

# Journal of the Senate

FORTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 13, 2018, 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:

Heavenly Father, our desire today is to promote progress, looking to arrive at productive ends. But Lord, successful progress can only be achieved with You being the wind at our backs.

Like seagoing people, we often experience headwinds; contrary winds, that make progress difficult, or slow or maybe not at all. But then come the tailwinds that help us along, that reduce or eliminate resistance and increase the speed of our accomplishments.

In Acts 27:4-44, Paul and those with him encountered a contrary wind. Although it slowed them and even stopped them, it didn't defeat them. You provided success.

In business, in government, in our families, even in ourselves and our relationships, the winds blow. Some are contrary headwinds, but thankfully they're often offset by tailwinds – people.

You get behind us and push us along. You use the criticisms of some, as a headwind to slow us down or stop us. And You use the compliments of others as an encouraging tailwind to give us a shove.

Thank You for those that are with us on this journey, the friendly winds that are our helpers. But we also thank You for those who oppose us, and actually make us stronger. You use them to make us, rather than to break us.

In the final analysis, it is You that we need as our Captain. We need You at the helm in this journey. We need You, as the Wind, at our backs.

Thanks now, for being the Wind at our backs, and even more so, the Wind beneath our wings. In Jesus' Name I pray, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 446**, AN ACT concerning consumer protection; relating to unconscionable acts or practices; requiring technology protection measures on internet-accessible devices; enacting the human trafficking and child exploitation prevention act; establishing the human trafficking and child exploitation prevention fund, by Committee on Federal and State Affairs.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **Sub HB 2572**.

Federal and State Affairs: **SCR 1613**.

**CHANGE OF REFERENCE**

An objection having been made to **HB 2498** appearing on the Consent Calendar, the Vice President directed the bill be removed and placed on the calendar under the heading of General Orders.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2541, HB 2650; SB 267; Sub SB 414**.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2541, HB 2650** were thereupon introduced and read by title.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Holland, Berger, Billinger, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hawk, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, McGinn, Petersen, Rogers, V. Schmidt, Sykes, Taylor and Tyson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1776—

A RESOLUTION recognizing the  
Kansas Small Business Development Center's 2018 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (SBDC), a member of the national organization of America's SBDC, is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting and training and the identification of appropriate resources; and

WHEREAS, The Kansas SBDC regional directors and staff selected seven Emerging Business of the Year award recipients, eight Existing Business of the Year award recipients and two Exporting Business of the Year award recipients; and

WHEREAS, The Kansas SBDC's Business of the Year awards are designed to recognize Kansas SBDC clients for superior performance; and

WHEREAS, Business of the Year award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and positive economic impact, which is based on a record of profitability and the Kansas SBDC Economic Impact Tracking spreadsheet, and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2018 Kansas SBDC Emerging Businesses of the Year are: BellaRose Boutique and Tanning Salon, LLC, in Burlington, owned by Lindsay Beyer; Lost Creek Supply in Kensington, owned by Kaid Baumann; Angel Competition Bikinis, LCC, in Lenexa, owned by Karah and Lauren Beeves; HMC Performance Coatings in Tonganoxie, owned by Shawn and Amie Bristol; Root Coffeehouse in

Pittsburg, owned by Lindsey and Trent King; Advantage Marketing in Wichita, owned by Cori Kohlmeier and Amy Hoefler; and Sugar Creek Country Store in St. Marys, owned by Dan Hohman; and

WHEREAS, The 2018 Kansas SBDC Existing Businesses of the Year are: Radius Brewing Company, LLC, in Emporia, owned by Justin Bays, Jeremy Johns and Chad Swift; KYVZ Radio in Atwood, owned by Joe Vysourek; KC Restoration, LLC, in Olathe, owned by Bill and LeAnn Luemmen; KEAdvisors in Lawrence, owned by Keith Ely; LaHarpe Telephone Company, Inc., in LaHarpe, owned by Harry Lee, Joyce Lee and Carol Higginbotham; T & B Towing, LLC, in Turpin, Oklahoma, owned by Ty Rader; Overstock Art, LLC, in Wichita, owned by David Sasson; and Wabaunsee County Signal – Enterprise in Alma, owned by Lori Daniel; and

WHEREAS, The 2018 Kansas SBDC Exporting Businesses of the Year are: Double D Family Mat Shop, Inc., in Park, owned by Dale and Dena Goetz; and Northwind Technical Services, LLC, in Sabetha, owned by Mike and Marlene Bosworth; and

WHEREAS, The Kansas SBDC Businesses of the Year serve as examples of the success that the Kansas SBDC and small business owners across Kansas can achieve: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize the Kansas Small Business Development Center's 2018 Emerging, Existing and Exporting Businesses of the Year and wish all of them, the Kansas SBDC and America's SBDC, continued success in the future; and

*Be it further resolved:* That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1776** was adopted unanimously.

The senate honored the 2018 Kansas Small Business Development Center businesses of the year 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 Hardy in the chair.

On motion of Senator Hardy the following report was adopted:

**HB 2476**, be amended by motion of Senator Denning; on page 1, in line 20, by striking "0.5%" and inserting "1%";

On page 4, in line 34, by striking "0.5%" and inserting "1%";

On page 10, following line 11, by inserting:

"Sec. 4. K.S.A. 65-664 is hereby amended to read as follows: 65-664. A food shall be deemed to be adulterated:

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of the substance in such food does not ordinarily render it injurious to health; or (2) (A) it bears or contains any added poisonous or added deleterious substance, other than one which is: (i) A pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive, which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto; ~~or~~ (B) it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of K.S.A. 65-667, and

amendments thereto; or (C) it is or it bears or contains any food additive which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto. Where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under K.S.A. 65-667, and amendments thereto, and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed food shall, notwithstanding the provisions of K.S.A. 65-667, and amendments thereto, and ~~clause subparagraph~~ (C) of this subsection, not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of such residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity; ~~or~~ (3) it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or is otherwise unfit for food; ~~or~~ (4) it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; ~~or~~ (5) it is the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse; or (6) its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(b) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; ~~or~~ (2) any substance has been substituted wholly or in part therefor; ~~or~~ (3) damage or inferiority has been concealed in any manner; or (4) any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is. This subsection does not apply to any cured or smoked pork product by reason of its containing added water.

(c) If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of ~~4%~~ <sup>1%</sup> 0.4%, harmless natural wax not in excess of ~~4%~~ <sup>1%</sup> 0.4%, harmless natural gum, and pectin. This subsection does not apply to any confectionery by reason of its containing ~~less than 1/2 of~~ not more than 1% by volume of alcohol ~~derived solely from the use of flavoring extracts~~, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

(d) If it is or bears or contains any color additive which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto.";

Also on page 10, in line 12, before "K.S.A." by inserting "K.S.A. 65-664 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "confectionary" and inserting "confectionery"; in line 3, by striking "relating to" and inserting "confectionery products containing alcohol and adulterated food products"; in line 6, after "amending" by inserting "K.S.A. 65-664 and"; and the bill be passed as amended.

**Sub HB 2194**; be amended by the adoption of the committee amendments, be further amended by motion of Senator Petersen; on page 2, in line 12, by striking all after "or"; in line 13, by striking all before "the"; in line 15, by striking all after "applicant"; in line 16, by striking all before "shall" and inserting "seeking exemption from the written and driving tests pursuant to this paragraph"; in line 28, by striking all after "the"; in line 29,

by striking "education" and inserting "motorcycle safety foundation";

On page 5, by striking all in lines 30 through 43;

By striking all on pages 6 and 7;

On page 8, by striking all in lines 1 through 27; in line 28, by striking "and 8-272 are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking ", location for safety courses"; in line 3, by striking "and 8-272"; in line 4, by striking "sections" and inserting "section"; and the bill be passed as further amended.

**HB 2031** be passed over and retain a place on the calendar.

### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2619**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **HB 2691**, as amended by House Committee, 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 **Assessment and Taxation** recommends **SB 367** be amended on page 8, in line 9, before "Sales" by inserting "'Sales or selling price" includes consideration received by the seller from third parties if:

(A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(B) the seller has an obligation to pass the price reduction or discount through to the purchaser;

(C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(D) one of the following criteria is met:

(i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) the purchaser identifies to the seller that the purchaser is a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group; or

(iii) the price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

(3)";

Also on page 8, in line 22, by striking "2018" and inserting "2019";

On page 1, in the title, in line 1, by striking all after "to"; and the bill be passed as amended.

Also, **SB 415** be amended on page 2, by striking all in lines 37 through 43;

On page 3, by striking all in lines 1 through 10 and inserting:

"New Sec. 2. (a) Notwithstanding any provision to the contrary in the Kansas retailers' sales tax act, state sales tax levied pursuant to K.S.A. 79-3603, and

amendments thereto, and collected by the Kansas state fair or any retailer upon the gross receipts received from the sale of tangible personal property at retail while on the Kansas state fairgrounds, shall be remitted to the director of taxation who shall remit all such state sales tax revenue to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit to the state highway fund the same percentage in effect and credited pursuant to K.S.A. 79-3620(c), and amendments thereto, of the sales tax revenue collected and the remainder to be credited to the state fair capital improvements fund established pursuant to K.S.A. 2-223, and amendments thereto.

(b) The provisions of this section shall be part of and supplemental to the Kansas sales tax act.":

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 433** be amended on page 2, in line 36, by striking all after "(2)"; by striking all in line 37; in line 38, by striking "subsection" and inserting "(A) For purposes of this subsection, "automated device" shall mean any mechanized device capable of dispensing wine or beer directly to a customer in exchange for compensation that a licensee has received directly from the customer.

(B) No licensee shall allow an automated device to be used on its licensed premises without first providing written or electronic notification to the director of the licensee's intent to use the automated device. The licensee shall provide this notification at least 48 hours before any automated device is used on the licensed premises.

(C) Each licensee offering customer self-service of wine or beer from any automated device shall provide constant video monitoring of the automated device at all times during which the licensee is open to the public. The licensee shall keep recorded footage from the video monitoring for at least 60 days and shall provide the footage, upon request, to any agent of the director or other authorized law enforcement agent.

(D) The compensation required by subsection (a) shall be in the form of a programmable, prepaid access card containing a fixed amount of monetary credit that may be directly exchanged for beer or wine dispensed from the automated device. Access cards may be sold, used or reactivated only during a business day. Each access card shall be purchased from the licensee by a customer. A licensee shall not issue more than one active access card to a customer. For purposes of this subsection, an access card shall be deemed active if the access card contains monetary credit or has not yet been used to dispense 15 ounces of wine or 32 ounces of beer. Each purchase of an access card under this regulation shall be subject to the liquor drink tax imposed by K.S.A. 79-41a02, and amendments thereto.

(E) In order to obtain a prepaid access card from a licensee, each customer shall produce a valid driver's license, identification card or other government-issued document that contains a photograph of the individual and demonstrates that the individual is at least 21 years of age. Each access card shall be programmed to require the production of the customer's valid identification before the access card can be used for the first time during any business day or for any subsequent reactivation as provided in subparagraph (D).

(F) Each access card shall become inactive at the end of each business day.

(G) Each access card shall be programmed to allow the dispensing of no more than

15 ounces of wine or 32 ounces of beer to a customer. Once an access card has been used to dispense 15 ounces of wine or 32 ounces of beer to a customer, the access card shall become inactive. Any customer in possession of an inactive access card may, upon production of the customer's valid identification to the licensee or licensee's employee, have the access card reactivated to allow the dispensing of an additional 15 ounces of wine or 32 ounces of beer from an automated device.

Subparagraphs (D), (E), (F) or (G) shall not apply to wine or beer that is dispensed directly to the licensee or the licensee's agent or employee.

(3) The secretary shall adopt rules and regulations prior to January 1, 2019, as necessary to implement the provisions of this subsection.

(4) Notwithstanding any other provision of law, all laws and rules and regulations applicable to the sale of alcoholic liquor to persons under the legal age of consumption shall be applicable to the sales transaction of the prepaid access card";

On page 3, following line 13, by inserting:

"(i) For purposes of this section, the term "day" means 6:00 a.m. until 2:00 a.m. the following calendar day.

Sec. 2. K.S.A. 2017 Supp. 41-2614 is hereby amended to read as follows: 41-2614.

(a) Except as provided by subsection (c), no public venue, club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and ~~9:00~~ 6:00 a.m. on any day.

(b) No caterer shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.

(c) A hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment/caterer may allow at any time the serving, mixing and consumption of alcoholic liquor and cereal malt beverage from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.";

Also on page 3, in line 14, after "Supp." by inserting "41-2614 and"; also in line 14, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "Supp." by inserting "41-2614 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **SB 418** 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 **Federal and State Affairs** begs leave to submit the following report: The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Commissioner, Kansas Human Rights Commission: K.S.A. 44-1003

James Terrones, to fill a term expiring on January 15, 2021

Commissioner, Kansas Racing and Gaming Commission: K.S.A. 74-8803 John

Daniel Myres, to fill a term expiring on January 15, 2020

Commissioner, Kansas Racing and Gaming Commissioner: K.S.A. 74-8803

Larry Turnquist, to fill a term expiring on January 15, 2019

Committee on **Judiciary** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your

committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, State Board of Indigents' Defense Services: K.S.A. 22-4519

Braden Perry, to fill a term expiring on January 15, 2020

Committee on **Public Health and Welfare** recommends **SB 436** be passed.

Also begs leave to submit the following report: The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Secretary, Department of Health and Environment: K.S.A. 75-5601

Jeffrey Thomas Andersen, to serve at the pleasure of the Governor

Member, University of Kansas Hospital Authority: K.S.A. 76-3304

Monte Coffman, to fill a term expiring on March 15, 2019

Committee on **Transportation** recommends **HB 2531** be amended on page 1, in line 10, by striking "D." and inserting "L."; in line 13, by striking "D." and inserting "L.";

On page 4, following line 33, by inserting:

"New Sec. 18. On and after July 1, 2018, any sign that commemoratively designates a highway, bridge, interchange or trail in honor of an individual shall include, if applicable, the individual's:

(a) Rank, if a current or former member of law enforcement, the United States military or national guard; or

(b) title, if a current or former holder of an elected office or member of an elected body.

New Sec. 19. The portion of United States highway 69 from the junction of United States highway 69 and 167<sup>th</sup> street in Johnson county, then south on United States highway 69 to the junction of United States highway 69 and 215<sup>th</sup> street is hereby designated as the master deputy Brandon Collins memorial highway. Upon compliance with K.S.A. 2017 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the master deputy Brandon Collins memorial highway.

New Sec. 20. Upon the death of governor John Carlin, the portion of interstate highway No. 70 from the junction with highway K-15, then west to the junction with United States highway No. 81 shall be designated as the governor John Carlin memorial highway. Upon compliance with K.S.A. 2017 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the governor John Carlin memorial highway.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the semicolon; in line 2, by striking "Kansas and United States highways for" and inserting "relating to memorial highways, contents of signs, master deputy Brandon Collins, governor John Carlin and"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, March 14, 2018.

COREY CARNAHAN, *Secretary of the Senate.*

