

# Journal of the Senate

## FORTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
 Wednesday, March 20, 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, in Genesis 1:14, as You were preparing a place for our existence, You said “Let there be light.” The power of Your Word, spoke our sun, moon and stars into existence. Their combined responsibility was to rule the light of day and the dark of night; to mark the days and years, and to oversee the seasons.

On this day, You’ve blessed us to see the spring of a new season. And we look forward, desiring fresh and new light for the tasks ahead. James 1:17 reveals that You’re the “Father of Lights.” Wisdom or enlightenment that is pure originates with You. While in John 8:44, we see in opposition, there is a “father of lies;” a spirit determined to lead us into darkness. But, Lord, as the beginning of spring anticipates a season of new growth, we anticipate a new season of Your blessings.

During the days, weeks and months ahead, revive the perennials of good character traits. Plant within us new seeds of unity; unity in our homes, in our communities and in our work places. Prune us and clear out any weeds that would hinder productivity. Help us to harvest a new and abundant crop of faith in You, hope for the future and love for one another.

I present this prayer as it springs from a heart of love, dedicated to Your purposes, in Jesus Name. Amen!

The Pledge of Allegiance was led by Vice President Longbine.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and Senate Resolution were introduced and read by title:

**SB 233**, AN ACT concerning industrial hemp; establishing a commercial industrial hemp program; amending K.S.A. 65-4101, 65-4105 and K.S.A. 2018 Supp. 2-3901, 2-3902, 2-3903, 21-5701 and 21-5702 and repealing the existing sections; also repealing K.S.A. 65-4101c and 65-4101b and K.S.A. 2018 Supp. 21-5701a, by Committee on Ways and Means.

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

**SR 1731**—A RESOLUTION calling for the immediate resignation of District Judge Jeffry Jack of the 11<sup>th</sup> Judicial District.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was referred to Committee as indicated:

Ethics, Elections and Local Government: **HB 2188**.

**MESSAGE FROM THE HOUSE**

Announcing passage of **SB 40, SB 41, SB 59**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senator Faust-Goudeau introduced the following Senate resolution, which was read:  
SENATE RESOLUTION No. 1723—

A RESOLUTION recognizing Storytime Village, Inc., for its work  
in giving young Kansas children the opportunity  
for a better future through its literacy programs.

WHEREAS, According to the Annie E. Casey Foundation, children who are proficient in reading by the end of third grade are more likely to graduate from high school and be economically successful in adulthood; and

WHEREAS, 57% of Caucasian, 72% of Hispanic and 83% of African-American fourth graders in Kansas scored below the "proficient" reading level in a 2017 study conducted by the National Assessment for Educational Progress (NAEP); and

WHEREAS, Many underserved populations in Kansas are lacking the quality literacy skills essential for future success in school and life; and

WHEREAS, Storytime Village, Inc., under the leadership of Director Prisca Barnes, has been working since 2009 to help Kansas children, beginning at birth through age eight, thrive in partnerships that provide early childhood development, family engagement involving reading and access to books; and

WHEREAS, With the support of parents and the help of many dedicated volunteers, Storytime Village, Inc., inspires children, regardless of their socio-economic background, race or gender, to read by providing them free books and literacy resources; and

WHEREAS, In 2016, Storytime Village, Inc., launched their Literacy Champions program, a high school leadership program that empowers and inspires students to volunteer and gain leadership skills as they impact the literacy issue in their communities; and

WHEREAS, March 20, 2019, is designated as the 5<sup>th</sup> Literacy Day at the Capitol, which will focus on addressing the literacy gap in Kansas by mobilizing high school students to raise their voices through meetings with legislators, panel discussions and an advocacy workshop, with the theme: "Why Reading Matters": Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize Storytime Village, Inc., for its work in giving young Kansas children the opportunity for a better future through its literacy programs; and

*Be it further resolved:* That the Secretary of the Senate shall send enrolled copies of this resolution to Prisca Barnes, Wakeelah Martinez and Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1723** was adopted unanimously.

Senator Faust Goudeau rose on a point of personal privilege to honor Literacy Day at

the Capitol and introduced the following guests: Prisca Barnes, Founder and CEO-Storytime Village; Kenya Cox, Executive Director-KAAAC; Wakeelah Martinez, Education Program Coordinator-Storytime Village; Carol Hazen, Kansas Reading Roadmap; Sonali Bhakta, Kansas Literacy Champion-2019 Outstanding Literacy Advocate; Vincent Ransom, South High School Literacy Champion; Perla Navarrete, Heights High School Literacy Champion; Darryl Carrington; Jonathon Westbrook, KAAAC; Rev. Bobby Love, KAAAC; Daphne Maxwell, KAAAC; and Miss Burkholter.

Senator Berger introduced the following Senate resolution, which was read:  
SENATE RESOLUTION No. 1722—

A RESOLUTION commending the Buhler High School girls bowling team for winning the 2019 Kansas State High School Activities Association (KSHSAA) Class 5-1A State Bowling Championship.

WHEREAS, The 2019 Buhler High School girls bowling team roster includes Mary Chambers, Mallory Cross, McKinley Cross, Alyssa Herl, Adria Huiett, Jaiden Montandon and Sidney Ropp, with Emily Morton as manager; and

WHEREAS, The 2019 Buhler High School girls bowling team is staffed by head coach Skip Wilson and assistant coach Terry Story; and

WHEREAS, On February 28, 2019, the Buhler Crusaders competed in the Kansas State High School Activities Association (KSHSAA) Class 5-1A State Bowling Championship, emerging triumphant as state champions for the second time in school history. The Crusader girls bowling team won their first state team title in 2012; and

WHEREAS, The Crusaders were the only high school in the Class 5-1A Championship with four girls recognized as top-20 individual finishers. Montandon finished fourth with a series score of 562, Herl finished 14<sup>th</sup> with a series score of 532, Cross finished 18<sup>th</sup> with a series score of 514 and Chambers tied for 20<sup>th</sup> with a series score of 507: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commend the Buhler High School girls bowling team for winning the 2019 Kansas State High School Activities Association Class 5-1A State Bowling Championship. The Crusaders exemplify what teamwork, dedication and perseverance can accomplish. We applaud them for their victories and wish them continued success and happiness in the future; and

*Be it further resolved:* That the Secretary of the Senate shall send four enrolled copies of this resolution to Senator Berger.

On emergency motion of Senator Berger **SR 1722** was adopted unanimously.

Senator Hardy introduced the following Senate resolution, which was read:  
SENATE RESOLUTION No. 1725—

A RESOLUTION recognizing and acknowledging the contributions of Altrusa International in Salina.

WHEREAS, Altrusa International, which was founded in 1917 to make communities better through leadership, partnership and service, proudly moves forward into the 21<sup>st</sup> century with the tagline of "Leading to a Better Community"; and

WHEREAS, The history of Altrusa is a remarkable tale of a pioneering organization for businesswomen that became the first women's classified service club. Altrusa later adjusted to the changing times and opened membership to all regardless of gender; and

WHEREAS, The Altrusa emblem displays the words "Patriotism, Efficiency, Service" encircling the western hemisphere, and serves as a subtle reminder of expected performance. In defining "patriotism," the founders directed each Altrusan to "be good citizens of the world." It was a courageous stand in a time of isolationist thinking; and

WHEREAS, Altrusa first organized a service club in Salina in 1943. That club was chartered in 1944, and is now known as Altrusa International of Salina, KS, Inc.; and

WHEREAS, The Salina club is celebrating its 75<sup>th</sup> anniversary this year; and

WHEREAS, In its 75 years, Altrusa International of Salina, KS, Inc., has performed many hours of service for Salina, and continues to efficiently provide community service, especially in the area of literacy: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize and acknowledge the extensive and continuous work accomplished in our state by Altrusa International of Salina, KS, Inc. for the past 75 years; and

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

On emergency motion of Senator Hardy **SR 1725** was adopted unanimously.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 125**, AN ACT concerning economic development; relating to rural opportunity zones; extending the time period for eligibility in the loan repayment program and the income tax credit; amending K.S.A. 74-50,223 and K.S.A. 2018 Supp. 79-32,267 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Kerschen, Longbine, Lynn, Miller, Olson, Petersen, Pyle, Rucker, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Haley, Holland, Masterson, McGinn, Pettey, Pilcher-Cook, Sykes, Ware.

The bill passed.

#### **EXPLANATION OF VOTE**

Mr. Vice President: I vote "NO" on **SB 125** AND "NO" on **SB 135**. During the discussion of Rural Opportunity Zones (ROZ) sunset extension dates and expansion to additional counties, the legislature was careful to underscore ongoing support both from the inception of this concept ( 2011 ) and later during the addition for more Kansas counties to avail themselves of "ROZ" benefits. In the words of the late Kansas Representative Ted Powers (R-Mulvane) when using a famous quote from Shakespeare's Macbeth to subtly complain about repetitious legislation of growing dubious origin or statewide benefit, now: "THRICE the brinded cat hath mew'd," Mr. Vice President. Here we are in the Legislature again, now for the THIRD time, uncertain of what benefit other than population stabilization is conferred to Kansas for a substantial fiscal note through generous tax and loan forgiveness policies. We should

not be picking winners and losers between our Kansas counties. We don't even clearly define "rural" or "opportunity" in these enabling legislations. We have always supported economic development in every corner of Kansas. But here, this once promising "cat," scarred now with no accountability or benefit, appears yet again, for a third time mewing to be fed; to live longer and grow to be an even larger "beast." But enough now is enough. —DAVID HALEY

Senator Bollier requests the record to show she concurs with the "Explanation of Vote" offered by Senator Haley on **SB 125**.

Mr. Vice President – I vote "NO" on **SB 125**. I am supportive of rural revitalization, and I know that the state is looking for effective ways to accomplish this, especially as we have a new administration and a new Lieutenant Governor who have made this a major priority. However only after an evaluation of the Rural Opportunity Zone program will we learn if or how it might fit into the strategic plan for our new Office of Rural Prosperity. I believe it would be important to have such an evaluation before we extend this program through 2026. I am hoping that we create a robust program that includes expanding local food production, rural health care, broadband, historic preservation, arts programming, and public radio along with any appropriate tax incentives to encourage people to become part of our rural Kansas communities.—

MARCI FRANCISCO

Senators Bollier, Pettey and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SB 125**.

**SB 135**, AN ACT concerning rural opportunity zones; relating to eligible counties; amending K.S.A. 74-50,222 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 8; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Doll, Estes, Faust-Goudeau, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Denning, Haley, Masterson, McGinn, Pilcher-Cook, Sykes, Taylor.

Present and Passing: Francisco, Ware.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on **SB 125** AND "NO" on **SB 135**. During the discussion of Rural Opportunity Zones (ROZ) sunset extension dates and expansion to additional counties, the legislature was careful to underscore ongoing support both from the inception of this concept ( 2011 ) and later during the addition for more Kansas counties to avail themselves of "ROZ" benefits. In the words of the late Kansas Representative Ted Powers (R-Mulvane) when using a famous quote from Shakespeare's Macbeth to subtly complain about repetitious legislation of growing dubious origin or statewide benefit, now: "THRICE the brinded cat hath mew'd," Mr. Vice President. Here we are in the Legislature again, now for the THIRD time, uncertain of what benefit other than population stabilization is conferred to Kansas for a substantial fiscal note through generous tax and loan forgiveness policies. We should

not be picking winners and losers between our Kansas counties. We don't even clearly define "rural" or "opportunity" in these enabling legislations. We have always supported economic development in every corner of Kansas. But here, this once promising "cat," scarred now with no accountability or benefit, appears yet again, for a third time mewing to be fed; to live longer and grow to be an even larger "beast." But enough now is enough. —DAVID HALEY

Senator Bollier requests the record to show she concurs with the "Explanation of Vote" offered by Senator Haley on **SB 135**.

#### **MESSAGE FROM THE GOVERNOR**

March 20, 2019

*Message to the Senate of the State of Kansas*

Enclosed is Executive Order 19-04 for your information.

Laura Kelly  
Governor

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

#### **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 Wilborn in the chair.

On motion of Senator Wilborn the following report was adopted:

**SB 178** be amended by motion of Senator Suellentrop; on page 47, following line 19, by inserting:

"New Sec. 3. (a) For any legislative enactment establishing an exemption from the Kansas retailers' sales tax on or after January 1, 2020, such enactment shall either: (1) Repeal an existing exemption with an equal or greater fiscal liability to the state; or (2) suspend an existing exemption with an equal or greater fiscal liability to the state for the duration of time that the enacted exemption is to remain in effect.

(b) The provisions of this section shall be a part of and supplemental to the Kansas retailers' sales tax act.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "requirements of new exemptions;"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

**HB 2126, HB 2209** be amended by the adoption of the committee amendments, and the bills be passed as amended.

#### **MESSAGES FROM THE GOVERNOR**

**SB 17, SB 39** approved on March 20, 2019

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and

your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Secretary, Department of Revenue: K.S.A. 75-5101

Mark Burghart, serves at the pleasure of the Governor

The Committee on **Financial Institutions and Insurance** recommends **HB 2143** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2143," as follows:

"Senate Substitute for HOUSE BILL NO. 2143

By Committee on Financial Institutions and Insurance

"AN ACT concerning healthcare benefits; relating to association health plans; non-insurance healthcare benefits coverage; jurisdiction of the commissioner; updating requirements terminology and references related thereto; amending K.S.A. 40-2209b and 40-2209e and K.S.A. 2018 Supp. 40-2209, 40-2209d, 40-2222, 40-2222a and 40-2222b and repealing the existing sections."; and the substitute bill be passed.

The Committee on **Transportation** recommends **HB 2214** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2214," as follows:

"Senate Substitute for HOUSE BILL NO. 2214

By Committee on Transportation

"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."; and the substitute bill be passed.

On motion of Senator Denning, the senate adjourned until 2:30 p.m., Thursday, March 21, 2019.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

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