

Journal of the Senate

SIXTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 8, 2017, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Lord, God, Creator and Sustainer, thank You for the beginning of another week. Help us to gain fresh awareness of Your presence in our midst, Your persistence in our governance and Your passion on our behalf. Show us Your will in all our situations.

We can't see You with our natural eye. But Lord, open our spiritual eyes and let us see continuing evidence of Your presence, persistence and passion.

Give us eyes to see like the ruler in Jerusalem. In Ecclesiastes 1:12-14, with all his wisdom, he came to see that everything that is under the sun and only earthly, in its perspective, void of an eternal focus, is finally as disappointing as chasing after the wind.

In Phillipians 3:14, You revealed to Paul, that in spite of his tremendous education, upbringing and status in the community, he needed to see beyond all of that. Since all in this life eventually fades away, You led him to prioritize a consistent press toward the higher calling...a calling that would ultimately be rewarded by You in eternity.

So Lord, as we struggle down here, working to improve things, help us to be looking beyond the immediate.

As it says in 2 Corinthians 4:18, help us look beyond the troubles we can see now, and fix our gaze on things that cannot be seen. For the things we see now will soon be gone, but the things we cannot see will last forever.

Give us Your perspective in everything we do. I'm asking all this in the precious Name of Jesus. Amen

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 249, AN ACT concerning property tax; relating to property valuation of grain elevator facilities, deviation from appraisal guides; amending K.S.A. 2016 Supp. 79-1456 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Education: **SB 248**.

CHANGE OF REFERENCE

The President withdrew **HB 2076**, **HB 2203** from the Calendar under the heading of **General Orders**, and referred the bills to the Committee on **Transportation**.

The President withdrew **HB 2013**, **HB 2256**, **HB 2333** from the Calendar under the heading of **General Orders**, and rereferred the bills to the Committee on **Ethics, Elections and Local Government**.

The President withdrew **HB 2268** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

The President withdrew **HB 2069**, **HB 2071**, **HB 2126**; **S Sub HB 2197**; **HB 2234**, **HB 2240** from the Calendar under the heading of **General Orders**, and rereferred the bills to the Committee on **Judiciary**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2085**.

The House adopts the Conference Committee report on **HB 2301**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Petersen, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1745—

A RESOLUTION commemorating the 80th anniversary of the
American System of Conservation Funding.

WHEREAS, More than a century ago, hunters, anglers and trappers were among the first conservationists to realize that America's natural resources were in peril and such resources could not sustain unregulated harvest and habitat destruction; and

WHEREAS, Hunters, anglers and trappers took it upon themselves to support laws that stopped excessive harvest of fish and wildlife, established game and fish agencies to protect fish, wildlife and their habitats, and supported fishing and hunting license fees to help fund the new agencies' efforts to provide healthy natural resources for future generations; and

WHEREAS, Upon realizing that license fees alone were insufficient to restore and sustain healthy fish and wildlife populations, hunters, anglers and trappers supported excise taxes on firearms, ammunition, archery equipment, hunting equipment and fishing equipment to raise additional funds to support restoration and enhance the efforts of state wildlife agencies; and

WHEREAS, This "user-pays, public-benefits" system became known as the Wildlife

and Sport Fish Restoration Program, which began with the passage of the Federal Aid in Wildlife Restoration Act in 1937, was bolstered by the passage of the Federal Aid in Sport Fish Restoration Act in 1950, and was further expanded by the Wallop-Breaux amendment to the Sport Fish Restoration Act in 1984; and

WHEREAS, The Wildlife and Sport Fish Restoration Program also permanently linked revenue from hunting and fishing licenses to conservation, which created the American System of Conservation Funding as it exists today; and

WHEREAS, Since 1939, the combined contribution of the American System of Conservation Funding to state fish and wildlife agencies has exceeded \$57 billion – more than any other single conservation effort in United States history; and

WHEREAS, The manufacturers of firearms, ammunition, hunting, fishing and boating equipment have collected excise taxes on firearms, ammunition, archery equipment, manufactured fishing tackle, electric trolling motors, marine electronics and motorboat fuel, and distributed these funds to the states through the United States Fish and Wildlife Service; and

WHEREAS, This cooperative partnership between industry, hunters, anglers, trappers, boaters, recreational shooters, the United States Fish and Wildlife Service and state natural resource agencies has resulted in the most successful model of fish and wildlife management in the world, restoring species populations from coast to coast and in Alaska and Hawaii: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize America's hunters, anglers, trappers, boaters, recreational shooters, equipment manufacturers, state fish and wildlife agencies and the United States Fish and Wildlife Service for their role in restoring healthy populations of fish, wildlife, and other natural resources, both game and non-game, to the abundance we see today through the American System of Conservation Funding, on this, the 80th anniversary year of America's greatest conservation story; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the Kansas Department of Wildlife, Parks and Tourism and all Kansas Congressional offices so that all may know and appreciate the foresight and contributions from anglers, hunters, trappers, recreational shooters, equipment manufacturers, state fish and wildlife agencies and the United States Fish and Wildlife Service on behalf of our nation's natural resources.

On emergency motion of Senator Petersen **SR 1745** was adopted unanimously.

ORIGINAL MOTION

Senator Denning 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 bill: **H Sub SB 42**.

CONFERENCE COMMITTEE REPORTS

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 42** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 42, as follows:

On page 1, following line 14, by inserting:

"New Section 1. The state board of education shall:

(a) Implement statewide standards that assure all public school teachers annually receive training and education on identifying likely warning signs indicating that a child may be a victim of sexual abuse;

(b) review and consider statewide social and emotional standards for student education that inform students of the difference between appropriate and inappropriate conduct, actions a child may take to be protected from child sexual abuse and methods for reporting any instance of abuse. The review may include, but not necessarily be limited to:

(1) The age of the students to receive the instruction;

(2) requirements for parental notification and the ability for a parent to exclude a child from such instruction;

(3) best practices in instructional content and delivery methods to achieve desired educational outcome; and

(4) collaboration with subject matter experts and child advocates; and

(c) submit a report of progress and any plan or standards developed with regard to those items listed in subsections (a) and (b) by February 1, 2018, to the legislature.;"

On page 4, in line 10, by striking "or" and inserting "and"; in line 11, by striking all after "(B)"; in line 12, by striking "(2)"; in line 13, before the period, by inserting "; or

(2) has absconded from supervision";

On page 23, following line 20, by inserting:

"Sec. 13. K.S.A. 2016 Supp. 38-2398 is hereby amended to read as follows: 38-2398. (a) For purposes of determining release of a juvenile from probation, the supreme court, in consultation with the department of corrections, shall establish rules for a system of earned discharge for juvenile probationers to be applied by all community supervision officers. A probationer shall be awarded earned discharge credits while on probation for each full calendar month of compliance with terms of supervised probation pursuant to the rules developed by the supreme court.

(b) The state of Kansas, the secretary of corrections, the secretary's agents or employees, the office of judicial administration and court services officers shall not be liable for damages caused by any negligent or wrongful act or omission in making the earned discharge credit calculations authorized by this section.;"

On page 30, in line 12, by striking the first comma and inserting "and"; in line 14, after the fourth comma by inserting "38-2398,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "training and instruction about child sexual abuse;"; in line 9, by striking the first comma and inserting "and"; in line 11, after the second comma by inserting "38-2398,";

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

The motion of Senator Wilborn to not adopt the conference committee report on **H Sub SB 42** and appoint new conferees prevailed.

The President appointed Senators Wilborn, Lynn and Haley as second conferees on the part of the Senate.

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

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

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2386** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2386," as follows:

"Senate Substitute for HOUSE BILL NO. 2386

By Committee on Federal and State Affairs

"AN ACT concerning gaming; relating to the Kansas expanded lottery act; making and concerning appropriations for the fiscal year ending June 30, 2018, for the Kansas lottery; relating to the state debtor setoff program; relating to horse and greyhound racing; amending K.S.A. 74-8836 and K.S.A. 2016 Supp. 74-8741, 74-8743, 74-8744, 74-8746, 74-8747, 74-8766, 74-8814 and 75-6204 and repealing the existing sections.";

And the substitute bill be passed.

Also, **HB 2409** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **HB 2002** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2002," as follows:

"Senate Substitute for HOUSE BILL NO. 2002

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, 12-1775a, 68-2320, 74-4914d and 74-4920, as amended by section 43 of 2017 Senate Substitute for Substitute for House Bill No. 2052 and repealing the existing sections; also repealing section 161 of 2017 Substitute for Senate Bill No. 189, section 162 of 2017 Substitute for Senate Bill No. 189, and K.S.A. 2016 Supp. 2-223, as amended by section 212 of 2017 Substitute for Senate Bill 189.";

And the substitute bill be passed.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, May 9, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

