

Journal of the Senate

SIXTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 1, 2022, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.
The roll was called with 40 senators present.
Vice President Wilborn introduced Doug Henkle to deliver the invocation:

Father God, Creator of All, it was amazing to feel the relatively pleasant temperature this morning and see the vast bank of gray clouds slowly approach from the south in anticipation of a winter storm tonight. It reveals Your awesome power, might and sovereignty. It's no wonder Your disciples were filled with fear and amazement as they saw You calm the winds and water on the Sea of Galilee. In spite of all mankind's creativity and technology, today we still seem small and helpless before the force of nature. I pray we would find refuge in You.

Keep those who must travel during this storm safe. Cause them to exercise sound judgment. I lift up to You those whose jobs are to be out in the storm, keeping our roads and highways clear. Give them peace and confidence in You as they operate their equipment in often challenging situations.

I pray for the farmers and ranchers of Kansas as they care for their livestock during the storm. Thank You for their consistent care for their animals in fair and foul weather. They are a hearty breed of Kansan!

Bless our governor with Your wisdom as she leads the executive branch of our state government. Give her discernment as she may need to bring the resources at her disposal to bear in order to alleviate the effects of the storm.

I ask that You continue to give President Masterson, Vice President Wilborn, Majority Leader Alley and Minority Leader Sykes Your divine wisdom and insight as they lead this chamber through the challenges of the legislative process. I pray that the results of their efforts would honor You and bless all Kansans.

In Jesus' Name, Amen.

The Pledge of Allegiance was led by Vice President Wilborn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 421, AN ACT concerning the Kansas public employees retirement system; eliminating certain level-dollar employer contribution payments; making and concerning appropriations for the fiscal year ending June 30, 2022; authorizing certain transfers from the state general fund to the Kansas public employees retirement fund;

amending K.S.A. 2021 Supp. 74-4920 and repealing the existing section, by Committee on Ways and Means.

SB 422, AN ACT making and concerning appropriations for fiscal years ending June 30, 2023, June 30, 2024, and June 30, 2025, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2021 Supp. 2-223, 12-1775a, 12-5256, 17-12a601, 72-5462, 74-99b34, 75-2263, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171 and 79-4804 and repealing the existing sections, by Committee on Ways and Means.

SB 423, AN ACT concerning motor vehicles; relating to motor vehicle warranties; modifying how reasonable allowance for use is calculated for nonconforming vehicle warranty refunds; amending K.S.A. 8-2440 and 50-645 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 424, AN ACT concerning law enforcement; relating to officer-involved deaths and use of aggressive force; requiring investigations and reports, by Committee on Federal and State Affairs.

SB 425, AN ACT concerning children and minors; relating to the Kansas department for children and families; clarifying information exchange in investigations of child abuse between the department and law enforcement agencies; directing the department to release certain information to law enforcement agencies; amending K.S.A. 38-2210, 38-2211 and 38-2212 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 426, AN ACT concerning income taxation; relating to the child day care services assistance tax credit; increasing the amount of the credit for years following facility establishment; providing a credit for employer payments to an organization providing access to employees for child day care services; expanding eligible taxpayers; amending K.S.A. 79-32,190 and repealing the existing section, by Senator Sykes.

SB 427, AN ACT concerning campaign finance; extending the time frame for governmental ethics commission hearings; allowing federal officials access to governmental ethics commission investigations; amending K.S.A. 25-4148, 25-4156, 25-4161, 25-4165 and 25-4174 and repealing the existing sections, by Committee on Local Government.

SB 428, AN ACT concerning governmental ethics; extending the time frame for hearings before the governmental ethics commission; allowing federal officials access to commission investigations; amending K.S.A. 46-255, 46-256, 46-259, 46-265 and 46-280 and repealing the existing sections, by Committee on Local Government.

SB 429, AN ACT concerning campaign finance; requiring electronic filing of reports for state offices; amending K.S.A. 25-4148 and repealing the existing section, by Committee on Local Government.

SB 430, AN ACT concerning income taxation; relating to certain net operating losses; allowing a carryback on loss from sale of certain historic hotels; amending K.S.A. 2021 Supp. 79-32,143 and repealing the existing section, by Committee on Assessment and Taxation.

SB 431, AN ACT concerning property taxation; relating to exemptions; increasing extent of exemption for residential property from statewide school levy; amending K.S.A. 2021 Supp. 79-201x and repealing the existing section, by Committee on

Assessment and Taxation.

SB 432, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for sales of school supplies, personal computers and clothing during an annual sales tax holiday, by Committee on Assessment and Taxation.

SB 433, AN ACT concerning property taxation; relating to exemptions; establishing a property tax exemption for antique utility trailers, by Committee on Assessment and Taxation.

SB 434, AN ACT concerning public records; relating to records that contain captured license plate data or that pertain to the location of an automated license plate recognition system; disclosure thereof under the open records act; amending K.S.A. 45-217, 45-220 and 45-221 and repealing the existing sections, by Committee on Judiciary.

SB 435, AN ACT concerning law enforcement; relating to law enforcement officers; expanding jurisdiction and powers thereof; amending K.S.A. 72-6146 and K.S.A. 2021 Supp. 22-2401a and repealing the existing sections, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Judiciary: **SB 420**.

COMMUNICATIONS FROM STATE OFFICERS

The following reports were submitted to the Senate and are on file with the Secretary of the Senate:

Department of Wildlife and Parks FY 2021 Hunters Feeding the Hungry Annual Report (January 18, 2022)

Department of Wildlife and Parks Annual Land Report (January 18, 2022)

Department of Wildlife and Parks Annual Progress Report on the Completion of Recovery Plans for Threatened or Endangered Species in Kansas (January 26, 2022)

On motion of Senator Alley, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Wilborn in the chair.

COMMITTEE OF THE WHOLE

On motion of Senator Alley, 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 330 be passed.

SB 329, **HB 2005** be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2228 be passed over and retain a place on the calendar.

FINAL ACTION ON CONSENT CALENDAR

SB 358, AN ACT concerning water; relating to the financing of public water supply projects; allowing financing for projects that are related to the diversion or transportation of water acquired through a water transfer; amending K.S.A. 65-163d

and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **SB 329**, **SB 330**; **HB 2005** were advanced to Final Action and roll call.

SB 329, AN ACT concerning persons with disabilities; relating to income taxation, ABLE savings accounts; authorizing the state treasurer to determine account owners and designated beneficiaries; adopting the federal definition for an eligible individual; adding persons who may open an account; requiring additional compliance with the federal internal revenue code; amending K.S.A. 75-651, 75-652, 75-653 and 75-655 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

SB 330, AN ACT authorizing the construction of a permanent memorial honoring Kansas gold star families on the state capitol grounds; establishing the Kansas gold star families memorial fund.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

HB 2005, AN ACT concerning the boiler safety act; relating to exceptions to the applicability of the act; specifications for certain hot water supply boilers; amending K.S.A. 44-915 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes,

Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Education** recommends **SB 340** be amended on page 1, in line 31, after "is" by inserting ":

- (A) Approved by the state board of regents;
- (B) high wage, high demand or critical need; and
- (C) ";

On page 2, in line 31, by striking the second "and"; in line 35, after "requirements" by inserting ";

- (8) that no eligible postsecondary educational institution may:

(A) Limit scholarship awards to certain promise eligible programs at such institution; or

(B) award less than the full Kansas promise scholarship amount for which a student qualifies as long as funds are available in the Kansas promise scholarship program fund";

On page 4, in line 14, by striking all after "designate"; in line 15, by striking all before "of" and inserting "an additional field"; in line 16, before the colon by inserting "if:

(1) Promise eligible programs within such field of study are two-year associate degree programs or career and technical education certificates or stand-alone programs approved by the state board of regents that correspond to jobs that are high wage, high demand or critical need in the community;

- (2) the institution already offers such field of study; and

- (3) such field of study is one of the following";

Also on page 4, in line 17, by striking "(1)" and inserting "(A)"; in line 18, by striking "(2)" and inserting "(B)"; in line 19, by striking "(3)" and inserting "(C)"; in line 20, by striking "(4)" and inserting "(D)"; in line 21, by striking "(5)" and inserting "(E)"; in line 22, by striking all after "(b)"; in line 23, by striking "educational institution may designate one additional"; in line 24, by striking "field of study if the"; also in line 24, by striking "programs within such"; in line 25, by striking "field of study are two-year associate degree"; also in line 25, by striking "programs or" also in line 25, by striking "career"; in line 26, by striking "and technical education"; also in line 26, by striking "certificates or stand-alone"; in line 27, by striking "programs that"; also in line 27, by striking "correspond to"; also in line 27, by striking "high wage, high demand or"; in line 28, by striking "critical need"; also in line 28, by striking "occupations and such programs are offered as"; by striking all in lines 29 and 30; in line 40, by striking "subsection"; also in line 40, before "shall" by inserting "section";

On page 6, in line 1, after "hours" by inserting "or a total of \$20,000 in Kansas promise scholarship awards, whichever occurs first,";

On page 9, in line 13, by striking "determining"; in line 14, after "(A)" by inserting "Determining";

On page 10, by striking all in lines 7 through 9; and the bill be passed as amended.

On motion of Senator Alley, the senate adjourned pro forma until 2:30 p.m. February 03, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*
COREY CARNAHAN, *Secretary of the Senate.*

