

Journal of the Senate

SIXTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 16, 2017, 10:00 a.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:

Lord, when You sent Moses to be a leader of Your people, it was expected they would want to know who was sending him; that they would want to know Your name.

Likewise, when we struggle and wrestle with the responsibilities of leadership, we need to know and the people we're leading need to know that we're not just here doing this on our own. It's essential for us to know who is backing us. What is the authority behind what we do? What is Your Name?

In Exodus 3:14-15, You said, tell the people 'ehyeh 'asher 'ehyeh' "I Am that I Am." You told Moses to tell the people that "I Am" sent him.

Lord, we don't usually talk like that. For a statement to have logic, the sentence needs a subject and a predicate. The subject identifies the doer in the sentence while the predicate identifies what is done.

When You sent us forth to represent You and Your authority among the people, help us understand that the "Great I Am" is backing us. You are the Doer. You are the Source. You are the Power. You are our God! But, You also are the predicate to complete the sentence. You complete whatever we need. Whatever we need, that's who You are!

Strength and wisdom for today; understanding and hope for tomorrow; that's who You are! A bridge over troubled water; a Guide through the maze of life; a sin-bearing Savior and Chaperon to Heaven. That's who You are!

Thank You for being The Great I Am! In Jesus' name, Amen.

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Assessment and Taxation: **HB 2380**.

MESSAGES FROM THE GOVERNOR

SB 14, SB 16 approved on May 15, 2017

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Rogers, Alley, Berger and Givens introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1748—

A RESOLUTION congratulating and commending the Kansas Association of School Boards on its 100th year of serving education leaders and inspiring student success.

WHEREAS, The Kansas Association of School Boards is a non-profit organization that is dedicated to serving members of governing boards for school districts, community colleges, vocational-technical schools and cooperatives, and interlocal and regional service centers; and

WHEREAS, The Kansas Association of School Boards is governed by a board of directors comprised of school board members from across Kansas; and

WHEREAS, The Kansas Association of School Boards believes all students are able to learn; an educated citizenry is essential to having a free society; education is often the most important factor in economic and social well-being; public education is a fundamental right that prepares students for the future and that local control of public schools is necessary to provide the best education to young people in Kansas; and

WHEREAS, The Kansas Association of School Boards strives to provide a culture of collaboration and service, is a voice for public education and seeks to improve education outcomes in Kansas; and

WHEREAS, The Kansas Association of School Boards assists local school boards, the cornerstone of our democracy, to accomplish their mission in a number of ways, including the formation of legislative policies and by providing legal assistance, leadership development and service, risk management programs, research and advocacy: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Kansas Association of School Boards on its 100th year of service and its ongoing support of public education in Kansas; and

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

On emergency motion of Senator Rogers **SR 1748** was adopted unanimously.

Guests introduced were Amy Martin, Don Shimkus, Dayna Miller, Patrick Woods, Shannon Kimball, Curt Herrman, Lori Black, Susan Walstoon, Gina McGowan and Frank Henderson.

The senate honored the guests with a standing ovation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

S Sub HB 2132, AN ACT concerning port authorities; relating to the sale of property; amending K.S.A. 2016 Supp. 12-3412 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Pilcher-Cook, Pyle, Tyson.

The substitute bill passed.

HB 2280, AN ACT concerning administrative rules and regulations; relating to review of rules and regulations by state agencies; reporting impact on business; joint committee on administrative rules and regulations; state rules and regulations board; membership; amending K.S.A. 2016 Supp. 77-416, 77-423 and 77-436 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Baumgardner, Fitzgerald, Hilderbrand, Masterson, Pilcher-Cook, Pyle, Suellentrop, Tyson.

The bill passed, as amended.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **Sub HB 2277**; **S Sub HB 2278**.

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.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2054**.

The House accedes to the request of the Senate for a conference on **H Sub SB 126** and has appointed Representatives Alford, Gallagher and Ousley as conferees on the part of the House.

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 Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

Sub HB 2277 be amended by motion of Senator Olson; on page 6, following line 28, by inserting:

"Sec. 3. K.S.A. 2016 Supp. 41-2641 is hereby amended to read as follows: 41-2641. (a) A license for a class B club shall allow the licensee to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members of such club and guests accompanying them; and (2) serve samples of alcoholic liquor free of charge on the licensed premises for consumption by such members and their families and guests accompanying them.

No charge of any sort may be made for a sample serving. A person may be served no more than five samples per visit. Samples may not be served to a minor. No samples

may be removed from the licensed premises. Providing samples is prohibited for any licensee who charges a cover charge or entry fee at any time during the business day. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) Except as provided by subsection (d), an applicant for membership in a class B club shall, before becoming a member of such club:

- (1) Be screened by the club for good moral character; and
- (2) pay an annual membership fee of not less than \$10; and
- ~~(3) wait for a period of 10 days after completion of the application form and payment of the membership fee.~~

(d) Notwithstanding the membership fee ~~and waiting period~~ requirement of subsection (c):

(1) Any class B club located on the premises of a hotel or RV resort may establish rules whereby a guest, who registered at the hotel or RV resort and who is not a resident of the county in which the club is located, may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and such temporary membership shall not be subject to the ~~waiting period or~~ fee requirement of this section.

(2) Any class B club located on property which is owned or operated by a municipal airport authority and upon which consumption of alcoholic liquor is authorized by law may establish rules whereby an air traveler who is a holder of a current airline ticket may file application for temporary membership in such club for the day such air traveler's ticket is valid, and such temporary membership shall not be subject to the ~~waiting period or~~ fee requirement of this section.

(3) Any class B club may establish rules whereby military personnel of the armed forces of the United States on temporary duty and housed at or near any military installation located within the exterior boundaries of the state of Kansas may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of the training, not to exceed 20 weeks. Any person wishing to make application for temporary membership in a class B club under this subsection (d)(3) shall present the temporary duty orders to the club. Temporary membership issued under this subsection (d)(3) shall not be subject to the ~~waiting period or~~ fee requirements of this section.

(4) Any class B club may enter into a written agreement with a hotel or RV resort whereby a guest who is registered at the hotel or RV resort and who is not a resident of

the county in which the club is located may file application for temporary membership in such club. The temporary membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and shall not be subject to the ~~waiting period or dues fee~~ requirement of this section. A club may enter into a written agreement with a hotel or RV resort pursuant to this provision only if: (A) The hotel or RV resort is located in the same county as the club; (B) there is no class B club located on the premises of the hotel or RV resort; and (C) no other club has entered into a written agreement with the hotel or RV resort pursuant to this section.

(5) Any class B club located in a racetrack facility where races with parimutuel wagering are conducted under the Kansas parimutuel racing act may establish rules whereby persons attending such races may file an application for temporary membership in such club for the day such person is attending such races, and such temporary membership shall not be subject to the ~~waiting period or fee~~ requirement of this section.

(e) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.";

Also on page 6, in line 29, by striking "is" and inserting "and 41-2641 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "relating to club memberships;"; also in line 3, after "41-719" by inserting "and 41-2641"; in line 4, by striking "section" and inserting "sections"

Sub HB 2277 be further amended by motion of Senator Longbine; on page 6, following line 28, by inserting:

"Sec. 3. On and after January 1, 2018, section 1 of 2017 House Substitute for Senate Bill No. 13 is hereby amended to read as follows: Section 1. (a) Notwithstanding the provisions of K.S.A. 41-1101, and amendments thereto, or the provisions of the Kansas cereal malt beverage act, a distributor may establish reasonable minimum order quantities or minimum dollar value of an order, or both, for ~~alcoholic liquor~~ beer and cereal malt beverages distributed by the distributor to a retailer.

(b) The provisions of K.S.A. 41-1101(b), and amendments thereto, shall apply to a person licensed pursuant to K.S.A. 41-2702, and amendments thereto, to sell cereal malt beverage and beer containing not more than 6% alcohol by volume to the same extent it applies to a retailer licensed pursuant to the Kansas liquor control act, and the provisions of K.S.A. 41-1101(d), and amendments thereto, shall apply to a retailer licensed pursuant to the Kansas liquor control act to the same extent it applies to a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto.

(c) This section shall be a part of and supplemental to the Kansas liquor control act.

(d) The provisions of this section shall be effective on and after April 1, 2019.";

Also on page 6, following line 29, by inserting:

"Sec. 5. On and after January 1, 2018, section 1 of 2017 House Substitute for Senate Bill No. 13 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "liquor" and inserting "beverages"; in line 3, after "and" by inserting "section 1 of 2017 House Substitute for Senate Bill No. 13 and"; in line 4, by striking "section" and inserting "sections"

And **Sub HB 2277** be passed as amended.

The committee report on **S Sub HB 2278** recommending **S Sub HB 2278** be adopted, be further amended by motion of Senator Berger; on page 4, in line 9, by striking the colon; in line 10, by striking "(1)"; in line 11, by striking the semicolon and inserting "

(1) (1) Except as provided in subsection (m) and paragraph (2), the governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may prohibit the carrying of concealed handguns in any building of such institution, including any building located on the grounds of the institution and any building leased by the institution, or any public area thereof, provided that the building or public area thereof is conspicuously posted in accordance with K.S.A. 2016 Supp. 75-7c10, and amendments thereto:";

Also on page 4, following line 26, by inserting:

"(2) Except as provided in subsection (m), any institution listed in paragraph (1) shall not prohibit the holder of a license issued pursuant to or recognized by the personal and family protection act from carrying a concealed handgun in any building of such institution or public area thereof, unless the building or public area has adequate security measures to ensure that no weapons are permitted to be carried into the building or public area or such institution provides gun lockers or similar storage options at the institution to ensure handguns in the possession of such persons are securely stored upon entry, and the building or public area thereof is conspicuously posted in accordance with K.S.A. 2016 Supp. 75-7c10, and amendments thereto.

(m) Any person who is a patient at Larned state hospital, Osawatomie state hospital, Kansas neurological institute or Parsons state hospital and training center is prohibited from carrying a concealed handgun in any building of such institution or public area thereof.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

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

On roll call, the vote was: Yeas 21; Nays 19; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Doll, Estes, Fitzgerald, Givens, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wilborn.

Nays: Bollier, Denning, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

EXPLANATION OF VOTE

Mr. Chair: Voting "NO" on this amendment, which would allow only concealed carry PERMIT holders to access our public facilities, is easy for me. As a part of my Explanation of Vote for supporting **SB 45** in 2015 (regarding public PERMITLESS concealed carry of weapons) stated (and which was signed on to by a record TWENTY Republican Senators), "...in our society, I prefer to favor the lawful over the lawless... provide the same personal safety and protection to a...law-abiding gun owning citizen that parallels (simply)...unregistered gun possess(ing)." This amendment reinstates the economic and time-consumptive annual registration fees and training requirements

which creates the disparity among those who CAN NOT afford either but deserve to be able to lawfully arm themselves just as much as those who CAN afford the money and the time to “register” and garner a “permit.” Again, I proudly and consistently vote NO on a reinstatement that will now, once again, perpetuate discrimination based on financial and free time ability favoring “legal” permit holders to carry weapons.—DAVID HALEY

Senator Bollier moved to further amend **S Sub HB 2278**.

Senator Olsen offered a priority motion to send the bill to the **Committee on Federal and State Affairs**.

Senator Schmidt offered a substitute motion that **S Sub HB 2278** be rereferred back to the **Committee on Ways and Means**. The motion carried.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **Sub HB 2277** was advanced to Final Action and roll call.

Sub HB 2277, AN ACT concerning alcoholic beverages; creating common consumption areas designated by cities and counties; authorizing common consumption area permits; relating to club memberships; amending K.S.A. 2016 Supp. 41-719 and 41-2641 and section 1 of 2017 House Substitute for Senate Bill No. 13 and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Alley, Baumgardner, Hilderbrand, Pyle, Tyson.

The bill passed, as amended.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, May 17, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

