

Journal of the Senate

FORTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 8, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 39 senators present.
Senator Doll was excused.
Invocation by Reverend Cecil T. Washington:

Most Holy and Gracious Father, we're here today, concerned with laws...legislating actions that mirror Your graciousness. We're looking to establish policies and procedures that align with Your will and Your ways.

To guide us in this, You've given us Your commands...commands that direct us on how to relate to You and how to treat others.

When it comes to efforts we launch, aimed at impacting the lives of others, You summarized in Matthew 7:11-12 what Your commands were all about. You said we're to treat others as we would want them to treat us.

So, Lord while we're on this mission to make our lives a little better, let Your Holy Spirit be our chaperon. GPS us; Guide us by Your Gracious, Proving Spirit to emulate Your will and Your ways, that life in our communities will be enhanced. In the Name of our Lord and Savior, Amen and Amen.

The National Anthem was played by the Winfield High School Orchestra. They also performed "Big Sky Serenade" commissioned especially for the orchestra's 130th anniversary. The senate honored the students with a standing ovation.

POINT OF PERSONAL PRIVILEGE

Senator Alley rose on a Point of Personal Privilege to recognize the Winfield High School Orchestra. In 1888 the Winfield School Board hired L M Gordon to teach orchestra, making it the very first public school orchestra in the United States. Over the years students have become players in major symphonies,conductors- including an assistant conductor of the New York Philharmonic and nationally known music educators. This year marks the 130th year of the long and illustrious musical history of the Winfield High School Orchestra and the tradition continues with the orchestra performing in the chamber today.

Senator Hensley rose on a Point of Personal Privilege to recognize The Kansas Volunteer Commission, one of 52 state service commissions nationwide, which engages staff and Governor-appointed Commissioners to achieve its mission of empowering all Kansans to meet community needs through service. The Kansas Volunteer Commission

manages the \$1.4 million AmeriCorps Kansas portfolio, supports mentoring organizations through Kansas Mentors and provides funding, training and resources to volunteer organizations throughout the state. The Kansas Volunteer Commission determines social needs in our state, sets policy and program priorities, competitively awards grants to local nonprofits and agencies, provides training and technical assistance, monitors grantees to ensure compliance with federal and state laws and helps Kansas tap the power of citizens to solve problems and strengthen our communities.

Senator Rogers rose on a Point of Personal Privilege to welcome advocates from the ARC of Sedgwick County. The group has made a difference in the lives of individuals and families living with intellectual and developmental disabilities in Sedgwick County for the past 60 years. ARC is a grassroots effort by parents concerned about services and future opportunities for their children. Their vision is for community based services. My first introduction to them was as a School Board member seeing their successful summer YESS program for K-12 grade students. They are here today to celebrate Developmental Disability Awareness Month. The following advocates of ARC of Sedgwick County were introduced: Marvin Patterson, Mary Hovey, Cammie Funston and Nicole Hall.

Senator V. Schmidt rose on a Point of Personal Privilege to recognize Kansas Boys and Girls Club Youth of the Year. Since 1947, Youth of the Year has been Boys and Girls Clubs of America's premier recognition program, celebrating the extraordinary achievements of Club members. Each year, one exceptional young person from a Boys and Girls Club rises to the role of National Youth of the Year. The National Youth of the Year serves as both an exemplary ambassador for Boys and Girls Club youth and as a strong voice for all of our nation's young people. The journey to being named National Youth of the Year begins locally and progresses to state, regional and national levels, with an additional military phase for members of BGCA-affiliated Youth Centers on U.S. military installations. The 2018 Youth of the Year candidates are: Ivy Auletti (Boys and Girls Clubs of Manhattan) Christopher Burrell (Boys and Girls Clubs of South Central Kansas) Isabel Calle (Fort Riley CYS Boys and Girls Club) Ruth Gathunguri (Boys and Girls Club of Lawrence) Tavian Gray (Boys and Girls Clubs of Hutchinson) Juleonna Stevenson (Boys and Girls Club of Coffeyville) Carlos Vega (Fort Leavenworth CYS Boys and Girls Club) Last night, Ruth Gathunguri was named the State Youth of the Year and will move on to regional and national competitions. Isabel Calle was named Kansas Military Youth of the Year. It was an honor last night to attend the Awards Ceremony with Sentors Billinger, Berger, Faust-Goudeau, Francisco and Goddard. These individuals gave speeches that were inspirational. They have all triumphed over many events in their lives and have succeeded through the support of mentors and interactions with the Boys and Girls Club staff at their respective clubs. They are gracious, humble, thankful individuals who represent Kansas well and certainly their clubs. Good luck to Ruth Gathunguri and Isabel Calle in the next competitions. Thank you for being here today and allowing us to honor each of you. You are all winners!

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 442, AN ACT concerning education; relating to the Kansas school equity and enhancement act; relating to transportation weighting; amending K.S.A. 2017 Supp. 72-5148 and repealing the existing section, by Committee on Ways and Means.

SB 443, AN ACT concerning children and minors; relating to preliminary inquiries to determine whether a child is in need of care; investigations of suspected abuse or neglect; amending K.S.A. 2017 Supp. 38-2223, 38-2226 and 38-2230 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:

Assessment and Taxation: **SB 437**, **SB 440**; **HB 2416**.

Judiciary: **SB 439**.

Public Health and Welfare: **SB 438**.

Transportation: **SB 441**; **HB 2606**.

MESSAGES FROM THE GOVERNOR

Executive Order No. 18-10 was submitted.

COMMUNICATIONS FROM STATE OFFICERS

March 7, 2018

Kansas Board of Regents submitted the Postsecondary Technical Education Authority annual report.

President Wagle announced the above report is on file in the office of the Secretary of the Senate and are available for review at any time.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2757**, **HB 2758**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2757, **HB 2758** were thereupon introduced and read by title.

FINAL ACTION ON CONSENT CALENDAR

HB 2435 having appeared on the Consent Calendar for the required two full legislative days without objection from any member was considered on final action.

HB 2435, AN ACT concerning emergency telephone services; relating to the Kansas 911 act; audits by the division of legislative post audit; amending K.S.A. 2017 Supp. 12-5377 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, Bollier, Bowers, Denning, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Willborn.

Absent or Not Voting: Doll, Holland.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SCR 1611, A CONCURRENT RESOLUTION making application to the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States that impose limits on the federal government, was considered on final action.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 22; Nays 16; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Hilderbrand, Kelly, McGinn, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Absent or Not Voting: Doll, Holland.

The Call of the Senate was lifted.

A two-thirds constitutional majority having not voted in favor of the resolution, **SCR 1611** was not adopted.

EXPLANATION OF VOTE

Madam President: I VOTE "NO" ON **SCR 1611**; WHICH WOULD CALL FOR KANSAS TO JOIN A COMPACT WITH OTHER STATES TO HOLD A CONSTITUTIONAL CONFERENCE. Our sworn oath of office to the Kansas Senate includes an affirmation to defend and protect the Constitution of the United States and the Constitution of the State of Kansas. Respecting our governments and fearful of the proposed uncertain procedures, it is my sincere belief that if this SCR were to pass, and the threshold for other States to convene were met, an ensuing convention might erode the Constitution of the United States of America.—DAVID HALEY

Senators Hawk, Kelly, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **SCR 1611**.

Madam President: I vote "NO" on **SCR 1611**. The United States Constitution has been amended 27 times since 1791, in every case by the amendment process under Article V, which provides that two-thirds of both houses of Congress approves an amendment and three-quarters of state legislatures are required to ratify it. This process involves elected representatives of the people at the federal and state levels. Over the past 227 years, this process has served all citizens of the United States very well. On the contrary, a convention of the states to amend the Constitution would put unelected, unaccountable delegates in charge with the potential of rewriting our entire Constitution. Article V gives no guidance on how a convention of the states would work. How would the rules be established? How many delegates would each state get? How will they be selected? Who will determine what issues the convention can consider? How much influence would powerful, well-funded special interest groups have over the delegates? If you believe, as I believe, that constitutional amendments should be proposed and ratified by those elected by the people, you should be voting "NO" on **SCR 1611**.—ANTHONY HENSLEY

Senators Haley, Hawk, Kelly, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SCR 1611**.

Madam President: These issues are very important to all of us and I applaud our body for addressing these very important issues within **SCR 1611**. This body has yet to address some very serious issues prior to this resolution. We already have 2 active resolutions calling for a convention. We have not clearly defined how we will be picking our delegates to represent our state. We have not clearly defined the rules of which our delegates will follow. We have not clearly defined the rules for which the amendments coming out of a convention will be ratified. We as a state government cannot with a clear conscious wish to impose term limits on our US government, when we ourselves do not have them. We as a state government cannot with a clear conscious wish to impose a balanced budget on our US government, when we use budget maneuvers to balance ours. We as a state government cannot with a clear conscious wish to impose restrictions on our US government while we have nearly 10,000 active state regulations. We must give our constituents what they are desperately seeking. But to do this we must lead by example. For these reasons I vote "NO".—RICHARD HILDERBRAND

Madam President: I, also, am concerned, no alarmed, with the federal debt and out of control federal spending, and believe the federal government is out of bounds constitutionally. At this time however, I cannot support calling an Article V convention, until the selection process for choosing delegates to the convention (for amending the constitution), and the process for ratification of adopted amendments is firmly understood and in place. Calling for an Article V convention before putting the appropriate processes in place is simply putting the cart ahead of the horse.—DENNIS PYLE

Senators McGinn, Rogers and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Pyle on **SCR 1611**.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 415** be passed.

Also, **SB 236** be amended on page 1, in line 6, by striking "2016" and inserting "2017";

On page 2, in line 37, 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 **Financial Institutions and Insurance** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, Kansas Public Employees' Retirement Systems Board of Trustees: K.S.A. 74-4905

James Zakoura, to fill a term expiring on January 15, 2021

REPORT ON ENROLLED BILLS

SR 1773 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 08, 2018.

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

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*
COREY CARNAHAN, *Secretary of the Senate.*

