

Journal of the Senate

FIFTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, April 1, 2019, 10:00 a.m.

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

The roll was called with 38 senators present.

Senators Masterson and Wagle were excused.

Invocation by Reverend Cecil T. Washington:

Lord, God of Heaven, You are full of All Wisdom and Truth. In Ecclesiastes 2:13, You used the image of light, having an advantage over darkness, to portray how wisdom (looking at everything from Your perspective,) gives us an advantage over foolishness. Lord, there are times when we engage in some foolishness, such as what we have on “April Fool’s Day.” But then Lord, we don’t want the times of foolishness to carry over and undermine the times when we need to be serious.

Help us to have those lighthearted, innocent times of fooling around; those times of harmless fun stuff. But You did make it clear, in Ecclesiastes 3:1, that everything has its own time, and there’s a specific time for every activity.

So Lord, help us keep the distinctions clear. Give us the blessedness of laughter, when the time is right. And when the hour calls for it, give us Godly, clearheaded wisdom. What I’m asking Lord, is for You to keep us aware, of what time it is. I come to You in the Name of Wisdom Personified! In the Name of Jesus, Amen!

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Billinger, Alley, Baumgardner, Berger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1733—

A RESOLUTION honoring the 70th anniversary of the Kansas Commission on Disability Concerns.

WHEREAS, In 2019, the Kansas Commission on Disability Concerns is celebrating 70 years of advocating and championing equal rights and opportunities for Kansans with disabilities; and

WHEREAS, In 1949, the Kansas Committee on Employment of the Physically

Handicapped was created by statute to promote employment for people with physical disabilities; and

WHEREAS, In the 1970s, the committee became the Kansas Committee on Employment of the Handicapped, under the direction of then-director Joe Greve and Howard Moses; and

WHEREAS, The committee continued to prioritize the employment of handicapped Kansans; advocated for accessible parking and tax credits for making a person's home or business handicapped-accessible; and established accessibility standards for buildings, facilities, recreational areas, streets, curbing, sidewalks and apartments; and

WHEREAS, In the 1980s, the committee became the Kansas Commission on Disability Concerns; and

WHEREAS, Director Michael Lechner and the Kansas Association of Centers for Independent Living partnered and held the first Kansas Disability Caucus to formulate the legislative initiatives to expand home and community-based services; and

WHEREAS, The Kansas Disability Caucus successfully advocated to amend the Nurse Practice Act to ensure that in-home services can be provided by trained individuals instead of registered nurses; and

WHEREAS, These changes lowered costs and allowed new waivers to be written that allowed people with disabilities to direct their services and increase their opportunities to work; and

WHEREAS, Moving into the 21st century, the Kansas Commission on Disability Concerns partnered with independent living centers, Families Together, Kansas Rehabilitation Services and Special Education to establish the Kansas Youth Leadership Forum; and

WHEREAS, The vision of the Kansas Commission on Disability Concerns recognizes people with disabilities are equal citizens and partners in society. The Kansas Commission on Disability Concerns supports their vision by focusing on partnerships, information and referrals at the state, regional and local levels and by providing policy recommendations for changes to Kansas laws, regulations and programs that impact people with disabilities; and

WHEREAS, The commission provides information to the public with disabilities on employment, school, home, play, community, youth issues and disability history; and

WHEREAS, The Kansas Youth Leadership Forum is a week-long event for high school juniors and seniors with disabilities that provides training in leadership skills regarding goal-setting for higher education or vocational training and employment and instruction on disability civil rights; and

WHEREAS, The Kansas Commission on Disability Concerns also provides staff training and accessible computer equipment to Workforce Centers across the state, in addition to establishing a disability service website for use by job-seekers with disabilities; and

WHEREAS, Due to the support of the Kansas Commission on Disability Concerns, the Disability Mentoring Day is celebrated across the state each October: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the 70th anniversary of the Kansas Commission on Disability Concerns; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Billinger.

On emergency motion of Senator Billinger **SR 1733** was adopted unanimously.

Senators Billinger, Alley, Baumgardner, Berger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1732—

A RESOLUTION recognizing April 2, 2019, as National Service Recognition Day at the Capitol.

WHEREAS, Service to others is a hallmark of the American character and is central to how the United States meets and overcomes challenges. Through their extensive public service commitments, community service participants demonstrate loyalty, dedication and patriotism; and

WHEREAS, States are increasingly turning to community service and volunteerism as a cost-effective strategy to meet local needs; and

WHEREAS, Community service represents a unique public and private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer money. Likewise, community service expands economic opportunities by creating more sustainable resilient communities and by providing those who serve with educational opportunities and career and leadership skills; and

WHEREAS, The Corporation for National and Community Service (CNCS), a federal agency, shares a priority with local leaders nationwide to engage citizens, improve lives and strengthen communities; and

WHEREAS, The CNCS is responsible for annually engaging approximately 300,000 AmeriCorps members and Senior Corps volunteers at over 50,000 locations across the nation, including schools, nonprofits, faith-based groups and local agencies. These organizations are critical to the economic and social well-being of our communities; and

WHEREAS, AmeriCorps members and Senior Corps volunteers address key challenges currently facing our communities. Besides preparing students for the modern workforce, these estimable organizations are engaged in counteracting natural disasters and the opioid epidemic and in providing assistance to veteran and active-duty military families; and

WHEREAS, On April 2, 2019, the CNCS is joining with the National League of Cities, the National Association of Counties, Cities of Service and local leaders across the country to commemorate National Service Recognition Day: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize April 2, 2019, as National Service Recognition Day at the Capitol; and

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

On emergency motion of Senator Billinger **SR 1732** was adopted unanimously.

MESSAGE FROM THE HOUSE

The following Senate Bills were stricken from the House Calendar in accordance with House Rule 1507: **SB 61, SB 193.**

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

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

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 15** and has appointed Representatives Kelly, Orr and Finney as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 20** and has appointed Representatives F. Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 18** and has appointed Representatives F. Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 28** and has appointed Representatives Vickrey, Cox and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 53** and has appointed Representatives Barker, Averkamp and Ruiz, L. as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 66** and has appointed Representatives Vickrey, Cox and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 67** and has appointed Representatives Vickrey, Cox and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 70** and has appointed Representatives Barker, Averkamp and Ruiz, L. as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 78** and has appointed Representatives F. Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 130** and has appointed Representatives Sutton, B. Carpenter and Parker as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2007**, requests a conference and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2085**, requests a conference and has appointed Representatives Highland, Smith, E. and Carlin as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2177**, requests a conference and has appointed Representatives Vickrey, Cox and Neighbor as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2203**, requests a conference and has appointed Representatives Kelly, Orr and Finney as conferees on the part of the

House.

The House nonconcurrs in Senate amendments to **S Sub HB 2214**, requests a conference and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2246**, requests a conference and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **S Sub HB 2007**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Kerschen, the Senate acceded to the request of the House for a conference on **HB 2085**.

The Vice President appointed Senators Kerschen, Estes and Francisco as conferees on the part of the Senate.

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2177**.

The Vice President appointed Senators Olson, Billinger and Ware as conferees on the part of the Senate.

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2203**.

The Vice President appointed Senators Olson, Billinger and Ware as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **S Sub HB 2214**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2246**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointments, submitted by the Governor to the Senate for confirmation were considered.

Senator Denning moved the following appointments be confirmed as recommended by the committee on **Ways and Means**.

By the Governor

On the appointment to the:

Department for Aging and Disability Services:

Laura Howard, At the pleasure of the governor

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Estes,

Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Nays: Doll.

Absent or Not Voting: Masterson, Wagle.

The appointment was confirmed.

By the Governor

On the appointment to the:

Department for Children and Families:

Laura Howard, At the pleasure of the governor

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Doll.

Absent or Not Voting: Masterson, Wagle.

The appointment was confirmed.

Senator Denning moved the following appointment.

By the Governor

On the appointment to the:

Department of Commerce:

David Toland, At the pleasure of the governor

On roll call, the vote was: Yeas 23; Nays 14; Present and Passing 1; Absent or Not Voting 2.

Yeas: Berger, Bollier, Bowers, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Longbine, McGinn, Miller, Pettey, Skubal, Sykes, Taylor, Ware, Wilborn.

Nays: Alley, Baumgardner, Braun, Denning, Hilderbrand, Kerschen, Lynn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Tyson.

Present or Passing: Billinger.

Absent or Not Voting: Masterson, Wagle.

The appointment was confirmed.

EXPLANATION OF VOTE

Mr. Vice President: I vote in support of the appointment of David Toland as a result of communication with economic development and chambers of commerce across Kansas but more importantly I had a local entrepreneur in the capitol earlier in the session and Mr. Toland took time to visit with him and explore ways that the state could be supportive of the growth of his business. That is the proactive approach that I am looking for in a Secretary of Commerce. Additionally, as an individual who has a 100 percent prolife voting record, I had concerns about the grants that the Allen County Hospital received from the Tiller Foundation through the Wichita Community Foundation. However my concerns were largely allayed when the grants to the hospital

were not abortion related and placed an emphasis on healthy pregnancies which is something that all individuals who are prolife should encourage. Therefore I vote in support of David Toland's appointment as Secretary of Commerce.—ED BERGER

Senators Bowers, Goddard, Longbine, McGinn and Wilborn request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on David Toland, Secretary of Commerce appointment.

MESSAGES FROM THE GOVERNOR

March 20, 2019

To the Senate of the State of Kansas

Submitted herewith for confirmation by the Senate are appointments made by me the Governor of the State of Kansas, pursuant to law.

Laura Kelly

Governor

Secretary, Kansas Department of Labor, Delia Garcia, Topeka, (D) pursuant to the authority vested in me by the K.S.A. 75-5701 and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Lana Gordon.

COMMUNICATIONS FROM STATE OFFICERS

February 11, 2019

Pursuant to K.S.A. 75-75-6301, I am appointing Jeffery S. Wagaman as Kansas Securities Commissioner, to serve a four-year term running concurrently with the Commissioner of Insurance as provided by K.S.A. 40-106.

Vicki Schmidt

Commissioner of Insurance

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2178**.

The House nonconcur in Senate amendments to **HB 2031**, requests a conference and has appointed Representatives Kelly, Orr and Finney as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2038**, requests a conference and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2039**, requests a conference and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2087**, requests a conference and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2119**, requests a conference and has appointed Representatives Kelly, Orr and Finney as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2140**, requests a conference and has appointed Representatives Kelly, Orr and Finney as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub HB 2225**, requests a conference and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2248**, requests a conference and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2290**, requests a conference and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2031**.

The Vice President appointed Senators Olson, Billinger and Ware as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2038**.

The Vice President appointed Senators Wilborn, Rucker and Miller as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2039**.

The Vice President appointed Senators Wilborn, Rucker and Miller as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2087**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2119**.

The Vice President appointed Senators Olson, Billinger and Ware as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2140**.

The Vice President appointed Senators Olson, Billinger and Ware as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **S Sub HB 2225**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2248**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a

conference on **HB 2290**.

The Vice President appointed Senators Wilborn, Rucker and Miller as conferees on the part of the Senate.

REPORT ON ENROLLED BILLS

SB 105 reported correctly enrolled, properly signed and presented to the Governor on April 01, 2019.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, April 2, 2019.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

