

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 21, 2023, 2:30 p.m.

The Senate was called to order by President Ty Masterson.

The roll was called with 38 senators present.

Senators Kerschen and Shallenburger were excused.

Invocation by Pastor Richard Lally, Church Ambassador Network:

O God, from whom come all holy desires, all good counsels and all just works, give to us, Your servants, that peace which the world cannot give, that our hearts may be set to obey Your commandments and also that we, being defended from the fear of our enemies may live in peace and quietness. Graciously regard those who have been set in positions of authority among us that, guided by Your Spirit, they may be high in purpose, wise in counsel, firm in good resolution and unwavering in duty, that under them we may be governed quietly and peaceably.

O merciful Father in heaven from You comes all rule and authority over the nations of the world for the punishment of evildoers and for the praise of those who do well. Graciously regard Your servants who make the laws of this state and look in mercy upon all the rulers of the earth. Enlighten and defend them and grant them wisdom and understanding, that under their peaceable governance guard them against strife and conflict and promote a spirit of civility as they go about their work in this chamber and beyond. Your people may be guarded and directed in righteousness, quietness and unity.

Lord, keep this nation under Your care. Bless the leaders of our land that we may be a people at peace among ourselves and a blessing to the other nations of the earth. Grant that we may choose trustworthy leaders, contribute to wise decisions pleasing in Your sight for the general welfare and serve You faithfully in our generation. Lord Jesus Christ, as once You shared in our human toil and thus hallowed the work of our hands, bless and prosper those who maintain the industries and service sectors of this land. Give them a right regard for their labors and grant them the just reward for their work that they may find joy in serving You and in supplying our needs. You bless the earth to make it fruitful, bringing forth in abundance whatever is needed for the support of our lives. Prosper the work of farmers and all those who labor to bring food to our table. Grant them seasonable weather that they may gather in the fruits of the earth in abundance and proclaim Your goodness with thanksgiving.

Lord God, You have called Your servants to ventures of which we cannot see the ending by paths as yet untrodden, through perils unknown. Give us faith to go out with good courage not knowing where we go but only that Your hand is leading us and Your love supporting us, through Jesus Christ our Lord.

Blessed Lord Jesus Christ, at this hour You hung upon the cross, stretching out Your loving arms to embrace the world in Your death. Grant that all people of the earth may look to You and see their salvation. For Your mercy's sake we pray. Amen!

The Pledge of Allegiance was led by President Masterson.

POINT OF PERSONAL PRIVILEGE

Senator Dietrich rose on a Point of Personal Privilege to recognize the following Kansas Youth of the Year from the Boys and Girls Clubs: Aden Camfield, Zion Burgess, Dakota Dalsing-Short, Brenden Draney, Arabella Gipp, and Khaai Wilson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 319, AN ACT concerning abortion; establishing the alternatives to abortion program and the alternatives to abortion public awareness program; providing services that promote childbirth for women facing unplanned pregnancies; establishing requirements and penalties for failure to fulfill program contract requirements; promoting public awareness of such services, by Committee on Ways and Means.

SB 320, AN ACT concerning health and healthcare; creating the born-alive infants protection act; providing legal protections for infants born alive; requiring certain standards of care by healthcare providers for infants who are born alive; providing criminal penalties and civil liability for violations of the act; amending K.S.A. 65-445 and repealing the existing section, by Committee on Ways and Means.

SB 321, AN ACT concerning elections; providing for a presidential preference primary election; establishing voter registration and voting procedures for such election; amending K.S.A. 25-1122, 25-1123, 25-2311, 25-4501a, 25-4502, 25-4503 and 25-4505 and K.S.A. 2022 Supp. 25-3009 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2388**.

Financial Institutions and Insurance: **HB 2105**, **HB 2247**.

COMMUNICATIONS FROM STATE OFFICERS

The following report was submitted to the Senate and is on file with the Secretary of the Senate:

Kansas Adjutant General's Department, 2022 Annual Report: (March 20, 2023)

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub SB 155, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2023, 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, 74-8711,

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, was considered on final action.

On roll call, the vote was: Yeas 23; Nays 12; Present and Passing 2; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Kloos, Longbine, Masterson, McGinn, Peck, Petersen, Ryckman, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Holscher, Olson, Pettey, Pittman, Reddi, Sykes, Ware.

Present and Passing: Holland, Pyle.

Absent or Not Voting: Kerschen, O'Shea, Shallenburger.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

I cannot in good conscience vote on legislation where one of the Attorney General's top advisors also serves in this Senate body. This unspoken conflict calls into question the integrity of the Senate budget. For this reason, I vote "PASS" on **Sub SB 155**.—Tom HOLLAND

On motion of Senator Alley, the Senate recessed until 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 Claeys in the chair.

On motion of Senator Claeys the following report was adopted:

HB 2020, HB 2065, HB 2089, HB 2090 be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2015 be amended by the adoption of the committee amendments, be further amended by motion of Senator Steffen; on page 1, in line 16, after "(b)" by inserting "(1)"; also in line 16, after "include" by inserting ":

(A)";

Also on page 1, in line 18, after the second "tests" by inserting "; and

(B) the statement of a person licensed by the state board of healing arts to practice medicine and surgery that the individual described in subsection (a) is undergoing or may require medical treatment that is dependent on the infectious disease test results sought in the application";

Also on page 1, also in line 18 after the period by inserting:

"(2)"

Also on page 1, in line 21, by striking "(1)" and inserting "(A)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 1, in the title, in line 3, after the semicolon by inserting "requiring such petition to contain a physician's statement that the test results sought are required for the exposed employee's medical treatment;" and **HB 2015** be passed as further amended.

SCR 1607 be adopted.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 24**.

The House accedes to the request of the Senate for a conference on **SB 14** and has appointed Representatives Sutton, Penn and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 19** and has appointed Representatives Sutton, Penn and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 26** and has appointed Representatives Sutton, Penn and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 83** and has appointed Representatives Williams, K., Landwehr and Winn as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2279**, As Amended by House Committee, be amended on page 1, in line 7, by striking "31" and inserting "25"; in line 12, after "the" by inserting "budget,"; in line 13, by striking all after "district"; by striking all in lines 14 through 18; in line 19, by striking all before the period; in line 21, by striking "financial statement included in the"; in line 23, by striking all after "(1)"; by striking all in lines 24 through 26; in line 27, by striking all before "a" and inserting "The most recent approved audit prepared in accordance with K.S.A. 75-1120a, and amendments thereto;

(2) an accounting of all assets currently held by the board;

(3) the budget adopted for the current year pursuant to K.S.A. 82a-1026, and amendments thereto;

(4) a detailed description of the activities of the district; and

(5)";

Also on page 1, in line 32, by striking "(d)" and inserting "(c) Beginning in January 2025, the report shall summarize the action plans and activities undertaken pursuant to section 2, and amendments thereto.

(d) Each year, each district shall publish the annual written report required by subsection (a) on the district's website.

(e)";

On page 2, in line 6, by striking "July 1" and inserting "December 31"; in line 7, after "each" by inserting "such board's"; by striking all in lines 10 through 12; in line 13, by striking all before "Priority"; in line 16, after "less" by inserting "or similar aquifer conditions exist as evidenced by water level decline and water use data provided by the Kansas geological survey";

On page 3, in line 14, before "every" by inserting "At least"; also in line 13, by striking the second "the" and inserting "existing"; in line 17, after "its" by inserting "priority areas of concern and"; in line 36, after "within" by inserting "a district that have adopted"; also in line 36, by striking "established"; in line 38, after "be" by inserting "a priority area of concern with an approved action plan"; also in line 38, by

striking "this section" and inserting "subsections (a)(1) and (a)(4)(B)"; in line 39, after the period by inserting "All areas within a district that have an established intensive groundwater use control area established pursuant to K.S.A. 82a-1036, and amendments thereto, on July 1, 2023, shall be considered to be a priority area of concern with an approved action plan in compliance with the requirements of subsections (a)(1) and (a)(4)(B) until reviewed by the chief engineer pursuant to a schedule established in rules and regulations.";

On page 4, in line 7, by striking all after "(e)"; by striking all in lines 8 through 14; in line 15, by striking "(f)"; following line 16, by inserting:

"Sec. 3. (a) If a district owns, purchases or otherwise acquires land, no member of the board of such district shall farm such land for profit unless the board issues a request for proposal for farming such land.

(b) This section shall be a part of and supplemental to article 10 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "engineer" by inserting "; prohibiting groundwater management district board members from farming land owned by the district unless a request for proposal for farming such land is issued"; and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2344** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2344," as follows:

"Senate Substitute for HOUSE BILL NO. 2344

By Committee on Commerce

"AN ACT concerning the department of health and environment; relating to licensure of child care facilities; day care homes and child care centers; establishing license capacity and staff-to-child ratios; lowering license fees and training requirements; creating a process for day care facility licensees to apply for a temporary waiver of certain statutory requirements; authorizing the secretary to develop and operate pilot programs to increase day care facility availability and capacity; amending K.S.A. 65-503, 65-505 and 65-508 and K.S.A. 2022 Supp. 48-3406 and repealing the existing sections."; and the substitute bill be passed.

Also, **HB 2336** be amended on page 1, in line 15, after "after" by inserting "the first"; in line 23, after "any" by inserting "resolution for a"; in line 25, by striking all after "approval"; in line 26, by striking all before "in" and inserting "or disapproval by the board of county commissioners. If the board of county commissioners disapproves the resolution of the authority, no further action shall be taken by the authority on the basis of such resolution. If the board of county commissioners approves the resolution of the authority, the board of directors of the authority may proceed to authorize and issue the general obligation bonds in the amount and for the purpose specified in such resolution. Following approval of the authority's resolution by the board of county commissioners, the authority shall cause the resolution to be published once each week for two consecutive weeks in the official county newspaper. If, within 30 days after the first publication of the resolution, a petition in opposition to the issuance of the bonds, signed by not less than 5% of the qualified electors of the county, is filed with the county election officer, the board of directors shall submit the proposed issuance of general obligation bonds to the electors of the county"; in line 28, by striking "question"

and inserting "proposition at the election"; also in line 28, by striking "thereof" and inserting "of the issuance"; also in line 28, by striking the second "in"; by striking all in lines 29 through 32; in line 33, by striking all before the period and inserting "by the authority";

On page 2, in line 1, after "year" by inserting ", unless a resolution of the authority to exceed 1.85% of the assessed value of all the taxable tangible property within the county as shown by the assessment books of the previous year for a general obligation bond issuance is approved by the board of county commissioners. If the board of county commissioners disapproves the resolution of the authority, no further action shall be taken by the authority on the basis of such resolution. If the board of county commissioners approves the resolution of the authority, the board of directors of the authority may proceed to authorize and issue the general obligation bonds in the amount and for the purpose specified in such resolution. Following approval of the resolution of the authority by the board of county commissioners, the authority shall cause the resolution to be published once each week for two consecutive weeks in the official county newspaper. If, within 30 days after the first publication of the resolution, a petition in opposition to the issuance of the bonds, signed by not less than 5% of the qualified electors of the county is filed with the county election officer, the board of directors shall submit the proposed issuance of general obligation bonds to the electors of the county in the manner provided in the general bond law. If a majority of the voters voting on the proposition at the election vote in favor of the issuance, the bonds may be issued by the authority";

On page 1, in the title, in line 3, after the semicolon by inserting "permitting bonding authority of more than \$10,000,000 or in excess of the 1.85% statutory limitation based on assessed value of property within the county upon approval by the board of county commissioners;"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2082** be passed.

Committee on **Public Health and Welfare** recommends **SB 297** be passed.

Also, **SB 287** be amended on page 1, in line 14, by striking "or vulnerable person" and inserting "or a missing person who is 18 years of age or older and has dementia, a developmental disability such as autism spectrum disorder or a cognitive impairment"; by striking all in lines 18 through 20; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2335**, As Amended by House Committee, be amended on page 2, in line 33, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2290** be passed.

Also, begs leave to submit the following report:

The following appointment was referred to and considered by the committee, and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Secretary, Department of Administration: K.S.A. 75-3702a

Adam Proffitt, to serve at the pleasure of the Governor

CHANGE OF REFERENCE

The President withdrew **SB 291** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Federal and State Affairs**.

The President withdrew **SB 193** from the Calendar under the heading of **General**

Orders, and rereferred the bill to the Committee on **Judiciary**.

REFERENCE OF BILLS

The President referred **SB 321** to the Committee on **Federal and State Affairs**.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Wednesday, March 22, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

