

Journal of the Senate

FORTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 12, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

President Wagle introduced guest chaplain, Reverend Robert Smith, Saint Francis Ministries, to deliver the invocation:

Gracious and loving God. You created us for one another; You created us for community. Stay present in this chamber, dear God. Let Your loving presence be made known through right actions and decisions that fortify and uphold the common good. You made us for one another. We need one another. I pray Your love guides and directs all that are honored to serve the people of Kansas. Bless all who give themselves to the service of others; that with wisdom, patience and courage they may serve selflessly to the suffering, the friendless and needy. Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION No. SCR 1613—

By Senator Pyle

A PROPOSITION to amend article 14 of the constitution of the state of Kansas by adding a new section thereto, relating to reserving the initiative and referendum powers to the people.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 14 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 3. Initiative and referendum powers. (a) The people reserve the power to propose and enact or reject amendments to the constitution by initiative, independent of the legislature.

(1) An initiative amendment to the constitution may be proposed only by a petition signed by qualified electors equal in number to not less than 5% of the

number of electors who voted at the last preceding general election.

(2) An initiative petition shall be filed with the secretary of state not less than 90 days before the election at which the proposed amendment to the constitution is to be voted upon.

(3) An initiative petition shall include the full text of the proposed amendment to the constitution. A proposed amendment to the constitution shall not contain more than one subject and the enacting clause thereof shall be "Be it resolved by the people of the State of Kansas:".

(4) The title by which a proposed amendment to the constitution is submitted shall be specified in the initiative petition and shall be a brief nontechnical statement expressing the intent or purpose of the proposed amendment to the constitution and the effect of a vote for and a vote against the proposed amendment to the constitution.

(5) When more than one proposed amendment to the constitution is submitted at the same election, such proposed amendments to the constitution shall be so submitted as to enable the electors to vote on each proposed amendment to the constitution separately.

(6) One amendment of the constitution may revise any entire article, except the article on general provisions, and in revising any article, the article may be renumbered and all or parts of other articles may be amended, or amended and transferred to the article being revised.

(7) Not more than five amendments proposed by initiative shall be submitted at the same election.

(b) Notwithstanding the provisions of section 1 of article 2, the people reserve the power to propose and enact or reject laws by initiative, independent of the legislature.

(1) An initiative law may be proposed only by a petition signed by qualified electors equal in number to not less than 5% of the number of electors who voted at the last preceding general election.

(2) An initiative petition shall be filed with the secretary of state not less than 90 days before the election at which the proposed law is to be voted upon.

(3) An initiative petition shall include the full text of the proposed law. A proposed law shall not contain more than one subject and the enacting clause thereof shall be "Be it enacted by the people of the State of Kansas:".

(4) The title by which a proposed law is submitted shall be specified in the initiative petition and shall be a brief nontechnical statement expressing the intent or purpose of the proposed law and the effect of a vote for and a vote against the proposed law.

(5) When more than one proposed law is submitted at the same election, such proposed law shall be so submitted as to enable the electors to vote on each proposed law separately.

(c) The people reserve the power to approve or reject by referendum any bill enacted by the legislature, except as otherwise provided in this subsection.

(1) A referendum on a bill, or any part thereof, may be ordered by a petition signed by qualified electors equal in number to not less than 5% of the number of electors who voted at the last preceding general election. A referendum petition shall be filed with the secretary of state not more than 90 days after the

final adjournment of the session of the legislature at which the bill was passed.

(2) A referendum petition shall not be allowed on any part of a bill: (A) Necessary for the immediate preservation of the public peace, health or safety; or (B) making or repealing any appropriation.

(3) A referendum ordered by petition on a part of a bill shall not delay the remainder of the bill from becoming effective.

(4) A referendum on a bill may be ordered by the legislature by law.

(5) Notwithstanding section 14 of article 2, bills ordering a referendum and bills on which a referendum is ordered shall not require the signature of the governor or be subject to veto by the governor.

(d) All elections on initiative and referendum measures shall be held at the regular general elections in odd-numbered years, unless otherwise ordered by the legislature subject to subsection (c)(4).

(e) Notwithstanding any provision of this constitution to the contrary, an initiative or referendum measure becomes effective 30 days after the day on which it is enacted or approved by a majority of the votes cast thereon. When conflicting measures are approved at the same election, the one receiving the largest affirmative vote shall prevail.

(f) The provisions of this section shall be self-executing, but legislation may be enacted to facilitate its implementation. The legislature shall provide for reporting of expenditures and contributions made to support or oppose an initiative or referendum measure submitted to the electors pursuant to this section."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. This amendment would allow the people to propose and enact or reject amendments to the constitution by initiative, independent of the legislature. This amendment would also allow the people to propose and enact or reject laws by initiative, independent of the legislature. Finally, this amendment would allow a referendum on any bill enacted by the legislature, either by petition from the people, or by order of the legislature by law. A referendum petition would not be allowed on any part of a bill necessary for the immediate preservation of the public peace, health or safety or any part of a bill making or repealing any appropriation.

"A vote for this proposition would reserve to the people the power to propose and enact or reject laws and amendments to the constitution by initiative, independent of the legislature, and the power to approve or reject by referendum any bill enacted by the legislature.

"A vote against this proposition would not amend the constitution and would not reserve the initiative and referendum powers to the people."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2018, unless a special election is called at a sooner date by concurrent resolution of

the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 444, SB 445.**

CHANGE OF REFERENCE

The President withdrew **SB 415** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Assessment and Taxation**.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2572**.

The House concurs in Senate amendments to **HB 2106**.

The House concurs in Senate amendments to **HB 2362**.

The House nonconcurrs in Senate amendments to **HB 2470**, requests a conference and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2482**, requests a conference and has appointed Representatives Mason, Corbet and Whipple as conferees on the part of the House.

Announcing passage of **SB 405**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2572 was thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Skubal introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1774—

A RESOLUTION urging the small business community in Kansas to assist in developing a model for saving for retirement that is accessible to working Kansans.

WHEREAS, Nearly 45% of working-age households in the United States do not own any retirement assets; and

WHEREAS, Among those who do save for retirement in Kansas, the average 401(k) balance is only about \$23,000; and

WHEREAS, More than 420,000 Kansans do not have a way to save for retirement at work, leaving them more likely to rely on social security as their only source of retirement income; and

WHEREAS, The average monthly social security benefit in Kansas is \$1,281; and

WHEREAS, 47.9% of Kansans rely on social security for 50% or more of their retirement income; and

WHEREAS, In Kansas, 47% of the state's population would have an income below the poverty line without social security; and

WHEREAS, Nationwide, only 55% of private sector workers have access to a retirement plan at work; and

WHEREAS, In Kansas, 42% of private sector employees, including workers at all income levels and all levels of education, do not have access to a payroll deduction retirement plan; and

WHEREAS, In Kansas, only 20% of those who work for small businesses, meaning businesses with fewer than 10 employees, have access to a retirement plan at work; and

WHEREAS, Research shows that offering a person a way to save for retirement through their job dramatically increases their ability to save, and workers are 20 times more likely to save for retirement if they can do so automatically out of their paycheck; and

WHEREAS, Only 5% of people without access to a payroll deduction plan at work will establish a retirement savings plan strategy on their own; and

WHEREAS, AARP Kansas' data shows that, regardless of political affiliation, 68% of those surveyed believe that the state should do more to encourage retirement savings; and

WHEREAS, Half of all households are at risk of financial insecurity in retirement, causing taxpayers to shoulder the burden of ensuring that retirees have their basic needs met through social safety net programs; and

WHEREAS, Kansas could save \$51.7 million on public assistance programs between 2018 and 2032 if lower-income retirees save enough to increase their retirement income by \$1,000 more per year; and

WHEREAS, Making it easier for small businesses to offer a retirement plan to their workers and making it easier for employees to save their own money for retirement should be a high priority for policymakers; and

WHEREAS, It is in the best interest of Kansas small business employees, Kansas small business owners, taxpayers and for the state of Kansas to take action to enable Kansans to prepare for their futures and allow them to be self-sufficient in retirement, rather than depending on government services: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we encourage Kansans to prepare for retirement in a financially secure manner, to develop a retirement plan individually or through the workplace and to support state leaders in taking any and all measures necessary to make this an obtainable goal; and

Be it further resolved: That we urge Kansas' small business community and employees to join with the Legislature and the State Treasurer to assist in developing a model for saving for retirement through the workplace that is accessible to working Kansans; and

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

On emergency motion of Senator Skubal **SR 1774** was adopted unanimously.

Senators Tyson, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Lynn, McGinn, Petersen, Pettey, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1775—

A RESOLUTION urging the United States Department of Agriculture's Food and Nutrition Service to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.

WHEREAS, The Kansas Department of Health and Environment participates in the Kansas Senior Farmers Market Nutrition Program, which uses federal funding to provide low-income seniors with resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, herbs and honey from farmers markets, roadside stands and Community Supported Agriculture (CSA) programs; and

WHEREAS, Coupon redemption rates in Kansas have traditionally been low compared to other states; and

WHEREAS, Twelve percent of senior males and 24% of senior females eat significantly less protein than recommended; and

WHEREAS, Kansas has a strong tradition of an agricultural-based economy, and the agricultural sector employs 13% of the state's workforce; and

WHEREAS, Beef cattle ranching and farming, including feedlots and dual-purpose ranching and farming, is the top employer in the agriculture industry, with more than 42,000 employees in Kansas; and

WHEREAS, Purchases of locally sourced proteins, including unprepared meats and eggs, can support the local economy, farmers, farmers markets, roadside stands and CSA programs, thus reducing the number of "food miles" those commodities must travel to reach the end consumer; and

WHEREAS, The Kansas Department of Health and Environment can encourage education to low-income seniors about how to select, store and prepare local proteins: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we urge the United States Department of Agriculture's Food and Nutrition Service to consider and accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include the addition of proteins to improve the program and to stimulate the growth of the Kansas agricultural sector; and

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

On emergency motion of Senator Tyson **SR 1775** was adopted unanimously.

ORIGINAL MOTION

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2470**.

The President appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **HB 2482**.

The President appointed Senators Lynn, Suellentrop and Holland as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** 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:

Secretary, Kansas Department for Children and Families: K.S.A. 75-5301

Gina Meier-Hummel, to serve at the pleasure of the Governor

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, March 13, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

