

Journal of the Senate

FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 8, 2018, 2:00 p.m.

In accordance with the provisions of the constitution of the State of Kansas and by virtue of her office as President of the Senate, Senator Susan Wagle declared the 2018 Senate to be in session.

President Wagle welcomed the Reverend Cecil T. Washington, who will again serve as the Senate Chaplain, and he delivered the following invocation:

Heavenly Father, we come again to begin a new legislative session. As we toil together, to deliver laws that will bless your people, we need Your wisdom to guide us.

In Proverbs 19:21, You said there are many plans in a man's heart, but it's the Lord's counsel...Your guiding principles that will stand.

In fact, You said in Psalm 33:10-12, that the plans of nations...mere human plans, crumble and are ruined. But Your plans will stand forever. Therefore, blessed is the nation whose God is the Lord Jehovah.

Lord, I'm reminded of the little boy, who went to his Pastor, trying to understand how he could fit Jesus into his heart, when the Lord was so big and he was so little. He said, "how could He fit in my heart? He would be sticking out all over." His Pastor said yes, that's what we want...that He might be seen in everything you do.

So, Lord, that's what we want in this legislature. We want You to be sticking out all over...to be seen in everything we do.

We want You to be seen in these Senators; in the supporting staff; in all who work in these halls.

And as legislation is delivered to Your people, let it be declared that it was Your presence and Your plans that prevailed.

I come once again, in the blessed Name of Jesus, Amen and Amen.

The Pledge of Allegiance was led by President Susan Wagle.

Roll was called by district with 39 senators present.

Senator Lynn was excused.

President Wagle introduced Dr. John Feehan, president of the Kansas Academy of Family Physicians. The Academy sponsors the Doctor of the Day program in the Statehouse. President Wagle thanked Dr. Feehan and the Academy for their support of the program and for their outstanding assistance during session.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Wagle, Denning and Hensley introduced the following Senate resolution,

which was read:

SENATE RESOLUTION No. 1758—

A RESOLUTION relating to the organization of the Senate.

Be it resolved by the Senate of the State of Kansas: That the Secretary of the Senate notify the House of Representatives that the Senate is organized with the following officers:

Susan Wagle, president,
 Jeff Longbine, vice-president,
 Jim Denning, majority leader,
 Anthony Hensley, minority leader,
 Corey Carnahan, secretary,
 Charles (Nick) Nicolay, sergeant at arms,
 and awaits the pleasure of the House of Representatives.

On emergency motion of Senator Denning **SR 1758** was adopted unanimously.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 255, AN ACT concerning emergency telephone services; relating to the Kansas 911 act; audits by the division of legislative post audit; amending K.S.A. 2017 Supp. 12-5377 and repealing the existing section, by Committee on Legislative Post Audit Committee.

SB 256, AN ACT designating a portion of United States highway 50 as the SGT Gregg Steimel and PFC Richard Conrardy memorial highway; amending K.S.A. 68-1027 and repealing the existing section, by Senator Doll.

SB 257, AN ACT concerning the Kansas family law code; relating to legal custody, residency and parenting time; presumption in court determinations; amending K.S.A. 2017 Supp. 23-3202 and repealing the existing section, by Senator Fitzgerald.

SB 258, AN ACT concerning information technology projects; prohibiting state agencies from using the same vendor to plan and implement projects in certain cases, exceptions; amending K.S.A. 2017 Supp. 75-7209 and repealing the existing section, by Committee on Legislative Post Audit Committee.

SB 259, AN ACT concerning the legislative division of post audit; relating to K-12 education performance audits; special education; amending K.S.A. 2017 Supp. 72-5173 and repealing the existing section, by Committee on Legislative Post Audit Committee.

SB 260, AN ACT concerning audits of state agencies; financial-compliance audits; Kansas lottery security audit; selection of auditor, contracts with; creating the Kansas lottery audit contract committee and the department of administration audit contract committee; creating the department of administration audit services fund; amending K.S.A. 46-1108, 46-1112, 46-1115, 46-1116, 46-1122, 46-1123, 46-1125, 46-1126, 46-1127 and 74-2424 and K.S.A. 2017 Supp. 39-709b, 46-1106, 46-1114, 46-1118, 46-1128, 46-1135, 74-4921, 75-5133 and 79-3234 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 46-1121 and 46-1134, by Committee on Legislative Post Audit Committee.

SB 261, AN ACT concerning appraisal of real property before purchase or disposal by the state or any agency thereof; relating to duties of the judicial administrator and the

director of property valuation; amending K.S.A. 2017 Supp. 75-3043a and repealing the existing section, by Senator Wilborn.

SB 262, AN ACT authorizing the construction of a permanent statue honoring Dwight D. Eisenhower on the state capitol grounds, by Senators Bowers and Hardy.

SB 263, AN ACT concerning agriculture; enacting the alternative crop research act; amending K.S.A. 2017 Supp. 21-5702 and repealing the existing section, by Senator Kerschen.

SB 264, AN ACT concerning elections; relating to application and ballot signature requirements for disabled voters; amending K.S.A. 2017 Supp. 25-1122, 25-1124 and 25-1128 and repealing the existing sections, by Senator Faust-Goudeau.

SENATE CONCURRENT RESOLUTION No. **SCR 1609**—

By Senator Pyle

A PROPOSITION to amend the constitution of the state of Kansas by creating a new section limiting the authority to close a school district or attendance center within a school district to locally elected boards of education.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 6 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 11. Closure of school districts or attendance centers. (a) The locally elected board of a school district shall be the only government entity that may close a school district or attendance center within such school district, except as provided by law

(b) The executive branch, judicial branch, state board of education or any constitutional officer of the executive department shall have no authority to effectuate the closure of a school district or attendance center within such school district by limiting, transferring, redirecting or stopping the expenditure of funds appropriated by law, except as provided by law."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to clarify that except as provided by law, the locally elected board of a school district shall be the only government entity that may close schools and the executive branch, judicial branch, state board of education or any constitutional officer of the executive department shall have no authority to effectuate the closure of a school by limiting, transferring, redirecting or stopping the expenditure of funds appropriated by law. "

"A vote for this proposition would clarify that except as provided by law, the locally elected board of a school district shall be the only government entity that may close schools."

"A vote against this proposition would provide no change to the Kansas constitution."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at a special election on April 17, 2018, or the next practicable Tuesday following April 17, 2018.

COMMUNICATION FROM STATE OFFICERS

January 8, 2018

The Honorable Susan Wagle
President, Kansas Senate
State Capitol
Topeka, Kansas 66612

Dear President Wagle:

During the 2017 Interim, I have received the reports and communications listed below. This listing will appear in the January 8, 2018 Senate Journal.

From Derek Schmidt, Attorney General, the annual report of the Consumer Protection and Antitrust Division.

From Alan D. Conroy, Executive Director, Kansas Public Employees Retirement System, the required annual report regarding KPERs Investments in Sudan.

From Greg Smith, Chairperson, the annual report of the Juvenile Justice Oversight Committee.

From James Hubbard, the annual report of the Johnson County Education Research Triangle.

From Scott W. Miller, Director, the annual report of the Pooled Money Investment Board.

From Pat Apple, Chairman, the annual Kansas Corporation Commission reports on Oil and Gas Remediation Site Status, Abandoned Oil and Gas Well Status, Utilities and Common Carriers, and Land-Spreading Procedures and Costs.

From the Office of Governor Sam Brownback:

Announcing the pardon of Mark Schmitt of Liberal, Kansas.

Executive Order 17-03 and 18-01, conditional and temporary relief from certain motor carrier rules and regulations.

Executive Directive 17-479, 17-481, 17-483, and 17-485 Authorizing Expenditure of Federal Funds.

Executive Directive 17-480, Authorizing Personnel Transactions and Expenditure of Federal Funds.

Executive Directive 17-482, Authorizing Personnel Transactions.

Executive Directive 17-484, Authorizing the Transfer of Funds between State General Fund Budget Units.

Sincerely,
Corey Carnahan

Secretary of the Senate

President Wagle announced that these reports are on file in the Office of the Secretary of State and available for review at any time.

MESSAGE FROM THE HOUSE

Announcing adoption of **HR 6038**, a resolution relating to the organization of the 2018 House of Representatives and selection of the following officers:

Ron Ryckman, Speaker of the House
 Scott Schwab, Speaker Pro Tem
 Don Hineman, Majority Leader
 Jim Ward, Minority Leader
 Susan Kannarr, Chief Clerk
 Foster Chisholm, Sgt. at Arms

and awaits the pleasure of the House of Representatives.

Announcing adoption of **HCR 5018**, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2018 session of the Legislature is duly organized and ready to receive communication. Representatives Powell, Dietrich and Murnan were appointed as members of the committee to wait upon the Governor.

Announcing adoption of **HCR 5019**, a concurrent resolution providing for joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor and for the purpose of hearing a message from the Supreme Court.

The following escorts are appointed for the State of the State:

To escort the Governor: Representatives Powell Dietrich and Gartner
 to escort the Lt. Governor: Representatives Hawkings, Mason and Horn
 to escort the Supreme Court: Representatives Rafie, Ralph and Hodge
 to escort the Senators: Representatives Jennings, Gallagher and Probst

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5018, HCR 5019 were thereupon introduced and read by title.

On emergency motion of Senator Denning, **HCR 5018** was adopted by voice vote.

On emergency motion of Senator Denning, **HCR 5019** was adopted by voice vote.

President Wagle appointed Senators Kerschen and Rogers to notify the Governor.

President Wagle appointed the following escorts are for the State of the State:

To escort the Governor: Senators Alley and Faust-Goudeau
 to escort the Lt. Governor: Senators Taylor and Hawk
 to escort the Supreme Court: Senators Baumgardner and Haley

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, January 9, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

