

Journal of the Senate

TWENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 10, 2022, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.
Roll was called with 40 senators present.
Pastor Cecil Washington delivered the invocation.
Haylie Bagwell, guest of Senator Virgil Peck, sang the National Anthem.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 488, AN ACT concerning the division of vehicles; eliminating the division of vehicles modernization surcharge; amending K.S.A. 2021 Supp. 8-145 and repealing the existing section; also repealing K.S.A. 75-5160, by Committee on Ways and Means.

SB 489, AN ACT concerning infectious or contagious diseases; relating to the secretary of health and environment and local health officers; restricting the powers thereof; amending K.S.A. 65-119, 65-128 and 65-129b and K.S.A. 2021 Supp. 65-101 and 65-202 and repealing the existing sections; also repealing K.S.A. 65-126, by Committee on Public Health and Welfare.

SB 490, AN ACT concerning children and minors; relating to the newborn infant protection act; allowing the surrender of physical custody of an infant to an infant refuge crib; amending K.S.A. 38-2282 and repealing the existing section, by Committee on Judiciary.

SB 491, AN ACT concerning workers compensation; relating to post-traumatic stress disorder suffered by first responders; amending K.S.A. 44-508 and repealing the existing section, by Committee on Judiciary.

SB 492, AN ACT concerning grand juries; relating to citizen-initiated grand juries; providing immunity from civil liability for the person who files a citizen-initiated grand jury petition; requiring such person to be the first witness called by such grand jury; amending K.S.A. 2021 Supp. 22-3001 and 22-3008 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 493, AN ACT concerning cities and counties; prohibiting the regulation of plastic and other containers designed for the consumption, transportation or protection of merchandise, food or beverages, by Committee on Federal and State Affairs.

SB 494, AN ACT concerning motor carriers; relating to the employment status of a driver of a motor carrier; prohibiting the altering of employment status for requiring safety improvements on the vehicle, by Committee on Federal and State Affairs.

SB 495, AN ACT concerning income taxation; relating to deductions; establishing the salt parity act; allowing pass-through entities to elect to pay state income tax at the

entity level; amending K.S.A. 79-3220 and K.S.A. 2021 Supp. 79-32,117 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2021 Supp. 79-32,117q, by Committee on Assessment and Taxation.

SB 496, AN ACT concerning education; relating to schools and school districts; establishing the parents' bill of rights, by Committee on Education.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 467, SB 470.**

Education: **SB 475, SB 484.**

Federal and State Affairs: **SB 468, SB 479, SB 482.**

Financial Institutions and Insurance: **HB 2490.**

Judiciary: **SB 473, SB 483; HB 2473.**

Public Health and Welfare: **SB 469, SB 471, SB 472, SB 474.**

Redistricting: **SB 487.**

Transparency and Ethics: **SB 485, SB 486.**

Utilities: **SB 476, SB 477, SB 478, SB 480, SB 481; HCR 5023.**

REFERENCE OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred to Committees as indicated:

Member - 3, Kansas Employment Security Board of Review:

Connor Cross, to fill a term ending March 15, 2025.

Member - 4, Kansas Employment Security Board of Review:

Dawn McClure, to fill a term ending June 30, 2024.

Member - 5, Kansas Employment Security Board of Review:

Pamela Pierce, to fill a term ending June 30, 2024.

Member - 6, Kansas Employment Security Board of Review:

Amber Neises, to fill a term ending June 30, 2024.

(Committee on Commerce)

Judge - 6, Kansas Court of Appeals:

Angela Coble

(Committee on Judiciary)

Secretary, Department of Health and Environment:

Janet Stanek, to serve At the pleasure of the governor.

(Committee on Public Health and Welfare)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Billinger, Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, Olson, O'Shea, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Tyson, Ware, Warren and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1728

A RESOLUTION designating February 10, 2022, as JAG-K Day at the Capitol.

WHEREAS, Jobs for America's Graduates-Kansas (JAG-K) is an evidence-based program with objective performance measures; and

WHEREAS, In a small group classroom setting, students explore career opportunities and learn the skills necessary to successfully transition to post-secondary education, military service or the workforce following their graduation; and

WHEREAS, JAG-K has a 97% graduation rate statewide, and 89% of JAG-K graduates are full time participants in post-secondary education, military service or the workforce; and

WHEREAS, Nationally, JAG graduates are 230% more likely to be employed than peers not participating in a JAG program; and

WHEREAS, JAG-K is a 501(c)(3) not-for-profit organization that partners with public schools, communities and employers to help students prepare for successful futures; and

WHEREAS, There are 81 traditional school-to-career JAG-K programs located in 43 school districts across Kansas in the current school year, 2021-2022: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate February 10, 2022, as JAG-K Day at the Capitol; and

Be it further resolved: That the Secretary of the Senate shall send 12 enrolled copies of this resolution to Senator Billinger.

On emergency motion of Senator Billinger **SR 1728** was adopted unanimously.

MESSAGES FROM THE GOVERNOR

SB 347 approved on February 10, 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 Erickson, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Hilderbrand in the chair.

On motion of Senator Hilderbrand the following report was adopted:

The committee report on **SB 300** recommending **Sub SB 300** be adopted; and the substitute bill be passed.

SB 346; HB 2109 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Straub to further amend **SB 346** failed.

SB 282 be passed over and retain a place on the calendar.

FINAL ACTION ON CONSENT CALENDAR

SB 327 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

SB 327, AN ACT concerning sales taxation; relating to the sales or selling price; excluding separately stated delivery charges; amending K.S.A. 2021 Supp. 79-3602 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 **Sub SB 300; SB 346; HB 2109** were advanced to Final Action and roll call.

Sub SB 300, AN ACT concerning crimes, punishment and criminal procedure; relating to the Kansas racketeer influenced and corrupt organization act; adding a person who has engaged in identity theft or identity fraud to the definition of covered person; identity theft and identity fraud to the definition of racketeering activity; amending K.S.A. 2021 Supp. 21-6328 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 substitute bill passed.

SB 346, AN ACT concerning agriculture; relating to milk and dairy products; allowing on-farm retail sale of milk and milk products; extending certain milk and dairy license fees; authorizing the secretary of agriculture to declare an imminent health hazard; authorizing civil penalties for certain dairy law violations; amending K.S.A. 65-771, 65-778, 65-781, 65-786 and 65-788 and repealing the existing sections.

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

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

Present and Passing: Francisco, Steffen.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote "PASS" on **SB 346**. I support much of what is in this bill

however I believe that the labeling and advertisement of raw unpasteurized milk should require inclusion of the word “unpasteurized.” I also think that “Imminent health hazard” needs to be defined.—MARCI FRANCISCO

HB 2109, AN ACT concerning the board of indigents' defense services; relating to appointments to the board; increasing population threshold of a county required to have a lawyer member; increasing number of lawyer members; decreasing number of non-lawyer members; amending K.S.A. 22-4519 and repealing the existing section.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Doll, Pyle, Steffen, Straub, Tyson.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 378** be passed.

Committee on **Federal and State Affairs** recommends **SB 405** be passed.

Committee on **Judiciary** recommends **SB 366**, **SB 367**, **SB 368**, **SB 408** be passed.

Committee on **Judiciary** recommends **HB 2231** be amended on page 1, in line 6, by striking "2020" and inserting "2021";

On page 2, in line 24, by striking "2020" and inserting "2021";

On page 1, in the title, in line 3, by striking "2020" and inserting "2021"; and the bill be passed as amended.

CHANGE OF REFERENCE

Under the authority of the President withdrew **S Sub HB 2280** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Public Health and Welfare**.

REPORT ON ENROLLED BILLS

H Sub SB 347 reported correctly enrolled, properly signed and presented to the Governor on February 10, 2022.

On motion of Senator Alley, the Senate adjourned until 8:00 a.m., Friday, February 11, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

