

# Journal of the Senate

TWENTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 12, 2020, 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:

Down But Not Out  
2 Corinthians 4:8-9

Heavenly Father, we thank You that 12 failures, compared to 2 victories, did not discourage Abraham Lincoln. When we remember his February 12th birthday, let it be an encouragement to us to not let failures spell defeat.

Another example is the Apostle Paul. In view of the obstacles he faced, in spite of the rejection and efforts to kill him, You used him to give us most of the New Testament. In 2 Corinthians 4:8-9, he said, we have troubles on every side but we're not defeated.

Even when we don't know what to do we never give up. In times of suffering Your Word reminds us that You are with us. So, when we are knocked down, and those down times will come, we get back up again. So Lord, when we can see ourselves and our efforts being a benefit to people, keep us from being discouraged and dissuaded by setbacks. In spite of how many times we stumble or fall, remind us to get back up again. Someone has fittingly said that climbing a mountain is actually supported by the rough spots.

So Lord, thank You for growing us through our difficulties and using them to increase our faith in You. In the Name of our Lord and Savior, Amen and 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 414**, AN ACT concerning community improvement districts; relating to exceptions for inclusion into a district and for assessment of sales taxes; grocery stores; amending K.S.A. 2019 Supp. 12-6a29 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 415**, AN ACT concerning firearms; relinquishment thereof pursuant to certain court orders; criminal penalties; amending K.S.A. 2019 Supp. 22-3426, 60-3107 and 60-31a06 and repealing the existing sections, by Senator Sykes.

**SB 416**, AN ACT concerning the Kansas sexually violent predator act; relating to notice of release of a person who may be a sexually violent predator to the attorney general and multidisciplinary team; time; detention during proceedings; amending

K.S.A. 2019 Supp. 59-29a03 and 59-29a05 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 417**, AN ACT concerning alcoholic beverages; relating to class A clubs; authorizing the sale of alcoholic liquor at special events; amending K.S.A. 2019 Supp. 41-2601 and 41-2637 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 418**, AN ACT concerning the legislature; relating to the joint committee on information technology; requiring the committee to meet monthly; amending K.S.A. 46-2101 and repealing the existing section, by Senators Holland and Petersen.

**SB 419**, AN ACT concerning employment security law; relating to misclassification of employees; penalties; order to enjoin doing business; amending K.S.A. 2019 Supp. 44-766 and repealing the existing section, by Senator Holland.

**SB 420**, AN ACT concerning the Kansas offender registration act; requiring registration for certain violations of breach of privacy; amending K.S.A. 2019 Supp. 22-4902 and 22-4906 and repealing the existing sections, by Committee on Judiciary.

**SB 421**, AN ACT concerning criminal procedure; relating to restitution; support when offense resulted in the incapacitation or death of a victim who has a minor child or children; amending K.S.A. 2019 Supp. 22-3424 and repealing the existing section, by Senator Haley.

**SB 422**, AN ACT concerning civil actions; relating to actions for wrongful conviction and imprisonment; collateral actions; attorney general; amending K.S.A. 2019 Supp. 60-5004 and repealing the existing section, by Senator Haley.

**SB 423**, AN ACT establishing the Sedgwick county urban area nuisance abatement act, by Committee on Ways and Means.

**SB 424**, AN ACT concerning business entities; relating to series of a limited liability company; certain business filing provisions and requirements; business name, electronic signature, addresses for partnerships; statutory citation revisions; blanket music licenses; amending K.S.A. 17-2711, 56-1a151 and 56a-101 and K.S.A. 2019 Supp. 17-6014, 17-7675, 17-7679, 17-7680, 17-76,136, 17-76,139, 17-76,139, as amended by section 7 of this act, 17-76,143, 17-76,143a, 17-76,146, 17-76,146, as amended by section 11 of this act, 17-76,147, 17-78-601, 17-7904, 17-7910, 17-7918, 17-7923, 17-7933, 45-229, 56a-1001, 84-1-201 and 84-9-102 and repealing the existing sections; also repealing K.S.A. 57-205, 57-206, 57-207, 84-1-201, as amended by section 51 of chapter 47 of the 2019 Session Laws of Kansas, and 84-9-102 as amended by section 52 of chapter 47 of the 2019 Session Laws of Kansas and K.S.A. 2018 Supp. 17-7675, as amended by section 17 of chapter 47 of the 2019 Session Laws of Kansas, 17-7679, as amended by section 19 of chapter 47 of the 2019 Session Laws of Kansas, 17-7680, as amended by section 21 of chapter 47 of the 2019 Session Laws of Kansas, 17-76,136, as amended by section 36 of chapter 47 of the 2019 Session Laws of Kansas, 17-76,139, as amended by section 38 of chapter 47 of the 2019 Session Laws of Kansas, 17-76,143, as amended by section 39 of chapter 47 of the 2019 Session Laws of Kansas, 17-76,146, as amended by section 41 of chapter 47 of the 2019 Session Laws of Kansas, 17-7904, as amended by section 43 of chapter 47 of the 2019 Session Laws of Kansas, 17-7918, as amended by section 46 of chapter 47 of the 2019 Session Laws of Kansas, 17-7923, as amended by section 47 of chapter 47 of the 2019 Session Laws of Kansas, and 17-7933, as amended by section 49 of chapter 47 of the 2019 Session Laws of Kansas, by Committee on Commerce.

**SB 425**, AN ACT concerning health and healthcare; relating to home and community-based services; attendant care services; provisional employment during completion of criminal history record check, by Senator Francisco.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 410, SB 411.**

Ethics, Elections and Local Government: **SB 406, SB 412.**

Financial Institutions and Insurance: **SB 401, SB 402.**

Judiciary: **SB 403, SB 404, SB 405, SB 413.**

Public Health and Welfare: **SB 407, SB 409.**

Ways and Means: **SB 408.**

#### CONSIDERATION OF APPOINTMENTS

In accordance with Rule 55, the following appointment submitted by the Governor to the Senate for confirmation was considered.

Senator Denning moved the following appointment be confirmed as recommended by the Committee on **Federal and State Affairs**.

*By the Governor*

On the appointment to the:

*Kansas Human Rights Commission:*

Laurel Searles, Term ends January 15, 2023

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

The appointment was confirmed.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 152** be amended by adoption of the amendments recommended by the Senate Committee on Agriculture and Natural Resources as reported in the Journal of the Senate on February 25, 2019, and the bill, as amended by Senate Committee, be further amended on page 1, in line 18, after "1" by inserting "and class 5"; in line 19, after "(p)" by inserting "and (q)";

On page 9, in line 34, after "(p)" by inserting "(1)"; in line 37, by striking all before "The" and inserting ":

- (A) \$6,500 per active, hazardous waste injection well;
- (B) \$4,500 per active, non-hazardous waste injection well; or
- (C) \$1,000 for any hazardous or non-hazardous waste injection well in monitoring or inactive status.

- (2) The secretary shall provide for a reduction in such fees for facilities already

subject to fees under K.S.A. 55-1,117(d), and amendments thereto.

(q) The secretary shall adopt rules and regulations to establish fees for permitting, monitoring, testing, inspecting and regulating class 5 underground injection control wells, but in no case shall such fees exceed \$2,000 per well.

(r) ";

Also on page 9, in line 38, by striking "such"; also in line 38, after "fees" by inserting "established in subsections (p) and (q)";

On page 10, in line 21, by striking "2018 Supp.";

On page 11, in line 14, by striking the first "and" and inserting a comma; also in line 14, by striking the second "K.S.A."; in line 15, by striking all before "82a-1206";

On page 1, in the title, in line 4, by striking the first "and" and inserting a comma; also in line 4, by striking "K.S.A. 2018 Supp."; and the bill be passed as further amended.

Also, **SB 153** be amended on page 2, in line 6, by striking all after "that"; in line 7, by striking all before "the" and inserting "alters"; in line 8, by striking "or is likely to create a nuisance or" and inserting "so as to"; in line 10, before the semicolon by inserting ". "Pollutant" does not include any animal or crop waste or manure on an agricultural operation or in an agricultural facility"; in line 15, after "label" by inserting "or as part of normal agricultural activities";

On page 3, in line 10, by striking "\$10,000" and inserting "\$5,000"; in line 11, by striking all after the comma; in line 12, by striking all before the period and inserting "the maximum penalty shall not exceed \$15,000"; and the bill be passed as amended.

Committee on **Education** recommends **SB 284** be amended on page 2, in line 37, after "(g)" by inserting "(1)"; in line 38, by striking "or" and inserting a comma; also in line 38, after "cooperative" by inserting "or postsecondary educational institution"; following line 40, by inserting:

"(2) As used in this subsection, "postsecondary educational institution" means any: (A) Public university; (B) municipal university; (C) community college; (D) technical college; or (E) private postsecondary educational institution with its primary location in Kansas and that is accredited by and in good standing with the higher learning commission.";

Also on page 2, in line 41, after "(h)" by inserting "The director of vehicles shall issue a permanent placard to any institution under the direction of the secretary of the Kansas department for aging and disability services upon application to the director. Such placard shall only be used when transporting a patient who otherwise qualifies pursuant to this section for a placard or license plate.

(i)"; and the bill be passed as amended.

Also, **SB 277** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 302** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **SB 326** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

**CHANGE OF REFERENCE**

The President withdrew **SB 381** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Education**.

The President withdrew **SB 409** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Ways and Means**.

**SPECIAL REMARKS**

Senator David Haley submitted the following remarks:

LIFT every voice and sing until Earth and Heaven ring  
Ring with the harmonies of liberty.

Let our rejoicing rise High as the listening skies

Let it resound; loud as the rolling sea.

Sing a song full of the faith that the dark past has brought us,

Sing a song full of the hope that the present has brought us;

Facing the rising sun of our new day begun,

Let us march on till victory is won.

STONY the road we trod, bitter the chastening rod,

Felt in the days when hope unborn had died;

Yet with a steady beat, have not our weary feet,

Come to the place for which our father sighed?

We have come over a way that with tears have been watered.

We have come, treading our path through the blood of the slaughtered.

Out from the gloomy past, till now we stand at last

Where the white gleam of our bright star is cast.

GOD of our weary years, God of our silent tears,

Thou Who hast brought us thus far on the way;

Thou Who hast by Thy might, led us into the light,

Keep us forever in the path, we pray.

Lest our feet, stray from the places our God where we met Thee.

Lest our hearts, drunk with the wine of the world we forget Thee.

Shadowed beneath Thy hand, may we forever stand,

True to our God, true to our native land.

(LIFT EVERY VOICE AND SING "The Negro National Anthem")

James Weldon Johnson

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, February 13, 2020.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

