

Journal of the Senate

EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 20, 2022, 2:30 p.m.

The Senate was called to order by President Ty Masterson.
Roll was called with 38 senators present.
Senators Holland and Wilborn were excused.
President Masterson introduced Doug Henkle to deliver the Invocation:

Dear Lord, thank You for the wonderful blessing it is to come before Your throne. This afternoon we lift up to You Vice President Wilborn as he mourns the loss of a family member. Encourage him and bless him. We thank You for his leadership in this chamber.

We also bring before You Pastor Washington as he seeks renewed strength following his illness. Bring him back to this body in Your perfect time.

In Your Word You admonish us to be strong in You and in the strength of Your might, to put on Your full armor and so now we suit up.

Today we put on the helmet of salvation. Protect our minds from attacks by the Enemy, and give us sound thinking.

We put on the breastplate of righteousness. Guard our hearts and emotions from assault. And let us be governed, not by our emotions, but rather by the truth of Your Word.

We strap on the belt of truth. Wrap Your Word around us – around the very core of our being. Protect us from error by keeping us in Your truth.

We step into the sandals of peace. Use us to take Your peace and Your hope into the world today, and let us stand firm in the face of any attack by the Enemy. By anchoring us in Your Word, enable us to keep our footing. We take up the shield of faith. Let the attack of the world, the flesh, and the Devil fall flat against this defensive gear.

Finally, we take up the sword of God, Your Holy Word. Put Your truth in our hearts and minds in a fresh way, so that it is able to pierce the hearts and minds of those we encounter. 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 355, AN ACT concerning reapportionment; relating to congressional districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp. 4-137 and 4-143, by Committee on Redistricting.

SB 356, AN ACT concerning reapportionment; relating to congressional districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp. 4-137 and 4-143, by Committee on Redistricting.

SB 357, AN ACT concerning reapportionment; relating to congressional districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp. 4-137 and 4-143, by Committee on Redistricting.

SB 358, AN ACT concerning water; relating to the financing of public water supply projects; allowing financing for projects that are related to the diversion or transportation of water acquired through a water transfer; amending K.S.A. 65-163d and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 359, AN ACT concerning sales taxation; relating to rates and exemptions; expanding the eligible uses for the 0% state rate for sales of certain utilities and providing for the levying of such tax by cities and counties; authorizing cities and counties to exempt sales of such utilities from such city or county taxes; amending K.S.A. 2021 Supp. 12-189a and 79-3603 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 360, AN ACT concerning housing; relating to assistance animals; enacting the Kansas assistance animals in housing act; creating the crime of misrepresentation of entitlement to an assistance animal, by Committee on Transparency and Ethics.

SB 361, AN ACT concerning workers compensation; relating to an employer's maximum liability for permanent total disability compensation; removing the statutory monetary cap on such liability; extending liability for the lifetime of the employee; amending K.S.A. 44-510f and repealing the existing section, by Committee on Federal and State Affairs.

SB 362, AN ACT concerning education; relating to school districts; requiring consideration and documentation of district building needs assessments and state academic assessments; making budget allocations related thereto; amending K.S.A. 2021 Supp. 72-1163 and repealing the existing section, by Committee on Education.

SB 363, AN ACT concerning education; relating to school districts; requiring internet publication of learning materials and activities used in student instruction and teacher professional development, by Committee on Education.

SB 364, AN ACT concerning the rules of evidence; relating to testimony in the form of opinion or inferences; requiring courts to allow certain persons with specialized training to testify on the issue of impairment; amending K.S.A. 2021 Supp. 60-456 and repealing the existing section, by Committee on Judiciary.

SB 365, AN ACT concerning domestic violence offender assessments; requiring courts to order such assessments for first-time offenders convicted of domestic battery; courts to provide relevant documents to the certified batterer intervention programs completing such assessments when assessments are ordered under the Kansas criminal code or the Kansas family law code; prosecutors to provide relevant documents to the certified batterer intervention programs completing such assessments when assessments are required in a diversion agreement; amending K.S.A. 2021 Supp. 21-5414, 21-6604, 22-2909 and 23-3203 and repealing the existing sections, by Committee on Judiciary.

SB 366, AN ACT concerning crimes, punishment and criminal procedure; relating to burglary; locked or secured portions of dwellings, buildings or other structures; amending K.S.A. 2021 Supp. 21-5807 and repealing the existing section, by Committee on Judiciary.

SB 367, AN ACT concerning crimes, punishment and criminal procedure; relating to property seized by law enforcement; requiring officers to file copies of receipts with the court when property is seized under a search warrant; providing requirements and procedures for destruction or disposition of dangerous drugs and return or disposition of weapons; amending K.S.A. 2021 Supp. 22-2512 and repealing the existing section, by Committee on Judiciary.

SB 368, AN ACT concerning the Kansas offender registration act; requiring registration for violations of internet trading in child pornography and aggravated internet trading in child pornography; amending K.S.A. 2021 Supp. 22-4902 and 22-4906 and repealing the existing sections, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 354**.

Federal and State Affairs: **SB 351**.

Judiciary: **SB 352**.

Public Health and Welfare: **SB 348**.

Utilities: **SB 349**, **SB 350**, **SB 353**.

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 Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

HB 2477 be amended by the adoption of the committee amendments, be further amended by motion of Senator Warren; on page 7, in line 20, by striking "May 15, 2022" and inserting "January 20, 2023" and **HB 2477** be passed as further amended.

A motion by Senator Steffen to amend **HB 2477** failed and the following amendment was rejected; on page 3, following line 11, by inserting:

"New Sec. 2. (a) No medical care facility, as defined in K.S.A. 65-425, and amendments thereto, or person licensed, registered, certified or otherwise authorized to practice a profession by the state board of healing arts or the board of nursing pursuant to chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall decline to render healthcare services or otherwise discriminate in rendering healthcare services to a person based on such person's COVID-19 vaccination status or whether such person has a COVID-19 immunity passport.

(b) (1) A medical care facility that violates this section shall be subject to suspension of the medical care facility's license for a period of six months pursuant to K.S.A. 65-430, and amendments thereto.

(2) A person licensed, registered, certified or otherwise authorized to practice a profession by the state board of healing arts who violates this section shall be subject to suspension of the person's license, registration, certification or other authorization for a period of six months pursuant to K.S.A. 65-2836, and amendments thereto, or any other provision of the Kansas Statutes Annotated, and amendments thereto, that provides for such suspension.

(3) A person licensed, registered, certified or otherwise authorized to practice a profession by the board of nursing who violates this section shall be subject to suspension of the person's license, registration, certification or other authorization for a period of six months pursuant to K.S.A. 65-1120, and amendments thereto, or any other provision of the Kansas Statutes Annotated, and amendments thereto, that provides for such suspension.

(c) As used in this section:

(1) "Immunity passport" means a document, digital record or software application indicating that a person is immune to a disease, either through vaccination or infection and recovery.

(2) "Vaccination status" means an indication of whether a person has received one or more doses of a vaccine.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 7, after the semicolon by inserting "prohibiting medical care facilities and certain healthcare licensees from discriminating on the basis of a patient's vaccination status;"

A ruling of the chair was requested as to the germaneness of the amendment. The chair ruled the amendment was germane to the bill.

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

On roll call, the vote was: Yeas 17; Nays 19; Present and Passing 2; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Claeys, Erickson, Gossage, Hilderbrand, Kloos, Masterson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Thompson, Tyson, Warren.

Nays: Bowers, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Kerschen, Longbine, McGinn, O'Shea, Pettey, Pittman, Suellentrop, Sykes, Ware.

Present and Passing: Billinger, Olson.

Absent or Not Voting: Holland, Wilborn.

SB 318 be amended by the adoption of the committee amendments, be further amended by motion of Senator Francisco; on page 2, in line 12, after "structure" by inserting "damaged as a result of subparagraph (A) or (B)"; in line 31, by striking all after "destroyed"; by striking all in line 32; in line 33, by striking all before "may";

On page 3, in line 17, by striking all after "subdivision"; in line 18, by striking all before the comma

SB 318 be further amended by motion of Senator Tyson; on page 1, in line 15, after the second comma by inserting "and purchased within two years of the date of the applicable disaster declaration"; in line 16, by striking "wildfires" and inserting "a wildfire, flood, tornado or other natural disaster"; in line 18, after the period by inserting "A taxpayer shall be eligible for the exemption if the affected property containing the damaged or destroyed fencing is located within an area declared to be a disaster by the federal, state or local government. As used in this section, "wildfire" means a fire that spreads rapidly over grassland, woodland or brush creating unwanted and unplanned destruction.";

Also on page 1, in the title, in line 4, by striking "wildfires" and inserting "natural disaster"

SB 318 be further amended by motion of Senator Peck; on page 1, in line 13, after the colon by inserting:

"(1)";

On page 2, in line 3, by striking "subsection" and inserting "paragraph; and

(2) on and after July 1, 2022, all sales of tangible personal property and services necessary to construct, reconstruct, repair or replace any fence that the purpose for which is to enclose land devoted to agricultural use";

On page 1, in the title, in line 2, by striking "a"; also in line 2, by striking "exemption" and inserting "exemptions"; in line 4, after "wildfires" by inserting "and for constructing, reconstructing, repairing or replacing certain fencing"

and **SB 318** be passed as further amended.

Senator Erickson assumed the chair.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, **SB 318**; **HB 2477** were advanced to Final Action and roll call.

SB 318, AN ACT concerning taxation; relating to sales and compensating use tax; providing sales tax exemptions for reconstructing, repairing or replacing certain fencing damaged or destroyed by natural disaster and for constructing, reconstructing, repairing or replacing certain fencing; relating to property tax; providing for abatement or credit of property tax for buildings and improvements destroyed or substantially destroyed by natural disaster; amending K.S.A. 79-1613 and 79-3606d and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 0; Present and Passing 2; Absent or Not Voting 3.

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

Present and Passing: Francisco, Tyson.

Absent or Not Voting: Hawk, Holland, Wilborn.

The bill passed, as amended.

HB 2477, AN ACT concerning governmental response to COVID-19; relating to health and healthcare; renewing provisions of law authorizing expanded practice by certain healthcare professionals; providing for exceptions thereto; suspending certain licensure and other requirements for adult care homes; extending the authority of the state board of healing arts to issue temporary emergency licenses; limiting the professions for which such licenses may be issued; amending K.S.A. 2021 Supp. 48-965 and 48-966 and repealing the existing sections.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Steffen, Thompson.

Absent or Not Voting: Holland, Wilborn.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam Chair: The assumption is being made that we will have a different Governor in 2023. I'm far less concerned with who gets the credit for this bill or executive order and I'm more concerned with doing what is right and good for Kansans. I would urge this body to watch carefully and review this issue before the end of this legislative session.—ALICIA STRAUB

Madam Chair: **HB 2477** Staffing shortages in hospitals and nursing homes existed prior to the pandemic due to long-term systemic issues largely created by policies instituted by the Affordable Care Act. The shortages have been exacerbated by the COVID declarations of emergency measures that have stretched our healthcare professionals thin for a variety of reasons. Vaccine mandates have caused some health care professionals to quit. Doctors have been threatened with the loss of their licenses for trying to provide proven therapeutic care that went against the policies of the CDC, NIH, KDHE, the State Board of Healing Arts and other public health officials. Healthcare professionals have become disenchanted and are abandoning a profession they once loved. This bill isn't perfect and had the amendment providing additional necessary protections for healthcare workers passed, I would have felt more comfortable voting for this bill. The healthcare system does need some time to address these problems, but I am concerned that we cannot jeopardize the jobs of doctors and nurses based on vaccination status, and that doing so will only exacerbate and prolong the staffing issues. This is a difficult and complex situation but am forced to vote no.—MIKE THOMPSON

REFERENCE OF BILLS

Under the authority of the President, Senator Erickson referred **SB 355**, **SB 356**, **SB 357** to the Committee on **Redistricting**.

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.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 337** be passed.

Also, **SB 329** be amended on page 5, in line 39, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 150** be amended on page 2, in line 12, after "services" by inserting ", other than legal services performed by a bona fide nonprofit provider of pro bono legal services,"; and the bill be passed as amended.

The Committee on **Redistricting** recommends **SB 355** be amended by substituting with a new bill to be designated as "Substitute for SENATE BILL NO. 355," as follows:

"Substitute for SENATE BILL NO. 355

By Committee on Redistricting

"AN ACT concerning reapportionment; relating to congressional districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp. 4-137 and 4-143.";
And the substitute bill be passed.

On motion of Senator Erickson, the Senate adjourned until 9:00 a.m., Friday, January 21, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

