

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 16, 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:

Dear Lord and gracious Master, there's a song that reminds us of the ups and downs that we face in this life of service. Inspired by the prophet, Isaiah 43:16, the late Thomas Dorsey wrote the lyric, we're "like a ship that's tossed and driven, battered by an angry sea." And when it comes to serving, he said, "We try the best we can. Yet some that we are serving, refuse to shake our hands."

Lord, as these servants travel through the rugged seas of service...and as opposing winds come against them, bless them with the same awe and wonder of Matthew 8:27, that to You, even the winds and the seas are subject and obey.

So Lord, since You're the Master of the storms we experience, use them to keep us prayerful...use them to keep us looking to You for wisdom and guidance. With You at the helm, Oh, Good God Almighty, we can make it.

In 1 Thessalonians 4:7, You said we should always pray...always be in an attitude of prayer, having our antennae up, ready to receive Your wisdom and guidance. Lord, You also said in Philippians 4:6-7, that we should pray about EVERYTHING...that nothing should be considered unworthy of prayer.

So, Lord in the same way that our cells phones and various forms of technology must be tuned in to the right frequency to receive clear and unbroken messages, keep us tuned in to You. When we experience interference, or we're going through those dead spots, keep the connection from being dropped..

As we navigate through the seas of life, trying to serve others, keep us turned on and and tuned in. Please maintain our connection. In Jesus' name, 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 199, AN ACT concerning civil procedure; relating to appellate procedure; supersedeas bond requirements; amending K.S.A. 2016 Supp. 60-2103 and repealing the existing section, by Committee on Federal and State Affairs.

SB 200, AN ACT concerning the open records act; dealing with criminal investigation records; amending K.S.A. 2016 Supp. 45-217 and 45-221 and repealing

the existing sections, by Committee on Federal and State Affairs.

SB 201, AN ACT concerning the Kansas consumer protection act; relating to the definition of protected consumer; amending K.S.A. 2016 Supp. 50-676 and repealing the existing section, by Committee on Federal and State Affairs.

SB 202, AN ACT concerning tribal-state compacts; approving a compact between the Kickapoo Tribe in Kansas and the state of Kansas; relating to cigarette and tobacco sales, taxation and escrow collection, by Committee on Federal and State Affairs.

SB 203, AN ACT concerning rural opportunity zones; amending K.S.A. 2016 Supp. 74-50,222 and repealing the existing section, by Committee on Assessment and Taxation.

SB 204, AN ACT enacting the Kansas cybersecurity act; relating to digital information security for Kansas executive branch agencies; establishing the Kansas information security office, executive branch chief information security officer and the cybersecurity state grant fund coordinating council; establishing the cybersecurity state fund and the cybersecurity state grant fund in the state treasury; amending K.S.A. 2016 Supp. 8-145 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 198**.

Federal and State Affairs: **HCR 5003**.

Financial Institutions and Insurance: **HB 2110**.

Judiciary: **HB 2071**, **HB 2085**.

Public Health and Welfare: **SB 197**.

Utilities: **SB 196**.

COMMUNICATIONS FROM STATE OFFICERS

February 14, 2017

State LTC Ombudsman, Barbara J. Hickert, submitted the Kansas Long-Term Care Ombudsman Annual Report for FY 2016.

The Vice President announced 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 2126**, **HB 2164**; **Sub HB 2178**; **HB 2212**, **HB 2213**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2126, **HB 2164**; **Sub HB 2178**; **HB 2212**, **HB 2213** were thereupon introduced and read by title.

Under the authority of the President, the Vice President referred **Sub HB 2178** to the Calendar under the heading of **General Orders**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1714—

A RESOLUTION recognizing February 2017 as Self-Care Month.

WHEREAS, Self-care is a lifelong habit of healthy lifestyle choices, good hygiene practices, prevention of infection and illness, monitoring for signs and symptoms of changes to health and knowing when to consult a healthcare practitioner or when it is appropriate to self-treat conditions; and

WHEREAS, The United States Food and Drug Administration deems over-the-counter medicines as safe and effective for self-care treatment of minor, acute and chronic health conditions and symptoms, such as the common cold, allergies and other conditions that impact many Kansans; and

WHEREAS, Over-the-counter medicines are either developed as new non-prescription medicines or switched from existing prescription medicines, and every one dollar spent on over-the-counter medicines saves the United States healthcare system six to seven dollars, totaling \$102 billion in annual savings; and

WHEREAS, Non-prescription medicines help to ease the burden on healthcare practitioners by eliminating unnecessary medical examinations that can be avoided with appropriate self-care; and

WHEREAS, Kansas benefits when its citizens practice appropriate self-care, do not unnecessarily visit healthcare practitioners and are empowered by higher self-esteem, improved health and reduced use of healthcare services; and

WHEREAS, Kansas encourages its citizens to take advantage of practicing self-care to improve personal and public health, save personal and public funds and strengthen the sustainability of the Kansas healthcare system; and

WHEREAS, Achieving self-care's potential is a shared opportunity for consumers, healthcare practitioners, policymakers and regulators: Now, therefore,

Be it resolved by the Senate of the State of Kansas:

(1) That we recognize the importance of improving awareness of self-care and the value it represents to the citizens of Kansas;

(2) that we acknowledge that over-the-counter medicines can greatly reduce public health system costs and improve consumer empowerment through the development of new non-prescription medicines and the switch of certain prescription medicines to non-prescription medicines;

(3) that we encourage consumers, healthcare practitioners, policymakers and regulators to communicate the benefits of self-care; and

(4) that we recognize February 2017 as Self-Care Month in the State of Kansas; and

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

On emergency motion of Senator V. Schmidt **SR 1714** was adopted unanimously.

Senators Faust-Goudeau and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1716—

A RESOLUTION recognizing the members of Delta Sigma Theta Sorority, Inc. for their outstanding service to the citizens of our state, our nation and the international

community, and for their promotion of sisterhood, scholarship and service.

WHEREAS, Delta Sigma Theta Sorority, Inc. is a private, not-for-profit organization whose purpose is to provide assistance and support through established programs in local communities throughout the world. The organization is a sisterhood of predominantly black, college-educated women; and

WHEREAS, On January 13, 2017, Delta Sigma Theta Sorority, Inc. celebrated 104 years of thoughtful service to and conscientious leadership in communities throughout the United States and the world in diverse fields relating to public service and the organization's five-point programmatic thrust: Economic development, educational development, international awareness and involvement, physical and mental health, and political awareness and involvement; and

WHEREAS, On January 14, 1913, Delta Sigma Theta Sorority, Inc. was founded at Howard University in the District of Columbia by: Osceola Macarthy Adams, Marguerite Young Alexander, Winona Cargile Alexander, Ethel Cuff Black, Bertha Pitts Campbell, Zephyr Chisom Carter, Edna Brown Coleman, Jessie McGuire Dent, Frederica Chase Dodd, Myra Davis Hemmings, Olive Jones, Jimmie Bugg Middleton, Pauline Oberdorfer Minor, Vashti Turley Murphy, Naomi Sewell Richardson, Mamie Reddy Rose, Eliza Pearl Shippen, Florence Letcher Toms, Ethel Carr Watson, Wertie Blackwell Weaver, Madree Penn White and Edith Motte Young; and

WHEREAS, In March 1913, the founders of Delta Sigma Theta Sorority, Inc. participated in the Women's Suffrage March in the District of Columbia, the sorority's first public act; and

WHEREAS, Since its founding, more than 200,000 women have joined the organization. Delta Sigma Theta Sorority, Inc. has eight chapters in Kansas and 1,000 chapters in the United States, England, Japan, Germany, the Virgin Islands, Bermuda, the Bahamas and South Korea: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the members of Delta Sigma Theta Sorority, Inc. for their outstanding service to the citizens of our state, our nation and the international community, and for their promotion of sisterhood, scholarship and service; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Sue Wilson, Emile McGill, Rita Holmes-Bobo and Senators Faust-Goudeau and Haley.

On emergency motion of Senator Faust-Goudeau **SR 1716** was adopted unanimously.

Other guests introduced were Jill Hall, Vertis Johnson, Frankie Sheffield, Trudy Baker, Kameelah Alexander, Mary Breckenridge, Brooke Burrough, Marcia Carson, Joyce McCulloch, Gloria Williams, Sierra Martin, Lawanda Holt Fields, Tamara Huff-Johnson, Alicia Thompson and Keaya Cox.

The senate honored the members of Delta Sigma Theta present with a standing ovation.

COMMITTEE OF THE WHOLE

On motion of Senator Denning, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

SB 188 be amended by the adoption of the committee amendments, and the motion to recommend **SB 188** favorably for passage failed.

Upon the showing of five hands, a roll call vote was requested to recommend favorably for passage.

The motion on **SB 188** to recommend for passage failed.

On roll call, the vote was: Yeas 10; Nays 30; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Pettey, Rogers.

Nays: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Fitzgerald, Givens, Goddard, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

EXPLANATION OF VOTE

Madam President: Since my time in Topeka, I have advocated for a total repeal of the tax policy of 2012. I campaigned for its repeal, and **SB 188** came close to the bill needed to accomplish my goal. Therefore, it was important for me to follow through with my support of **SB 188** by voting in favor of the bill.—RANDALL HARDY

Senator Haley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Hardy on **SB 188**.

A motion by Hensley to amend **SB 188** failed.

An amendment was offered by Senator Holland. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules determined the amendment not germane.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 117** be amended on page 1, in line 9, before "or" by inserting ", the everbearing blackberry (*Rubus serissimus*)"; also in line 9, by striking "wild" and inserting "Himalayan"; also in line 9, by striking "genera" and inserting "armeniacus"; in line 14, by striking "or" and inserting a comma; also in line 14, by striking "wild" and inserting "everbearing blackberry or the Himalayan"; in line 16, by striking "or" and inserting a comma; also in line 16 by striking "wild" and inserting "everbearing blackberry or the Himalayan"; in line 19, by striking "or" and inserting a comma; also in line 19, by striking "wild" and inserting "everbearing blackberry or the Himalayan"; in line 25, by striking "or" and inserting a comma; also in line 25, by striking "wild" and inserting "everbearing blackberry or the Himalayan"; in line 30, by striking "or" and inserting a comma; also in line 30, by striking "wild" and inserting "everbearing blackberry or the Himalayan"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **SB 78, SB 81** be passed.

Also, **SB 8** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 8," as follows:

"Substitute for SENATE BILL NO. 8

By Committee on Ethics, Elections and Local Government

"AN ACT concerning elections; relating to advance voting ballots submitted by mail on election day; amending K.S.A. 25-1132, 25-1133, 25-1134 and 25-1136 and K.S.A. 2016 Supp. 25-1122 and 25-3107 and repealing the existing sections.";

And the substitute bill be passed.

SB 31 be amended on page 1, in line 13, after "(c)" by inserting "(1)"; in line 14, by striking "(1)" and inserting "(A)"; in line 17, by striking "(2)" and inserting "(B)"; in line 23, by striking "(3)" and inserting "(C)"; following line 27, by inserting:

"(2) "Abandoned property" shall not mean any real estate where the owner of such real estate is known and has expressed in writing to the governing body a desire to retain ownership and maintain such real estate and has brought the property into code compliance within 90 days of such expressed desire."; and the bill be passed as amended.

SB 132 be amended on page 1, in line 9, by striking "state"; in line 10, by striking all before "board"; also in line 10, by striking the second "the"; in line 11, by striking all before "to" and inserting "each county that is a part of the regional system"; in line 34, by striking "state"; in line 35, by striking all before "board"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 135** be passed.

Also, **SB 107** be amended on page 1, in line 12, after the period by inserting "Such schedule of fees and costs shall not exceed the amount of compensation established pursuant to K.S.A. 22-4507, and amendments thereto, for attorneys appointed by the court to perform services for an indigent person."; in line 28, before the period by inserting ", or the defense of civil rights claims pursuant to K.S.A. 75-6116, and amendments thereto"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 110** be passed.

Also, **SB 87** be amended on page 2, by striking all in lines 5 through 22;

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

Committee on **Public Health and Welfare** recommends **SB 126** be amended on page 1, in line 29, by striking the second "or"; in line 33, after the semicolon by inserting "or

(E) has been convicted of any act that is described in K.S.A. 21-3718 or 21-3719, prior to their repeal, or K.S.A. 2016 Supp. 21-5812, and amendments thereto, or similar statutes of any other state or the federal government."; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 45** be amended on page 1, in line 6, by striking "United States" and inserting "interstate"; also in line 6, by striking "40" and inserting "70";

Also, on page 1, in the title, in line 1, by striking "United"; in line 2, by striking "States" and inserting "interstate"; also in line 2, by striking "40" and inserting "70"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1712, SR 1713 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 16, 2017.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday,

FEBRUARY 16, 2017

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February 17, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

