

# Journal of the Senate

TWENTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 9, 2022, 2:30 p.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 40 senators present.  
Invocation by Reverend Cecil T. Washington:

E Pluribus Unum! "Out of Many, ONE!"  
Matthew 12:25, 22:36-40

E Pluribus Unum! Lord, a translation for the 13-letter Latin phrase, is "Out of many, one!" Over 300 years ago, by Your inspiration and by an Act of Congress, it was adopted as the motto for this great nation.

Many, uniting as One! A goal; an objective, not yet achieved! And Lord, it appears as though some of us have forgotten our motto. Or we're trying to change it to "Out of Many, Me!"

Lord, only by Your convicting and unifying Spirit can our prideful "me first" attitudes be set aside. Then, as we humbly yield to the thought of sharing, and to the collective merging of ideas, we will see You produce in and through us, the growth and improvements needed in this generation.

As we consider the laws by which we are to be governed, keep us reminded of the one that's most essential...the one that facilitates the fulfillment of our motto...the law of love. This is so essential that in the 1 Peter 4:7-11 passage, You said in verse 8, "Above everything else, show sincere love for each other, because love will cause people to be forgiving of one another's shortcomings."

Lord, let the love and harmony of E Pluribus Unum, prevail in these halls. I come to You in the Name of Jesus, Who loved us to death, Amen and Amen.

The Pledge of Allegiance was led by President Masterson.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 467**, AN ACT concerning labor and employment; increasing the minimum wage; enacting the making work pay act; amending K.S.A. 44-1203 and repealing the existing section, by Senators Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Sykes and Ware.

**SB 468**, AN ACT concerning the state capitol; relating to permanent displays and murals; directing the capitol preservation committee to develop and approve plans for a mural honoring the 1st Kansas (Colored) Voluntary Infantry regiment; creating the 1st

Kansas (Colored) Voluntary Infantry regiment mural fund; amending K.S.A. 75-2264 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 469**, AN ACT concerning public assistance; relating to food assistance; removing certain limitations for food assistance eligibility; permitting certain persons convicted of a felony to be eligible for food assistance; amending K.S.A. 39-709 and repealing the existing section, by Senator Sykes.

**SB 470**, AN ACT concerning labor and employment; requiring a prevailing wage for state public works construction contracts by state agencies; providing for the determination of prevailing wages by the secretary of labor; assigning enforcement of compliance to the secretary of administration and the attorney general; permitting assignment of workers claims to the secretary of labor; providing for certain civil and criminal penalties; permitting cities and counties to require a prevailing wage; amending K.S.A. 2021 Supp. 12-16,131 and repealing the existing section, by Senator Sykes.

**SB 471**, AN ACT concerning health benefits; relating to health insurance plans; providing requirements for coverage of diagnostic examinations for breast cancer; relating to state health insurance; expanding eligibility for medicaid postpartum coverage to 12 months; relating to insurance coverage for children; providing coverage for houses with income to be tied to current federal poverty income guidelines; amending K.S.A. 38-2001, 40-2,103 and 40-19c09 and repealing the existing sections, by Senator Sykes.

**SB 472**, AN ACT concerning health and healthcare; relating to health insurance coverage; expanding medical assistance eligibility; requiring the department of health and environment to direct certain individuals to a work referral program and to study certain medicaid expansion topics, by Senator Sykes.

**SB 473**, AN ACT concerning crimes, punishment and criminal procedure; relating to escape from custody and aiding escape; increasing penalties for such crimes involving sexually violent predators; amending K.S.A. 2021 Supp. 21-5911 and 21-5912 and repealing the existing sections, by Senator Straub.

**SB 474**, AN ACT concerning health and healthcare; relating to emergency medical services; staffing of ambulances; permitting an ambulance to operate with one emergency medical service provider in rural counties; amending K.S.A. 2021 Supp. 65-6135 and repealing the existing section, by Senator Straub.

**SB 475**, AN ACT concerning education; enacting the Kansas hope scholarship act; establishing the hope scholarship program; providing education savings accounts for students, by Committee on Education.

**SB 476**, AN ACT concerning cities; relating to a board of public utilities; capping the amount of fees included on a utility bill; amending K.S.A. 13-1223a, 13-1227 and 13-1228 and repealing the existing sections, by Committee on Utilities.

**SB 477**, AN ACT concerning utilities; relating to a board of public utilities; requiring the state corporation commission to provide certain information upon request by customers, by Committee on Utilities.

**SB 478**, AN ACT concerning wind energy conversion systems; relating to obstruction lighting; requiring installation of light-mitigating technology systems; authorizing boards of county commissioners to determine the type of lighting system required, by Committee on Utilities.

**SB 479**, AN ACT authorizing a permanent memorial commemorating the Kansas

suffragist movement to be placed in the state capitol; establishing the Kansas suffragist memorial fund, by Senators Bowers, Alley, Baumgardner, Billinger, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, Olson, O'Shea, Petersen, Pettey, Pittman, Pyle, Ryckman, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren and Wilborn.

**SB 480**, AN ACT concerning public utilities; relating to electric, natural gas and water utilities; prohibiting recovery of dues, donations or contributions made to charitable and social organizations in customer rates; requiring the state corporation commission to disallow such expenditures in rate proceedings; amending K.S.A. 66-101f, 66-1,206 and 66-1,236 and repealing the existing sections, by Committee on Utilities.

**SB 481**, AN ACT concerning solar energy systems; relating to the siting and construction of commercial-scale and limited-scale solar energy conversion systems; requiring approval by boards of county commissioners prior to construction; establishing construction, siting, notification and health and safety requirements for such systems, by Committee on Utilities.

**SB 482**, AN ACT concerning government contracts; enacting the firearm industry nondiscrimination act; prohibiting certain contracts with entities that discriminate against firearm or ammunition industries, by Senators Warren, Alley, Erickson, Masterson and Wilborn.

**SB 483**, AN ACT concerning crimes, punishment and criminal procedure; relating to theft and criminal damage to property; increasing penalties for such crimes involving remote service units such as automated cash dispensing machines and automated teller machines; amending K.S.A. 2021 Supp. 21-5801 and 21-5813 and repealing the existing sections, by Committee on Judiciary.

**SB 484**, AN ACT concerning education; relating to student athletes; enacting the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations, by Committee on Education.

**SB 485**, AN ACT concerning elections; relating to the campaign finance act; expanding the scope of permitted uses of campaign contribution moneys to include family caregiving services; amending K.S.A. 25-4157a and repealing the existing section, by Committee on Federal and State Affairs.

**SB 486**, AN ACT concerning elections; relating to the campaign finance act; expanding the scope thereof to include candidates for board membership of certain school districts and community colleges; amending K.S.A. 25-4143 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 487**, AN ACT concerning reapportionment; relating to congressional districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp. 4-137 and 4-143, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 451**.

Assessment and Taxation: **SB 462, SB 463, SB 464; SCR 1619**.

Commerce: **SB 461**.

Education: **SB 452, SB 455**.

Federal and State Affairs: **SB 442, SB 445.**

Financial Institutions and Insurance: **SB 449.**

Judiciary: **SB 457, SB 465, SB 466.**

Public Health and Welfare: **SB 440, SB 441, SB 453, SB 454, SB 460.**

Transparency and Ethics: **SB 458.**

Transportation: **SB 446, SB 447, SB 459.**

Ways and Means: **SB 443, SB 444, SB 450, SB 456.**

### **POINT OF PERSONAL PRIVILEGE**

Senator Haley rose on a Point of Personal Privilege and submitted the following remarks:

LIFT every voice and sing until Earth and Heaven ring Ring with the harmonies of liberty. Let our rejoicing rise High as the listening skies Let it resound; loud as the rolling sea. Sing a song full of the faith that the dark past has brought us, Sing a song full of the hope that the present has brought us; Facing the rising sun of our new day begun, Let us march on till victory is won.

STONY the road we trod, bitter the chastening rod, Felt in the days when hope unborn had died; Yet with a steady beat, have not our weary feet, Come to the place for which our father sighed? We have come over a way that with tears have been watered. We have come, treading our path through the blood of the slaughtered. Out from the gloomy past, till now we stand at last Where the white gleam of our bright star is cast.

GOD of our weary years, God of our silent tears, Thou Who hast brought us thus far on the way; Thou Who hast by Thy might, led us into the light, Keep us forever in the path, we pray. Lest our feet, stray from the places our God where we met Thee. Lest our hearts, drunk with the wine of the world we forget Thee. Shadowed beneath Thy hand, may we forever stand, True to our God, true to our native land.

(LIFT EVERY VOICE AND SING "The Negro National Anthem": James Weldon Johnson)

Mr. President: As we recognize Black Legislative Day in the Capitol today, I wish to add my voice to the recognition of this month, February, as Black History month and am personally elevated to share some Black History of this body with you, my fellow colleagues. Fewer than a dozen Black Kansans in all of Kansas' Statehood history, have sat where all of us sit, in this august Chamber, here today.

There have been eleven Black Kansans; ten men and one woman, elected Kansas Senator in our history.

The first in this Chamber (whose picture I bear on my desk) was George W. Haley of Kansas City, my father, elected in 1964 along with Curtis McClinton of Wichita.

Billy McCray, Sedgwick. Eugene "Gene" Anderson, Sedgwick. U.L. "Rip" Gooch, Sedgwick.

Sherman Jones, Wyandotte. David Haley, Wyandotte. Oletha Faust-Goudeau, Sedgwick.

(Two: Edgwin Sexton, Jr., Sedgwick & Darryl Gray, Sedgwick were interim Honorary appointments.)

You know, Mr. President, some people ask why Black History? Why Black American history? Is it so necessary to designate by race? Aren't we ALL Americans? Doesn't it fragment our "united" society?

Well yes, of course we are all Americans. But in the interest of a proud history, we can not soon designate where race has created different "kinds" of Americans; that the labors and abilities and accomplishments and opportunities in this Land of the Free and Home of the Brave do derive from *E Pluribus (Many)* but not *Unum (One)* recipient "race" or "cultural" beneficiary.

Despite a sluggish progress up from generations of uncompensated then undercompensated labor and barbaric designations and treatments by "some" Americans by "other" Americans, the socio-economic and academic and health and every other societal metric for Black Americans is decidedly lower than White Americans. As we reread the lyrics of the Negro National Anthem "***Lift Every Voice And Sing,***" the recantation and faith of our history, Black American history, is as in need of optimistic review today as ever. We all pledge allegiance to the American flag with the hope for "liberty and justice for ALL."

"Let us march on until (THAT) victory is won."

#### CHANGE OF REFERENCE

The President withdrew **SB 450** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Financial Institutions and Insurance**.

#### MESSAGES FROM THE GOVERNOR

January 13, 2022

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

Laura Kelly  
Governor

*Public Member, Employment Security Board of Review, Pam Pierce, Topeka, (D)* pursuant to the authority vested in me by K.S.A. 44-709 and HB 2196, and effective upon the date of confirmation by the Senate, to serve until June 30, 2024.

*Public Member, Employment Security Board of Review, Amber Neisis, Wichita, (R)* pursuant to the authority vested in me by K.S.A. 44-709 and HB 2196, and effective upon the date of confirmation by the Senate, to serve until June 30, 2024.

*Public Member, Employment Security Board of Review, Connor Cross, Andover, (U)* pursuant to the authority vested in me by K.S.A. 44-709, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed Phillip Hayes.

*Public Member, Employment Security Board of Review, Dawn McClure, Lawrence, (R)* pursuant to the authority vested in me by K.S.A. 44-709 and HB 2196, and effective upon the date of confirmation by the Senate, to serve until June 30, 2024.

January 28, 2022

*To The Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are apointments made by meas the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
Governor

*Judge, Kansas Court of Appeals.* Angela Coble, Saline County, (D) pursuant to the authority vested in me by K.S.A. 20-3020 and effective upon the date of confirmation by the Senate, to serve a four-year term subject to retention for successive terms by public vote, to succeed Judge Michael Buser.

January 31, 2022

*To the Senate of the State of Kansas*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
Governor

*Secretary, Kansas Department of Health and Environment,* Janet Stanek, Topeka, (D) pursuant to the authority vested in me by K.S.A. 75-5601, and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Dr. Lee Norman.

#### MESSAGES FROM THE HOUSE

Announcing the House herewith transmitts certificate of action by the House of Representatives on **Substitute SB 355**,

AN ACT concerning reapportionment; relating to congressional districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp.4-137 and 4-143.

The veto message from the Governor having been received, a motion was made that not withstanding the Governor's objection to **SB 355**, the bill be passed. By a vote of 85 Yeas and 37 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing adoption of **HCR 5023**.

Announcing passage of **HB 2473, HB 2490**.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2473, HB 2490; HCR 5023** were thereupon introduced and read by title.

#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Erickson moved the Senate concur in House amendments to **H Sub SB 347**.

A substitute motion by Senator Peck to non-concur and appoint a conference committee failed.

**H Sub SB 347**, AN ACT concerning economic development; enacting the attracting powerful economic expansion act; relating to tax and other incentives for projects in specified industries or for a national corporate headquarters with specified capital

investment requirements of at least \$1,000,000,000; providing for a refundable income, privilege and premium tax credit for a portion of such investment; reimbursement of certain payroll costs and training and education costs; retention of certain payroll withholding taxes; sales tax exemption for project construction; adjusting the income tax on corporations by reducing the rate by 0.5% after a firm enters into an agreement under this act; limiting the number of agreements under this act with a qualified firm to one per year for two years; requiring state finance council approval of agreements and certain benefit provisions; providing for reports to legislative committees; establishing the attracting powerful economic expansion payroll incentive fund, the attracting powerful economic expansion new employee training and education fund and the attracting powerful economic expansion Kansas residency incentive fund; amending K.S.A. 79-32,110 and K.S.A. 2021 Supp. 79-3606 and repealing the existing sections.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Baumgardner, Hilderbrand, Holland, Peck, Steffen, Straub, Suellentrop, Thompson, Tyson.

The Senate concurred.

#### EXPLANATION OF VOTE

Mr. President: **H Sub SB 347** is nothing but a gamble. A gamble orchestrated by a Governor with minimal business or negotiation skills. The legislature has sadly followed. Forcing every Kansas citizen to pay for another mystery business is plain wrong.—MARK STEFFEN

#### REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 179** be passed.

Also, **HB 2057** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2057," as follows:

"Senate Substitute for HOUSE BILL NO. 2057

By Committee on Federal and State Affairs

"AN ACT concerning housing; relating to assistance animals; enacting the Kansas assistance animals in housing act; creating the crime of misrepresentation of entitlement to an assistance animal.";

And the substitute bill be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 377** be amended on page 2, in line 17, after "financial" by inserting "institution insurance";

On page 5, in line 9, by striking "a"; also in line 9, by striking "profit and lost"; in line 10, by striking "statement" and inserting "statements";

On page 6, in line 2, after "(l)" by inserting "A technology-enabled fiduciary financial institution insurance company that has been issued a certificate of authority under K.S.A. 40-4302, and amendments thereto, shall be permitted, subject to compliance with the provisions of K.S.A. 40-214, and amendments thereto, to do business in any other state or territory of the United States.

(m)";

Also on page 6, following line 12, by inserting:

"(o) A technology-enabled fiduciary financial institution policy issued in connection with an affiliated fidfin trust or fidfin transaction as defined in K.S.A. 2021 Supp. 9-2301, and amendments thereto, shall respect the form, treatment and character of such affiliated fidfin trust or fidfin transaction under the laws of this state notwithstanding the treatment or characterization of such transaction under generally accepted accounting principles or for tax purposes.";

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

Committee on **Public Health and Welfare** recommends **SB 348** be passed.

Also, **HB 2280** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2280," as follows:

"Senate Substitute for HOUSE BILL NO. 2280

By Committee on Public Health and Welfare

"AN ACT concerning health and healthcare; relating to prescription medications; authorizing the prescribing and dispensing of drugs for off-label use to prevent and treat COVID-19 infections; prohibiting pharmacists from using professional discretion to refuse to fill prescriptions for such drugs; relating to childhood vaccination s; requiring a child care facility or school to grant religious exemptions from vaccination requirements without inquiring into the sincerity of such religious beliefs; amending K.S.A. 65-508 and 72-6262 and K.S.A. 2021 Supp. 65-1637 and repealing the existing sections.";

And the substitute bill be passed.

**SB 12** be amended on page 1, in line 29, by striking "2022" and inserting "2023"; in line 34, by striking "2022" and inserting "2023"; in line 35, by striking "2022" and inserting "2023"; in line 36, by striking "2023" and inserting "2024";

On page 2, in line 4, by striking "2023" and inserting "2024"; and the bill be passed as amended.

**SB 343** be amended on page 3, in line 24, by striking all after the second comma; in line 25, by striking "conditions and diseases" and inserting "language and hearing disorders";

On page 11, in line 7, by striking "impairments" and inserting "disorders";

On page 15, in line 2, by striking all after the second comma; in line 3, by striking "hearing"; also in line 3, by striking "conditions and diseases" and inserting "language and hearing disorders";

On page 17, in line 37, by striking the first "impairments" and inserting "disorders"; and the bill be passed as amended.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Thursday, February 10, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

