

# Journal of the Senate

## SEVENTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
 Wednesday, February 6, 2019, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Lord, we bow our heads, to indicate an inward bowing of our souls.

There's a lot of discussion going on today, about the state of the union and about the condition of this nation we call home. Much of the dialogue and debate touches on the true status or quality of our existence and how to make improvements.

Some argue for one way; others, for another way. To whom do we listen? Who is making the determination and by what means? How is the state or quality of our existence to be measured?

Of all the various ideas put forth on how to improve the state or quality of our living, there's one that tends to rise above them all. In Psalm 33:12, You give us the answer with these words, "Blessed (prosperous and to be envied) is the nation whose God is the Lord!" Proverbs 14:34 reveals that Your standard of Righteousness is what elevates a nation.

So, "In God We Trust" was added to our currency, and was added as our official motto. "Under God" was also added to our Pledge of Allegiance. So, the call to "Make America Great Again" has to rely on "Making America PRAY again!"

Lord, may the state of our homeland and the state of each of us as individuals be determined by the degree to which we bow in submission and trust to You. I appeal to You on behalf of us all, in the powerful, precious Name of Jesus. Amen!

The Pledge of Allegiance was led by Vice President.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 105**, AN ACT concerning cities; relating to elections; amending K.S.A. 25-313 and K.S.A. 2018 Supp. 25-2120 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

**SB 106**, AN ACT concerning the attorney general; relating to civil actions for wrongful conviction and imprisonment; collateral actions; amending K.S.A. 2018 Supp. 60-5004 and repealing the existing section, by Committee on Judiciary.

**SB 107**, AN ACT concerning insurance; relating to attorney fees in certain actions; amending K.S.A. 40-908 and repealing the existing section, by Committee on Judiciary.

**SB 108**, AN ACT concerning children; relating to crimes and punishment;

involuntary manslaughter; abuse of a child; revised code for care of children; presumption of unfitness; amending K.S.A. 2018 Supp. 21-5405, 21-5602 and 38-2271 and repealing the existing sections, by Committee on Judiciary.

**SB 109**, AN ACT repealing the Kansas uninsurable health insurance plan act; amending K.S.A. 40-3232 and repealing the existing section; also repealing K.S.A. 40-2117, 40-2119, 40-2121, 40-2125, 40-2126, 40-2128, 40-2129, 40-2130 and 40-2131 and K.S.A. 2018 Supp. 40-2118, 40-2120, 40-2122, 40-2123, 40-2124 and 40-2127, by Committee on Financial Institutions and Insurance.

**SB 110**, AN ACT concerning agriculture; relating to confined feeding facilities for chickens; health impact assessment, by Senator Holland.

**SB 111**, AN ACT concerning agriculture; relating to poultry confinement facilities; providing for the establishment thereof in a county; amending K.S.A. 2018 Supp. 17-5903 and 17-5904 and repealing the existing sections, by Senator Holland.

**SB 112**, AN ACT concerning agriculture; relating to poultry processing facilities and poultry slaughter facilities; providing for the establishment thereof in a county; amending K.S.A. 2018 Supp. 17-5903 and 17-5904 and repealing the existing sections, by Senator Holland.

**SB 113**, AN ACT concerning health and healthcare; enacting the veterans first medical cannabis act; relating to medical cannabis; providing for registration of patients; licensure of medical cannabis grower-distributors and medical cannabis dispensaries; establishing the cannabis regulatory commission; taxation of cannabis; amending K.S.A. 65-2836, 65-28a05, 65-28b08 and 79-5210, K.S.A. 2017 Supp. 65-1120, as amended by section 5 of chapter 42 of the 2018 Session Laws of Kansas, and K.S.A. 2018 Supp. 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 79-3606 and 79-5201 and repealing the existing sections, by Senators Holland, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Miller and Pettey.

**SB 114**, AN ACT concerning payment of healthcare costs of persons in custody of governmental entities; amending K.S.A. 2018 Supp. 22-4612 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 115**, AN ACT concerning elections; enacting the interstate compact on the agreement among the states to elect the president by national popular vote; amending K.S.A. 25-802 and 25-804 and repealing the existing sections, by Senator Haley.

**SB 116**, AN ACT concerning elections; relating to petitions; concerning recognition of political parties; amending K.S.A. 2018 Supp. 25-302a and 25-3602 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

**SB 117**, AN ACT concerning domestic animals; relating to the animal health commissioner; treatment and transportation of diseased dogs and cats; amending K.S.A. 2018 Supp. 47-635 and repealing the existing section; also repealing K.S.A. 2018 Supp. 47-646a, by Committee on Agriculture and Natural Resources.

**SB 118**, AN ACT concerning counties; relating to closure of county hospitals, debts or obligations; amending K.S.A. 19-4625 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 119**, AN ACT concerning courts; relating to specialty courts; supreme court rules; ex parte communications, by Senator Haley.

**SCR 1605** A PROPOSITION to amend section 1 of article 10 of the constitution of the state of Kansas; relating to reapportionment of senatorial and representative districts, by Committee on Ethics, Elections and Local Government.

A PROPOSITION to amend section 1 of article 10 of the constitution of the state of Kansas; relating to reapportionment of senatorial and representative districts.

*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: Section 1 of article 10 of the constitution of the state of Kansas is hereby amended to read as follows:

**"§1. Reapportionment of senatorial and representative districts.** ~~(a) At its regular session in 1989, the legislature shall by law reapportion the state representative districts, the state senatorial districts or both the state representative and senatorial districts upon the basis of the latest census of the inhabitants of the state taken by authority of chapter 61 of the 1987 Session Laws of Kansas. At its regular session in 1992, and at its regular session every tenth year thereafter, the legislature shall by law reapportion the state senatorial districts and representative districts on the basis of the population of the state as established by the most recent census of population taken and published by the United States census bureau of the census. Senatorial and representative districts shall be reapportioned upon the basis of the population of the state adjusted: (1) To exclude nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and (2) to include military personnel stationed within the state who are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence. Bills reapportioning legislative districts shall be published in the Kansas register immediately upon final passage and shall be effective for the next following election of legislators and thereafter until again reapportioned.~~

(b) Within 15 days after the publication of an act reapportioning the legislative districts within the time specified in (a), the attorney general shall petition the supreme court of the state to determine the validity thereof. The supreme court, within 30 days from the filing of the petition, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall enact a statute of reapportionment conforming to the judgment of the supreme court within 15 days.

(c) Upon enactment of a reapportionment to conform with a judgment under (b), the attorney general shall apply to the supreme court of the state to determine the validity thereof. The supreme court, within 10 days from the filing of such application, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall again enact a

statute reapportioning the legislative districts in compliance with the direction of and conforming to the mandate of the supreme court within 15 days after entry thereof.

(d) Whenever a petition or application is filed under this section, the supreme court, in accordance with its rules, shall permit interested persons to present their views.

(e) A judgment of the supreme court of the state determining a reapportionment to be valid shall be final until the legislative districts are again reapportioned in accordance herewith."

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

*"Explanatory statement.* The purpose of this amendment is to eliminate the adjustment of census taken by the United States census bureau regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives.

"A vote for this proposition would eliminate the adjustment of census taken by the United States census bureau regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives.

"A vote against this proposition would continue in effect the requirement for the adjustment of census taken by the United States census bureau regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives."

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 2019, 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 104.**

Federal and State Affairs: **SB 98, SB 99; SCR 1604.**

Judiciary: **SB 95, SB 96, SB 100, SB 101, SB 102, SB 103.**

Public Health and Welfare: **SB 93.**

Transportation: **SB 94, SB 97.**

#### **COMMUNICATIONS FROM STATE OFFICERS**

February 05, 2019

The Fiscal Year 2018 Annual Report of the Kansas Board of Indigents' Defense Services has been submitted.

The Vice President announced that this report is on file in the office of the Secretary of the Senate and available for review at any time.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2044**, **HB 2063**.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2044**, **HB 2063** were thereupon introduced and read by title.

#### 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 Baumgardner in the chair.

On motion of Senator Baumgardner the following report was adopted:

**SB 22** be amended by the adoption of the committee amendments, and the bill be passed as amended.

Senator Holland moved **SB 22** be rereferred to the Committee on Select Committee on Federal Tax Code Implementation. The motion failed.

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

On roll call, the vote was: Yeas 12; Nays 28; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Sykes, Taylor, Ware.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Tyson, Wagle, Wilborn.

A motion by Senator Pyle to amend **SB 22** failed.

#### REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 32** be amended on page 2, in line 29, by striking all after "coverage"; in line 30, by striking "insurance,"; in line 31, after the period by inserting "Notwithstanding any provision of law to the contrary, the healthcare benefit coverage described in this paragraph shall not be considered insurance. The risk under such coverage may be reinsured by a company authorized to conduct reinsurance in Kansas. Providers of healthcare benefit coverage shall file a signed, certified actuarial statement of plan reserves annually with the commissioner of insurance."; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 39** be passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, February 7, 2019.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

