

Journal of the Senate

TWENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 14, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Kelly was excused.

Senator Wagle introduced Emmanuel Herron, New Beginning Baptist Church in Topeka, to deliver the invocation:

Our Father in heaven, Hallowed be Thy name. Oh, gracious Creator, Sovereign Savior of the fallen, Magnificent Master of the Universe, we magnify Your name! As we stand before You in unity as one body, birthed in sin and shaped in iniquity, we humbly request Your forgiveness. We're standing here pleading Your mercy and grace. Father, go into the secret places of our hearts, purify us of our transgressions, heal us of our sufferings and deliver us of our afflictions. As Jesus said, if two of you agree on earth concerning anything that is asked, it will be done for them by My Father in heaven. The Word says that petitions, prayers intercessions and thanksgiving be made for all people – for kings and all those in authority that we may live peaceful and quiet lives in all godliness and holiness. As all of the senators gather together, equip them with The Divine decisions to accomplish Your purpose. Give them the strength and reassurance that You are with them, be their guide today and forever more. We want to thank You for your undying faithfulness, for answered and unanswered prayers and let Your will, not our will, be done. In the name of Your son Jesus...Amen and Amen.

The Pledge of Allegiance was led by President Wagle.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2436**, **HB 2444**, **HB 2455**, **HB 2456**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2436, **HB 2444**, **HB 2455**, **HB 2456** were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 194, AN ACT concerning water; relating to groundwater management districts; user charges; amending K.S.A. 2017 Supp. 82a-1030 and repealing the existing section, 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, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

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

Absent or Not Voting: Kelly.

The bill passed, as amended.

SB 199, AN ACT concerning civil procedure; relating to appellate procedure; supersedeas bond requirements; amending K.S.A. 2017 Supp. 60-2103 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Francisco, Haley, Hawk, Hensley, Holland, Pettey, Rogers.

Absent or Not Voting: Kelly.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote “NO” on **SB 199**. Current law regarding supersedeas bonds protects both appellants and appellees. It provides security to the court and the appellee that the judgment can be paid while providing the court discretion to lower the bond where the appellant will suffer undue hardship. This well-struck balance has been in place for many years. **SB 199** tips the scales in favor of losing parties and makes it easier for them to drag out the appeals process while not putting forward the necessary security to cover the judgment if the appeal is unsuccessful. This bill also ignores the possibility that the appellee may be a small business who will suffer undue hardship by a dragged-out appeals process. Current law already contemplates all of the arguments in favor of this bill, making it unnecessary. For these reasons, I vote “NO” on **SB 199**.

—LYNN ROGERS

Senators Haley, Hawk, Hensley and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **SB 199**.

Madam President: I vote “NO” on **SB 199**. I believe that the current law is working. I am particularly concerned that the new limitations on the amount required for supersedeas bonds created in this bill come without the protections currently established to allow the appellee to prove that the appellant bringing the appeal is purposefully dissipating or diverting assets outside of the ordinary course of its business and also gives the court the opportunity to enter such orders as are necessary to stop the dissipation and diversion of assets. If this bill is worked in the House, I hope that at a minimum this is rectified.—MARCI FRANCISCO

Senator Hawk requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **SB 199**.

SB 343, AN ACT concerning the disposition of state real property; authorizing the state board of regents and the state of Kansas to convey certain real property to Wichita state university, 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, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly.

The bill passed.

HB 2106, AN ACT concerning treatment facilities; relating to license renewal; amending K.S.A. 2017 Supp. 65-4014 and repealing the existing section, 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, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly.

The bill passed, as amended.

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 Bollier in the chair.

On motion of Senator Bollier the following report was adopted:

SB 266 be passed.

SB 324, **HB 2232** be amended by the adoption of the committee amendments, and the bills be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **SB 391** be passed.

Committee on **Ways and Means** recommends **SB 314** be passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, February 15, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

