

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 20, 2018, 2:30 p.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:

Holy Father, in the very first verse of the very first chapter of Genesis, the very first book, it records Your work of creation. It reveals how the beginning began. We learned that You created everything. We can all trace our beginning back to You.

It was You, Who, in all Your omnipotence, simply spoke and all the heavens sprang into existence. Again and again You said, "Let there be," and there was. "Let there be light," and there was. You called the Light day and the darkness night. Our mornings and evenings and the seasons of the year have come to us by Your creation.

In verse 11, You said, "Let the earth sprout vegetation, plants yielding seed and fruit trees bearing fruit with seed in them to bring forth more of the same kind." Praise Your Holy Name!

You are the cause of the first Springtime, and we look forward to it every year. When the farmers have scattered their seed, when Springtime has sprung, and harvest has come; when the meal is prepared and our hungriness is satisfied, we'll express gratefulness to the farmers, but we owe it all to You.

Lord, we thank You for this Springtime opportunity to serve...to serve You and to serve Your people. Let the service in these halls and in our communities produce a harvest of fruit that's pleasing in Your sight. As grateful appreciation blossoms from my heart, in Jesus' Name I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 450, AN ACT concerning education; relating to school finance; transportation weighting calculation; amending K.S.A. 2017 Supp. 72-5148 and repealing the existing section, by Committee on Assessment and Taxation.

SB 451, AN ACT concerning 2012 executive reorganization order no. 41; relating to the Kansas department for aging and disability services and the Kansas department for children and families; updating statutory references and making technical changes related thereto; amending K.S.A. 75-5309, 75-5904, 76-157, 76-158, 76-1238, 76-14a04 and 76-1519a and K.S.A. 2017 Supp. 21-5909, 22-3302, 36-502, 38-2006, 38-

2212, 39-1702, 40-4702, 65-689, 65-6610, 75-7d01, 75-5321a and 75-7033 and repealing the existing sections; also repealing K.S.A. 76-371, 76-1510b and 76-1522, by Committee on Ways and Means.

SB 452, AN ACT concerning agriculture; relating to pesticides; record of pesticide applications; review and report of pesticide application practices, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2489**, **HB 2749**, **HB 2755**.

CHANGE OF REFERENCE

The President withdrew **SB 259**, **SB 357** from the Committee on **Federal and State Affairs**, and referred the bill to the Committee on **Senate Select Committee on Education Finance**.

The President withdrew **SB 111** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Assessment and Taxation**.

MESSAGES FROM THE GOVERNOR

SB 267, **SB 405**; **Sub SB 414** approved on March 20, 2018

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **Sub HB 2194**, requests a conference and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2042**, requests a conference and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2145**, requests a conference and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2454**, requests a conference and has appointed Representatives Jennings, Whitmer and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2476**, requests a conference and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 275** and has appointed Representatives Kelly, Powell and Finney as conferees on the part of the House.

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 Berger in the chair.

On motion of Senator Berger the following report was adopted:

HB 2542, HB 2628, HB 2650 be amended by the adoption of the committee amendments, and the bills be passed as amended.

Senator Holland offered an amendment on **HB 2650**.

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

The motion by Senator Holland to amend **HB 2650** failed.

FINAL ACTION ON CONSENT CALENDAR

SB 313, SB 418; HB 2541, HB 2558, HB 2608, HB 2619, HB 2691 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 313, AN ACT concerning redevelopment authorities in certain counties; amending K.S.A. 19-4904 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, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed.

SB 418, AN ACT concerning public records; relating to the unlawful use of names derived from public records, exceptions; amending K.S.A. 2017 Supp. 45-230 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, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed.

HB 2541, AN ACT concerning postsecondary education; relating to the Kansas national guard educational assistance act; relating to participant qualifications and recoupment of assistance; amending K.S.A. 74-32,148 and 74-32,149 and K.S.A. 2017 Supp. 74-32,146 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, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed.

HB 2558, AN ACT concerning wildlife; relating to controlled shooting areas; licenses; amending K.S.A. 32-946 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, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed.

HB 2608, AN ACT concerning real estate; authorizing the conveyance of land from the department of corrections to fire district 1 of Leavenworth county, Kansas.

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

Absent or Not Voting: Pettey.

The bill passed.

HB 2619, AN ACT concerning agriculture; relating to the Kansas department of agriculture; allowing any documentation required under the Kansas pesticide law to be created or maintained in electronic form; amending K.S.A. 2017 Supp. 2-2455 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, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed.

HB 2691, AN ACT concerning water; relating to the division of water resources of the department of agriculture; relating to multi-year flex accounts, application deadlines; amending K.S.A. 2017 Supp. 82a-736 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, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

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 **HB 2542**, **HB 2628** and **HB 2650** were advanced to Final Action and roll call.

HB 2542, AN ACT concerning the Kansas private and out-of-state postsecondary educational institution act; modifying certain fees; removing sunset date; amending K.S.A. 2017 Supp. 74-32,181 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, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed, as amended.

HB 2628, AN ACT concerning airport authorities; amending K.S.A. 27-325 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, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed, as amended.

HB 2650, AN ACT concerning state emblems; designating the state rock as Greenhorn limestone; the state mineral as galena; the state gemstone as jelinite amber; and the state fish as the channel catfish.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 1; Absent or Not Voting 1.

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

Present and Passing: Francisco.

Absent or Not Voting: Pettey.

The bill passed, as amended.

ORIGINAL MOTION

On motion of Senator Estes, the Senate acceded to the request of the House for a conference on **HB 2042**.

The President appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Estes, the Senate acceded to the request of the House for a

conference on **HB 2145**.

The President appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **Sub HB 2194**.

The President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2454**.

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

On motion of Senator Estes, the Senate acceded to the request of the House for a conference on **HB 2476**.

The President appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **Substitute for HB 2147**, as amended by House Committee of the Whole, be amended on page 1, in line 30, after the stricken material by inserting "plus interest on the amount of overpayment at the rate prescribed by K.S.A. 79-2968, and amendments thereto,"; and the bill be passed as amended.

Also, **HB 2488**, as amended by House Committee, be amended on page 3, in line 2, by striking all after "blend"; in line 3, by striking all before "and"; and the bill be passed as amended.

SB 419, SB 429, SB 449 be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Commerce** recommends **SB 430** be amended on page 5, in line 1, after "taxpayers" by inserting "who have initially claimed a credit as permitted by subsection (e) prior to January 1, 2018, and"; in line 2, by striking "75%" and inserting "50%"; in line 9, by striking "25%" and inserting "10%";

On page 1, in the title, in line 3, after "years" by inserting "for certain qualified companies"; and the bill be passed as amended.

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:

Public Member, Employment Security Board of Review: K.S.A. 44-709(f)

Phillip Hayes, to fill a term expiring on March 15, 2021

Committee on **Ethics, Elections and Local Government** recommends **HB 2505** be amended on page 1, in line 25, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **Ethics, Elections and Local Government** recommends **HB 2597** be amended on page 1, in line 14, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2580**, as amended by House Committee, be passed.

Also, **SB 241** be amended on page 1, in line 7, by striking "2016" and inserting "2017";

On page 3, in line 3, by striking "2016" and inserting "2017";

On page 4, in line 39, by striking "2016" and inserting "2017";

On page 1, in the title, in line 3, by striking "2016" and inserting "2017"; and the bill be passed as amended.

HB 2444 be amended on page 1, in line 11, by striking "statute book" and inserting "Kansas Register"; and the bill be passed as amended.

HB 2448, as amended by House Committee of the Whole, be amended on page 4, in line 24, after "after" by inserting "the date upon which the director of the budget and the director of legislative research certify that the appropriation described in section 1(b) has been made for fiscal year 2019 and" in line 25, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

The Committee on **Transportation** recommends **Substitute for HB 2040** be amended on page 1, following line 5, by inserting:

"New Section 1. (a) No person shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the right or the safety of others, or inattentively in such a manner as to endanger, or be likely to endanger, any person or property.

(b) This section shall be a part of and supplemental to the uniform act regulating traffic on highways.";

On page 6, following line 25, by inserting:

"Negligent driving section 1 \$45";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the" and inserting "negligent driving;"; in line 2, after "buses" by striking the semicolon and inserting a comma; and the bill be passed as amended.

Also, **HB 2486** be amended on page 1, in line 16, after "with" by inserting ": (1)"; in line 17, after "motorcycles" by inserting "; and (2) a properly mounted slow-moving vehicle emblem as required by K.S.A. 8-1717, and amendments thereto"; and the bill be passed as amended.

HB 2511 be amended on page 1, in line 7, after "licenses" by inserting "issued on and after July 1, 2018, "; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 269** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 269," as follows:

"Substitute for SENATE BILL NO. 269

By Committee on Ways and Means

"AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for the 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. 2017 Supp. 75-2263, 75-4209, 75-6706, 79-4804 and 82a-953a and repealing the existing sections.";

And the substitute bill be passed.

Also, **Substitute for HB 2556** be amended on page 4, in line 16, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1777, SR 1778 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 20, 2018.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, March 21, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

