

Journal of the Senate

SIXTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 4, 2018, 10:00 a.m.

As provided by **SCR 1615**, the Sine Die Session of the regular 2018 Kansas Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, You brought us to the end of another session. You've helped us through the good and through the not so good. You've been in every caucus, every committee meeting, every debate and every vote.

Even when we're not mindful of Your presence, You are mindful of ours. And You've guided us with Your watchful Eye. Your invisible hedge of protection has been a fence around us. I'm reminded of the words of Moses, in Deuteronomy 4:7; "No other nation, no matter how great, has a god who is so near when they need him as the LORD our God is to us."

You answer whenever we call. And even before we call, You've already answered. Now, Lord, like Enoch, in Genesis 5:24, we look forward to walking home with You. In Jesus' Name, I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

MESSAGE FROM THE HOUSE

The House adopts the conference committee report to agree to disagree and appoints Representatives Johnson, Phillips and Sawyer as Second conferees on **SB 296**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 296** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

STEVE JOHNSON

TOM PHILLIPS

TOM SAWYER

Conferees on part of House

CARYN TYSON

DAN KERSCHEN

TOM HOLLAND

Conferees on part of Senate

On motion of Senator Tyson the Senate adopted the conference committee report on **SB 296**, and requested a new conference be appointed.

The President appointed Senators Tyson, Kerschen and Holland as a second Conference Committee on the part of the Senate on **SB 296**.

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

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

MESSAGES FROM THE GOVERNOR

SB 419 approved on May 04, 2018

REPORT ON ENROLLED BILLS

SB 217, SB 261, SB 282, SB 288, SB 335, SB 348, SB 375 reported correctly enrolled, properly signed and presented to the Governor on May 04, 2018.

SR 1791, SR 1792, SR 1793, SR 1794, SR 1795 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 04, 2018.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the Veto Session of the 2018 Kansas Senate:

Senator Bowers: celebrating Leila Rhoads' 100th Birthday, celebrating Donald and Jeanette Barrett's 70th Wedding Anniversary;

Senator Hardy: celebrating Helen Smith's 100th Birthday, celebrating Harriet Maxine Banninger-Slick's 100th Birthday;

Senator Hawk: recognizing Jack and Donna Vanier for their contributions to Kansas State University and the State of Kansas;

Senator Kerschen: congratulating the Garden Plain High School Girls Basketball Team on winning the 2018 3A State Championship; Senator Lynn: congratulating Evan Mayo on achieving the rank of Eagle Scout;

Senator Schmidt: recognizing Sydney Irene Wilson for her athletic and academic achievements;

Senator Haley and Senator Skubal: recognizing Elliott Threatt on his many contributions to his community and the State of Kansas; and

Senator Hilderbrand and Senator Tyson: recognizing Harvey Dean for his service and commitment to K-12 education and the State of Kansas.

As provided by **SCR 1615**, Senator Denning moved the Senate adjourn Sine Die. The motion prevailed.

President Wagle thereupon announced: "By virtue of the authority vested in me as the president of the Senate, I now declare the 2018 Session of the Kansas Senate adjourned Sine Die."

MESSAGES FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2488**.

The House adopts the Conference Committee report on **SB 449**.

The House adopts the Conference Committee report on **SB 296**.

The House not adopts the Conference Committee report on **S Sub HB 2228**.

The House adopts the Conference Committee reports on **HB 2111**.

The following bills and concurrent resolutions are hereby transmitted to the Senate with final disposition:

Senate bills that died on the House Calendar: **SB 146, SB 343, SB 433**.

Senate bills that died in House Committees: **SB 18, SB 25, SB 28, SB 48, H Sub SB 52, SB 62, SB 67, Sub SB 69, SB 75, SB 87, SB 88, SB 92, SB 93, SB 94, SB 114, SB 117, SB 130, SB 135, SB 136, SB 137, SB 138, SB 144, SB 181, SB 186, Sub SB 189, Sub SB 198, SB 221, SB 247, SB 255, SB 265, Sub SB 269, Sub SB 285, SB 292, SB 301, SB 303, SB 309, SB 312, SB 313, SB 314, SB 352, SB 353, SB 367, SB 418, SB 422, SB 429, SB 430**.

Senate concurrent resolutions that died in House Committee: **SCR 1612**.

REPORT ON ENROLLED BILLS

SB 281, SB 310, SB 328, H Sub SB 336, SB 461 reported correctly enrolled, properly signed and presented to the Governor on May 7, 2018.

SB 180, SB 199, SB 260, SB 266, SB 284, H Sub SB 391, SB 415 reported correctly enrolled, properly signed and presented to the Governor on May 8, 2018.

H Sub SB 109 reported correctly enrolled, properly signed and presented to the Governor on May 9, 2018.

H Sub SB 179 and **H Sub SB 374** reported correctly enrolled, properly signed and presented to the Governor on May 11, 2018.

MESSAGES FROM THE GOVERNOR

SB 61 approved on May 7, 2018.

SB 217, SB 261, Sub SB 272, H Sub SB 307, SB 310, SB 328, SB 331, SB 335, SB 348, SB 375 approved on May 8, 2018.

SB 180, SB 260, SB 266, SB 336 approved May 10, 2018.

H Sub SB 56 approved May 11, 2018.

SB 179, SB 199, SB 282, SB 288, H Sub SB 374, SB 461 approved May 14, 2018.

SB 281, H Sub SB 391, SB 415 approved May 16, 2018.

SB 284 approved May 18, 2018.

MESSAGE FROM THE GOVERNOR

The following message with the Governor's objections to **H Sub SB 109**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing and directing payment of certain claims against the

state; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2017 Supp. 75-2263, 75-4209, 75-6706, 79-4804 and 82a-953a and repealing the existing sections.; was received.

**MESSAGE FROM THE GOVERNOR
REGARDING HOUSE SUBSTITUTE FOR SENATE BILL 109**

Pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return House Substitute for Senate Bill 109 with my signature approving the bill, except for the items enumerated below.

Kansas Highway Patrol—Claim

Section 9 is vetoed in its entirety.

This provision would require the highway patrol to pay \$11,833.60 to an individual for the repayment of cash funds alleged to have been improperly seized and turned over to a federal agency in 1995. Adherence to the rule of law requires that such matters be properly adjudicated in the courts. The individual in question here could have sought recovery against the proper parties in the proper forums, but either failed to do so or did not do so successfully. Furthermore, the criminal history of this individual, which includes multiple felony convictions for burglary and theft, as well as drug trafficking, casts doubt upon the veracity and soundness of the claim. It would be bad precedent, and bad policy, to make this payment in this manner, especially with bill language that accuses law enforcement officers of an improper act without the benefit of due process.

Insurance Department—Insurance Department Service Regulation Fund

Section 43(b) is vetoed in its entirety.

The 2018 Legislature reduced the transfer from the Insurance Department Service Regulation Fund to the State General Fund by \$8.0 million in FY 2019. This transfer was part of the budget approved by the 2017 Legislature. I veto this transfer reduction.

Board of Indigents' Defense Services—Legal Services for Prisoners, Inc. Health Insurance

Section 44(a) and Section 45(a) legal services for prisoners are line item vetoed.

The Legislature appropriated \$25,000 from the State General Fund in both FY 2018 and FY 2019 for legal services for prisoners. Legal Services for Prisoners, Inc. is a non-profit corporation that provides legal assistance to indigent inmates of Kansas correctional institutions. The two employees of the corporation are private contractors and not state employees. Therefore, the state has no oversight over the corporation's health insurance plan design or selection. I therefore veto the line items that provide this funding in the bill.

Department of Commerce—Global Trade Services

Section 58(e) Global Trade Services line-item is vetoed.

The 2018 Legislature overspent resources in the Economic Development Initiatives Fund (EDIF) by \$309,802 in FY 2019, which will require reductions to balance the EDIF budget. Global Trade Services is currently funded with the Department of Commerce's EDIF Operating Grant. The Legislature created a separate line item of \$125,000 to provide enhanced funding for this program in FY 2018. However, the enhanced funding is not needed to fully fund and operate this program for the last few months of the fiscal year. Because EDIF resources are being overspent, this item is

vetoed. Funding for this program will continue from the EDIF Operating Grant in FY 2018.

Department of Commerce—Kansas International Trade Show Assistance

Section 58(e) and Section 59(a) Kansas International Trade Show Assistance line-items are vetoed.

The 2018 Legislature overspent resources in the EDIF by \$309,802 in FY 2019, which will require reductions to balance the EDIF budget. Kansas International Trade Show Assistance is currently funded with the Department of Commerce's EDIF Operating Grant in both FY 2018 and FY 2019 and the Legislature created separate line items of \$50,000 in FY 2018 and \$127,000 in FY 2019 to fund this program. Because EDIF resources are being overspent, these items are vetoed. Funding for this program will continue from the EDIF Operating Grant in both FY 2018 and FY 2019. The Legislature added additional funding for this program in FY 2019; however, the enhanced funding is not needed to fully fund and operate this program.

Department of Commerce—Innovation Growth Program

Section 59(a) Innovation Growth Program line-item is vetoed.

The 2018 Legislature overspent resources in the EDIF by \$309,802 in FY 2019, which will require reductions to balance the EDIF budget. The Legislature created a new line item of \$65,643 in FY 2019 for the Innovation Growth Program. The Department of Commerce previously operated this program; however, funding was eliminated in FY 2016. Because EDIF resources are being overspent, this item is vetoed.

Department of Health and Environment—PRTF 60 Day Admission Policy

Section 67(i) & 68(i) are vetoed in their entirety.

The Mental Health Parity Act prohibits states from imposing conditions or limits on mental health services that are not imposed on physical health services. Instead, medical necessity should be determined and if a mental health service is deemed necessary, the state is required to cover it. In October 2015, the Department for Aging and Disability Services discontinued its policy of requiring mental health screenings prior to admission to inpatient psychiatric beds at community hospitals and residential treatment facilities. The screenings were discontinued in response to the potential loss of federal funding as outlined in the Mental Health Parity Act. This administration is working on Psychiatric Residential Treatment Facility (PRTF) issues and is aware of concerns with length of stays at PRTFs. The administration will continue to work with the Kansas Department of Health and Environment, the Kansas Department for Aging and Disability Services and the Mental Health Task Force to resolve any issues. While the cost may be justified by the benefits to be obtained from the screenings, approving this provision could additionally jeopardize substantial federal funding of inpatient Medicaid services. I therefore veto these sections of the bill.

Department of Health and Environment—KanCare Funding

The portion of Section 68(a) that reads as follows is line item vetoed:

Provided, however, That during fiscal years 2018 and 2019, if any new eligibility requirements or limitations are imposed by any state agency to receive state medicaid services under the Kansas medical assistance program, then on the effective date of such imposition, the amounts appropriated for the department of health and environment – division of health care for the fiscal year ending June 30, 2019, by section 95(a) of chapter 104 of the 2017 Session Laws of Kansas and this act from the

state general fund in the other medical assistance account are hereby lapsed.

Section 118 of this bill addresses the Legislature's concerns with potential changes to the KanCare Program; this proviso is not necessary.

Department for Children and Families—Jobs for America's Graduates-Kansas

Section 74(e) is vetoed in its entirety.

Jobs for America's Graduates-Kansas (JAG-K) is a program that targets children at-risk of failing in school by offering in-class instruction, mentoring, leadership development and job and postsecondary placement to participants. JAG-K is funded entirely with funding received from the Federal Government through the Temporary Assistance for Needy Families Block Grant; no state funds are used for the program. The Temporary Assistance for Needy Families Fund has a history of having no expenditure limitation placed upon it and there is no recent history of placing an expenditures limitation upon the JAG-K Program. This section would place an expenditure limitation totaling \$5.8 million upon the JAG-K Program in FY 2019. Limiting funding for the JAG-K Program could prevent the agency from providing assistance to at-risk children that would otherwise qualify to participate in the program; therefore, I veto this section to allow the agency flexibility to assist more at-risk children if given the opportunity.

Kansas Highway Patrol—Troop B Building

Sections 100 (b), 100 (c) and 100(d) are vetoed in their entirety.

The Kansas Highway Patrol currently leases the land and improvements comprising the Troop B headquarters located in Shawnee County. Lease payments have been made from a Federal Forfeiture revenue stream. While there is a concern that this funding resource may be discontinued in the future, funds are available presently to cover lease payments. The option to purchase could be reviewed at such time Federal Forfeiture funds are no longer sufficient to cover lease obligations. Continuing with a lease arrangement that provides maintenance is desirable over purchasing and adding the responsibility of ongoing maintenance. In addition, this veto prevents an increase in the state's outstanding debt. The funds used for debt service of the bonds to purchase the facility were to be financed from the State Highway Fund. As a result of this veto, the State Highway Fund will have an additional \$300,000 for highway projects.

Dated: May 15, 2018

JEFF COLYER, *Governor*

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

