

Journal of the Senate

SIXTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 5, 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, through the Prophet Isaiah, in chapter 40:6-8, You declare that all of us are like grass, in that our bodies dry up and don't last. And the day will come when Maybeline, Clairol, male and female enhancements will all fail. Like the beautiful flower of the field, all our physical beauty will one day be gone.

The song writer put it this way, "There's a leak in this old building." It's gradually deteriorating and the day will come when we've got to move. In 2 Corinthians 5:1-5, our bodies are compared to tents, and tents are not meant to be permanent dwelling places. When it's time to move, the stakes are pulled and the tent sags and folds. Lord, we can't get away from the fact that a "sagging and folding" day is coming for each of us.

Our tents are leaking and beginning to lean. But in that Isaiah passage, You contrast our frailness and brevity of life with Your Holy Word which shall never fade and stands firm forever! With all of that in mind Lord, it just stands to reason that the best way to deal with the "leak" is to employ the Divine, everlasting principles of Your Holy Word.

So Lord, as we labor in the frailness and uncertain instability of these tents, we're trying to serve Your purposes by serving others. So Lord, help us! Put a patch on some of our leaks and help us go on just a little while longer. I come to You in the precious Name of Jesus. 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 100, AN ACT concerning the Kansas sexually violent predator act; relating to transitional release or conditional release; residency restrictions; amending K.S.A. 2018 Supp. 59-29a11 and repealing the existing section, by Committee on Judiciary.

SB 101, AN ACT concerning driving; relating to driving under the influence of alcohol or drugs; suspension or restriction of driving privileges; amending K.S.A. 2018 Supp. 8-1014 and 8-1015 and repealing the existing sections, by Committee on Judiciary.

SB 102, AN ACT establishing the Kansas closed case task force; relating to identification and investigation relating to hits to the combined DNA index system

(CODIS), by Committee on Judiciary.

SB 103, AN ACT concerning crimes, punishment and criminal procedure; relating to hate crimes; sentencing; amending K.S.A. 2018 Supp. 21-6804 and 21-6815 and repealing the existing sections, by Committee on Judiciary.

SB 104, AN ACT concerning income taxation; enacting the Kansas taxpayer protection act; relating to paid tax return preparers; requiring a signature and tax identification number on returns and claims; authorizing actions by the secretary of revenue to enjoin certain conduct, by Committee on Select Committee on Federal Tax Code Implementation.

SB 93, AN ACT concerning health and healthcare; relating to health insurance plans; prescription medication; step therapy protocols, by Committee on Public Health and Welfare.

SB 94, AN ACT concerning motor vehicle insurance; relating to reductions in premiums; approved motor vehicle accident prevention courses; pertaining to course duration and approving entities; amending K.S.A. 40-1112a and repealing the existing section, by Committee on Transportation.

SB 95, AN ACT concerning criminal procedure; relating to carrying out a sentence of death; transferring certain duties from the secretary of health and environment to the state board of pharmacy and state board of healing arts; amending K.S.A. 22-4001 and repealing the existing section, by Committee on Ways and Means.

SB 96, AN ACT concerning criminal procedure; relating to carrying out a sentence of death; inspections of areas in a state correctional facility designated by the secretary of corrections for use in carrying out a sentence of death; amending K.S.A. 22-4002 and repealing the existing section, by Committee on Ways and Means.

SB 97, AN ACT concerning motor vehicles; relating to fleet rental vehicles; registrations; creating the fleet rental vehicle administration fund; amending K.S.A. 2018 Supp. 8-145 and repealing the existing section, by Committee on Transportation.

SB 98, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; relating to parimutuel racing of horses; amending K.S.A. 74-8741, 74-8744, 74-8746, 74-8747 and 74-8836 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 99, AN ACT concerning emergency medical services; relating to the emergency medical services board; powers and duties thereof; creating the designation of inactive certificate; relating to the authorized activities of certain emergency medical services providers; updating terminology and references related thereto; amending K.S.A. 65-16,127, 65-1728, 65-2891, 65-2913, 65-4915, 65-6001, 65-6102, 65-6110, 65-6111, 65-6112, 65-6119, 65-6120, 65-6124, 65-6126, 65-6127, 65-6129, 65-6129a, 65-6129b, 65-6130, 65-6133, 65-6135, 65-6145, 65-6150, 74-4954a and 80-1557 and K.S.A. 2018 Supp. 8-1,159, 21-6326, 39-1402, 39-1431, 40-2141, 44-131, 44-508, 44-510h, 44-511, 44-1204, 75-4364 and 75-5664 and repealing the existing sections; also repealing K.S.A. 65-6123 and 65-6129c, by Committee on Federal and State Affairs.

SCR 1604 A PROPOSITION to amend section 1 of the bill of rights of the constitution of the state of Kansas, relating to equal rights, by Senator Kerschen.

A PROPOSITION to amend section 1 of the bill of rights of the constitution of the state of Kansas, relating to equal rights,

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 the bill of rights of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 1. Equal rights. All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness. *Recognizing the authority of the state of Kansas to exercise its police power and its sovereign right to adopt individual liberties in the constitution of the state of Kansas more expansive than those conferred by the constitution of the United States, the state of Kansas shall hereby guarantee the inalienable rights, equal protection and due process of law of every human being from the beginning of the biological development of that human being, including fertilization.*"

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 expand the class of human beings who currently enjoy inalienable rights, equal protection, and due process of the law under the constitution of the state of Kansas to every human being from the beginning of the biological development of that human being, including fertilization.

"A vote for this proposition would amend the Kansas constitution to explicitly incorporate into it the inalienable right to life of every human being irrespective of age, race, gender, health, function, condition of dependency, including physical or mental dependency, or method of reproduction, from the beginning of their biological development, including fertilization. The proposed constitutional amendment also would prohibit the state from discriminating against any class of human beings in the application, interpretation and enforcement of its laws.

"A vote against this proposition would not amend the constitution, in which case the current federally mandated legal status of preborn humans would remain that of a class of human beings that can intentionally be killed."

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 2020, 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 91.**

Commerce: **SB 90, SB 92.**

Financial Institutions and Insurance: **SB 82**.

Judiciary: **SB 83, SB 84, SB 85, SB 86, SB 87, SB 88, SB 89**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 9, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2019, for the Kansas public employees retirement system; authorizing certain transfers from the state general fund to the Kansas public employees retirement fund, was considered on final action.

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.

EXPLANATION OF VOTE

Mr. Vice President: I vote "Yes" on **Senate Bill 9**. I am supportive of having KPERS be actuarially strong, but I also believe we must be fiscally responsible and exercise caution with the ending balance. Revenue is still stabilizing and there is much uncertainty for our future. It is not a matter of if, but a matter of when, the next economic downturn occurs. We have to be prepared for that. The governor has proposed a balanced, commonsense budget that accounts for our state's fragile financial outlook while still investing in schools, roads, and healthcare. It even includes an alternative proposal for KPERS that makes it more affordable by reducing the payment and more stable by reducing risk of skipping payments. However, **Senate Bill 9** was not taken into consideration within the context of the entire budget, and it should have been. Although I would have preferred to weigh the benefits of the full picture – **Senate Bill 9** and the governor's budget – to determine what is truly best for our KPERS system and our fiscal situation, I vote "Yes."—PAT PETTEY

Senators Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Holland and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **SB 9**.

Mr. Vice President: I support transferring funds to make up for deferred employer contributions to our Kansas Public Employee Retirement System (KPERS) by the Legislature, however we need to acknowledge the payments that were made. In addition to committing to "layering" payments addressing the \$64.1 million reduction in FY 2017 and the \$194 million reduction in FY 2019, there were transfers of \$82 million and \$56 million made in FY 2018. That \$138 million is \$23 million above the \$115 million we are told we owed for principal and interest on the deferred payments from FY 2016. We have complicated this issue with the various delays in payments and repayment plans. I think the transfer in SB 9 should have taken place after a thorough discussion of the Governor's proposals and our overall budget as we address KPERS over the coming years. — MARCI FRANCISCO

Senator Hawk requested the record show he concurs with the "Explanation of Vote"

offered by Senator Francisco on **SB 9**.

COMMUNICATIONS FROM STATE OFFICERS

February 04, 2019

Colonel Mark A. Bruce, Superintendent, submitted the Kansas Highway Patrol annual report regarding state forfeiture funds.

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

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 28** be passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, February 6, 2019.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

