

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 2, 2023, 2:30 p.m.

The Senate was called to order by President Ty Masterson.
The roll was called with 38 senators present.
Senators Claeys and Holscher were excused.
Invocation by Reverend Cecil T. Washington:

Prayer of Thanksgiving by Andre Crouch: My Tribute

How can I say thanks for the things You have done for me
Things so undeserved that You gave to prove Your love for me
The voice of a million angels could not express my gratitude
All that I am, or ever hope to be, I owe it all to Thee
To God be the glory, to God be the glory
To God be the glory for the things you have done
With Your love You have saved me
With Your power You have raised me
To God be the glory, for the things You have done
Just let me live my life, let it be pleasing Lord to Thee
And should I gain any praise, let it go to Calvary!

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 138, AN ACT concerning property taxation; relating to exemptions; expanding and clarifying the exemption for Strother field airport property; amending K.S.A. 79-201r and repealing the existing section, by Committee on Assessment and Taxation.

SB 139, AN ACT concerning health and healthcare; relating to newborn screening; establishing an advance universal newborn screening program; providing for reimbursement of treatment services; authorizing the secretary of health and environment to specify conditions included in screenings; increasing transfers of money to the Kansas newborn screening fund; amending K.S.A. 65-181 and 65-183 and repealing the existing sections, by Senators Sykes and Blasi.

SB 140, AN ACT concerning minimum wage laws; permitting cities, counties and local governments to set the minimum wage above federal or state levels by ordinance, resolution or law; amending K.S.A. 12-16,130 and repealing the existing section, by

Senators Pittman, Corson, Faust Goudeau, Francisco, Haley, Holland, Holscher, Pettey, Reddi, Sykes and Ware.

SB 141, AN ACT concerning the attorney general; relating to corruption committed by a public officer or public employee; requiring the attorney general to carry out certain duties related to inquiry and investigation and request an inquisition or state grand jury under certain circumstances; amending K.S.A. 2022 Supp. 22-3001 and repealing the existing section, by Senator Holland.

SB 142, AN ACT concerning traffic regulations; relating to the duty of drivers approaching stationary vehicles; providing a penalty for unlawful passing thereof; amending K.S.A. 8-2118 and repealing the existing section, by Committee on Transportation.

SB 143, AN ACT concerning motor vehicles; relating to permitted lighting equipment; allowing for use of ground effect lighting; amending K.S.A. 8-1723 and repealing the existing section, by Committee on Transportation.

SB 144, AN ACT concerning the video competition act; exempting providers of broadcast satellite services and video programming delivered over the internet from the provisions of such act; amending K.S.A. 12-2022 and repealing the existing section, by Committee on Utilities.

SB 145, AN ACT concerning school districts; relating to teacher employment contracts; requiring due process procedures when non-renewing or terminating certain contracts; amending K.S.A. 72-2252, 72-2253, 72-2254 and 72-2260 and repealing the existing sections, by Committee on Education.

SB 146, AN ACT concerning the attorney general; relating to sexual abuse committed by a minister of religion; requiring the attorney general to carry out certain duties related to inquiry and investigation; requiring the attorney general to request an inquisition or state grand jury under certain circumstances; amending K.S.A. 2022 Supp. 22-3001 and repealing the existing section, by Senator Holland.

SB 147, AN ACT concerning income taxation; relating to credits; increasing the tax credit amount for adoption expenses and making the credit refundable; amending K.S.A. 79-32,202a and repealing the existing section, by Senator Blasi.

SB 148, AN ACT concerning health and healthcare; relating to insurance; enacting the ensuring transparency in prior authorization act; imposing certain requirements and limitations on the use of prior authorization, by Committee on Public Health and Welfare.

SB 149, AN ACT concerning crimes, punishment and criminal procedure; relating to obscene performances; expanding the crime of promoting obscenity to minors to include drag performances; amending K.S.A. 2022 Supp. 21-6401 and repealing the existing section, by Committee on Federal and State Affairs.

SB 150, AN ACT concerning the department of administration; relating to the division of printing; authorizing the division to print for units of local government and schools; amending K.S.A. 2022 Supp. 75-1005 and repealing the existing section, by Committee on Ways and Means.

SB 151, AN ACT concerning state agencies; relating to the employee award and recognition program; authorizing hiring, recruitment and retention bonuses; increasing the limitation on such award or bonus to \$10,000; eliminating the secretary of administration's authority to adopt rules and regulations; requiring such secretary to submit an annual report to certain legislative committees concerning such awards and

bonuses; amending K.S.A. 75-37,105 and repealing the existing section, by Committee on Ways and Means.

SB 152, AN ACT concerning certain state officers; relating to the salaries of the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, justices of the supreme court, judges of the court of appeals and members of the governor's cabinet; establishing the rate of pay for such state officers based on the annual rate of pay for members of congress, as adjusted by the provisions of this act; providing that all such rates of pay are subject to appropriations; amending K.S.A. 40-102, 75-3103 and 75-31201 and repealing the existing sections; also repealing K.S.A. 75-3101, 75-3104, 75-3108, 75-3110, 75-3111a, 75-3120f and 75-3120h, by Committee on Ways and Means.

SB 153, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2023, and June 30, 2024, 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, by Committee on Ways and Means.

SB 154, AN ACT concerning cities; relating to a board of public utilities; limiting the amount of fees, taxes and other charges included on a utility bill; amending K.S.A. 13-1223a, 13-1227 and 13-1228 and repealing the existing sections, by Senator Haley.

SB 155, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2024, June 30, 2025, and June 30, 2026, 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. 2-223, 12-1775a and 12-5256 and K.S.A. 2022 Supp. 65-180, 72-5462, 74-50,107, 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 156, AN ACT concerning firearms; repealing statutes that prohibit, limit and otherwise restrict municipal regulation of firearms; repealing K.S.A. 12-16,124, 12-16,124a and 12-16,124b, by Committee on Federal and State Affairs.

SB 157, AN ACT concerning days of commemoration; designating February 15 of each year as Susan B. Anthony Day in the state of Kansas, by Committee on Federal and State Affairs.

SB 158, AN ACT concerning sexually oriented businesses; crimes, punishment and criminal procedure; prohibiting certain acts; creating criminal penalties for violations; establishing the community defense and human trafficking reduction act; amending K.S.A. 2022 Supp. 22-3901 and repealing the existing section, by Committee on Federal and State Affairs.

SB 159, AN ACT concerning economic development; creating the Kansas rural grocery store development incentive act; establishing the grocery business project fund and the Kansas rural grocery business grant fund; amending K.S.A. 2022 Supp. 74-8711 and 79-3606 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 160, AN ACT regarding internet material harmful to minors; requiring age verification for access; establishing a civil cause of action for actual and punitive damages, attorney fees and costs for persons harmed, by Committee on Federal and State Affairs.

SB 161, AN ACT concerning insurance; relating to accident and health insurance; imposing coverage requirements for coverage of diagnostic and supplemental breast examinations; amending K.S.A. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 129, SB 136.**

Federal and State Affairs: **SB 133, SB 134, SB 135.**

Judiciary: **SB 137; HB 2015, HB 2016, HB 2017, HB 2018.**

Public Health and Welfare: **SB 131.**

Transportation: **SB 130, SB 132.**

COMMUNICATIONS FROM STATE OFFICERS

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

Kansas Guardianship Program FY 2022 Annual Report (January 31, 2023)

Office of the Attorney General Scrap Metal Theft Reduction Act Annual Report (February 1, 2023)

Kansas Attorney General State Medicaid Fraud Forfeiture Fund Annual Report (February 1, 2023)

Kansas Corporation Commission 2023 Electric Special Contracts/Reduced Rates Biennial Report (February 2, 2023)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1706—

A RESOLUTION recognizing February 2, 2023, as Wear Red Day
in the Kansas legislature and the importance of the
ongoing fight against cardiovascular disease among women.

WHEREAS, Wear Red Day is celebrated nationally each year on the first Friday in February to raise awareness and bring greater attention to heart disease as a leading and preventable cause of death, particularly among women; and

WHEREAS, Cardiovascular disease is the number one killer among women in the United States, causing 1 in 3 deaths each year; and

WHEREAS, Heart disease and stroke can affect women at any age, and losing even one woman to cardiovascular disease is one too many; and

WHEREAS, According to the American Heart Association, 87% of all cardiovascular diseases are preventable, which makes awareness, education and research imperative; and

WHEREAS, Since its founding, women have been the backbone of the United States, carrying our nation forward with their strength, be it in the home, in the workplace or in school; and

WHEREAS, Today, women tirelessly carry the burden of the responsibilities of the home and the rest of our nation; and

WHEREAS, While their noble sacrifice helps the nation as a whole, this increases the chances of heart diseases among the very people who nurture and support our society; and

WHEREAS, Our nation wears red on the first Friday of February to raise awareness about cardiovascular disease and help save lives by spreading the good news that most cardiovascular deaths can be prevented by a tobacco-free lifestyle, healthy eating and exercise; and

WHEREAS, The Kansas Legislature wears red on the first Thursday of February for the same reason, in solidarity with the rest of our nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the first Thursday in February shall be known as "Wear Red Day" in the Kansas Legislature to recognize the importance of the ongoing fight against heart disease and stroke among women; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator McGinn.

On emergency motion of Senator McGinn **SR 1706** was adopted by voice vote.

On motion of Senator Alley the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with President Masterson 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:

HCR 5002 be adopted.

Amendments offered by Senator Holland failed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **HCR 5002** was advanced to Final Action and roll call.

HCR 5002, A CONCURRENT RESOLUTION adopting joint rules for the Senate and the House of Representatives for the 2023-2024 biennium.

On roll call, the vote was: Yeas 31; Nays 4; Present and Passing 2; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Reddi, Ryckman, Shallenburger, Sykes, Thompson, Tyson, Warren, Wilborn.

Nays: Holland, Pittman, Pyle, Ware.

Present and Passing: Francisco, Straub.

Absent or Not Voting: Claeys, Holscher, Steffen.

The resolution was adopted.

Vice President Wilborn assumed the chair.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 14, SB 15, SB 17, SB 19, SB 23, SB 26** be passed.

Also, **SB 25** be amended on page 1, in line 13, by striking "3%" and inserting "4%"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 2** be amended on page 2, in line 12, after the period by inserting "Restricted driving privileges approved pursuant to this subparagraph shall remain in effect unless otherwise rescinded for the lesser of time of either:

(a) The remainder of the period of time that such person's driving privileges are revoked; or

(b) three years from the date when the restricted driving privileges were approved.";

Also on page 2, in line 33, after "year" by inserting "for restricted driving privileges issued pursuant to subparagraph (A) or (C), for the period of time specified in subparagraph (B)"; and the bill be passed as amended.

CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **SB 2** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Judiciary**.

On motion of Senator Erickson, the Senate adjourned pro forma until 9:00 a.m., Friday, February 3, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

