

Journal of the Senate

SEVENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 24, 2017, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senators Bowers was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, in the beginning; in Genesis, the book of beginning began, You designed it to support humanity...to support us.

Then, to sustain us, after creating a place for us, You equipped it with plants and animals, fish and fowl; and everything we'd need. Then out of the dust, You brought forth the crown...the pinnacle of Your creation. You created us in Your image. You gave us the power of choice; the greatest privilege of all creation. So that in the same way that You chose to love us, we could choose to love You.

And based on Your Word, in Deuteronomy 6:5 and Matthew 22:36-40, what pleases You is love...to love You in the vertical, with all that we have and then to love others in the horizontal, as we love ourselves.

So Lord, by the loving guidance of Your Holy Spirit, help us to mimic You. In the same way that You were creative and made choice to love us, help us to be creative in choosing ways to love,

As we interact with others, whether at work, crafting legislation or at home engaging with loved ones, or in the community meeting with people, I pray that Love prevails. And Lord, when we fall short, because we'll never be perfect lovers, give us a nudge...prick our conscience and give us a push. For the only way we can become better lovers, is for You to jolt us into changing attitudes and actions that hinder the flow.

Help us to choose truthfulness verses deception, empathy more than sympathy, a desire to be understanding rather than to simply reject, to seek good over evil, peace over turmoil, harmony over discord and expressions of love over hate.

Let the stamp...the mark...the symbol of Your image of love permeate and prevail, in all that we do.

And lastly Lord, thank You for another answer to prayer. We asked You to bless Joyce Dugan, 2 year old daughter of Mark and Karrisa, who was in a coma after falling and hitting her head. Thanks for guiding the medical profession and bringing her out of that coma. We pray for her continued recovery.

I come to You, in the Name of Him who loved us to death, Amen and Amen.

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 253, AN ACT concerning insurance; pertaining to health benefit plans and dental plans; establishing the prompt payment act; amending K.S.A. 2016 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Ways and Means.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1751—

A RESOLUTION commemorating the 100th anniversary of Boy Scout Troop 301.

WHEREAS, Boy Scout Troop 301, known as "Troop 1," from Hutchinson and chartered to the First Presbyterian Church in Hutchinson, has reached its 100th year of continuous service; and

WHEREAS, Troop 1 was established in 1917 and has produced 653 Eagle Scouts, which is a notable achievement for a Troop of their size; and

WHEREAS, The first Eagle Scout from Troop 1 was Charles Grimes Colladay who achieved this honor in 1931; and

WHEREAS, Troop 1 has had 23 men serve as Scoutmaster. Notable Scoutmasters include Mr. A. Lewis Oswald, who served from 1930 until 1943 and helped establish many of the traditions Troop 1 still practices today, and Mr. Paul Dillon, who served an incredible 25 years from 1955 until 1980 and established the Troop 1 expectation that all Scouts should strive to become Eagle Scouts; and

WHEREAS, Troop 1 has left a lasting mark on the Hutchinson community through the many thousands of hours of community service the Scouts have performed and the numerous Eagle Scout projects they have completed; and

WHEREAS, Through the tireless efforts of the Scoutmasters, the Scouts, and their families, Troop 1 has helped countless young men to always "Be Prepared": Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate the 100th anniversary of Boy Scout Troop 301; and

Be it further resolved: That the Secretary of the Senate shall send 12 enrolled copies of this resolution to Senator Berger.

On emergency motion of Senator Berger **SR 1751** was adopted unanimously.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Jeff Longbine in the chair.

CHANGE OF REFERENCE

Under the authority of the Senate President, Vice President Longbine withdrew **HB 2186** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Senate Select Committee on Education Finance**.

On motion of Senator Petersen, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Longbine in the chair.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **Senate Substitute for HB 2278**, as amended by Senate Committee of the Whole, be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2016 Supp. 75-7c10 is hereby amended to read as follows: 75-7c10. Subject to the provisions of K.S.A. 2016 Supp. 75-7c20, and amendments thereto:

(a) The carrying of a concealed handgun shall not be prohibited in any building unless such building is conspicuously posted in accordance with rules and regulations adopted by the attorney general.

(b) Nothing in this act shall be construed to prevent any private employer from restricting or prohibiting by personnel policies persons from carrying a concealed handgun while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except that no employer may prohibit possession of a handgun in a private means of conveyance, even if parked on the employer's premises.

(c) (1) Any private entity which provides adequate security measures in a private building and which conspicuously posts signage in accordance with this section prohibiting the carrying of a concealed handgun in such building shall not be liable for any wrongful act or omission relating to actions of persons carrying a concealed handgun concerning acts or omissions regarding such handguns.

(2) Any private entity which does not provide adequate security measures in a private building and which allows the carrying of a concealed handgun shall not be liable for any wrongful act or omission relating to actions of persons carrying a concealed handgun concerning acts or omissions regarding such handguns.

(3) Nothing in this act shall be deemed to increase the liability of any private entity where liability would have existed under the personal and family protection act prior to the effective date of this act.

(d) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may permit any employee, who is legally qualified, to carry a concealed handgun in any building of such institution, if the employee meets such institution's own policy requirements regardless of whether such building is conspicuously posted in accordance with the provisions of this section:

- (1) A unified school district;
- (2) a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto;
- (3) a state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;
- (4) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;
- (5) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; or
- (6) an indigent health care clinic, as defined by K.S.A. 2016 Supp. 65-7402, and

amendments thereto.

(e) No public employer shall restrict or otherwise prohibit by personnel policies any employee, who is legally qualified, from carrying any concealed handgun while engaged in the duties of such employee's employment outside of such employer's place of business, including while in a means of conveyance. Public employers shall not be liable for any wrongful or negligent act of an employee carrying a concealed handgun that is not being carried in the course and scope of such employee's employment, concerning acts or omissions regarding such handguns.

(f) (1) It shall be a violation of this section to carry a concealed handgun in violation of any restriction or prohibition allowed by subsection (a) or (b) if the building is posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (j). Any person who violates this section shall not be subject to a criminal penalty but may be subject to denial to such premises or removal from such premises.

(2) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

(3) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for a law enforcement officer, as that term is defined in K.S.A. 2016 Supp. 75-7c22, and amendments thereto, who satisfies the requirements of either K.S.A. 2016 Supp. 75-7c22(a) or (b), and amendments thereto, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

(g) The provisions of this section shall not apply to the carrying of a concealed handgun in the state capitol.

(h) For the purposes of this section:

(1) "Adequate security measures" shall have the same meaning as the term is defined in K.S.A. 2016 Supp. 75-7c20, and amendments thereto;

(2) "building" shall not include any structure, or any area of any structure, designated for the parking of motor vehicles; and

(3) "public employer" means the state and any municipality as those terms are defined in K.S.A. 75-6102, and amendments thereto, except the term "public employer" shall not include school districts.

(i) Nothing in this act shall be construed to authorize the carrying or possession of a handgun where prohibited by federal law.

(j) The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on a building where carrying a concealed handgun is prohibited pursuant to subsections (a) and (b). Such regulations shall prescribe, at a minimum, that:

(1) The signs be posted at all exterior entrances to the prohibited buildings;

(2) the signs be posted at eye level of adults using the entrance and not more than

12 inches to the right or left of such entrance;

(3) the signs not be obstructed or altered in any way; and

(4) signs which become illegible for any reason be immediately replaced.";

On page 4, in line 9, after the stricken material by inserting a colon; in line 10, before "any" by inserting "(1)"; in line 11, by striking the period and inserting a semicolon; by striking all in lines 12 through 19; in line 20, by striking "(A)" and inserting "(2)"; in line 22, by striking "(B)" and inserting "(3)"; in line 24, by striking "(C)" and inserting "(4)"; in line 26, by striking "(D)" and inserting "(5)"; in line 28, by striking "(E)" and inserting "(6)"; by striking all in lines 35 through 43;

On page 5, by striking all in lines 1 through 7;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 6, in line 12, after "Supp." by inserting "75-7c10 and"; also in line 12, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "concerning the liability of public employers;"; also in line 3, after "Supp." by inserting "75-7c10 and"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

The Senate met pursuant to recess with Vice President Longbine in the chair.

On motion of Senator Denning the Senate adjourned until 10:00 a.m., Thursday, May 25, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

