

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 2, 2017, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 39 senators present.
Senator Wilborn was excused.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, we gather today as a family...not a biological family, but You've placed each of us in the same household. You providentially put us together in this same legislative body, that we might labor together in making things better. You said in 1 Cor. 13:13, that love is the number one principle; foundational to real betterment. And since love is being concerned with the highest good of the other person, help us to not scorn or be scorned due to opposing opinions. Like all families, in all households, You've made us with differences. But still, we're a family...a family that's concerned with good for each of us. So, help us to act like family. Remind us that our differences are products of the gifts You've given us. Teach us then, to LOVINGLY express them, in our interactions with one another. In 1979, Sis, Sledge and Jade made famous the song, "We Are Family." They said "I've got all my sisters with me." Then in 2009, the Chipmunks and the Chipettes expanded on it and said "I've got all my brothers with me". Here in 2017, let it be our song. Let it be a reality in this legislative household that in spite of our differences, we've got each other. As we labor together to make things better, let love for one another be the foundation upon which we build. In the Name of the One Who loves us, in spite of us, 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 142, AN ACT concerning the state health care benefits program; relating to the powers of the Kansas state employees health care commission; requiring legislative approval before changing coverage options; establishing qualified participants; amending K.S.A. 2016 Supp. 75-6501 and repealing the existing section, by Committee on Ways and Means.

SB 143, AN ACT concerning notaries public; relating to notary errors; pertaining to powers of the secretary of state; requiring a training and education program; amending K.S.A. 53-102 and K.S.A. 2016 Supp. 53-118 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 144, AN ACT regulating traffic; concerning the operation of a motor vehicle in a school zone and a road construction zone; use of a wireless communication device; amending K.S.A. 2016 Supp. 8-2118 and repealing the existing section, by Committee on Transportation.

SB 145, AN ACT concerning schools; relating to the Kansas state high school activities association; relating to the system for classification of high schools; amending K.S.A. 2016 Supp. 72-130 and repealing the existing section, by Committee on Education.

SB 146, AN ACT concerning property taxation; authorizing continuation of statewide levy for schools and exemption of portion of residential property therefrom; amending K.S.A. 2016 Supp. 72-6470 and 79-201x and repealing the existing sections, by Committee on Assessment and Taxation.

SB 147, AN ACT concerning income taxation; relating to rates; determination of Kansas adjusted gross income, modifications; amending K.S.A. 2016 Supp. 79-32,110 and 79-32,117 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 148, AN ACT concerning elections; enacting the interstate compact on the agreement among the states to elect the president by national popular vote; amending K.S.A. 25-802 and 25-804 and repealing the existing sections, by Senator Haley.

SENATE CONCURRENT RESOLUTION No. **SCR 1603**—

By Senator Holland

A PROPOSITION to amend section 8 of article 2 of the constitution of the state of Kansas, relating to annual sessions of the legislature.

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 8 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 8. Organization and sessions. The legislature shall meet in regular session annually commencing on the second Monday in January, and all sessions shall be held at the state capital. The duration of regular sessions held *in odd-numbered years beginning with the year 2019 shall not exceed 90 calendar days. Such sessions may be extended beyond 90 calendar days by an affirmative vote of 2/3 of the members elected or appointed to each house. The duration of regular sessions held* in even-numbered years shall not exceed ~~ninety~~ 60 calendar days *beginning with the year 2020. Such sessions may be extended beyond* ~~ninety~~ 60 calendar days by an affirmative vote of ~~two-thirds~~ 2/3 of the members elected *or appointed* to each house. Bills and concurrent resolutions under consideration by the legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an even-numbered year, as if there had been no such adjournment.

The legislature shall be organized concurrently with the terms of representatives except that the senate shall remain organized during the terms of senators. The president of the senate shall preside over the senate, and the speaker of the house of representatives shall preside over the house of representatives. A majority of the members then elected (or appointed) and qualified of the house of representatives or the senate shall constitute a quorum of that house. Neither house, without the consent of the other, shall adjourn for more than two days, Sundays excepted. Each house shall elect its presiding officer and determine the rules of its proceedings, except that the two houses may adopt joint rules on certain matters and provide for the manner of change thereof. Each house shall provide for the expulsion or censure of members in appropriate cases. Each house shall be the judge of elections, returns and qualifications of its own members."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. This amendment would limit the length of regular sessions of the legislature in even-numbered years to 60 calendar days unless the session is extended beyond 60 days by a vote of $\frac{2}{3}$ of the members elected to each house. The length of regular sessions of the legislature in odd-numbered years would remain at 90 calendar days unless the session is extended beyond 90 days by a vote of $\frac{2}{3}$ of the members elected or appointed to each house.

"A vote for this proposition would limit the length of the regular sessions of the legislature in even-numbered years to 60 calendar days unless extended by a vote of $\frac{2}{3}$ of the members of each house. The length of regular sessions of the legislature in odd-numbered years would remain at 90 calendar days unless the session is extended beyond 90 days by a vote of $\frac{2}{3}$ of the members elected or appointed to each house.

"A vote against this proposition favors retaining current constitutional provisions which provide for legislative sessions each year of not to exceed 90 calendar days unless such sessions are extended by an affirmative vote of $\frac{2}{3}$ of the members of each house "

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 2018 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.

SENATE CONCURRENT RESOLUTION No. **SCR 1604**—

By Senators Holland, Faust-Goudeau, Francisco,
Haley, Hawk, Hensley, Pettey, Pilcher-Cook and Rogers

A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, concerning the sales and compensating use taxation of food and food ingredients, rates.

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: Article 11 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 14. Sales and Compensating Use Taxation of Food and Food Ingredients; Rates.

(a) Commencing July 1, 2019, and ending June 30, 2020, the rate of sales and compensating use tax on food and food ingredients shall be 4%.

(b) Commencing July 1, 2020, and thereafter, the rate of sales and compensating use tax on food and food ingredients shall be 2%."

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 phase down the rate of sales and compensating use taxation of food and food ingredients to 2%.

"A vote for this proposition would provide the rates of sales and compensating use taxation for food and food ingredients to be as follows:

Commencing July 1, 2019, to June 30, 2020, at 4%; and

Commencing July 1, 2020, and thereafter, at 2%.

"A vote against this proposition would make no changes in current law and continue the sales and compensating use taxation of food and food ingredients at the same rate as most other taxable items."

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 the year 2018 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:

Agriculture and Natural Resources: **SB 117.**

Assessment and Taxation: **SB 129, SB 130, SB 140.**

Commerce: **SB 133, SB 134.**

Education: **SB 139.**

Ethics, Elections and Local Government: **SB 118, SB 132.**

Financial Institutions and Insurance: **SB 137, SB 138.**

Judiciary: **SB 120, SB 121, SB 122, SB 123, SB 124, SB 125, SB 128, SB 136, SB 141.**

Public Health and Welfare: **SB 126.**

Transportation: **SB 127, SB 135.**

Utilities: **SB 119**.

Ways and Means: **SB 131**.

CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **SB 139** from the Committee on **Education**, and referred the bill to the Committee on **Federal and State Affairs**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1708—

A RESOLUTION recognizing February 3, 2017, as National Wear Red Day.

WHEREAS, Cardiovascular diseases kill one in three women in the United States, yet 80% of cardiac events may be prevented; and

WHEREAS, Cardiovascular diseases and strokes kill one woman every 80 seconds in the U.S.;

and

WHEREAS, An estimated 44 million women in the U.S. are affected by cardiovascular diseases; and

WHEREAS, Ninety percent of women have one or more risk factors for developing heart disease; and

WHEREAS, Women are less likely to call 911 for themselves when experiencing symptoms of

a heart attack than they are if someone else was having a heart attack; and

WHEREAS, According to a 2012 study by the American Heart Association, 36% of African-American women and 34% of Hispanic women know that heart disease is their greatest health risk, compared with 65% of Caucasian women, which has resulted in a greater emphasis by Go Red For Women on providing education to minority women; and

WHEREAS, The American Heart Association's Go Red For Women movement motivates women to learn their family histories and meet with their healthcare providers to determine their risks for cardiovascular disease and stroke; and

WHEREAS, Women involved with the Go Red For Women movement live healthier lives; and

WHEREAS, Go Red For Women encourages women to take charge of their health by knowing and managing these five numbers: Total cholesterol, HDL (good) cholesterol, blood pressure, blood sugar and body mass index (BMI): Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize February 3, 2017, as

National Wear Red Day to raise awareness of the importance of the ongoing fight against heart disease and stroke by wearing the color red and urge all citizens to show their support for women by commemorating this day; and

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

On emergency motion of Senator McGinn **SR 1708** was adopted unanimously.

COMMUNICATIONS FROM STATE OFFICERS

February 01, 2017

Attorney General, Derek Schmidt, submitted the annual report of the Attorney General's State Medicaid Fraud Forfeiture Fund.

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.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2002**, **HB 2006**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2002, **HB 2006** were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 22, AN ACT concerning insurance; relating to third party administrators; regulation; amending K.S.A. 40-3801, 40-3802, 40-3804, 40-3806, 40-3807, 40-3808, 40-3809 and 40-3810 and K.S.A. 2016 Supp. 40-3805 and repealing the existing sections; also repealing K.S.A. 40-3803, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle.

Present and Passing: Pyle.

Absent or Not Voting: Wilborn.

The bill passed, as amended.

SB 28, AN ACT concerning income taxation; relating to reporting requirements, dates; amending K.S.A. 2016 Supp. 79-3298 and 79-3299 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle.

Present and Passing: Pyle.

Absent or Not Voting: Wilborn.

The bill passed.

SB 30, AN ACT concerning sales taxation; relating to the Kansas retailers' sales tax act; definitions; amending K.S.A. 2016 Supp. 79-3602 and repealing the existing

section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle.

Present and Passing: Pyle.

Absent or Not Voting: Wilborn.

The bill passed.

SB 43, AN ACT concerning elections; dealing with vacancies in the office of United States representative to congress; amending K.S.A. 25-3504, as amended by section 2 of 2017 House Bill No. 2017 and 25-3507, as amended by section 3 of 2017 House Bill No. 2017 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle.

Present and Passing: Pyle.

Absent or Not Voting: Wilborn.

The bill passed.

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 McGinn in the chair.

On motion of Senator McGinn the following report was adopted:

SB 15, SB 17, SB 19 be passed.

SB 33 be passed over and retain a place on the calendar.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 15, SB 17, SB 19** were advanced to Final Action and roll call.

SB 15, AN ACT concerning insurance; relating to risk-based capital instructions; effective date; amending K.S.A. 2016 Supp. 40-2c01 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes,

Taylor, Tyson, Wagle.

Absent or Not Voting: Wilborn.

The bill passed.

SB 17, AN ACT concerning insurance; enacting the fair access to insurance requirements plan act; amending K.S.A. 40-2101 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle.

Absent or Not Voting: Wilborn.

The bill passed.

SB 19, AN ACT concerning insurance; relating to reinsurance; amending K.S.A. 2016 Supp. 40-221a and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle.

Present and Passing: Pyle.

Absent or Not Voting: Wilborn.

The bill passed.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

Your Committee on **Commerce** 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:

Public Member, Public Employee Relations Board: K.S.A 75-4323

Joshua Hofer, to fill a term expiring March 15, 2019

Committee on **Financial Institutions and Insurance** recommends **SB 18**, **SB 65**, **SB 66**, **SB 67** be passed.

Also, **SB 14** be amended on page 3, in line 6, by striking the second "and"; following line 6 by and inserting "(3) at every self-service storage location where self-service storage agreements are executed, a sign, approved by the Kansas insurance department, is posted that contains the following, or substantially the same information:

"Section 1 requires the operator of this facility to inform you that insurance sold by this self-storage company may provide duplication of coverage already provided by a renter's or homeowner's policy or other source of coverage. You are encouraged to

contact your primary insurance carrier if you have questions about your existing coverage.

Kansas Insurance Department, Ken Selzer, Commissioner";

(4) the insurance policy issued by the self-service storage company is in an amount that does not exceed \$5,000 of coverage per customer per storage unit; and";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 51** be passed.

Also, **SB 52** be amended on page 15, in line 12, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, February 3, 2017.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

