

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 14, 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:

Heavenly Father, when that 3rd-century priest, Valentine, was killed because he refused to deny his love and commitment to You, he set an example for us to follow. Realizing that love is a verb...an action, rather than just a feeling, help us become genuine, active lovers. First in communicating our love to You, then in demonstrating it to others.

Your Word says in the "Love Chapter" of 1 Corinthians 13, that this kind of love never fails. Though at times our love may falter, we should never give up. Help us love like You and not give up on people.

In the song "My Funny Valentine," the nine time Grammy winning Ella Fitzgerald, said, "each day is Valentine's Day." In another one of her songs, she sang that "In time the Rockies may crumble and Gibraltar may tumble. They're only made of clay." But when it came to love, she said it's "here to stay!"

Lord, in that same 1 Corinthians 13 "Love Chapter," in verse 13 You name the top 3 virtues of faith, hope and love. And You conclude that the greatest of all is love. And since we didn't quite achieve it yesterday, thanks for giving us another chance today. And, since love is the greatest, help us do it even when we don't feel it. Help us do it, until we do feel it!

When it comes to being genuine in our acts of love, in the words of M.C. Hammer, we want to be "too legit to quit!" I come to You In the Name of Him Who Loved Us To Death (John 3:16). Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 181, AN ACT creating the Kansas energy policy task force; relating to a study of Kansas electric utility services and energy policy issues, by Committee on Federal and State Affairs.

SB 182, AN ACT concerning water; relating to water measuring devices; technicians; inspections; liability of water right owners; amending K.S.A. 82a-706c and K.S.A. 2018 Supp. 82a-737 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

SB 183, AN ACT concerning firearms; relating to protection orders; enacting the extreme risk protective order act, by Committee on Judiciary.

SB 184, AN ACT concerning taxation; enacting the food sales tax refund act; sunseting the food sales tax credit; amending K.S.A. 2018 Supp. 79-32,271 and repealing the existing section, by Committee on Assessment and Taxation.

SB 185, AN ACT concerning taxation; relating to income tax, Kansas itemized deduction, expensing deduction, credit for certain purchases of goods and services for qualified vendors; rural opportunity zones, Cowley and Crawford counties; sales and compensating use tax, authority for countywide retailers, exemptions for sales of certain coins or bullion and purchases by midland care connection, inc.; property tax, cities and counties, approval of budgets; motor-fuel law, definitions, special fuels; amending K.S.A. 74-50,222 and K.S.A. 2018 Supp. 12-187, 12-189, 79-2925c, 79-32,120, 79-32,143a, 79-3401 and 79-3606 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 186, AN ACT concerning transportation; providing for a transportation planning program; amending K.S.A. 68-2316 and repealing the existing section, by Committee on Ways and Means.

SB 187, AN ACT regulating traffic; relating to oversize or overweight vehicles; permit fees; amending K.S.A. 2018 Supp. 8-1911 and repealing the existing section, by Committee on Ways and Means.

SB 188, AN ACT concerning motor fuels tax; relating to rates and trip permits; amending K.S.A. 2018 Supp. 79-3492b, 79-34,118 and 79-34,141 and repealing the existing sections, by Committee on Ways and Means.

SB 189, AN ACT concerning motor vehicles; relating to registration fees; electric and hybrid vehicles; amending K.S.A. 2018 Supp. 8-143 and repealing the existing section, by Committee on Ways and Means.

SB 190, AN ACT concerning transportation; relating to new road construction or bridge improvement plans; authorizing transfers from the state general fund to the local ad valorem tax reduction fund and county and city revenue sharing fund if certain conditions are met; amending K.S.A. 2018 Supp. 79-2959 and 79-2964 and repealing the existing sections, by Committee on Ways and Means.

SB 191, AN ACT concerning property taxation; relating to cities and counties; approval of budgets and exception from election for transportation construction projects; amending K.S.A. 2018 Supp. 79-2925c and repealing the existing section, by Committee on Ways and Means.

SB 192, AN ACT concerning transportation; relating to toll projects; authorizing the secretary of transportation to designate or construct toll projects; changing toll project financing requirements; amending K.S.A. 68-2002, 68-2004, 68-2008, 68-20,120 and 68-2301 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 174, SB 177, SB 178, SB 179.**

Commerce: **SB 168, SB 172, SB 175, SB 176, SB 180.**

Ethics, Elections and Local Government: **SB 159.**

Federal and State Affairs: **SB 158, SB 164.**

Financial Institutions and Insurance: **SB 163**.
 Judiciary: **SB 157, SB 160, SB 161, SB 166**.
 Public Health and Welfare: **SB 162, SB 165, SB 167**.
 Utilities: **SB 169, SB 170, SB 171**.
 Ways and Means: **SB 173**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Holland introduced the following Senate resolution, which was read:
 SENATE RESOLUTION No. 1711—

A RESOLUTION designating Baldwin City as the Quilt Capital of Kansas.

WHEREAS, Baldwin City is home to the oldest quilt show in the state of Kansas. The annual Maple Leaf Festival has hosted the show since it began in 1973; and

WHEREAS, In 1991, local quilters established the Maple Leaf Quilter's Guild. The guild organizes many quilting events including a presentation of quilts to local veterans on Veterans Day; and

WHEREAS, Quilter's Paradise, a shop in Baldwin City, sells fabrics, patterns, books, tools, and offers quilting classes to the local community; and

WHEREAS, As one of the oldest full-service quilt shops in the nation, Quilter's Paradise opened its doors in 1989. The shop is currently owned and operated by Sharon Vesecky, a fourth-generation quilter; and

WHEREAS, There are several cottage industries in the community organized for the purpose of making quilts available for purchase; and

WHEREAS, Quilts are proudly and continuously displayed at the Baldwin City Library, City Recreation Department, and Lumberyard Arts Center; and

WHEREAS, Baldwin City's relationship with its international sister city, Riviersonderend, South Africa, is centered around the exchanging of quilts; and

WHEREAS, Quilting is an important part of the community and provides Baldwin City senior citizens and church groups the opportunity to create quilts for family, friends, and those in need: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That Baldwin City be designated as the Quilt Capital of Kansas; and

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

On emergency motion of Senator Holland **SR 1711** was adopted unanimously.

COMMUNICATIONS FROM STATE OFFICERS

February 12, 2019

Executive Secretary, Alexandria Blasi, submitted the Kansas Board of Pharmacy Report on Substances Proposed for Scheduling, Rescheduling or Deletion.

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.

FINAL ACTION ON CONSENT CALENDAR

SB 18 having appeared on the Consent Calendar for the required two full legislative

days without objection from any member, were considered on final action.

SB 18, AN ACT concerning criminal procedure; relating to diversion agreements; attorney general; amending K.S.A. 22-2906 and K.S.A. 2018 Supp. 22-2909 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 39, AN ACT concerning the vehicle dealers and manufacturers licensing act; relating to warranty services, compensation; amending K.S.A. 2018 Supp. 8-2415 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Present and Passing: Longbine.

The bill passed.

SCR 1606, A CONCURRENT RESOLUTION condemning the enactment of the Reproductive Health Act by the state of New York, because it violates the life and well-being of a woman and her unborn child, was considered on final action.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Skubal, Sykes, Ware.

The resolution was adopted.

EXPLANATION OF VOTE

Mr. Vice President: As a young child, I was taught the song “This little light of mine, I’m going to let it shine.” As a young adult, I was taught the phrase “You are what you tolerate.” I’m letting this little light of mine shine with my “Yes” vote on **SCR 1606**. To vote otherwise is to turn a blind eye of tolerance for the Reproductive Health Act of the state of New York.—MOLLY BAUMGARDNER

Mr. Vice President: I vote “NO” on **SCR 1606** that includes false and misleading information, questions the hearts and minds of others, and wastes Kansas taxpayer

money. Who gets to decide what love is? The resolution presented today in the name of Kansas does not represent the values of many Kansans that I know, including me. Those Kansans include women who have had a very wanted pregnancy and tragically find that the fetus has severe anomalies not compatible with life outside of the womb. Some of those women believe the most loving thing to do is terminate that pregnancy; some of those women believe the most loving thing to do is deliver the baby and allow its natural death outside of the womb. In either instance, the result is the same: the loss of a dream and a hope and a prayer for a child. For any one of us to say “I know the best course of action for this woman and this pregnancy” is an affront. Who are you or I to know another person’s mind and heart? We are called to love one another, not condemn one another.—BARBARA BOLLIER

Senators Faust-Goudou and Francisco request the record to show that they concur with the Explanation of Vote offered by Senator Bollier on **SCR 1606**.

Mr. Vice President: I vote “NO” on **SCR 1606**. I believe the New York Assembly and Senate have a legitimate interest in protecting the same rights for women in their state that are now afforded women under the Supreme Court’s *Roe v. Wade* decision. Even if you don’t share that belief, some inaccurate statements in the “WHEREAS” clauses reduce the already low chances for serious consideration of this resolution. Clauses say the Reproductive Health Act “repealed all protections from criminal acts of violence against a woman’s unborn child, leaving citizens no legal recourse for the killing of any child in the womb” and “lessens the consequences for perpetrators of domestic violence, when their actions cause the death of a woman’s unborn child”. The Act did eliminate criminal penalties for illegal abortions when it was put in public health law; former laws on abortion had been in New York’s penal code. However there are other criminal penalties New York still has that address the loss of a fetus when a pregnant woman is assaulted including first-degree assault. I suggest that instead of this resolution, we focus on the health and well-being of children in Kansas.—MARCI FRANCISCO

Senators Bollier and Pettey request the record to show they concur with the “Explanation of Vote” offered by Senator Francisco on **SCR 1606**.

Mr. Vice President: Given my consistent, now 25 year long, legislative history of standing up for any American’s right to choose their own health care, and other, options for themselves without intrusive, unwarranted governmental interference, it should come as no surprise that I do not support this Senate Concurrent Resolution condemning “enactment of the Reproductive Health Act by the state of New York.” In that a devastating fetal anomaly that can either end the life of the putative mother or the fetus may not be detected until way late into a pregnancy, it is unconscionable to demand no-option for an extremely difficult decision to terminate such a pregnancy. I realize many of you, Mr. Vice President, constantly pretend that such medical necessities are never the case, but if you would pretend, beyond your driven dogma and restrictive ideologies, for just one moment that a woman could die or become physically or mentally impaired or that the expectant child was found grossly abnormal and maybe even stillborn while in utero and close to birth that this provides foundation for such procedures then, perhaps, you might yield from this restrictive, un-American ideology and trust medical professionals and families to decide their own best health care decisions...since, again, such decisions are really not any of our business. Finally, on

this Valentine's Day, let me profess, without being cliché, I genuinely LOVE New York! A great State which produced, in its' amazing diversity, two US Presidential nominees in 2016; one who'd win the national popular vote by 3,000,000 votes (Clinton) and the other who'd win, convincingly, the electoral college vote (Trump), New York has more population in just one of five boroughs in just one of its' many cities (NYC) than all of Kansas. In loving the diversity of and respecting its' well-reasoned debate and overwhelming support in enacting their legislation, I hardly believe they will note one whit what we waste our precious legislative time going through this day.—DAVID HALEY

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Haley on **SCR 1606**

Mr. Vice President: I vote "NO" on **Senate Concurrent Resolution 1606**. I have always considered myself to be pro-life and pro-choice...knowing this choice is a highly difficult moral and health decision that I believe the "government" should not make. I have also always respected my friends, family members and colleagues in the Legislature who have very different views on this issue. I believe this resolution condemning the enactment of a law in another state that in no way impacts Kansans is a waste of time, money, and resources. Our time as legislators is better spent addressing the challenges Kansans are currently facing, such as: underfunded public schools, a foster care system in crisis, rural healthcare in jeopardy, and staggering numbers of domestic violence cases. Furthermore, I think this resolution contains some false and inflammatory claims and is insulting to women and doctors in Kansas. Every pregnancy is different, and all healthcare decisions should always be left up to the woman and her doctor or the healthcare professionals she trusts. They will always know what is best for their healthcare needs. Government has no place in these important healthcare decisions. Finally, being neither a woman nor a doctor, I am uncomfortable interjecting myself in this critical health care issue. For these reasons, I vote "no".—TOM HAWK

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator Hawk on **SCR 1606**.

Mr. Vice President: Why are we sending this message to New York? One important reason is because we want our Kansas Supreme Court to know that we would find this abortion mentality in our state as depraved and totally unacceptable. The New York abortion law is devastatingly damaging to women and children, and to all of humanity. I vote "Aye" to promote justice in our state.—MARY PILCHER-COOK

Mr. Vice President: Today's episode of political theater is as cynical as any that I have witnessed in the last three years. Today, we are wasting our time and the money of Kansas taxpayers. Today, we are pointing out the speck in a neighbor's eye while we completely disregard the plank in our own. The cynic in me believes that the primary reason we are voting on this resolution is for postcards for 2020 elections. Does the resolution do anything for Kansans? NO! Instead of throwing stones at New York why don't we get our own house in order? The issues facing our constituents are many. Instead of focusing on New York, why are we not discussing Medicaid expansion, transportation funding, stabilizing our payments to KPERS, ending the litigation on school funding, the 70 children that went missing from DCF on our watch, or the ever-growing waiting list for PRTF beds? How about mental health? These are the issues we should be discussing. These are the issues that affect Kansans! If we truly care about

protecting life we would be actually working on policy to protect and invest in the children and families that we are entrusted to represent.—DINAH SYKES

Senators Bollier, Francisco, Hensley, Pettey and Skubal request the record to show that they concur with the Explanation of Vote offered by Senator Sykes on **SCR 1606**.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics, Elections and Local Government** recommends **SB 7** be amended on page 3, following line 14, by inserting:

"Sec. 4. K.S.A. 72-1088 is hereby amended to read as follows: 72-1088. The issue of the change of method of election or voting plan, or both, in any school district may be made in the manner provided in this act at any time during the period beginning on the first Wednesday in November of each even-numbered year and ending on the first Tuesday in June of each odd-numbered year, if such change is also approved in a manner authorized in this act before the end of such period submitted to voters at any primary election or general election as defined in K.S.A. 25-2502, and amendments thereto, or at a special election called for such purpose. If approved by voters, the new method of election and voting plan in such the school district shall be followed in the election of members next following such the change and shall continue in force until again changed in the manner provided in this act. Change of method of election or voting plan shall not shorten the term of any member serving on the board at the time the change is made, and the county election officer shall not submit to election any plan of change which violates this prohibition.";

Also on page 3, in line 15, after the comma by inserting "72-1088,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the comma by inserting "72-1088,"; and the bill be passed as amended.

Also, **SB 59** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **SB 66**, **SB 67**, **SB 82** be passed.

On motion of Senator Denning, the senate adjourned pro forma until 9:00 a.m. February 15, 2019.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

