

# Journal of the Senate

## THIRTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 23, 2017, 10:00 a.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:

Sovereign Lord God, You blessed us this morning to see another day. And like the prophet Isaiah said in chapter 50, verse 4, You awaken us morning by morning. Lord, would You also awaken our ears? Awaken that inner ear, so we can listen and learn what You'd have us to say and do in service to others.

Help us develop an ear for Your voice, that we may hear Your still, small quiet voice over all other voices.

When we do, Isaiah said we would learn from You, how to sustain others who are weary...who are in need.

Then, we, who have been helped by You, can then help others, with the same help You've given us. We, who have been encouraged by You, can then encourage others, with the same encouragement.

As we move forward, let the theme of that 1972 song by Johnny Nash, belong to us, and to those we serve. "I can see clearly now, the rain is gone. I can see all obstacles in my way. Gone are the dark clouds that had me down. It's gonna be a bright, bright, sunshiny day."

Thank You for this day. Thank You for awakening us to another wonderful day. In Jesus' name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

### **POINT OF PERSONAL PRIVILEGE**

Senator Lynn rose on a Point of Personal Privilege to introduce American Field Service scholarship students paging in the Senate today. Guests included Alessia Sora (Italy), Pascal Zabel (Germany), Hiba Kondah (Morocco), Nada Mahfouz (Egypt), Abdullah Abuomar (Jordan) and Nurul Zamzami (Indonesia).

The senators honored the students with a standing ovation.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 210**, AN ACT concerning firearms; relating to the personal and family protection act; prohibiting the carrying of concealed firearms in certain buildings; amending

K.S.A. 2016 Supp. 75-7c20 and repealing the existing section, by Committee on Ways and Means.

**SB 211**, AN ACT concerning income taxation; relating to credits; certain purchases of goods and services from qualified vendors that provide employment to individuals who are blind or severely disabled; qualifications, procedures and limitations, by Committee on Assessment and Taxation.

**SB 212**, AN ACT concerning workplace safety; directing the secretary of labor to enter into an agreement regarding state enforcement of federal occupational safety and health act standards, by Committee on Assessment and Taxation.

**SB 213**, AN ACT concerning income taxation; relating to Kansas adjusted gross income; providing addition modification related to retirement contributions by certain employees of the state board of regents; amending K.S.A. 2016 Supp. 79-32,117 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 214**, AN ACT concerning income taxation; relating to itemized deductions, certain medical expenses; amending K.S.A. 2016 Supp. 79-32,120 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 215**, AN ACT concerning income taxation; relating to determination of Kansas adjusted gross income, rates, itemized deductions; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117 and 79-32,120 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269, by Committee on Assessment and Taxation.

The following concurrent resolution was introduced and read by title:

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2079**, **HB 2136**.

Education: **SB 206**.

Ethics, Elections and Local Government: **SB 208**; **HB 2102**, **HB 2158**, **HB 2333**.

Federal and State Affairs: **SB 207**; **HB 2140**.

Financial Institutions and Insurance: **HB 2268**.

Judiciary: **HB 2070**, **HB 2125**, **HB 2128**, **HB 2153**, **HB 2176**, **HB 2186**, **HB 2301**.

Transportation: **HB 2170**.

Utilities: **SB 209**.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**Sub SB 8**, 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, was considered on final action.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Berger, Bollier, Bowers, Doll, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

Nays: Baumgardner, Billinger, Denning, Estes, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle.

The bill passed, as amended.

**SB 42**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing of certain persons to a mandatory minimum term of imprisonment; amending K.S.A. 2016 Supp. 21-6620, 21-6623 and 21-6627 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

**SB 46**, AN ACT concerning water; relating to water conservation areas; amending K.S.A. 2016 Supp. 82a-745 and 82a-1906 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

**SB 48**, AN ACT concerning water; relating to the diversion of water; chief engineer; remedies for the impairment of a valid water right or permit to divert and use water; amending K.S.A. 82a-716 and 82a-717a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Pilcher-Cook, Pyle, Tyson.

The bill passed, as amended.

**SB 57**, AN ACT concerning elections; relating to candidate and political committee reports to the secretary of state; email addresses; amending K.S.A. 25-4144 and K.S.A. 2016 Supp. 25-4145 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Denning, Masterson, Pilcher-Cook.

The bill passed, as amended.

**SB 61**, AN ACT concerning agriculture; relating to fees for milk, cream and dairy businesses; authorizing the Kansas secretary of agriculture to collect a fee for processing paper documents; amending K.S.A. 2016 Supp. 65-778 and 65-781 and repealing the existing sections, was considered on final action.

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

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

Nays: Pilcher-Cook, Pyle.

The bill passed, as amended.

**SB 62**, AN ACT concerning grand juries; relating to sufficiency of petitions; right to appeal; amending K.S.A. 2016 Supp. 22-3001 and 25-3601 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 19; Nays 21; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Bowers, Denning, Doll, Estes, Fitzgerald, Kerschen, LaTurner, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Billinger, Bollier, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

A constitutional majority having failed to vote in favor of the bill, **SB 62** did not pass.

**SB 63**, AN ACT enacting the revised uniform fiduciary access to digital assets act; amending K.S.A. 58a-816 and 59-3078 and K.S.A. 2016 Supp. 58-654, 59-3075 and 77-201 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

**SB 88**, AN ACT concerning motor vehicles; relating to repossessed vehicles, certificates of title, fees; repealing the repossessed certificates of title fee fund; amending K.S.A. 2016 Supp. 8-145 and repealing the existing section; also repealing K.S.A. 8-145e, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

**SB 89**, AN ACT concerning motor vehicles; relating to fees, collection of; amending K.S.A. 2016 Supp. 8-135, 8-145 and 8-145d and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Baumgardner, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson.

The bill passed.

**SB 93**, AN ACT concerning drivers' licenses; relating to revocation; duration; amending K.S.A. 2016 Supp. 8-254 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

**SB 100**, AN ACT concerning the nursing service scholarship program; scholarships for mental health nurses; amending K.S.A. 74-3292, 74-3293, 74-3294 and 74-3297 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

**SB 101**, AN ACT concerning civil procedure; relating to protection orders; protection from abuse act; protection from stalking act; amending K.S.A. 60-3102, 60-31a01, 60-31a03, 60-31a07, 60-31a08 and 60-31a09 and K.S.A. 2016 Supp. 21-5924, 60-31a02, 60-31a04, 60-31a05 and 60-31a06 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

**SB 112**, AN ACT concerning crimes, punishment and criminal procedure; relating to controlled substances; unlawful possession of drug paraphernalia; burglary; amending K.S.A. 2016 Supp. 21-5709 and 21-5807 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Billinger.

The bill passed, as amended.

**SB 124**, AN ACT concerning the Kansas family law code; relating to child custody, residency and parenting time; evidence of domestic abuse; amending K.S.A. 2016 Supp. 23-3201 and 23-3203 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

**SB 154**, AN ACT concerning home health agencies; relating to licensure; services provided; amending K.S.A. 65-5102, 65-5103, 65-5107 and 65-5115 and K.S.A. 2016 Supp. 39-1908, 65-5101, 65-5104, 65-5112, 65-5117 and 65-6805 and repealing the existing sections, was considered on final action.

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

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

Nays: Baumgardner, Tyson.

The bill passed, as amended.

**SB 181**, AN ACT concerning district courts; relating to persons with suspended drivers' licenses, amnesty agreements, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Tyson the Senate nonconcurred in the House amendments to **SB 30** and requested a conference committee be appointed.

The Vice President appointed Senators Tyson, Kerschen and Holland as a conference committee on the part of the Senate.

### 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 78, SB 114** be passed.

**SB 40, SB 47, SB 68, SB 136** be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion to further amend **SB 136** was offered by Senator Fitzgerald. A ruling of the chair was requested by Senator Haley as to the germaneness to the bill. The Rules Committee ruled the amendment not germane.

**SB 10** be passed over and retain a place on the calendar.

### FINAL ACTION ON CONSENT CALENDAR

**SB 120, SB 149, SB 166** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 120**, AN ACT concerning the Kansas uniform securities act; updating references to the federal securities act of 1933; amending K.S.A. 2016 Supp. 17-12a302 and 17-12a402 and repealing the existing sections.

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

Absent or Not Voting: Masterson.

The bill passed.

**SB 149**, AN ACT concerning the attorney general; relating to briefs in a criminal matter or postconviction case in the supreme court or court of appeals.

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

Wagle, Wilborn.

Absent or Not Voting: Masterson.

The bill passed.

**SB 166**, AN ACT concerning higher education; relating to private and out-of-state educational institutions; exempting Cleveland university-Kansas City; amending K.S.A. 2016 Supp. 74-32,164 and repealing the existing section.

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

Absent or Not Voting: Masterson.

The bill passed.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 40**, **SB 47**, **SB 68**, **SB 78**, **SB 114**, **SB 136** were advanced to Final Action and roll call.

**SB 40**, AN ACT concerning criminal procedure; relating to appearance bonds; arrest; revocation; amending K.S.A. 2016 Supp. 22-2807 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 1; 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, Lynn, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Baumgardner.

Absent or Not Voting: Masterson.

The bill passed, as amended.

**SB 47**, AN ACT concerning agriculture; relating to the Kansas pet animal act; amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1712, 47-1720, 47-1733 and 47-1734 and K.S.A. 2016 Supp. 47-1701, 47-1706, 47-1709, 47-1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726 and 47-1731 and repealing the existing sections; also repealing K.S.A. 47-1717, 47-1719, 47-1732 and 47-1736.

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

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

Nays: Billinger, Olson, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Masterson.

The bill passed, as amended.

**SB 68**, AN ACT concerning health and healthcare; relating to hospitals; enacting the Kansas lay caregiver act.

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

Nays: Suellentrop.

Absent or Not Voting: Masterson.

The bill passed, as amended.

**SB 78**, AN ACT concerning elections; dealing with polling places; amending K.S.A. 25-2701 and repealing the existing section.

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

Absent or Not Voting: Masterson.

The bill passed.

**SB 114**, AN ACT concerning the revised Kansas code for care of children; relating to rules of evidence; admissibility of certain test results; amending K.S.A. 2016 Supp. 38-2249 and repealing the existing section.

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

Absent or Not Voting: Masterson.

The bill passed.

**SB 136**, AN ACT concerning crimes, punishment and criminal procedure; relating to expungement; arrest records; amending K.S.A. 2016 Supp. 22-2410 and repealing the existing section.

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

Nays: Alley.

Absent or Not Voting: Masterson.

The bill passed, as amended.

**ORIGINAL MOTION**

Having voted on the prevailing side, Senator Goddard moved the Senate reconsider its previous action on **SB 62**. The motion carried.

**SB 62**, AN ACT concerning grand juries; relating to sufficiency of petitions; right to appeal; amending K.S.A. 2016 Supp. 22-3001 and 25-3601 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 22; Nays 17; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Fitzgerald, Goddard, Kerschen, LaTurner, Longbine, Lynn, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Givens, Haley, Hardy, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Absent or Not Voting: Masterson.

The bill passed as amended.

**EXPLANATION OF VOTE**

Mr. Vice President: It is unfortunate when the senate votes to weaken the process dealing with grand juries and the procedure to call for a grand jury. We have a clear process for requesting a grand jury. The changes proposed in this bill merely tie up our courts and expend public resources to challenge the courts' authority. This is a waste of taxpayer dollars. I vote No.—PAT PETTEY

Senators Francisco and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **SB 62**.

**CHANGE OF REFERENCE**

Under the authority of the President, the Vice President moved **SB 95** from the Calendar under the heading of **General Orders** to the Committee on **Federal and State Affairs**.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. **SCR 1606**—

By Senators Wagle, Denning and Hensley

A CONCURRENT RESOLUTION relating to  
the adjournment of the senate and house of representatives  
for a period of time during the 2017 regular session of the legislature.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the legislature shall adjourn at the close of business of the daily session convened on February 23, 2017, and shall reconvene on March 6, 2017, pursuant to adjournment of the daily session convened on February 23, 2017; and

*Be it further resolved:* That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

*Be it further resolved:* That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

*Be it further resolved:* That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator Denning **SCR 1606** was adopted by voice vote.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

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The senate met pursuant to recess with President Wagle in the chair.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2036, HB 2044, HB 2066, HB 2076, HB 2080, HB 2095, HB 2106, HB 2129, HB 2148, HB 2160, HB 2187, HB 2197, HB 2203, HB 2210, HB 2260, Sub HB 2272, HB 2278, HB 2302, HB 2312, HB 2320.**

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2036, HB 2044, HB 2066, HB 2076, HB 2080, HB 2095, HB 2106, HB 2129, HB 2148, HB 2160, HB 2187, HB 2197, HB 2203, HB 2210, HB 2260, Sub HB 2272, HB 2278, HB 2302, HB 2312, HB 2320** were thereupon introduced and read by title.

#### **CHANGE OF REFERENCE**

The President withdrew **SB 23** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on **Federal and State Affairs**.

The President withdrew **SB 128, SB 179, SB 180, SB 200** from the Committee on **Judiciary**, and referred the bills to the Committee on **Federal and State Affairs**.

The President withdrew **SB 10, SB 31, SB 45, Sub SB 69, SB 117** from the Calendar under the heading of **General Orders**, and referred the bills to the Committee on **Federal and State Affairs**.

The President withdrew **Sub SB 97, SB 147** from the Calendar under the heading of **General Orders**, and rereferred the bills to the Committee on **Assessment and Taxation**.

The President withdrew **SB 27** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 95** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Public Health and Welfare**.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **SB 175** be amended on page 21, in line 38, by striking "2017" and inserting "2016"; and the bill be reported without recommendation.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, March 6, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

