

Journal of the Senate

FIFTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, April 2, 2019, 10:00 a.m.

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

Roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Lord, God, in facing the issues of life, we come to times of discouragement. We'll enjoy a win. But before the celebration is over, the fight is on again. Lord, it gets hard sometimes...carrying all the responsibilities.

Like Your man Elijah, in 1Kings 19:1-12, there's a tendency to just get tired. He reached a point where he'd had enough! Tired of battle after battle and just wanting the war to be over, he was even ready to end his life! But Lord, in the midst of his despair You met him where he was and took him where You wanted him to be. And Lord, that's what You do for us as well. You told him to get up! You weren't finished with him. You then gave him the strength he needed to rise up and come into Your presence, that he might hear from You, that he might overcome all the resistance, and all the discouragement. Like Elijah, Lord, we're listening for Your direction. Leaders with a job to do and needing You guidance in doing it.

Help us to not be blown here and there by the contrary winds, or be shaken up by earth shattering events, or get all heated up and angry over the fires of opposition. Like Elijah, help us hear Your voice, Your still, small quiet voice. In the quietness of our spirit, Lord, help us to hear Your Spirit. So that when our work is done it won't be us saying, we've had enough! It'll be You saying we've done enough!

Thank You Lord! You've given us the strength for another day. I come to You in favor of the work You've call us to do. I come in the precious Name of Jesus, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

REFERENCE OF APPOINTMENTS

The following appointment made by the Commissioner of Insurance and submitted to the Senate for confirmation, was referred to Committee as indicated:

Commissioner, Office of the State Securities Commissioner:

Jeffrey Wagaman, to serve Term ends January 09, 2023.

Committee on Financial Institutions and Insurance

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Secretary, Department of Labor:

Delia Garcia, to serve at the pleasure of the governor.
Committee on Commerce

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Pettey and Taylor introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1734—

A RESOLUTION recognizing April as Child Abuse Prevention Month.

WHEREAS, Children are key to the state's future success, prosperity and quality of life. While children are our most valuable resource, they are also our most vulnerable; and

WHEREAS, Children have a right to be safe and to be provided with an opportunity to thrive, learn and grow; and

WHEREAS, Child abuse and neglect can be prevented by supporting and strengthening Kansas families, which can help provide children with the opportunities to develop healthy, trusting familial bonds; and

WHEREAS, Preventing child abuse means also preventing its far-reaching effects, which results in stronger foundations for our communities; and

WHEREAS, Since it is our duty as a community to extend a helping hand to children and families in need, we must come together, as partners, to make the voices of our children heard by all; and

WHEREAS, By providing safe, stable and nurturing relationships for our children, free of violence, abuse and neglect, we can ensure that Kansas children will grow to reach their full potential as our next generation of leaders and, thus, help secure the future of this state and of the nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize April as Child Abuse Prevention Month; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Senator Pettey and Senator Taylor.

On emergency motion of Senator Pettey **SR 1734** was adopted unanimously.

Senator Pettey introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1735—

A RESOLUTION recognizing the Merriam Park Elementary and the Shawnee Mission School District's Health Partnership School-Based Clinic on their 1st anniversary of providing primary care to local students.

WHEREAS, The Merriam Park Elementary School and the Shawnee Mission School District's Health Partnership Clinic provide much-needed pediatric-focused medical, dental and behavioral care to families in the school district that may not otherwise have access to care; and

WHEREAS, The clinic officially opened on March 30, 2018, to help keep students healthy and remain on a pathway to academic and personal success; and

WHEREAS, The clinic is the first of its kind in Johnson County, and its staff has worked tirelessly to provide a medical home for local students and families, even

through the summer months; and

WHEREAS, The clinic is located in the Merriam Park Elementary School and is open to Shawnee Mission School District students and their siblings; and

WHEREAS, The clinic accepts anyone, regardless of income level, by accepting KanCare, commercial insurance and uninsured patients on a sliding-fee program; and

WHEREAS, Some services that the clinic provides include: Dental cleanings, sick visits, asthma care, behavioral healthcare, nutritional guidance, annual sports physicals and more; and

WHEREAS, The Health Partnership Clinic has enjoyed a successful first year, bringing accessible, quality and affordable healthcare to the students of Shawnee Mission School District and will continue for many more years: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Merriam Park Elementary and the Shawnee Mission School District's Health Partnership School-Based Clinic on their 1st anniversary of providing primary care to local students; and

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

On emergency motion of Senator Pettey **SR 1735** was adopted unanimously.

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 63** and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2144**, requests a conference and has appointed Representatives Huebert, Dietrich and Ward as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2167**, 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 2168**, requests a conference and has appointed Representatives Waymaster, Hoffman and Wolfe Moore as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2223**, requests a conference and has appointed Representatives Tarwater, Barker, Awerkamp and Ruiz, L. as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2365**, requests a conference and has appointed Representatives Clark, Ellis and Weigel as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Baumgardner, the Senate acceded to the request of the House for a conference on **HB 2144**.

The Vice President appointed Senators Baumgardner, Alley and Sykes 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 **S Sub HB 2167**.

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

On motion of Senator Baumgardner, the Senate acceded to the request of the House for a conference on **HB 2168**.

The Vice President appointed Senators Baumgardner, Alley and Sykes as conferees on the part of the Senate.

On motion of Senator Estes, the Senate acceded to the request of the House for a conference on **HB 2223**.

The Vice President appointed Senators Estes, Olson and Faust-Goudeau 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 2365**.

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

MESSAGES FROM THE GOVERNOR

SB 40, SB 41, SB 59 approved on April 02, 2019

VETO MESSAGE FROM THE GOVERNOR

Just two short years ago, the State of Kansas found itself on the brink of financial disaster. Even after depleting state savings and enduring multiple rounds of devastating budget cuts, unsustainable tax policy continued to perpetuate fiscal crisis. We saw schools close and class sizes grow. We saw an overwhelmed child welfare system let children fall through the cracks. And despite promises of immediate prosperity, Kansas routinely ranked among the nation's worst in multiple economic indicators.

As the budget hole continued to grow, the legislature passed two sales tax increases, swept more than \$2 billion from the state highway fund, delayed numerous payments to the state pension system, accumulated historic levels of debt, and raided every critical investment from early childhood education to public safety. But in the end, none of these short-term band aids could stem the bleeding caused by reckless tax policy. In November of 2016, Kansans called for change.

The very next year, the state hit "reset" in a historic act of bipartisanship with the passage of comprehensive tax reform. Our credit score improved within a week. The number of Kansans participating in the labor force increased for the first time since 2014. And we've finally begun to heal from the unprecedented devastation found in state agencies and state programs.

However, we have only just started the rebuilding process. Our recovery is tenuous; our budget is fragile. The State of Kansas cannot afford to make a U-turn.

Unfortunately, **Senate Bill 22** would absolutely dismantle all the progress we've made. It would throw our state once again into a self-inflicted budget crisis, diminishing all the investments we've worked so hard to rebuild and restore. It would put our future at risk once again in order to give significant tax breaks to entities who need them the least, while continuing to leave working families behind.

Additionally, as noted by the Senate President during the floor debate, **Senate Bill 22** will put Kansas out of compliance with the Streamlined Sales and Use Tax Agreement.

This would potentially cost Kansas up to \$18 million in lost revenue — on top of the bill's already unaffordable \$200 million price tag in the next fiscal year.

I look forward to working with the Kansas Legislature in the future to achieve our common goal of a reduced food sales tax. However, as I explained repeatedly — both as a candidate for governor and after I took office — we cannot responsibly enact a food sales tax cut until our state's fiscal health stabilizes. This is not the time.

I share Kansas lawmakers' desire to keep the state tax burden as low as possible and that will continue to be my priority. In January, I presented a structurally balanced budget to the Kansas Legislature that funded our schools and roads, reduced state debt, left Kansas with the largest ending balance in 20 years, and did so all without a tax increase.

The people of Kansas elected me to rebuild our state. They elected me to bring fiscally conservative and responsible principles back to our government. We must be patient, thoughtful, and prudent as we evaluate tax policy. And, when we move forward with commonsense tax relief, we must ensure that it benefits the Kansans who need it the most. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 22**.

Laura Kelly
Governor

REPORT ON ENROLLED BILLS

SB 60, SB 68; Sub SB 69; SB 71, SB 77, SB 82, SB 90, SB 94, SB 97, SB 128, SB 199 reported correctly enrolled, properly signed and presented to the Governor on April 02, 2019.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, April 3, 2019.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

