

Journal of the Senate

TWENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 8, 2017, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Lynn was excused.

The President introduced guest chaplain, Reverend Elias B. Bracamonte, Associate Pastor, Emmanuel Baptist Church in Topeka, to deliver the invocation:

Heavenly Father, we thank You for this new day and the privilege of prayer. And as we turn to you in prayer, hear our plea. In this manner, therefore, pray: "Our Father in heaven, hallowed be Your name. Your kingdom come. Your will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our debts, as we forgive our debtors. And do not lead us into temptation, but deliver us from the evil one. For Yours is the kingdom and the power and the glory forever, Amen." Today, I pray Lord, to be with all the members of the senate and their respective staff to make the right decisions for the great state of Kansas. We trust in You and wait upon You for Your divine direction throughout this day. For we pray in Jesus' name, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 171, AN ACT concerning driver's license; relating to suspended licenses, ability to obtain a license to drive a motorized bicycle; amending K.S.A. 2016 Supp. 8-235 and repealing the existing section, by Committee on Transportation.

SB 172, AN ACT concerning health and healthcare; relating to behavioral and mental health; prohibiting the use of conversion therapy, by Committee on Ways and Means.

SB 173, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, and June 30, 2020, for the department of health and environment – division of health care finance, by Committee on Ways and Means.

SB 174, AN ACT concerning higher education; authorizing the affiliation of Wichita area technical college with Wichita state university; amending K.S.A. 72-4472 and 74-4931 and K.S.A. 2016 Supp. 72-4470a and repealing the existing sections, by Committee on Ways and Means.

SB 175, AN ACT concerning state finances; relating to business entities, annual filing fees; income tax, rates, certain modifications of Kansas adjusted gross income, community services contributions credit; cigarettes and tobacco products, rates;

alcoholic beverages, liquor enforcement, rates; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2016 Supp. 17-2036, 17-7503, 17-7505, 17-76,139, 56-1a606, 56-1a607, 56a-1201, 56a-1202, 79-32,110, 79-32,117, 79-32,196, 79-32,197, 79-32,198, 79-3310, 79-3310c, 79-3311, 79-3312 and 79-4101 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,199a and 79-32,199b, by Committee on Assessment and Taxation.

SB 176, AN ACT pertaining to the purchase of goods made or manufactured in the United States; enacting the Kansas buy American act, by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey and Rogers.

SB 177, AN ACT concerning employment; relating to employment requirements in certain state contracts; relating to employment requirements for certain state tax benefits; amending K.S.A. 2016 Supp. 12-17,166, 74-50,131, 74-50,212, 74-50,217, 79-32,154 and 79-32,243 and repealing the existing sections, by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey and Rogers.

SB 178, AN ACT concerning marijuana; legalizing limited use thereof for recreational and medicinal purposes; authorizing the department of revenue, the state board of pharmacy and the state board of healing arts to adopt rules and regulations related thereto; amending K.S.A. 2016 Supp. 65-1626 and 65-4123 and repealing the existing sections, by Senator Haley.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 167**.

Education: **SB 166**.

Federal and State Affairs: **SB 164, SB 168, SB 169**.

Public Health and Welfare: **SB 165, SB 170**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2035, HB 2053, HB 2093, HB 2094**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2035, HB 2053, HB 2093, HB 2094 were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 13, AN ACT concerning the code of civil procedure; amending K.S.A. 2016 Supp. 60-102, 60-206, 60-216, 60-226, 60-230, 60-231, 60-234, 60-237 and 60-255 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 60-268, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; 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, Holland, Kelly, Kerschen, LaTurner, Longbine, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Lynn.

The bill passed.

SB 14, AN ACT concerning insurance; relating to limited lines; pertaining to self-storage units, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; 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, Holland, Kelly, Kerschen, LaTurner, Longbine, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Tyson.

Absent or Not Voting: Lynn.

The bill passed, as amended.

SB 16, AN ACT concerning insurance; relating to insurers; internationally active insurance groups; corporate governance, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; 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, Holland, Kelly, Kerschen, LaTurner, Longbine, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Pyle.

Absent or Not Voting: Lynn.

The bill passed, as amended.

SB 18, AN ACT concerning financial institutions; relating to mortgage business; pertaining to the Kansas mortgage business act; amending K.S.A. 9-2204 and K.S.A. 2016 Supp. 9-2203, 9-2206, 9-2211 and 9-2216a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; 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, Holland, Kelly, Kerschen, LaTurner, Longbine, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Lynn.

The bill passed.

SB 20, AN ACT concerning financial institutions; relating to the state banking code; amending K.S.A. 2016 Supp. 9-1101, 9-1102, 9-1104 and 9-1114 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 3; 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, Holland, Kelly, Kerschen, LaTurner, Longbine, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Masterson, Pilcher-Cook, Pyle.

Absent or Not Voting: Lynn.

The bill passed.

SB 21, AN ACT concerning financial institutions; relating to the Kansas money transmitter act; amending K.S.A. 2016 Supp. 9-508, 9-509 and 9-513a and repealing the existing sections, was considered on final action.

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, LaTurner, Longbine, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Masterson, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Lynn.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 97** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 97," as follows:

"Substitute for SENATE BILL NO. 97

By Committee on Assessment and Taxation

"AN ACT concerning taxation; relating to income tax, rates, determination of Kansas adjusted gross income, modifications; sales and compensating use tax, food and food ingredients, rates; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117, 79-32,120, 79-3602, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections.";

And the substitute bill be passed.

Also, **SB 29** be amended on page 4, in line 26, by striking "and"; in line 31, after "taxation" by inserting "; and (22) property acquired by a land bank exempt from ad valorem taxation pursuant to K.S.A. 2016 Supp. 12-5909 or K.S.A. 19-26,111, and amendments thereto"; and the bill be passed as amended.

Committee on **Education** recommends **SB 100** be amended on page 2, in line 26, after the period by inserting "A nursing student shall not be required to be a resident of Kansas to qualify for a scholarship under the nursing service scholarship program.";

On page 3, in line 15, after "the" by inserting "in-state tuition"; in line 20, after the first "the" by inserting "in-state tuition"; in line 22, after the second "the" by inserting "in-state tuition"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **SB 56**, **SB 57** be passed.

Also, **SB 70** be amended on page 1, in line 15, by striking "Such" and inserting "The complete"; in line 16, by striking all before the second "in";

On page 2, in line 8, by striking "district coroners" and inserting "the investigation of child deaths"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 83** be passed.

Also, **SB 98** be amended on page 1, in line 13, after "provided" by inserting "on white paper"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 73** be passed.

Also, **SB 92** be amended on page 1, in line 20, by striking "homicides and" and inserting "a homicide or a"; also in line 20, by striking "offenses" and inserting "offense"; in line 22, after "interrogation" by inserting "concerning a homicide or a felony sex offense"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1710, SR 1711 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 08, 2017.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Thursday, February 9, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

