

# Journal of the Senate

SIXTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, May 29, 2019, 10:00 a.m.

As provided by **HCR 5014**, the Sine Die Session of the regular 2019 Kansas Senate was called to order by President Susan Wagle.

The roll was called with 38 senators present

Senators Hawk and Skubal were excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, I want to thank You, that in spite of last night's storm damage, most of us made it through. And for those who suffered loss, please bless, encourage and replenish.

Lord, as we gather today, we're looking at the end of this session, but we're also looking at beginning, the start of another chapter. The same way that we've needed Your wisdom and guidance up to now, we'll need it going forward. The same way that we've needed Your oversight and protection, we're still going to need it. Thanks for the confidence You give us, through faith in the certainty of Your Word.

Lord, You used the Hebrew writer in chapter 13:5b-6, to remind us of the promise You have made to Your people. In Joshua 1:5, and Matthew 28:20, that You said You'd never leave, nor forsake; the promise of Your continued presence and Your continued help.

So, Lord, as we turn, to leave these hallowed halls, help us to continue practicing Your presence in all that we say and do. While continuing daily in ongoing prayer, I conclude these words today, in the precious Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

## MESSAGE FROM THE GOVERNOR

May 3, 2019

Enclosed herewith is Executive Directive No. 19-501 for your information.

May 20, 2019

Enclosed herewith is Executive Directive No. 19-502 for your information.

Enclosed herewith is Executive Directive No. 19-503 for your information.

Laura Kelly  
Governor

The president announced that these documents are on file in the office of the Secretary of the Senate and available for review at any time.

**MESSAGE FROM THE GOVERNOR**

**SB 18, SB 20** signed on May 13, 2019.

**SB 53 and SB 63** signed on May 16, 2019.

**SB 28** signed May 20, 2019.

**May 20, 2019**

**MESSAGE FROM THE GOVERNOR****REGARDING HOUSE SUBSTITUTE FOR SENATE BILL 25**

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return **H Sub for SB 25** with my signature approving the bill, except for the items enumerated below. The net effect of these line-item vetoes will increase the FY19 ending balance to \$871 million, or 12.2 percent, and increase the FY20 ending balance to \$606 million, or 7.8 percent.

Board of Pharmacy

Section 27(a) and (b), transferring \$705,000 from the Medical Programs Fee Fund for K-TRACS in FY20, have been line-item vetoed.

While I am a strong proponent of the K-TRACS program, my original budget recommendation did not include SGF funding for this program because it is inconsistent with the structure of fee-funded agencies. Sweeps from the Medical Programs Fee Fund must be backfilled by the State General Fund, making this transfer to K-TRACS an SGF appropriation. The Board of Pharmacy indicated that it will likely receive a federal grant to cover the cost of this line item. In the event that this grant is not awarded, I have instructed my administration to keep lines of communication open with the Board of Pharmacy in its effort to identify alternative, non-SGF sources for K-TRACS.

KPERS

Section 56(e), requiring an additional \$51 million transfer from the State General Fund to KPERS in FY20, has been line-item vetoed.

The very first piece of legislation I signed into law repaid an extra \$115 million in debt incurred to the Kansas Public Employees Retirement System. This extra payment fixed past mistakes, when emergency steps were taken to pay for failed tax policy. However, given the large number of critical, unmet needs still facing state government, it is not prudent to add another additional KPERS payment that goes beyond the regularly scheduled payments already being made. In fact, this could actually harm the state's ability to make full, timely KPERS payments in the very near future. This line-item veto provides an essential cushion to the state ending balance so that Kansas can continue to pay its bills and rebuild the state more sustainably.

Department of Aging and Disability Services

Section 84(a), \$1,885,000 for community mental health centers supplemental funding & community aid, as well as \$38,646 for the Client Assessment Referral and Evaluation (CARE) program, both in FY19, has been line-item vetoed.

I am pleased to support \$5 million in additional funding for CMHC grants in FY20. In an effort to more evenly distribute reinvestment in Kansas government, I do not believe it is responsible to further increase CMHC funding for the remaining portion of FY19. This veto does not eliminate \$196,304 included to expand the Clubhouse Model and Breakthrough House in FY19.

Department of Education

Section 90(a), \$1,200,000 for evidenced-based or research-based reading programs, \$80,000 for Technical Education incentives, and \$261,000 for Teach for America, all in FY20, have been line-item vetoed.

Increasing funding to Kansas public schools was my top budget priority and proudest accomplishment as governor in 2019. However, in a continued effort to establish fair expectations of accountability and efficiency throughout state government, I felt it inappropriate to earmark education funds through the Kansas Department of Education. I encourage local districts to use their new State Foundation Aid to participate in these programs as they deem appropriate.

In total, these line item vetoes will increase the State General Fund balance by \$54.4 million between FY19 and FY20. The new ending balance also complies with the statutory requirement to leave 7.5% of the State General Fund in reserve.

Laura Kelly  
*Governor*

#### **ACTION ON VETO MESSAGE**

The President announced a veto message from the Governor having been received on May 20, 2019 and read, the time had arrived for consideration. Members were given the opportunity to reconsider line item vetoes on **H Sub SB 25**.

Senator Baumgardner moved that all of the Governor's line item vetoes be considered.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Miller, Pettey, Sykes, Ware.

Absent or Not Voting: Hawk, Skubal.

A 2/3 Constitutional majority having voted in favor of overriding the Governor's line item vetoes, the motion prevailed and the Governor's line item vetoes were overridden.

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

MADAM PRESIDENT:

Your Committee on **Judiciary** 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:

*Judge, Court of Appeals:* K.S.A. 20-3020

Sarah Warner, to fill a term expiring on January 11, 2021.

#### **CONSIDERATION OF APPOINTMENTS**

In accordance with Senate Rule 55, the following appointment submitted by the Governor was considered.

Senator Denning moved the following appointment be confirmed as recommended by the Committee on Judiciary.

*By the Governor*

On the appointment to the:

*Kansas Court of Appeals:*

Sarah Warner

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, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Nays: Doll.

Absent or Not Voting: Hawk, Skubal.

The appointment was confirmed.

#### **CHANGE OF REFERENCE**

In accordance with Senate Rule 11b, a motion previously made by Senator Masterson on May 4, 2019 to withdraw **SCR 1610** from the Committee on Judiciary and refer to the calendar under the heading of **General Orders** was considered (reference Senate Journal page 1126.)

On roll call, the vote was: Yeas 28; Nays 10; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Miller, Pettey, Sykes, Ware.

Absent or Not Voting: Hawk, Skubal.

**SCR 1610** will retain a place on the calendar under the heading of **General Orders**.

#### **MESSAGE FROM THE HOUSE**

Announcing adoption of **HCR 5015**.

Announcing a veto message from the Governor on **House Bill 2033**, AN ACT concerning taxation; relating to sales and compensating use tax, countywide retailers' sales tax, rates, election, Finney county, director of taxation, imposition of tax, nexus, remote sellers, marketplace facilitators, rate on food and food ingredients; income taxation, addition and subtraction modifications, treatment of deferred foreign income, global intangible low-taxed income, capital contributions, FDIC premiums, deductions, expanding the expense deduction to all taxpayers, net operating loss carryforward period for corporations; amending K.S.A. 2018 Supp. 12-187, 12-189, 79-32,117, 79-32,120, 79-32,138, 79-32,143, 79-32,143a, 79-3602, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 79-3221o, was received on May 17, 2019 and read on May 29, 2019.

## MESSAGE FROM THE GOVERNOR

May 17, 2019

I have a long record of supporting responsible, commonsense tax policy. Unfortunately, that is not what House Bill 2033 represents. It will decimate the state's ability to pay our bills and invest in our people. Just as Kansas begins to stabilize after years of senseless fiscal crisis, House Bill 2033 will create a \$1 billion deficit within three years.

As Governor, one of my top priorities is to lower our state's unacceptably high tax on food. We must first provide relief for those who need it most and then ultimately for all Kansans. We need stability so our tax code can offer certainty to businesses and families. This all must go hand-in-hand with rebuilding our state's rainy-day fund, so we can weather economic downturns without putting our schools and children at risk. Kansas is also long overdue for a thorough, nonpartisan study of how we can ensure our tax code is fair and truly incentivizes economic growth – in urban and rural communities alike. Our state has not conducted such a study since 1995.

Kansans deserve a plan. Successful tax reform must be shaped by a thoughtful, big-picture vision – not by a rushed attempt to achieve an immediate political victory. To that end, my administration recently began outlining a plan to help build this vision, which I look forward to sharing in the weeks to come.

Pro-business, pro-growth, pro-family tax policy can absolutely reshape Kansas for the better, but only if it fixes the failures of the past, not repeats them. I was elected to rebuild our state; House Bill 2033 is not the way to do it.

Therefore, under Article 2, Section 14(a) of the Kansas Constitution, I hereby veto House Bill 2033.”

Laura Kelly  
*Governor*

A motion was made that, notwithstanding the Governor's objections, **House Bill 2033** be reconsidered.

By a vote of 79Yeas and 39 Nays, the motion failed to receive the necessary two-thirds constitutional majority vote of the elected members of the House of Representatives, and the veto of **House Bill 2033** was sustained.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HCR 5015** were thereupon introduced and read by title.

President Wagle referred **HCR 5015** to **Committee of the Whole**.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **HCR 5015** was advanced to Final Action and roll call.

**HCR 5015**, A CONCURRENT RESOLUTION ratifying the May 9, 2019, State of Disaster Emergency declaration issued by Governor Laura Kelly and providing for the continuation thereof for certain Kansas counties until January 13, 2020.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Hawk, Skubal.

The resolution was adopted.

### CHANGE OF REFERENCE

The President withdrew **SB 2** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Public Health and Welfare**.

The President withdrew **SB 231** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Public Health and Welfare**.

### SPECIAL ANNOUNCEMENT

President Wagle announced the formation of the Senate Select Committee on Healthcare Access. Senators serving on this 13 member committee will be announced at a later date.

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Hardy introduced the following Senate resolution, which was read:  
SENATE RESOLUTION No. 1745—

A RESOLUTION honoring the 150<sup>th</sup> anniversary of Abilene, Kansas.

WHEREAS, 2019 marks the 150<sup>th</sup> anniversary of Abilene, a city in Dickinson County, Kansas; and

WHEREAS, In 1857, town founder Timothy Hersey first arrived in Abilene. He returned in 1858 with his wife, Elizabeth, and the beginning of his growing family; and

WHEREAS, Elizabeth Hersey is credited with naming the town of Abilene after opening her Bible to Luke 3:1, where the word Abilene is mentioned as a province of Judaea, meaning beautiful area or city of the plains; and

WHEREAS, In the 1860s, Bently Holiday established his Overland Stage Line through Abilene; and

WHEREAS, In 1867, Joseph McCoy, a young cattle dealer from Illinois, decided Abilene was a perfect location for a successful railhead. He built the Drovers Cottage and Great Western stockyards and promoted the railhead to Texas cattlemen; and

WHEREAS, In September 1867, herds of cattle began arriving in Abilene on the Chisholm Trail and, between 1867 and 1871, hundreds of thousands of cattle arrived in Abilene and were shipped out by rail; and

WHEREAS, The City of Abilene was officially incorporated on September 3, 1869; and

WHEREAS, By 1870, Abilene had significantly grown to the point that a marshal was needed to keep order and Thomas J. Smith was appointed to the position. Smith would later lose his life to an assailant's bullet, leading to the hiring of one of the best gunmen in the west, James Butler "Wild Bill" Hickok, in 1871; and

WHEREAS, David Eisenhower returned to Abilene in the 1890s with his family,

including son, Dwight D. Eisenhower, future 5-Star General and President of the United States; and

WHEREAS, Abilene was home to many entrepreneurs including C.L. Brown, C.W. Parker and A.L. Duckwall, and to this day, the city continues to foster an environment for positive economic growth for its entrepreneurs; and

WHEREAS, Abilene is full of rich history, beautiful homes, successful businesses and kind people; and

WHEREAS, Abilene continues to be one of the "Best Small Towns to Visit" and "Best Historic Small Towns" in the United States; and

WHEREAS, Abilene residents and visitors alike look forward to the city's continued success in the next 150 years: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we honor the 150<sup>th</sup> anniversary of Abilene, celebrate Abilene's success and urge residents and visitors to celebrate by visiting one of the city's many historic attractions, doing business in Abilene, and supporting the city's efforts to remain a vibrant city on the plains; 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 1745** was adopted unanimously.

#### **REPORT ON ENROLLED BILLS**

**SB 18, SB 20, SB 63** reported correctly enrolled, properly signed and presented to the Governor on May 6, 2019.

**SR 1744** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 10, 2019.

**H Sub SB 25; SB 28, SB 53** reported correctly enrolled, properly signed and presented to the Governor on May 10, 2019.

**SR 1745** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 29, 2019.

#### **TRIBUTES**

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the 2019 Veto Session and Sine Die:

Senator Berger: commending Dale Conrad on his 43 years of service to Hutchinson Community College, commending Pat Becher on his service as head track coach at Hutchinson Community College;

Senator Billinger: congratulating Dr. Kenton Olliff on being named the 2019 Counselor of the Year, congratulating the Wheatland High School Class of 2019;

Senator Bowers: congratulating Bill Hickert on being named the Russell County Volunteer/Emergency Worker of the Year, congratulating Eric Sacco on receiving the Distinguished Principal Award, congratulating Don Koops on receiving the 2019 Pioneer Award by the Kansas Ag Bankers, celebrating Sonny Cooper's 95th Birthday, celebrating Robert Dobratz's 95th Birthday, celebrating Carol Bourbon's 96th Birthday, congratulating the Phillips County Review on its 18 KPA Awards of Excellence for 2019, congratulating Virginia Engborg on being named the 2019 Rooks County Health Center Volunteer of the Year, congratulating Deb Miller on being named the Kansas Grain and Feed Chairwoman, congratulating Mary Rothchild on being named the

APCO 2019 Telecommunicator of the Year, congratulating the recipients of the 2018 Challenge Award from the Kansas State Department of Education, congratulating Ionia on its Sesquicentennial Anniversary, congratulating Vermillion on its Sesquicentennial Anniversary, congratulating Rodrick and Minear Funeral Home on 100 years in business, congratulating Jordan Harrison on being named the Russell City Fire Department Officer of the Year, congratulating Rick Webb on being named the Russell City Fire Department Firefighter of the Year, congratulating Jesse Schreiner on being named the Russell City Fire Department Rookie of the Year, congratulating Norb Kohler on receiving the Honorary Chapter FFA Degree from the Beloit FFA, congratulating Aliesa Woods on receiving the 2018 Meritorious Service Award from the Kansas Association of Extension 4-H Agents;

Senator Faust-Goudeau: celebrating Patricia Sloop's 80th Birthday, recognizing the Elks of the World/Middle Western States Association for hosting their 93rd Annual Convention in Topeka;

Senator Haley: congratulating Paul and Lois Long on their 75th Wedding Anniversary;

Senator Hardy: celebrating Alberta Paramore's 100th Birthday; and

Senator Kerschen: congratulating Greg Rosenhagen on being named the 2019 Secondary School Principal of the Year.

As provided by **HCR 5014**, Senator Denning moved the Senate adjourn Sine Die. The motion prevailed.

President Wagle there upon announced: "By virtue of the authority vested in me as President of the Senate, I now declare the 2019 Session of the Kansas Senate adjourned Sine Die".

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

