

Journal of the Senate

SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 22, 2025, 2:30 p.m.

The Senate was called to order by President Ty Masterson.
The roll was called with 39 senators present.
J.R. Claeys was excused.
President Masterson introduced guest chaplain, Doug Henkle who delivered the following invocation:

Jesus, so often we talk about the "power of prayer," not perceiving that the power is not in the prayer but in the One to Whom we pray and in Whose Name we pray, Yours. Jesus, You taught Your disciples to pray and the prayer You taught them has been recited billions of times over the centuries. Lord, often we struggle to apply the words of Your prayer to the daily challenges we face in life's journey and I wonder:

- Can we say OUR if our lives don't have room for others and their needs?
- Can we say FATHER if we don't live out that relationship in our daily lives?
- Can we say WHO ART IN HEAVEN if our interests and commitments are on earthly things?
- Can we say HALLOWED BE THY NAME if our lives don't honor and glorify You?
- Can we say THY KINGDOM COME if we don't have Your kingdom growing in our hearts, our lives, and in our homes, state and nation?
- Can we say THY WILL BE DONE if we are unwilling to have Your will manifested in our lives?
- Can we say ON EARTH AS IT IS IN HEAVEN unless we are truly willing to bring You everything in our lives today?
- Can we say GIVE US THIS DAY OUR DAILY BREAD when we are ignoring the needs of our brothers and sisters? Can we say FORGIVE US OUR TRESPASSES AS WE FORGIVE THOSE WHO TRESPASS AGAINST US if we harbor a grudge toward anyone?
- Can we say LEAD US NOT INTO TEMPTATION if we deliberately choose to remain in situations that tempt us?
- Can we say DELIVER US FROM EVIL if we are not willing to fight evil with the weapons of the Word and prayer?
- Can we say THINE IS THE KINGDOM if we are not willing to be the King's loyal subjects?
- Can we say THINE IS THE POWER if we fear what those around us will say or do?
- Can we say THINE IS THE GLORY if we seek our own glory above Yours?
- Can we say FOREVER AND EVER if we are anxious about the affairs of each day?

Can we say AMEN unless we can agree that, whatever the cost to our lives, this is our prayer? Show us, Dear Jesus, Amen!

The Pledge of Allegiance was led by President Masterson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were introduced and read by title:

SB 55, AN ACT concerning property and casualty insurance; prohibiting the assignment of benefits therefor; defining such assignment of benefits as an unfair method of competition and unfair or deceptive act or practice; amending K.S.A. 2024 Supp. 40-2404 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 56, AN ACT concerning alcoholic beverages; authorizing the delivery of alcoholic liquor and cereal malt beverage by licensed retailers, drinking establishments and third-party delivery services to patrons; amending K.S.A. 41-327, 41-2601, 41-2701 and 41-2728 and K.S.A. 2024 Supp. 41-102 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 57, AN ACT concerning roads and highways; relating to orders to modify or relocate communications or video service facilities for certain road and highway projects; requiring certain state agencies, counties, cities and political subdivisions to reimburse the owner or operator of any such facilities for the costs associated with modifying or relocating such facilities pursuant to any such order; amending K.S.A. 68-402b, 68-415 and 68-2005 and repealing the existing sections, by Committee on Utilities.

SB 58, AN ACT concerning water; relating to multi-year flex accounts; modifying the requirements for and authorized allocations from such accounts; amending K.S.A. 2024 Supp. 82a-736 and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 59, AN ACT concerning sales taxation; relating to sales tax exemptions; providing an exemption for animal shelters and rescue network managers; amending K.S.A. 2024 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 60, AN ACT concerning civil procedure; relating to habeas corpus; prohibiting second and successive motions in certain circumstances; prohibiting claims of ineffective counsel; providing appeals to the supreme court as a matter of right in claims filed by inmates sentenced to death; amending K.S.A. 2024 Supp. 60-1507 and 60-2102 and repealing the existing sections, by Committee on Judiciary.

SB 61, AN ACT concerning electric public utilities; relating to eminent domain; requiring an electric public utility to pay a landowner's attorney fees when a party appeals the award of the court appointed appraisers and the landowner prevails; amending K.S.A. 26-509 and repealing the existing section, by Committee on Judiciary.

SB 62, AN ACT concerning crimes, punishment and criminal procedure; relating to crimes involving motor vehicles; creating the crime of engaging in a street stunt and providing criminal penalties therefor; adding engaging in a street stunt to the list of crimes included in fleeing or attempting to elude a police officer; amending K.S.A. 8-1568 and repealing the existing section, by Committee on Judiciary.

SB 63, AN ACT concerning children and minors; relating to healthcare of minors; enacting the help not harm act; prohibiting healthcare providers from treating a child whose gender identity is inconsistent with the child's sex; authorizing a civil cause of action against healthcare providers for providing such treatments; restricting use of state funds to promote gender transitioning; prohibiting professional liability insurance from covering damages for healthcare providers that provide gender transition treatment to children; requiring professional discipline against a healthcare provider who performs such treatments; adding violation of the act to the definition of unprofessional conduct for physicians; amending K.S.A. 65-2837 and repealing the existing section, by Committee on Public Health and Welfare.

SENATE CONCURRENT RESOLUTION No. 1605—

By Committee on Federal and State Affairs

A PROPOSITION to amend article 9 of the constitution of the state of Kansas by adding a new section thereto; concerning the power of home rule for counties.

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

"§ 6. Counties' power of home rule. (a) Counties are hereby empowered to determine their local affairs and government including the levying of taxes, excises, fees, charges and other exactions, except when and as the levying of any tax, excise, fee, charge or other exaction is limited or prohibited by enactment of the legislature applicable uniformly to all counties of the same class. The legislature may establish not to exceed four classes of counties for the purpose of imposing all such limitations or prohibitions. Counties shall exercise such determination by resolution passed by the governing body with referendums only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all counties, to other enactments of the legislature applicable uniformly to all counties, to enactments of the legislature applicable uniformly to all counties of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other exaction and to enactments of the legislature prescribing limits of indebtedness. All enactments relating to counties now in effect or hereafter enacted and as later amended and until repealed shall govern counties, except as counties shall exempt themselves by charter resolutions as herein provided for in subsection (b).

(b) (1) Any county may by charter resolution elect in the manner prescribed in this section that the whole or any part of any enactment of the legislature applying to such county, other than enactments of statewide concern applicable uniformly to all counties, other enactments applicable uniformly to all counties, and enactments prescribing limits of indebtedness, shall not apply to such county.

(2) A charter resolution is a resolution which exempts a county from the whole or any part of any enactment of the legislature as referred to in this section and which may provide substitute and additional provisions on the same subject. Such charter resolution shall be so titled, shall designate specifically the enactment of the legislature or part thereof made inapplicable to such county by the adoption of such resolution and contain the substitute and additional provisions, if any, and shall require a two-thirds vote of the members-elect of the governing body of such county. Every charter resolution shall be published once each week for two consecutive weeks in the official county newspaper or, if there is none, in a newspaper of general circulation in the county.

(3) No charter resolution shall take effect until 60 days after its final publication. If, within 60 days of its final publication, a petition signed by a number of electors of the county equal to not less than 10% of the number of electors who voted at the last preceding regular county election shall be filed in the office of the clerk of such county demanding that such resolution be submitted to a vote of the electors, it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. An election, if called, shall be called within 30 days and held within 90 days after the filing of the petition. The governing body shall pass a resolution calling the election and fixing the date, which resolution shall be published once each week for three consecutive weeks in the official county newspaper or, if there is none, in a newspaper of general circulation in the county, and the election shall be conducted as elections for officers and by the officers handling such elections. The proposition shall be: "Shall charter resolution No. _____, entitled (title of resolution) take effect?" The governing body may submit any charter resolution to a referendum without petition by the same publication of the charter resolution, and the same publication of the resolution calling the election as for resolutions upon petition and such charter resolution shall then become effective when approved by a majority of the electors voting thereon. Each charter resolution becoming effective shall be recorded by the county clerk in a book maintained for that purpose with a statement of the manner of adoption, and a certified copy shall be filed with the secretary of state, who shall keep an index of the same.

(4) Each charter resolution enacted shall control and prevail over any prior or subsequent act of the governing body of the county, and may be repealed or amended only by charter resolution or by enactments of the legislature applicable to all counties.

(c) Powers and authority granted to counties pursuant to this section shall be liberally construed for the purpose of giving to counties the largest measure of self-government.

(d) This amendment shall be effective on and after July 1, 2027."

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

"Explanatory statement. This amendment would provide a constitutional basis for county home rule, which is currently enshrined only in statutory law. Counties could pass home rule resolutions to legislate locally on matters not covered by state law. A county could enact a charter resolution to exempt itself from non-uniform state laws that apply to the county and provide substitute or additional provisions to that law. The legislature could preempt counties from exercising home rule powers by enacting state laws that apply uniformly to all counties, or to all counties of the same class, as defined by statute.

"A vote for this proposition would empower counties to determine their local affairs and government with a constitutional grant of power that could only be preempted by enactments of the legislature that apply uniformly to all counties, or to all counties of the same class, as defined by statute.

"A vote against this proposition would retain the current statutory authority of counties to determine their local affairs and government, but such authority could continue to be removed or restricted by enactments of the legislature, regardless of uniformity."

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 2026, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case the proposed amendment 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:

Commerce: **SB 51, SB 52.**

Education: **SB 44, SB 45, SB 47, SB 48, SB 49, SB 50.**

Federal and State Affairs: **SB 43.**

Financial Institutions and Insurance: **SB 42.**

Judiciary: **SB 53, SB 54.**

Local Government, Transparency and Ethics: **SB 40.**

Public Health and Welfare: **SB 41.**

Utilities: **SB 46.**

MESSAGES FROM THE GOVERNOR

The following appointment made by the Governor and submitted to the Senate for confirmation was introduced and the appointment read:

Carlín Williams, Brigadier General, Kansas National Guard (January 14, 2025)

COMMUNICATIONS FROM STATE OFFICERS

The following report was received by the Secretary of the Senate:

Notice of intention to dispose of former school buildings Payne Elementary School, Clark Elementary School and Jardine Middle School, Wichita Public Schools, USD 259

COMMITTEE OF THE WHOLE

On motion of Senator Blasi, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Bowers in the chair.

On motion of Senator Bowers the following summary report was adopted:

SR 1704 be adopted as amended by Committee of the Whole.

COMMITTEE OF THE WHOLE ACTIONS

SR 1704 be amended by motion of Senator Owens, on page 3, in line 41, after the period, by inserting "For any changes to be made in the appointment of a chairperson or vice chairperson by the committee, the president of the Senate must be voting on the prevailing side."

A motion by Senator Blew to amend **SR 1704** failed.

EMERGENCY FINAL ACTION ON BILLS AND RESOLUTIONS

On motion of Senator Blasi an emergency was declared by a 2/3 constitutional majority, and **SR 1704** was advanced to Final Action and roll call.

SR 1704, A RESOLUTION adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2025 regular session of the Legislature.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Ware, Warren.

Absent or Not Voting: J.R. Claeys.

The resolution was adopted, as amended.

On motion of Senator Blasi, the Senate adjourned until 2:30 p.m., Thursday, January 23, 2025.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

