

# Journal of the Senate

FORTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 27, 2017, 10:00 a.m.

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

The roll was called with 39 senators present.

Senator Petersen was excused.

The Vice President introduced guest chaplain, Reverend Dr. Martha Murchison, Sunrise Presbyterian Church, Salina to deliver the invocation:

Almighty God, under Your law we live and by your will we govern ourselves. We come this afternoon to thank You for this great state. You bless us with a land of rolling prairies and blue skies which expand our imaginations and our vision of what can be. We thank You for Kansans: men, women and children who strive and work to make this state a good place to live. We thank You for these leaders who are dedicated to duty and to seeking good in this state. We lift up those who offer their time for just and right causes and who place the needs of our fellow citizens as highly as their own. We ask Your blessing to be upon these senators as they deliberate today. Give them a spirit of wisdom and understanding that they might perceive the truth and work to meet the needs of people. Open their hearts to the cares and concerns of the people they represent. Remind them of the future of the children they serve. Fill them with energy, intelligence, imagination and love for their work today and in the coming months. Remind us all of the great blessing of working together for the common good of Your people. Lead us always in that direction. Amen.

The Pledge of Allegiance was led by Vice President Longbine.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **SB 239**.

Ways and Means: **HB 2353, HB 2356**.

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 Vice President Longbine in the chair.

## 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 LaTurner in the chair.

**HB 2219** be passed.

**SB 217; HB 2025** be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2026** recommending **S Sub HB 2026** be adopted, and the substitute bill be passed.

The committee report on **HB 2027** recommending **S Sub HB 2027** be adopted, and the substitute bill be passed.

The committee report on **HB 2055** recommending **S Sub HB 2055** be adopted, be amended by motion of Senator V. Schmidt; on page 22, in line 14, after the period by inserting "Except as provided in K.S.A. 65-1635(e), and amendments thereto, and as may otherwise be provided by law,";

On page 25, in line 23, after "(n)" by inserting "Except as provided in K.S.A. 65-1635(e), and amendments thereto, and as may otherwise be provided by law," and **S Sub HB 2055** be passed as amended.

On motion of Senator Denning, the Senate recessed until 2:30 p.m.

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

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2182; Sub HB 2194; HB 2273**.

Announcing passage of **SB 36, SB 63**.

Announcing passage of **SB 16**, as amended.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2182; Sub HB 2194; HB 2273** were thereupon introduced and read by title.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Bollier and Kelly introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1732—

A RESOLUTION concerning influenza.

WHEREAS, Influenza can be life-threatening for people 65 years of age and older because it has long been recognized that people of this age group are at greater risk for serious complications from the flu compared to other age groups; and

WHEREAS, It has been estimated that 90% of seasonal flu-related deaths and more than 60% of seasonal flu-related hospitalizations in the United States occur each year in people 65 years of age and older; and

WHEREAS, Influenza is the most frequent cause of death for a vaccine-preventable disease in the United States; and

WHEREAS, Strategies that focus on providing routine vaccination to persons at higher risk for influenza complications have long been recommended; and

WHEREAS, The most effective strategy for preventing influenza is annual vaccination: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Senate recognizes the

importance of protecting at-risk Kansans against this dangerous and potentially deadly disease; and

*Be it further resolved:* That the Senate strongly encourages outreach efforts of state government, and specifically the Department of Health and Environment and the Kansas Department for Aging and Disability Services, to educate the public concerning influenza and provide information about influenza, along with the risks and benefits of vaccination; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to the Governor, the Secretary of Health and Environment, and the Secretary for Aging and Disability Services.

On emergency motion of Senator Bollier **SR 1732** was adopted unanimously.

### COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole, for further consideration of bills on the calendar under the heading of General Orders with Senator LaTurner in the chair.

On motion of Senator LaTurner, the morning report and the following afternoon report were adopted.

**HB 2217, HB 2312** be passed.

An amendment was offered by Senator Haley on **HB 2217**. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules ruled the amendment not germane.

An amendment was offered by Senator Francisco on **HB 2312**. A ruling of the chair was requested as to the germaneness to the bill. The Subcommittee on Rules ruled the amendment not germane.

**HB 2030, HB 2212, HB 2213** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**HB 2044** be passed.

Upon the showing of five hands a roll call vote was requested to advance **HB 2044** to final action.

On roll call, the vote was: Yeas 25; Nays 13; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Alley, Baumgardner, Denning, Estes, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Wagle.

Absent or Not Voting: Petersen, Tyson.

A motion by Senator Pilcher-Cook to amend **HB 2044** failed and the following amendment was rejected; on page 1, by striking all in lines 6 through 34;

By striking all on pages 2 through 6;

On page 7, by striking all in lines 1 through 23; following line 23, by inserting:

"Section 1. Subject to appropriations, the secretary for aging and disability services shall expend all moneys necessary to provide services to all individuals on the waiting list, as of July 1, 2017, for services under the following home and community based services waivers under the Kansas program of medical assistance: Autism; frail elderly; intellectual and developmental disability; physical disability; serious emotional disturbance; technology assisted; and traumatic brain injury.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "the"; by striking all in line 2; in line 3, by striking all before the period and inserting "Kansas program of medical assistance; relating to home and community based services; expenditure of moneys"

On roll call, the vote was: Yeas 12; Nays 26; Present and Passing 0; Absent or Not Voting 2.

Yeas: Baumgardner, Billinger, Estes, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Wilborn.

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

Absent or Not Voting: Petersen, Tyson.

The amendment was rejected.

A motion by Senator Pilcher-Cook to amend **HB 2044** failed and the following amendment was rejected; on page 1, in line 6, after "13" by inserting "and 15";

On page 3, in line 10, after the period by inserting "Except as provided in section 15, and amendments thereto,";

On page 4, in line 11, after the period by inserting "Except as provided in section 15, and amendments thereto,";

On page 7, following line 23, by inserting:

"Sec. 15. All moneys generated from enactment and implementation of the KanCare bridge to a healthy Kansas program, including any federal matching moneys and any moneys remitted pursuant to sections 7 and 8, and amendments thereto, shall be expended:

(a) First, for the purpose of providing state medicaid services under the Kansas program of medical assistance to individuals who were eligible for such services prior to enactment of the KanCare bridge to a healthy Kansas program, but who were not receiving such services; and

(b) then, if moneys remain, pursuant to sections 7 and 8, and amendments thereto, as applicable, and for the purpose of providing services under the KanCare bridge to a healthy Kansas program.";

And by renumbering sections accordingly

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 13; Nays 25; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Billinger, Estes, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Wilborn.

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

Absent or Not Voting: Petersen, Tyson.

The amendment was rejected.

A motion by Senator Pilcher-Cook to amend **HB 2044** failed and the following amendment was rejected; on page 7, following line 23, by inserting:

"Sec. 15. Notwithstanding any other provision of law to the contrary, no state moneys or matching federal moneys allocated for state medicaid services under the Kansas program of medical assistance shall be expended for reimbursement to any non-public

entity provider that provides family planning services but does not provide comprehensive primary and preventative care services.";

Any by renumbering sections accordingly;

On page 1, in the title, in line 3, after "programs" by inserting "; expenditure of moneys"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 18; Nays 20; Present and Passing 0; Absent or Not Voting 2.

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

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

Absent or Not Voting: Petersen, Tyson.

The amendment was rejected.

A motion by Senator Baumgardner to amend **HB 2044** failed and the following amendment was rejected; on page 1, in line 12, before "For" by inserting "(a)"; following line 20, by inserting: "(b) For purposes of eligibility determinations under the KanCare bridge to a healthy Kansas program, priority shall be given to individuals with mental health conditions, alcohol or drug abuse conditions or physical, mental or other disabilities."

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 13; Nays 25; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Estes, Fitzgerald, Kerschen, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Wilborn.

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

Absent or Not Voting: Petersen, Tyson.

The amendment was rejected.

A motion by Senator Pyle to amend **HB 2044** failed and the following amendment was rejected; on page 1, in line 12, before "For" by inserting "(a)"; following line 20, by inserting:

"(b) Eligibility under the KanCare bridge to a healthy Kansas program shall be denied to any individual whose residence is within any city or county that:

- (1) Limits or prohibits any city or county official or employee from communicating or cooperating with any federal agency or official to verify or report the immigration status of any alien within such city or county;
- (2) grants the right of lawful presence within the city or county to any alien unlawfully present in the United States in violation of federal law;
- (3) violates any provision of 8 U.S.C. § 1373, as in effect on the effective date of this section;
- (4) restricts in any way, or imposes any conditions on, a city or county's cooperation or compliance with detainers or other requests from United States immigration and customs enforcement to maintain custody of any alien or to transfer any alien to the

custody of United States immigration and customs enforcement;

(5) requires United States immigration and customs enforcement to obtain a warrant or demonstrate probable cause before complying with detainers or other requests from United States immigration and customs enforcement to maintain custody of any alien or to transfer any alien to the custody of United States immigration and customs enforcement; or

(6) prevents a city or county's law enforcement officers from inquiring as to the citizenship or immigration status of any person."

A ruling of the chair was requested as to the germaneness of the amendment. The Subcommittee on Rules ruled the amendment was germane to the bill.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 13; Nays 25; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Estes, Fitzgerald, LaTurner, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Wagle, Wilborn.

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

Absent or Not Voting: Petersen, Tyson.

The amendment was rejected.

A motion by Pilcher-Cook to amend **HB 2044** was withdrawn.

**S Sub HB 2304** be passed over and retain a place on the calendar.

## CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Billinger the Senate nonconcurred in the House amendments to **SB 16** and requested a conference committee be appointed.

The President appointed Senators Longbine, Billinger and Rogers as a conference committee on the part of the Senate.

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 121**, **SB 158**, **SB 226**, be passed.

Also, **SB 76** be amended on page 1, in line 11, by striking all after "(3)"; in line 12, by striking "(4)"; in line 22, after the second "spouses" by inserting ", members of the national guard and their spouses"; in line 24, by striking all after "(b)"; by striking all in lines 25 through 36;

On page 2, by striking all in lines 1 through 11; in line 12, by striking "(d)"; also in line 12, by striking "and political subdivision"; by striking all in lines 21 through 36;

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

**HB 2313**, as amended by House Committee of the Whole, be amended on page 13, in line 30, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**SR 1723**; **HCR 5003** be adopted.

Committee on **Ways and Means** recommends **SB 189** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 189," as follows:

"Substitute for SENATE BILL NO. 189

By Committee on Ways and Means

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2016 Supp. 2-223, 12-5256, 55-193, 74-50,107, 74-99b34, 75-6702, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804, 82a-953a and repealing the existing sections.";

And the substitute bill be passed.

#### **REPORT ON ENROLLED BILLS**

**SB 68** reported correctly enrolled, properly signed and presented to the Governor on March 27, 2017.

On motion of Senator Denning the Senate adjourned until 10:00 a.m., Tuesday, March 28, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

