

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 8, 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, we come again to pray for these that have been chosen to serve in these hallowed halls. I pray that You will motivate each of us to do as the Apostle Paul did in Acts 24:16. Because he endeavored to keep his conscience clear...clear before You and his fellowman, You used him to communicate Your heart to a world of people.

Lord, we know that a clear, guilt free conscience is necessary to be on Your wave length...to be in tune with You.

So, Lord, please forgive and remove anything and everything that might defile our conscience. Show us how to love our neighbor, even when it's not returned.

Help us to love others, like You love us; to be forgiving and less critical even when we feel like cussing them out.

Help us rise above the tendencies of our fallen natures. And as leaders in our homes, in our communities and in these halls, make each of us an instrument of your peace. Help us make clear and ethical decisions, communicating Your heart to the world of people we serve.

In the Name of Jesus, I pray. Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Tyson rose on a Point of Personal Privilege to recognize Thrill's Gourmet Kettle Corn Company, founded in Burlingame, Kansas.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 410, AN ACT concerning insurance; relating to captive insurance companies; providing for association captive insurance companies, branch captive insurance companies and special purpose insurance captives; rules and regulations; amending K.S.A. 40-4301, 40-4302, 40-4303, 40-4304, 40-4306, 40-4307, 40-4308, 40-4309, 40-4310, 40-4311, 40-4313, 40-4314, 40-4317 and 40-4318 and repealing the existing sections; also repealing K.S.A. 40-4305, by Committee on Financial Institutions and Insurance.

SB 411, AN ACT concerning driving privileges; relating to failure to comply with a

traffic citation; amnesty agreements; division of vehicles of the department of revenue; courts, by Committee on Judiciary.

SB 412, AN ACT concerning the employment security law; relating to benefits for privately contracted school bus drivers; amending K.S.A. 2017 Supp. 44-706 and repealing the existing section, by Committee on Federal and State Affairs.

SB 413, AN ACT concerning elections; relating to voting systems and procedures; ballot counts by voters; amending K.S.A. 25-1122a, 25-1138, 25-26a02, 25-2808, 25-3004 and 25-3006 and K.S.A. 2017 Supp. 25-2701, 25-2810, 25-4401, 25-4403, 25-4404, 25-4406, 25-4412, 25-4603, 25-4611 and 25-4613 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 414, AN ACT concerning agriculture; relating to the Kansas egg law; repackaging by retailers, requirements; amending K.S.A. 2017 Supp. 2-2510 and repealing the existing section, by Committee on Ways and Means.

SB 415, AN ACT concerning the Kansas state fair; relating to state sales tax revenues collected on the Kansas state fairgrounds; deposit of revenues in state fair capital improvements fund; amending K.S.A. 2017 Supp. 2-223 and repealing the existing section, by Committee on Ways and Means.

SB 416, AN ACT concerning deprivation of rights under color of law; creating the crime of deprivation of rights under color of law; civil cause of action; restitution; amending K.S.A. 2017 Supp. 22-3424 and repealing the existing section, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 405**.

Assessment and Taxation: **SB 400**.

Commerce: **SB 403**.

Ethics, Elections and Local Government: **SB 394**.

Federal and State Affairs: **SB 401, SB 408; HB 2470**.

Financial Institutions and Insurance: **SB 395, SB 399, SB 402**.

Judiciary: **SB 407, SB 409; HB 2474**.

Public Health and Welfare: **SB 398**.

Transportation: **SB 397, SB 404**.

Utilities: **SB 396**.

Ways and Means: **SB 406**.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 262**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Sykes introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1767—

A RESOLUTION recognizing the month of February as American Heart Month.
WHEREAS, Cardiovascular diseases kill one in three women in the United States, yet 80% of cardiovascular diseases may be prevented; and

WHEREAS, Cardiovascular diseases and strokes kill one woman every 80 seconds in the United States; and

WHEREAS, An estimated 44 million women in the United States are affected by cardiovascular diseases; and

WHEREAS, 90% of women have one or more risk factors for developing a heart disease or a stroke; and

WHEREAS, Women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than for someone else having a heart attack; and

WHEREAS, Only 36% of African-American women and 34% of Hispanic women know that heart disease is their greatest health risk, compared to 65% of Caucasian women; and

WHEREAS, The American Heart Association's Go Red For Women movement motivates women to learn their family history and to meet with a healthcare provider to determine their risk for cardiovascular diseases and strokes; and

WHEREAS, Women involved with the Go Red For Women movement live healthier lives; and

WHEREAS, The Go Red For Women movement encourages women to take control of their heart health by knowing and managing these five numbers: 1) Total cholesterol, 2) HDL (good) cholesterol, 3) blood pressure, 4) blood sugar, and 5) body mass index (BMI): Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the month of February as American Heart Month to raise awareness for the importance of the ongoing fight against heart diseases and strokes and urge all citizens to show their support for women and the fight against heart disease by wearing the color red to commemorate this day. By increasing awareness, speaking out about heart disease, and empowering women to reduce their risk for cardiovascular diseases, we can save thousands of lives each year; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Sykes.

On emergency motion of Senator Sykes **SR 1767** was adopted unanimously.

Guests introduced were Erin Laurie and Abbi Key.

The senate honored the guests with a standing ovation.

Senator Faust-Goudeau introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1768—

A RESOLUTION congratulating and commending Dr. Linda Fae Rhone and the Wichita Teacher Inquiry Group for their work to acknowledge bullying in schools.

WHEREAS, Bullying at school is larger than one child pushing, hitting or kicking another, but there have been no national conversations about how direct and indirect forms of bullying at school are connected to ideological beliefs, structural practices and cultural competence; and

WHEREAS, Dr. Linda Fae Rhone, of Wichita, Kansas, who earned her master's degree in social foundations of education at California State University, Los Angeles, and a doctor of education degree in curriculum and instruction/cultural foundations of education at West Virginia University, is now leading a program to bring social justice learning to a group of students in Wichita to address bullying at schools. She has been

supported by her mother Irene Strong Rhone and her sister Marva Joyce Rhone in her endeavors; and

WHEREAS, The Wichita Teacher Inquiry Group was funded and established in 2009 as a university and public school partnership. Dr. Kimberly Burkhalter assisted with this endeavor, designed to acknowledge that bullying can be systemic and perpetuated by school practices, administration and faculty, and that culturally competent teachers, teaching for social justice and using transformative teaching strategies, can lessen bullying behavior at school and communicate more effectively with culturally diverse families; and

WHEREAS, A new social justice grant project, the Wichita Scholars' Inquiry Group, focuses on middle and high school students, particularly those who are growing up in single-family homes, to help create opportunities for students to act out their growing sense of agency and to learn from and reflect on their successes and struggles; and

WHEREAS, The group will ultimately lead to a community research colloquium, to be held in the Wichita community to allow stakeholders to see that students have been exposed to the most current research in their areas of interests. Student-scholars will read their original research papers and will have the opportunity to discuss the research with the audience; and

WHEREAS, The group is the only one of its kind in the Midwest and moves beyond multiculturalism to promote critical thinking, social change, equity and social justice: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Dr. Linda Fae Rhone and the Wichita Teacher Inquiry Group for their work to acknowledge that bullying is a serious behavioral issue, for raising awareness about cultural competencies as a way to lessen bullying behavior, and for equipping teachers with transformational teaching strategies to lessen bullying and promote social justice in classrooms across the state of Kansas; and

Be it further resolved: That we support the Wichita Scholars' Inquiry Group in its continued effort to promote critical thinking and social justice among students in Kansas; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Faust-Goudeau and one enrolled copy to Dr. Linda Fae Rhone.

On emergency motion of Senator Faust-Goudeau **SR 1768** was adopted unanimously.

Guests introduced were Dr. Linda Rhone, Irene Rhone and Maura Rhone.

The senate honored the guests 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 Masterson in the chair.

On motion of Senator Masterson the following report was adopted:

SB 288; HB 2343 be passed.

SB 180, SB 282 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Francisco to amend **SB 282** failed.

The committee report on **SB 285** recommending **Sub SB 285** be adopted and

Sub SB 285 be amended by motion of Senator Petersen: on page 2, in line 23, by striking "and"; in line 24, after "designee" by inserting "; and

(D) the chief executive officer of the Kansas turnpike authority, or the chief executive officer's designee"

Sub SB 285 be further amended by motion of Senator Suellentrop; on page 3, in line 35, after the comma by inserting "the legislative"; in line 38, by striking all after "thereto"; by striking all in line 39; in line 40, by striking all before the period

Sub SB 285 be further amended by motion of Senator Baumgardner; on page 3, in line 43, by striking "statute book" and inserting "Kansas register"; and the substitute bill be passed as further amended.

A motion was offered by Senator Olson to re-refer **Sub SB 285** back to the Committee on Ways and Means.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 9; Nays 29; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Fitzgerald, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop.

Nays: Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Bollier, Kelly.

The motion failed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 180, SB 282; Sub SB 285; SB 288; HB 2343** were advanced to Final Action and roll call.

SB 180, AN ACT concerning law enforcement; relating to hiring practices and consideration of prior employment records; open records act; amending K.S.A. 2017 Supp. 45-220 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, 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: Bollier, Kelly.

The bill passed, as amended.

SB 282, AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, II and III; amending K.S.A. 2017 Supp. 65-4105, 65-4107 and 65-4109 and repealing the existing sections.

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 2; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-

Goudeau, Fitzgerald, Givens, Goddard, 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.

Present and Passing: Francisco, Haley.

Absent or Not Voting: Bollier, Kelly.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote "PASS" on SB 282. I appreciate the work of the Senate Committee on Public Health and Welfare and those agencies who testified in support of the bill however I cannot vote "YEA" after the amendment that was offered to remove Mitragynine from the list failed. I certainly recognize that there are legitimate concerns, however I have been hearing from individuals who are reporting positive benefits from the use of Kratom, the plant substance that includes Mitragynine. Most importantly there is interest in using Kratom to help individuals who are seeking relief from opioid addiction. If Mitragynine is added to the list of controlled substances we have taken away the opportunity for further research on this substance. We need that research as we search for solutions for the health of individuals and our communities.—

MARCI FRANCISCO

Senator Haley requests the record to show that he concurs with the Explanation of Vote offered by Senator Francisco on **SB 282**.

Sub SB 285, AN ACT concerning roads and highways; establishing the joint legislative transportation task force; relating to the evaluation of the state highway fund and the state highway transportation system; report to the legislature.

On roll call, the vote was: Yeas 33; Nays 5; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

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

Absent or Not Voting: Bollier, Kelly.

The substitute bill passed, as amended.

SB 288, AN ACT repealing K.S.A. 69-102; concerning service of process.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Hilderbrand

Absent or Not Voting: Bollier, Kelly.

The bill passed.

HB 2343, AN ACT concerning health and health care; relating to organ transplants; ensuring nondiscrimination in access to organ transplants.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, 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: Bollier, Kelly.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 194** be amended on page 1, in line 6, by striking "2016" and inserting "2017"; in line 12, by striking "\$1.50" and inserting "\$2.00"; in line 13, by striking all after "right"; by striking all in lines 14 through 16; in line 17, by striking all before the period; in line 22, by striking "may" and inserting "shall"; in line 25, by striking all after the period; in line 26, by striking all before the second "The"; in line 28, by striking "\$.10" and inserting "\$0.05";

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

On page 1, in the title, in line 2, by striking "2016" and inserting "2017"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2439**, as amended by Committee of the Whole, be passed.

Committee on **Ways and Means** recommends **SB 343** be passed.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, February 9, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

