

Journal of the Senate

TWENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 22, 2019, 8:00 a.m.

The Senate was called to order by Senator Carolyn McGinn.

The roll was called with 31 senators present.

Senators Alley, Doll, Estes, Hawk, Hensley, Longbine, Olson, Sykes and Wagle were excused.

Invocation by Reverend Cecil T. Washington:

Lord, You've blessed us to see another weekend. As we bring the week to an end, don't let us end feeling weak. Give us a strong weekend. Give us a vigorous, yet easy weekend. As we take a break from the daily grind, let the weekend be refreshing and uplifting.

As we engage with family and loved ones...as we interact with neighbors, help us to protect and strengthen relationships. As we come and go, give us safe travel. If we find ourselves confronted with any problems, give us the energy, wisdom and guidance for resolution.

In Joshua 1:7, You gave Your people the keys to success. Help us apply them for ourselves. You told Your people to be strong, to be courageous, to be careful to obey You, to be careful to not stray, to be careful to follow all the principles in Your Word. And the results we can expect will be success and prosperity. So Lord, give us Your protection and grace for our travels. In Jesus' Name, I pray. Amen.

The Pledge of Allegiance was led by Senator McGinn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 211, AN ACT concerning the attorney general; relating to youth suicide prevention; appointment of a Kansas youth suicide prevention coordinator; duties, by Committee on Federal and State Affairs.

SB 212, AN ACT concerning the attorney general; relating to victim notification; creating a statewide Kansas victim information and notification everyday (VINE) coordinator, by Committee on Federal and State Affairs.

SB 213, AN ACT concerning open government; relating to the attorney general; legal representation or indemnification in alleged violations of the open records act or the open meetings act; amending K.S.A. 45-215 and K.S.A. 2018 Supp. 75-4317 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 214, AN ACT concerning the state child death review board; relating to confidentiality of records; exceptions; amending K.S.A. 2018 Supp. 22a-243 and

repealing the existing section, by Committee on Federal and State Affairs.

SB 215, AN ACT concerning crimes, punishment and criminal procedure; relating to acts of domestic battery; batterer intervention programs; endangering a child; amending K.S.A. 2018 Supp. 21-5414 and 21-5601 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **HB 2097, HB 2104, HB 2105.**

Transportation: **HB 2087, HB 2125, HB 2127.**

CHANGE OF REFERENCE

Under the authority of the President, Senator McGinn withdrew **SB 150** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Judiciary**.

Under the authority of the President withdrew **SB 194** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Public Health and Welfare**.

REPORTS OF STANDING COMMITTEES

Committee on **Utilities** recommends **SB 68** be amended on page 5, in line 9, by striking "(1)"; by striking all in lines 23 through 28; in line 30, by striking "(1)";

On page 10, following line 2, by inserting:

"(t) (1) Except as further provided in paragraph (2), a city:

(A) Shall not require a wireless services provider or a wireless infrastructure provider to enter into a franchise, franchise agreement, franchise ordinance, contract franchise or contract franchise ordinance, or otherwise impose any franchise-related obligation on such providers for the provision of wireless services;

(B) may, consistent with federal and state law, govern the use of the public right-of-way by a wireless services provider or a wireless infrastructure provider through a master license agreement, permitting requirements and municipal ordinances or codes, or any combination thereof; and

(C) may assess a wireless services provider or a wireless infrastructure provider a fixed right-of-way access fee for each small cell facility that the provider deploys that requires use of the city's public right-of-way, but such fee shall not be based on such provider's gross receipts derived from services provided within the city's corporate limits.

(2) The provisions of paragraph (1) shall only apply to a wireless infrastructure provider to the extent of such provider's operations and services as a provider for the deployment of small cell facilities in the city's public right-of-way that are used for the provision of wireless services. Nothing in this subsection shall be construed to apply to such provider's other operations and services as a utility or otherwise or have any effect on any franchise that is related to such other operations and services.

(3) Nothing in this subsection shall be construed as prohibiting a city from requiring a telecommunications local exchange service provider to enter into a valid contract franchise ordinance pursuant to this section.

(4) For the purposes of this subsection, the terms "public right-of-way," "small cell facility," "wireless infrastructure provider," "wireless services" and "wireless services

provider" shall have the same meaning as provided in K.S.A. 66-2019, and amendments thereto."; and the bill be passed as amended.

TRIBUTES

The Committee on Organization, Calendar, and Rules authorizes the following tributes for the week of February 18 through February 22, 2019:

Senator Billinger: congratulating the Fort Hays University Shooting Club on its success at the 2018 Scholastic Clay Target Program College National Championships;

Senator Bowers: congratulating Amanda Merrill on receiving the Girl Scout Gold Award, congratulating Janet Seehafer on being named the 2018 Northwest High School Choir Teacher of the Year Award;

Senator Braun: congratulating Ashley Nooner on being named to the All-Kansas Academic Team, congratulating Tye Sanders on being named to the All-Kansas Academic Team, congratulating Bianca McSwiggan on being named to the All-Kansas Academic Team;

Senator Faust-Goudeau: extending official recognition to the 8th Annual Art that Touches the Heart Event;

Senator Miller: congratulating Paul Borcharding on being named to the All-Kansas Academic Team;

Senator Olson: congratulating Grace Genis on receiving the Girl Scout Gold Award, congratulating Claire Genis on receiving the Girl Scout Gold Award; and

Senator Ware: congratulating Blake Taylor on receiving the Wayne Osness Award for his work as a physical education instructor.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, February 25, 2019.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

