

Journal of the Senate

THIRTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 25, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.

The roll was called with 38 senators present.

Senator Suellentrop was excused.

The Vice President introduced guest chaplain, Dr. Jeff Barclay, Lead Pastor – Christ Community Church, Lawrence, to deliver the invocation:

Great and only God, as bearers of Your image, the men and women in this chamber have a weighty responsibility. Under Your care and guidance, may they shoulder their tasks with honesty and humility. In representing the citizens of Kansas, I invite You to join these State Senators in the sacred stewardship of governance.

With the unprecedented circumstances of these times, this Senate is introducing and debating legislation never before considered necessary to the health, welfare and prosperity of our state's citizens. When there is conflict in these discussions, help it be collegial. When compromises are made, may they come by wisdom. When there is consensus, may there be celebration. Our state's motto *Ad Astra Per Aspera* emboldens us – but getting to the stars this session is most certainly going to be difficult. Writing legislation in this challenging session requires Your help.

Lord we say with the psalmist, we trust in You. It is only through Your unfailing love that we are not shaken. No one in this room wants to make a decision that causes detriment to another person. But, we are not naïve. There is disagreement on how to define what is good and bad policy. The questions before this Senate are how to be fair for all whom this chamber legislates. May Your love for all people, and things good and right, prevail.

Lord our hearts are stirred by noble themes – the causes of truth, justice, equity and liberty. These are precarious times for truth, justice, equity and liberty. This is because contradictory statements cannot both be true, justice for one cannot create inequity for another, and when a person's liberty restricts another's, neither is truly free. To accomplish such lofty goals – truth, justice, equity and liberty – is why every member of this Senate requires a head that thinks with Your thoughts and a heart that beats with Your feelings.

We thank you for the many that serve this Senate in the background. The record keepers, the statisticians, the correspondents, those that keep things clean and safe and those that guard us. These people we respect and appreciate. I bring everyone that serves in this beautiful Capital building before You.

God, you have proven Yourself in Kansas' past. How we need you in Kansas' present. I offer this prayer in the name of Your Son, My Savior, Jesus Christ, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 280, AN ACT concerning the distribution of the levy on fire insurance business premiums; relating to the state fire marshal fee fund, the emergency medical services operating fund and the fire training service program fund; modifying the distribution of moneys thereof; amending K.S.A. 75-1514 and repealing the existing section, by Committee on Ways and Means.

SB 281, AN ACT concerning employment security law; relating to disqualification for benefits; disqualification begin dates; disqualification for illness or injury; disqualification for receipt of pension or retirement pay; allowing part-time employment for an educational institution; amending K.S.A. 2020 Supp. 44-706 and repealing the existing section, by Committee on Ways and Means.

SB 282, AN ACT concerning income taxation; providing certain tax credits for graduates of aerospace and aviation-related educational programs and employers of program graduates, 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 277; HB 2237.**

Federal and State Affairs: **SCR 1609.**

Judiciary: **HB 2191.**

Public Health and Welfare: **SB 276; HB 2254, HB 2262.**

Transportation: **SB 278.**

Utilities: **SB 279.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hawk, Alley, Billinger, Bowers, Claeys, Corson, Dietrich, Fagg, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Kerschen, Kloos, McGinn, Pettey, Pittman, Sykes and Ware introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1710—

A RESOLUTION honoring the life of George Washington Carver and his contributions to American agriculture and society.

WHEREAS, George Washington Carver was born into slavery in 1864 in Diamond Springs, Missouri, and came to Kansas at the age of thirteen; and

WHEREAS, He graduated from Minneapolis High School in Minneapolis, Kansas; and

WHEREAS, He spent his teenage and young adult years living, going to school and working in many locations across Kansas, including Paola, Olathe, Spring Hill and Beeler in Ness County; and

WHEREAS, He attended Iowa State Agricultural College, and in 1894, he became the first African American to earn a Bachelor of Science degree; and

WHEREAS, In 1896, Carver earned a Master's degree in Agricultural Science; and

WHEREAS, He worked from 1896 to the end of his life at the Tuskegee Institute in Alabama; and

WHEREAS, Carver taught impoverished farmers that the farmers could feed their hogs with acorns instead of commercial feed and enrich croplands with swamp muck instead of expensive fertilizers; and

WHEREAS, Carver introduced crop rotation by growing nitrogen-fixing plants like peanuts, soybeans and sweet potatoes to restore the nutrient-depleted soil from years of growing cotton; and

WHEREAS, Carver invented numerous products from sweet potatoes, including flour, vinegar, stains, dyes, paints and writing ink; and

WHEREAS, He developed over 300 food, industrial and commercial products from peanuts, including milk, Worcestershire sauce, cooking oils, paper, cosmetics, soaps and wood stains; and

WHEREAS, In 1921, Carver appeared before the United States House of Representatives Ways and Means Committee to demonstrate the vast number of products that could be made from peanuts, thereby earning a standing ovation from committee members; and

WHEREAS, Carver traveled to India to advise Mahatma Gandhi on how to adopt Carver's nutritional theories in India and other developing nations; and

WHEREAS, Upon his death on January 5, 1943, he was buried next to famed educator and author Booker T. Washington on the grounds of the Tuskegee Institute; and

WHEREAS, President Franklin D. Roosevelt signed legislation that gave Carver his own monument, an honor only previously granted to presidents George Washington and Abraham Lincoln. George Washington Carver's monument stands in Diamond Springs, Missouri; and

WHEREAS, In 1990, George Washington Carver was posthumously inducted into the National Inventors Hall of Fame: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the significant achievements of George Washington Carver and his contributions to American agriculture and society; and

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

On emergency motion of Senator Hawk **SR 1710** was adopted unanimously.

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

SENATE RESOLUTION No. 1711—

A RESOLUTION recognizing the members of Delta Sigma Theta Sorority, Inc., for their outstanding service to the citizens of our state, nation and the international community and for the sorority's 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, Fredrica Chase Dodd, Myra Davis Hemmings, Olive C. Jones, 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 200,000 women have joined the organization. Delta Sigma Theta Sorority, Inc., has eight chapters in Kansas and a total of 1,000 chapters in the United States, England, Japan, Germany, the Virgin Islands, Bermuda, the Bahamas and South 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, nation and the international community and for the sorority's promotion of sisterhood, scholarship and service; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Trudy Baker, Anisia Brumley, Sharon Collins, Dr. Patricia Dozier, Dr. Felicia C. Echols, Carmen Elston, Tami Farr-Smith, Jill M. Hall, Christina Love, Dezha McKoy, Morgan States, Senators Faust-Goudeau, Haley and Pittman.

On emergency motion of Senator Faust-Goudeau **SR 1711** was adopted unanimously.

Senator Billinger introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1712—

A RESOLUTION commemorating Marietta Billinger's 100th birthday
and her dedication to her family and community.

WHEREAS, Marietta Depperschmidt was born on September 4, 1920; and

WHEREAS, Marietta grew up with one sister and three brothers in a sod house four miles north of Park, Kansas; and

WHEREAS, She graduated from Park High School and is the last surviving member of her graduating class; and

WHEREAS, On January 4, 1945, Marietta married Anthony Billinger, and together they raised six children; and

WHEREAS, Marietta worked at Park Public Schools as a secretary and would serve there for over 30 years. She later served as the secretary for the Wheatland High School Board of Education; and

WHEREAS, After losing her husband, she continued to operate Billinger Repair Shop along with her sons; and

WHEREAS, She worked at the family business until she retired for a second time at the age of 94; and

WHEREAS, Marietta loves traveling, bowling, playing golf, baking and cooking; and

WHEREAS, She loves Christmas and always decorated her home with nativities and

villages with love; and

WHEREAS, Now, at the age of 100, Marietta has 15 grandchildren and 29 great-grandchildren: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize Marietta Billinger for her 100 years of hard work and dedication to her family and community; and

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

On emergency motion of Senator Billinger **SR 1712** was adopted unanimously.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2052, HB 2078, HB 2093, HB 2136, HB 2192, HB 2243.**

Announcing passage of **HB 2175.**

Announcing passage of **SB 29**, as amended; **SB 39**, as amended; **SB 40**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2052, HB 2078, HB 2093, HB 2136, HB 2175, HB 2192, HB 2243 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Longbine the Senate nonconcurred in the House amendments to **SB 29** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Peck and Holscher as a conference committee on the part of the Senate.

On motion of Senator Kerschen the Senate nonconcurred in the House amendments to **SB 39** and requested a conference committee be appointed.

The Vice President appointed Senators Kerschen, Straub and Ware as a conference committee on the part of the Senate.

On motion of Senator Kerschen the Senate nonconcurred in the House amendments to **SB 40** and requested a conference committee be appointed.

The Vice President appointed Senators Kerschen, Straub and Ware as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture and Natural Resources** recommends **SB 261** be passed.

Also, recommends **SB 142** be amended on page 1, in line 8, by striking "The operator of every vessel shall require every" and inserting "(1) No operator of any vessel may operate such vessel while any"; in line 9, by striking "to wear" and inserting "is aboard or being towed by such vessel unless such person is either:

(A) Wearing";

Also on page 1, in line 11, by striking "while"; in line 12, by striking all before the period and inserting "; or

(B) is below decks or in an enclosed cabin";

Also on page 1, also in line 12, after the period by inserting:

"(2)"; and the bill be passed as amended.

SB 143 be amended on page 3, in line 11, after "business" by inserting "and annually thereafter"; and the bill be passed as amended.

SB 160 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 23, SB 119, SB 147** be passed.

Committee on **Education** recommends **SB 185** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 37** be amended on page 18, in line 11, by striking all after "order"; in line 12, by striking all before the period; in line 14, by striking "five" and inserting "two"; in line 15, by striking all after "order"; in line 16, by striking all before the period; and the bill be passed as amended.

Also, recommends **SB 178** be amended on page 1, in line 31, after the second "the" by inserting "state"; also in line 31, by striking "or trust company"; in line 32, by striking "or state trust company";

On page 2, in line 1, by striking "and"; in line 2, after "(3)" by inserting "the name selected for the state trust company shall be different or substantially dissimilar from any other trust company doing business in the state; and

(4)"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 131, SB 167** be passed.

Also, recommends **SB 116** be amended on page 2, in line 33, after "(c)" by inserting "(1)";

On page 3, in line 4, after the period by inserting:

"(2)";

Also on page 3, also in line 4, by striking "subsection" and inserting "paragraph (1)"; in line 8, after the period by inserting "No moneys received from federal stimulus funds shall be expended pursuant to this paragraph unless the expenditure either has been approved by an appropriation or other act of the legislature or has been approved by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto."; and the bill be passed as amended.

SB 19 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Alley, the senate adjourned pro forma until 2:30 p.m. February 26, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

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