

# Journal of the Senate

TWENTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 17, 2022, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.  
The roll was called with 34 senators present.  
Senators Baumgardner, Doll, Gossage, Haley, Hawk and Holscher were excused.  
Invocation by Reverend Cecil T. Washington:

Seeking The Greatest Thing!  
Matthew 6:24-33 Heavenly

Father, there is much for us to be concerned about these days. Good and evil are clashing and we are in the middle of it. But You created us for the purpose of being role models; actual demonstrations of right and righteousness. But there are forces aimed at undermining Your purposes for us and diminishing our Godly influence.

You said in Matthew 6:24-33, that our first priority is to seek Your rule in everything we do; Your Kingdom; Your morality; Your Justice; Your virtue. Your level of righteousness is the Godly standard You are calling us to. But we can't get there on our own.

The authority that we have, came at Your Hand. And so it is with righteous living. In fact, in that Matthew 6 passage, You said that gaining the everyday practical things in life, depends on daily prioritizing the spiritual.

We must look to You Lord, You've given us Your formula for our success. And it would be foolish to be looking for another formula. Please keep solid and strong, the liberties You have given us.

I offer this prayer in accordance with Your will, Your word and Your way. In Jesus' name, Amen.

The Pledge of Allegiance was led by Vice President Wilborn.

## **POINT OF PERSONAL PRIVILEGE**

Senator Faust-Goudeau rose on a Point of Personal Privilege to thank Janie Johnson, who could not be present today and the two Delta members that are in the gallery, Anna Gregory and Tami Farr-Smith. Others recognized were Trudy Baker, Alice Brannon-Williams, Ashlynn Clark, Sharon Collins, Dr. Felicia C. Echols, Alyssa Harris, Chase Johnson, Ly'Teesha Martin, Christina Love, Alaina Meekins-Kent, Valerie Patterson and Tanya Young.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 521**, AN ACT concerning law enforcement; prohibiting motorcycle profiling by law enforcement agencies, by Committee on Federal and State Affairs.

**SB 522**, AN ACT concerning education; relating to firearms; standardizing firearm safety education training programs in school districts, by Committee on Federal and State Affairs.

**SB 523**, AN ACT concerning the Kansas public employees retirement system; making and concerning appropriations for the fiscal years ending June 30, 2022, and June 30, 2023; authorizing certain transfers from the state general fund to the Kansas public employees retirement fund; requiring state finance council approval for such fiscal year 2023 transfers, by Committee on Ways and Means.

**SB 524**, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; affiliating for membership for certain security officers of the department of corrections and certain law enforcement officers and employees of the Kansas department of wildlife and parks; establishing employee and employer contributions, by Committee on Ways and Means.

**SB 525**, AN ACT concerning education; relating to school finance; requiring at least 65% of moneys provided by the state to school districts to be expended in the classroom or for instruction; amending K.S.A. 72-5191 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 526**, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for purchases for the construction or repair of buildings used for human habitation by the Kansas state school for the blind and the Kansas state school for the deaf; amending K.S.A. 2021 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 527**, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for certain purchases and sales by certain nonprofit organizations providing substance use disorder treatment or support to foster children and licensed foster families; amending K.S.A. 2021 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 519**, **SB 520**.

Financial Institutions and Insurance: **HB 2489**.

Judiciary: **HB 2537**.

Transparency and Ethics: **SB 517**.

Ways and Means: **SB 518**.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2458**, **HB 2476**, **HB 2478**, **HB 2540**, **HB 2560**, **HB 2591**

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2458**, **HB 2476**, **HB 2478**, **HB 2540**, **HB 2560**, **HB 2591** were thereupon introduced and read by title.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Faust-Goudeau, Haley and Pittman introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1729—

A RESOLUTION recognizing the members of Delta Sigma Theta Sorority, Inc., for their outstanding service to the citizens of our state, our nation and the international community and for their promotion of sisterhood, scholarship and service.

WHEREAS, Delta Sigma Theta Sorority, Inc., is a private, not-for-profit organization whose purpose is to provide assistance and support in local communities throughout the world, in diverse fields relating to public service, through the organization's established five-point programmatic thrust: Economic development, educational development, international awareness and involvement, physical and mental health, and political awareness and involvement; and

WHEREAS, On January 13, 1913, Delta Sigma Theta Sorority, Inc. was founded at Howard University in the District of Columbia by: Osceola Macarthy Adams, Marguerite Young Alexander, Winona Cargile Alexander, Ethel Cuff Black, Bertha Pitts Campbell, Zephyr Chisom Carter, Edna Brown Coleman, Jessie McGuire Dent, Frederica Chase Dodd, Myra Davis Hemmings, Olive C. Jones, Jimmie Bugg Middleton, Pauline Oberdorfer Minor, Vashti Turley Murphey, Naomi Sewell Richardson, Mamie Reddy Rose, Eliza Pearl Shippen, Florence Letcher Toms, Ethel Carr Watson, Wertie Blackwell Weaver, Madree Penn White and Edith Motte Young; and

WHEREAS, In March 1913, the founders of Delta Sigma Theta Sorority, Inc., participated in the Women's Suffrage March in the District of Columbia, which was the sorority's first public act; and

WHEREAS, Since its founding, more than 300,000 women have joined the organization. Delta Sigma Theta Sorority, Inc., has eight chapters in Kansas and a total of 1,000 collegiate and alumnae chapters in the United States, Canada, Japan, Germany, the Virgin Islands, Bermuda, the Bahamas, Jamaica, West Africa and the Republic of Korea: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the members of Delta Sigma Theta Sorority, Inc., for their outstanding service to the citizens of our state, our nation and the international community and for their promotion of sisterhood, scholarship and service; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Trudy Baker, Alice Brannon-Williams, Ashlynn Clark, Sharon Collins, Dr. Felicia C. Echols, Anna Gregory, Alyssa Harris, Chase Johnson, Jamie Johnson, Ly'Teesha Martin, Christina Love, Alaina Meekins-Kent, Valerie Patterson, Tanya Young and Senators Faust-Goudeau, Haley and Pittman.

On emergency motion of Senator Faust-Goudeau **SR 1729** was adopted by voice vote.

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 Peck in the chair.

On motion of Senator Peck the following report was adopted:

**SB 335, SB 392** be passed.

**SB 12** be amended by the adoption of the committee amendments, and the bill be passed as amended.

The committee report on **HB 2262** recommending **S Sub HB 2262** as amended, be adopted; and **S Sub HB 2262** be passed as amended.

**SB 161, SB 417** be passed over and retain a place on the calendar.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, **SB 12, SB 335, SB 392** and **S Sub HB 2262** were advanced to Final Action and roll call.

**SB 12**, AN ACT concerning the department for children and families; relating to performance-based contracting.

On roll call, the vote was: Yeas 34; Nays 0; Present and Passing 0; Absent or Not Voting 6.

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

Absent or Not Voting: Baumgardner, Doll, Gossage, Haley, Hawk, Holscher.

The bill passed, as amended.

**SB 335**, AN ACT concerning insurance; relating to accident and health insurance; exempting certain qualified trade, merchant, retail and professional associations and business leagues that provide health insurance in the state but are not subject to the jurisdiction of the commissioner of insurance from payment of the annual premium tax; amending K.S.A. 40-2222b and repealing the existing section.

On roll call, the vote was: Yeas 34; Nays 0; Present and Passing 0; Absent or Not Voting 6.

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

Absent or Not Voting: Baumgardner, Doll, Gossage, Haley, Hawk, Holscher.

The bill passed.

**SB 392**, AN ACT concerning securities; relating to the securities act fee fund; terminating the transfer of remaining unencumbered moneys in such fund exceeding \$50,000 to the state general fund; amending K.S.A. 2021 Supp. 17-12a601 and repealing the existing section.

On roll call, the vote was: Yeas 34; Nays 0; Present and Passing 0; Absent or Not Voting 6.

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

Absent or Not Voting: Baumgardner, Doll, Gossage, Haley, Hawk, Holscher.

The bill passed.

**S Sub HB 2262**, AN ACT concerning controlled substances; relating to substances included in schedules I, II, IV and V of the uniform controlled substances act; amending the definition of controlled substances in the Kansas criminal code; excluding certain drug products from the definition of marijuana; amending K.S.A. 65-4107, 65-4111 and 65-4113 and K.S.A. 2021 Supp. 21-5701, 65-4101 and 65-4105 and repealing the existing sections.

On roll call, the vote was: Yeas 34; Nays 0; Present and Passing 0; Absent or Not Voting 6.

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

Absent or Not Voting: Baumgardner, Doll, Gossage, Haley, Hawk, Holscher.

The substitute bill passed, as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 451** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Assessment and Taxation** recommends **SB 432** , **SB 464** be passed.

Also, recommends **SB 431** be amended on page 1, in line 8, after "79-201x." by inserting "(a)"; in line 12, by striking "\$100,000" and inserting "\$65,000"; following line 13, by inserting:

"(b) For taxable year 2023, and all taxable years thereafter, the dollar amount of the extent of appraised valuation that is exempt pursuant to subsection (a) shall be adjusted to reflect the average percentage change in statewide residential valuation of all residential real property for the preceding 10 years. Such average percentage change shall not be less than zero. The director of property valuation shall calculate the average percentage change for purposes of this annual adjustment and calculate the dollar amount of the extent of appraised valuation that is exempt pursuant to this section each year."; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2212** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2212," as follows:

"Senate Substitute for HOUSE BILL NO. 2212

By Committee on Federal and State Affairs

"AN ACT concerning taxation; relating to income, privilege and premium taxes; enacting the Kansas affordable housing tax credit act and the Kansas housing investor tax credit act; providing tax credits for qualified housing projects.";

And the substitute bill be passed.

Also, **SB 376** be amended on page 4, in line 3, after the period by inserting "Of the amount allocated for infrastructure and housing development in rural areas, the director shall allocate:

(A) Not less than \$3,000,000 for loans and grants to counties with a population of not more than 8,000 and to cities located in such counties; and

(B) not less than \$3,000,000 for loans and grants to counties with a population of more than 8,000 but not more than 25,000 and to cities located in such counties.

(3)";

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

Committee on **Financial Institutions and Insurance** recommends **SB 400** be amended by substituting with a new bill to be designated as "Substitute for SENATE BILL NO. 400," as follows:

"Substitute for SENATE BILL NO. 400

By Committee on Financial Institutions and Insurance

"AN ACT concerning trusts; relating to the creation, modification and termination thereof; adding to the list of matters that may be resolved by nonjudicial settlement agreements; increasing the threshold at which an uneconomic trust may be terminated; updating the definition of resident trust; amending K.S.A. 58a-414 and 79-32,109 and K.S.A. 2021 Supp. 58a-111 and repealing the existing section.";

And the substitute bill be passed.

Also, **SB 450** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 450," as follows:

"Substitute for SENATE BILL NO. 450

By Committee on Financial Institutions and Insurance

"AN ACT concerning state property; relating to the sale of surplus real property; eliminating the crediting of 80% of the proceeds from such sale to the Kansas public employees retirement fund; authorizing state educational institutions to sell and convey real property given to a state educational institution as an endowment, bequest or gift; authorizing the state board of regents to adopt policies relating to such sale and conveyance; amending K.S.A. 75-6609 and repealing the existing section.";

And the substitute bill be passed.

**SB 399** be amended on page 1, in the title, in line 1, by striking the second "insurance"; in line 2, by striking "provider" and inserting "provider insurance"; and the bill be passed as amended.

**SB 448** be amended on page 1, in line 11, by striking "Except as provided in subsection (b)."; in line 31, by striking all after "(b)"; by striking all in lines 32 through 36;

On page 2, in line 1, by striking "(c)";

On page 5, in line 19, by striking "(i)"; also in line 19, by striking all after the first "as"; by striking all in lines 34 through 38;

On page 7, in line 31, by striking all after "(B)"; by striking all in lines 32 through 39; in line 40, by striking "(C)";

On page 1, in the title, in line 2, by striking "commissioner's" and inserting "commissioners"; in line 3, by striking all after the semicolon; by striking all in lines 4 and 5; in line 6, by striking all before "amending"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 425** be amended on page

6, in line 8, by striking "and" and inserting a comma; in line 10, after the second "perpetrator" by inserting "and the name and contact information of the reporter or persons alleging abuse or neglect and case managers, investigators or contracting agency employees assigned to or investigating such report"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 313** be amended on page 1, following line 12, by inserting:

"Sec. 2. Bridge No. 19-0115 located between the intersections with K-126 and north grand street and K-126 and north rouse street in the city of Pittsburg in Crawford county is hereby designated as the Dennis Crain memorial bridge. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place suitable signs to indicate that the bridge is the Dennis Crain memorial bridge.

Sec. 3. The portion of United States highway 69 from the northern junction of United States highway 69 and K-52 highway in Linn county, then south on United States highway 69 to the southern junction of United States highway 69 and K-52 highway is hereby designated as the AMM2c Walter Scott Brown memorial highway. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place suitable signs to indicate that the highway is the AMM2c Walter Scott Brown memorial highway.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, after the second "highway" by inserting "; designating a certain bridge on K-126 as the Dennis Crain memorial bridge; designating a portion of United States highway 69 as the AMM2c Walter Scott Brown memorial highway"; and the bill be passed as amended.

On motion of Senator Alley, the senate adjourned pro forma until 9:00 a.m. February 18, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

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