

# Journal of the Senate

FORTY-SECOND DAY

---

SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 15, 2022, 2:30 p.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 39 senators present.  
Senator Kloos was excused.  
Invocation by Reverend Cecil T. Washington:

The Fight For Freedom  
Ecclesiastes 9:12, Psalm 46:1

Heavenly Father, having citizenship in a free country where God given rights and liberties can be defended is truly a blessing. Help us now to keep in mind that we must always be on guard, fighting to maintain those freedoms.

In the book of Ecclesiastes, You used the writer to remind us that as long as we're on this earth, under the sun, freedom is not free. During the conflict with the British You inspired the wife of Sam Adams, the Godly Abigail Adams, to remind him of the emptiness, the futility of only being concerned with what's happening on earth "under the sun." She used Ecclesiastes 9:12 to remind him that the race is not given to the swift nor the battle given to the strong, but the God of Israel is He that giveth strength and power to His people. She told her husband to trust in You at all times quoting Psalm 46:1, that You are our refuge and strength ... a very present help in times of trouble.

So Lord, as it relates to our freedom, keep us defending them but looking to You to maintain them. I come to You in the Name of Jesus, Who died to set us free. 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 567**, AN ACT concerning driver's licenses; relating to restricted driver's licenses; allowing restricted driver's license holders to drive to and from worship services held by any religious organization at age 15; amending K.S.A. 2021 Supp. 8-2,101 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 568**, AN ACT concerning reapportionment; relating to state senatorial districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp. 4-4,451, 4-4,453 and 4-4,494, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 565**.

Transparency and Ethics: **SB 564**.

### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senator Longbine introduced the following Senate resolution, which was read:

#### SENATE RESOLUTION No. 1732

A RESOLUTION congratulating and commending  
the 2020 and 2022 Kansas Master Teachers.

WHEREAS, Fourteen of Kansas' best teachers have been selected as Kansas Master Teachers for 2020 and 2022; and

WHEREAS, Local teacher associations, educational organizations and school faculties nominate candidates for the awards. A committee representing educational organizations from across Kansas selected the 2020 and 2022 winners; and

WHEREAS, The 2020 Kansas Master Teachers are Hillary Barscewski, a first grade teacher at Cottonwood Elementary School in Andover, USD 385; Holly Bright, a kindergarten teacher at Grandview Elementary School in El Dorado, USD 490; Justin Heeke, a seventh grade physical education teacher at Comanche Middle School in Dodge City, USD 443; Erica Huggard, a biology and health science teacher at Emporia High School in Emporia, USD 253; Eunice Izazaga, a second grade teacher at Pleasant Valley Elementary School in Wichita, USD 259; Vickie Marcozzi, an art and enrichment reading and writing teacher for grades second through fifth at Oakdale Elementary School in Salina, USD 305; and Kathy Wagoner, an English teacher at Hays High School in Hays, USD 489; and

WHEREAS, The 2022 Kansas Master Teachers are Andy Battenfield, a physical education teacher at Village Elementary in Emporia, USD 253; Melanie Hammond, a chemistry and physical science teacher at South High School in Salina, USD 305; Karen Stohlmann Henderson, a math and engineering teacher at Northwest High School in Blue Valley, USD 229; Sarah M. Hoff, a social studies teacher at Dodge City High School in Dodge City, USD 443; Gina Johnson, a fourth and fifth grade teacher at O'Loughlin Elementary School in Hays, USD 489; Bryan Scruggs, an instructional coach at Seitz Elementary School in Geary County, USD 475; and Barbara Tholen, a journalism advisor and graphic design teacher at Lawrence High School in Lawrence, USD 497; and

WHEREAS, Emporia State University established the Kansas Master Teacher Awards in 1953; and

WHEREAS, The awards are presented annually to teachers who have served the profession long and well and who also exemplify the outstanding qualities of earnest and conscientious teachers; and

WHEREAS, Since 1980, Bank of America has pledged more than \$100,000 to permanently endow the Kansas Master Teacher Awards. In 1984, the Black family of Broken Arrow, Oklahoma established an endowed chair for Kansas Master Teachers. The fund provides a stipend to bring two Master Teachers to Emporia State University for part of a semester where they present to classes of education students; and

WHEREAS, The members of the Senate of the State of Kansas recognize the invaluable contributions of great teachers such as those being honored today. These

2020 and 2022 Master Teachers serve as mentors and role models and lay the groundwork for the best educators of tomorrow. They go above and beyond what is expected and offer inspiration, as well as instruction. They teach with heart and soul, and by giving the best of themselves, they encourage students to give their best in return: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the 2020 and 2022 Kansas Master Teachers for demonstrating excellence in their profession and devotion to the children of Kansas; and

Be it further resolved: That we offer heartfelt thanks to these extraordinary educators who face so many challenges in the classroom each day, yet persevere, choosing the satisfaction of doing their best and overcoming the frustrations inherent in their jobs, and we extend our best wishes for their continued success and happiness; and

*Be it further resolved:* That the Secretary of the Senate shall send 14 enrolled copies of this resolution to Senator Longbine.

On emergency motion of Senator Longbine **SR 1732** was adopted.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 389**, AN ACT concerning elections; relating to voting systems and procedures; requiring voter-verified paper ballots with a distinctive watermark, was considered on final action.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Present and Passing: Faust-Goudeau.

Absent or Not Voting: Kloos.

The bill passed, as amended.

**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, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, 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: Kloos.

The bill passed, as amended.

**SCR 1623**, A CONCURRENT RESOLUTION urging the President of the United States to stop importing oil and gas from Russia and restore energy independence in the United States, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 2; Absent or Not

Voting 1.

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

Present and Passing: Francisco, Ware.

Absent or Not Voting: Kloos.

The resolution was adopted.

#### EXPLANATION OF VOTE

Mr. President: I vote yes on **SCR 1623**. The resolution hits on some key points regarding the ceasing of importing oil and gas from Russia and enhancing energy independence for the United States. I support the fact that President Joe Biden on March 8, 2022, signed an Executive Order to ban the import of Russian oil, liquefied natural gas, and coal to the United States—a significant action with bipartisan support that will deprive President Putin of the economic resources he uses to continue his needless war of choice in Ukraine. While this resolution focuses on oil and gas, it does not adequately mention the importance of renewable energy as part of the goal for United States energy independence. The intent of this resolution to condemn a needless war by Russia and to encourage the reduction of our dependence on oil is right on target. The resolution could be stronger if it would take into account our Kansas success with renewable energy over the past ten years and our joint responsibility to support all sources of energy in the near term to reach our common goal of energy independence.

—TOM HAWK

Senators Corson, Haley, Holland, Pettey, Pittman, Sykes and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **SCR 1623**.

#### MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **S Sub for HB 2279**, requests a conference and has appointed Representatives Landwehr, Eplee and Ruiz, S. as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 2** and has appointed Representatives Barker, Arnberger and Ruiz, L. as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub for Sub SB 286** and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 421** and has appointed Representatives Johnson, S., Croft and Neighbor as conferees on the part of the House.

#### ORIGINAL MOTION

On motion of Senator Hilderbrand, the Senate acceded to the request of the House for a conference on **S Sub HB 2279**.

The President appointed Senators Hilderbrand, Gossage and Pettey as conferees on

the part of the Senate.

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 Baumgardner in the chair.

On motion of Senator Baumgardner the following report was adopted:

The committee report on **SB 444** recommending a substitute bill **Sub SB 444** be adopted, be amended by Senator Holland; on page 248, following line 40, by inserting

"Sec. 133. (a) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2022 or 2023 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2024 as authorized by this or other appropriation act of the 2022 or 2023 regular session of the legislature, expenditures shall be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2024 to enroll and actively participate in e-verify for verification of employment status of all employees whose employment commences during fiscal year 2024.

(b) During the fiscal year ending June 30, 2024, no state agency named in this or other appropriation act of the 2022 or 2023 regular session of the legislature shall expend moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2024 as authorized by this or other appropriation act of the 2022 or 2023 regular session of the legislature for such state agency to:

(1) Award either a public works or a purchase contract for goods or services having a value of at least \$50,000 to a bidder, contractor or employer unless such bidder, contractor or employer verifies through e-verify the employment eligibility of the employees of such bidder, contractor or employer;

(2) authorize a bidder, contractor or employer to be eligible to bid for or receive either a public works contract or a purchase contract having a value of at least \$50,000 from any such state agency unless such bidder, contractor or employer certifies that such bidder, contractor or employer verifies through e-verify the employment eligibility of the employees of such bidder, contractor or employer; or

(3) authorize such bidder, contractor or employer who bids on or receives a contract referenced in either paragraph (1) or (2) to bid or receive a contract without first ensuring that any subcontractor used by the bidder, contractor or employer in the performance of the public works contract or purchase contract having a value of at least \$50,000 certifies through e-verify the employment eligibility of the employees of such subcontractor.

(c) As used in this section:

(1) "Employee" means any person who performs employment services for an employer pursuant to an employment relationship between the employee and the employer.

(2) "Employer" means any individual or type of organization that transacts business

in this state and that employs one or more individuals who perform employment services in this state.

(3) "E-verify" means an electronic system jointly administered by the United States department of homeland security and the social security administration or its successor program, pursuant to 8 U.S.C. § 1324a, that is used to verify the employment authorization of employees.";

And by renumbering remaining sections accordingly

**Sub SB 444** be further amended by motion of Senator Tyson; on page 6, in line 19, by adding \$240,880 to the dollar amount and by adjusting the dollar amount in line 19 accordingly;

On page 7, in line 40, before the period, by inserting ": *And provided further*, That expenditures shall be made by the above agency from this account in fiscal year 2023 to increase by the amount of 15% the salaries and wages, and associated fringe benefits, for committee assistants and office assistants";

On page 74, following line 26, by inserting:

"(h) On July 1, 2022, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2023, by subsection (a) from the state general fund in the KBA grant commitments account, the sum of \$240,880 is hereby lapsed."

And **Sub SB 444** be passed as amended.

A motion by Senator Holland to further amend **Sub SB 444** failed and the following amendment was rejected; on page 54, following line 21, by inserting:

"(s) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or in any special revenue fund or funds for fiscal year 2023 as authorized by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by such agency from such moneys to limit the total cost share for any participant in the state health care benefits program during plan year 2023 for a 30-day supply of the prescription insulin drug to an amount not to exceed \$100, regardless of the quantity or type of prescription insulin drug required to fill the participant's prescription or if the participant takes multiple prescription insulin drugs per month.

Sec. 43.

#### DEPARTMENT OF ADMINISTRATION

(a) During the fiscal year ending June 30, 2024, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or in any special revenue fund or funds for fiscal year 2024 as authorized by this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by such agency from such moneys to limit the total cost share for any participant in the state health care benefits program during plan year 2023 for a 30-day supply of the prescription insulin drug to an amount not to exceed \$100, regardless of the quantity or type of prescription insulin drug required to fill the participant's prescription or if the participant takes multiple prescription insulin drugs per month.";

And by renumbering sections accordingly;

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 10; Nays 21; Present and Passing 5; Absent or Not Voting 4.

Yeas: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Pettey, Pittman, Sykes, Ware.

Nays: Alley, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Masterson, Olson, Peck, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Wilborn.

Present and Passing: Baumgardner, Longbine, Petersen, Pyle, Warren.

Absent or Not Voting: Holscher, Kloos, McGinn, O'Shea.

be further amended by motion of Holland ,

A motion by Senator Francisco to amend **Sub SB 444** failed and the following amendment was rejected; on page 129, following line 15, by inserting:

"Special education services aid (652-00-1000-0700).....\$62,750,000";

On page 229, in line 8, by subtracting \$62,750,000 from the dollar amount and by adjusting the dollar amount in line 8 accordingly; following line 8, by inserting:

"*Provided*, That expenditures of \$17,250,000 shall be made from this account for the payment of water supply storage debt for Big Hill reservoir: *Provided further*, That after payment for Big Hill reservoir, expenditures shall be made from this account for payment of water supply storage debt for Hillsdale reservoir.";

On page 230, in line 1, before the period, by inserting ": *Provided further*, That expenditures shall be made from the water marketing fund from moneys previously obligated for the payment of water supply storage debt for Big Hill reservoir for fiscal year 2023 for payment of water supply storage debt for all other reservoirs for fiscal year 2023."

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 16; Nays 18; Present and Passing 2; Absent or Not Voting 4.

Yeas: Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Longbine, O'Shea, Pettey, Pittman, Ryckman, Sykes, Ware.

Nays: Alley, Billinger, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Masterson, Olson, Peck, Petersen, Pyle, Steffen, Straub, Thompson, Tyson, Wilborn.

Present and Passing: Baumgardner, Suellentrop.

Absent or Not Voting: Holscher, Kloos, McGinn, Warren.

A motion by Senator Holland to amend **Sub SB 444** was withdrawn.

A motion by Senator Holland to amend **Sub SB 444** failed.

President Masterson assumed the chair.

**REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **SCR 1620**, as reported by the Senate Committee on Assessment and Taxation in the Journal of the Senate on March 11, 2022, be amended on page 2, in line 14, by striking all after "at"; by striking all in lines 15 and 16; in line 17, by striking all before the period and inserting "a special election, which is hereby called on August 2, 2022, pursuant to section 1 of article 14 of the constitution of the state of Kansas, to be held in conjunction with the primary election held on such date"; and the resolution be adopted as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2481** be passed.

Committee on **Judiciary** recommends **SB 534; HB 2473, HB 2508** be passed.

Committee on **Judiciary** recommends **HCR 5022**, As Amended by House Committee, be amended on page 2, in line 31, by striking all after "at"; by striking all in lines 32 and 33; in line 34, by striking all before the period and inserting "a special election, which is hereby called on August 2, 2022, pursuant to section 1 of article 14 of the constitution of the state of Kansas, to be held in conjunction with the primary election held on such date"; and the resolution be adopted as amended.

Committee on **Redistricting** recommends **SB 563** be amended by substituting with a new bill to be designated as "Substitute for SENATE BILL NO. 563," as follows:

"Substitute for SENATE BILL NO. 563

By Committee on Redistricting

"AN ACT concerning reapportionment; relating to state senatorial districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp. 4-4,451, 4-4,453 and 4-4,494.";

And the substitute bill be passed.

Committee on **Transportation** recommends **SB 529** be amended on page 4, in line 27, by striking all after "shall"; in line 28, by striking all before "permit"; in line 29, by striking all after "card"; in line 30, by striking "an" and inserting "if the"; also in line 30, by striking "shall have"; and the bill be passed as amended.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Wednesday, March 16, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

