt us to be intentional...to take time to get away from everything and everybody, and get alone with You. You said that You would direct us and clear the path of progress, if we come to You with everything we do. (Proverbs 3:5-6) So, deliver us Lord, from the busyness that keeps us from spending time with You. I offer this prayer, in the blessed name of Jesus, Amen

The Pledge of Allegiance was led by Vice President King.

INTRODUCTION OF BILLS AND SENATE CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 517, AN ACT reconciling amendments to certain statutes: amending K.S.A. 2015 Supp. 44-706 and repealing the existing section; also repealing K.S.A. 2015 Supp. 17-7673b, 17-7674b, 17-7677b, 38-2310a, 44-706c, 59-29a24a and 65-2895a.

MESSAGES FROM THE GOVERNOR

Sub SB 103, SB 358, SB 369 signed into law March 23, 2016.

SB 329, SB 330, SB 412 signed into law March 24, 2016.

SB 225, SB 349, SB 352, SB 362, SB 392, SB 438, SB 459 signed into law March 31, 2016.

SB 314 SB 443, SB 484, SB 485, Sub SB 99, H Sub SB 55 signed into law April 6, 2016.

SB 367 signed into law April 11, 2016.

SB 338 – Veto Message from the Governor

The right to private property serves as a central pillar of the American constitutional tradition. It has long been considered essential to our basic understanding of civil and political rights. Property rights serve as a foundation to our most basic personal liberties. One of government's primary purposes is to protect the property rights of individuals.

The purpose of **Senate Bill 338**, to help create safer communities, is laudable. However, in this noble attempt, the statute as written takes a step too far. The broad definition of blighted or abandoned property would grant a nearly unrestrained power to municipalities to craft zoning laws and codes that could unjustly deprive citizens of their property rights. The process of granting private organizations the ability to petition the courts for temporary and then permanent ownership of the property of another is rife with potential problems.

Throughout the country, we have seen serious abuse where government has broadened the scope of eminent domain, especially when private development is involved. The use of eminent domain for private economic development should be limited in use, not expanded. **Senate Bill 338** opens the door for serious abuse in Kansas. Governmental authority to take property from one private citizen and give to another private citizen should be limited, but this bill would have the effect of expanding such authority without adequate safeguards.

Kansans from across the political spectrum contacted me to discuss their concerns that this bill disparately impact low income and minority neighborhoods. The potential for abuse of this new statutory process cannot be ignored. Government should protect property rights and ensure that the less advantaged are not denied the liberty to which every citizen is entitled.

There is a need to address the ability of municipalities and local communities to effectively maintain neighborhoods for public safety. However, **Senate Bill 338** does much more. Though I am vetoing this bill, I would welcome legislation that empowers local communities to respond to blight and abandoned property that does not open the door to abuse of the fundamental rights of free people.

Dated: April 11, 2016

Signed: Sam Brownback, Governor of Kansas

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **S Sub HB 2655**.

The House adopts the Conference Committee report on **SB 318**.

Announcing adoption of **SCR 1613**.

The House nonconcurrs in Senate amendments to **HB 2502**, requests a conference and has appointed Representatives Pauls, Todd and Scott as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1786—

A RESOLUTION congratulating and commending the Osage City High School boys' basketball team and Coach Dennis Fort for winning the 2016 KSHSAA Class 3A State Basketball Championship.

WHEREAS, The Osage City High School boys' basketball team won the 2016 Kansas State High School Activities Association (KSHSAA) Class 3A State Basketball Championship with a 56-49 victory over Sabetha High School in the state championship game at the Hutchinson Sports Arena on March 12, 2016; and

WHEREAS, To get to the championship game, the number one-seeded Osage City Indians defeated Wellsville 60-44 in the quarterfinal game and Gypsum-Southeast of Saline 74-45 in the semifinal game; and

WHEREAS, The Osage City Indians basketball team finished the season with a record of 25 wins and 1 loss. This was the third time in the school's history the team had won the state title. The school had previously won the 3A state title in 2000 and the Class B state title in 1965; and

WHEREAS, The members of the championship team include: Derrick Cooley, Jason Cooley, Duncan Fort, Ryan Haskins, Kaleb Irvin, Zach Irvin, Tucker Kimball, Peyton Pearson, Trenton Plinsky, Brett Sage, Joe Schemm, Carter Swindale and Tyson Wilkins; Head Coach Dennis Fort, Assistant Coaches James Bellinger and Jordan Tice; and

WHEREAS, Duncan Fort was named to the Topeka Capital-Journal 2016 All-State and Class 3A first teams, while his father, Coach Dennis Fort, was named All-State Coach of the Year, and Ryan Haskins was named to the Class 3A first team; and

WHEREAS, The team also received statewide recognition for their athletic abilities and fine sportsmanship. The success of this team was due to their excellent teamwork, competitive spirit and strong will to win. The team also had the enthusiastic support of the school's administrators, teachers and staff, fellow students, parents and the entire Osage City community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Osage City High School boys' basketball team and Coach Dennis Fort be congratulated and commended for winning the 2016 KSHSAA Class 3A State Basketball Championship; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to USD 420 Superintendent Troy Hutton and Osage City High School Principal Tony Heward.

On emergency motion of Senator Hensley **SR 1786** was adopted unanimously.

The senate honored the students, coaches and other guests with a standing ovation.

CHANGE OF CONFERENCE

Under the authority of the President, the Vice President announced the appointment of Senator Love as a member of the Conference Committee on **HB 2480** to replace Senator Powell.

Under the authority of the President, the Vice President announced the appointment of Senator Powell as a member of the Conference Committee on **HB 2490** to replace Senator Love.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m..

President Wagle assumed the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 387**.

The House adopts the Conference Committee report on **SB 373**.

The House announced the appointment of Representative Carmichael to replace Representative Frownfelter as a conferee on **HB 2617**.

The House announced the appointment of Representative Finch to replace Representative Pauls as a conferee on **SB 325, S Sub HB 2018, S Sub HB 2049, S Sub HB 2056, HB 2460, HB 2462, HB 2463, HB 2501, HB 2545**.

ORIGINAL MOTION

Senator Senator Bruce 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: **HB 2615**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2615** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

MICHAEL O'DONNELL

ELAINE BOWERS

Conferees on part of Senate

DANIEL HAWKINS

WILLIE DOVE

Conferees on part of House

On motion of Senator O'Donnell the Senate adopted the conference committee report on **HB 2615**, and requested a new conference be appointed.

The President appointed Senators O'Donnell, Bowers and Kelly as a second Conference Committee on the part of the Senate on **HB 2615**.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel for the purpose of the introduction of a bill.

Senator Smith assumed the chair.

REPORT ON ENROLLED BILLS

SB 225, SB 349, SB 352, SB 362, SB 392, SB 438, SB 459, SB 484, SB 485 reported corrected enrolled, properly signed and presented to the Governor on March 28, 2016.

H Sub SB 55, Sub SB 99, SB 314, SB 338, SB 367, SB 443 reported correctly enrolled, properly signed and presented to the Governor on April 01, 2016.

SCR 1613 reported correctly enrolled, properly signed and presented to the Secretary of State on April 27, 2016.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, April 28, 2016.

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

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