

# Journal of the Senate

TWENTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 8, 2022, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.  
The roll was called with 40 senators present.  
The Vice President introduced Senator Rick Kloos to deliver the invocation.  
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 440**, AN ACT concerning health and health professions; relating to the occupational therapy practice act; authorizing occupational therapists to provide limited services to patients without a referral; amending K.S.A. 65-5401 and 65-5402 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 441**, AN ACT enacting the biological laboratory accident transparency act; requiring institutions and organizations to report accidents and near-miss accidents at high-risk biological laboratories, by Committee on Public Health and Welfare.

**SB 442**, AN ACT concerning mobile communication devices; relating to mobile phone providers; requiring parental notification of application downloads by a minor; requiring the distribution of material concerning the danger of social media applications to parents when a minor's mobile phone is activated, by Committee on Public Health and Welfare.

**SB 443**, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2022, for the department of administration; relating to legally defeasing or cash redeeming certain revenue bonds at their first optional redemption date, by Committee on Ways and Means.

**SB 444**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2022, June 30, 2023, June 30, 2024, and June 30, 2025, 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. 2021 Supp. 74-50,107 and repealing the existing section, by Committee on Ways and Means.

**SB 445**, AN ACT concerning elections; relating to advance voting ballots; prohibiting the use of additional ballot boxes; amending K.S.A. 25-1124 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 446**, AN ACT concerning roads and highways; designating bridges on United States highway 166 and K-66 highway as veterans memorial bridge, by Committee on Federal and State Affairs.

**SB 447**, AN ACT concerning roads and highways; designating a certain bridge on K-126 as the Dennis and Jane Crain overpass, by Committee on Assessment and Taxation.

**SB 448**, AN ACT concerning insurance; relating to the unfair trade practices act; adopting the national association of insurance commissioner's amendments thereto; excluding commercial property and casualty insurance producers, brokers and insurers from prohibitions on giving rebates, discounts, gifts or other valuable consideration as an inducement to sales; amending K.S.A. 40-966, 40-2404 and 40-4909 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 449**, AN ACT concerning insurance; relating to producer licensing requirements; providing for an exemption from continuing education requirements for certain individuals; amending K.S.A. 40-4903 and 40-5512 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 450**, AN ACT concerning the disposition of state real property; authorizing state educational institutions to convey real property given to such institution as an endowment, bequest or gift, following board of regents policies; authorizing the board of regents to adopt such policies; amending K.S.A. 75-6609 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 451**, AN ACT concerning wildlife and parks; relating to permanent hunting licenses; removing the requirement to submit proof that a person is at least 1/16 American Indian by blood; amending K.S.A. 32-929 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**SB 452**, AN ACT concerning education; relating to postsecondary educational institutions; including high school equivalency credentials in performance-based payments for such institutions; amending K.S.A. 74-32,434 and repealing the existing section, by Committee on Education.

**SB 453**, AN ACT concerning adult care homes; relating to unlicensed employees; requiring unlicensed employee training courses to be taught and evaluated by professional licensed nurses; requiring a demonstration of skills to successfully complete training courses; allowing simulation experiences to be used as part of training courses; amending K.S.A. 39-936 and 65-5115 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 454**, AN ACT concerning health professions and practices; relating to advanced practice registered nurses; licensure thereof; authorizing the prescribing of drugs without a supervising physician; requiring malpractice insurance coverage; rules and regulations; amending K.S.A. 65-1130 and K.S.A. 2021 Supp. 65-1626 and 65-4101 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 455**, AN ACT concerning education; relating to school attendance; allowing students to transfer to and attend school in any school district in the state; requiring school districts to set transfer capacity and adopt certain transfer policies; establishing an appeals process if a transfer request is denied; amending K.S.A. 72-13,101, 72-3122, 72-3123, 72-3124 and 72-3125 and repealing the existing sections, by Committee on Education.

**SB 456**, AN ACT concerning the teacher service scholarship program; making and concerning appropriations for the fiscal years ending June 30, 2023, June 30, 2024, June 30, 2025, June 30, 2026, and June 30, 2027, for the state board of regents to fund such scholarships, by Committee on Education.

**SB 457**, AN ACT concerning crimes, punishment and criminal procedure; relating to

conditions of release; release prior to trial; requiring a waiver of extradition proceedings; amending K.S.A. 2021 Supp. 22-2802 and repealing the existing section, by Committee on Judiciary.

**SB 458**, AN ACT concerning elections; relating to precinct committeemen and committeewomen; requiring such elected officials to report certain information to the county clerk; amending K.S.A. 25-3801 and repealing the existing section, by Committee on Transparency and Ethics.

**SB 459**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the order of the eastern star license plate, by Committee on Federal and State Affairs.

**SB 460**, AN ACT concerning children and minors; relating to procedures in investigations of child abuse or neglect; requiring a child abuse review and evaluation examination; creating a program in the department of health and environment for the training and payment for child abuse review and evaluation examinations; defining child abuse review and evaluation providers, networks and examinations and child abuse medical resource centers; amending K.S.A. 38-2202 and 38-2226 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 461**, AN ACT concerning transportation; enacting the delivery service liability act; relating to the transportation and delivery of food, groceries and other products; pertaining to individuals who transport and deliver such products; assigning liability when such individuals cause damage to the property of others during the course of such transportation and delivery, by Committee on Assessment and Taxation.

**SB 462**, AN ACT concerning taxation; relating to income taxation; providing homestead property tax refunds to certain persons based on the increase in property tax over the base year property tax amount; amending K.S.A. 79-4502, 79-4508 and 79-4509 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 463**, AN ACT concerning sales and compensating use taxation; relating to the collection and remittance of taxes; providing a credit to retailers, by Committee on Assessment and Taxation.

**SB 464**, AN ACT concerning property taxation; relating to tax levies; discontinuing the state tax levies for the Kansas educational building fund and the state institutions building fund; providing financing therefor; amending K.S.A. 76-6b01, 76-6b02, 76-6b04, 76-6b05 and 76-6b11 and repealing the existing sections, by Committee on Assessment and Taxation.

**SB 465**, AN ACT concerning crimes, punishment and criminal procedure; enacting the responsible gun ownership act; creating the crime of unlawful storage of a firearm, by Senator Holscher.

**SB 466**, AN ACT concerning public health; relating to responses to infectious or contagious disease by certain public and private entities; prohibiting certain acts by places of public accommodations based upon a person's vaccination status or possession of an immunity passport; prohibiting governing bodies of any city or county, public officials of any city or county and local health officers from requiring that a person wear a face mask based on an epidemic or other public health reason; amending K.S.A. 2021 Supp. 65-201 and 65-202 and repealing the existing sections, by Committee on Federal and State Affairs.

**SCR 1619**, A CONCURRENT RESOLUTION urging the Legislature to adopt the conclusions and recommendations of the 2021 Special Committee on Taxation

regarding the fiscal future of Kansas, by Committee on Assessment and Taxation.

### **MOTION TO RECONSIDER**

Having voted on the prevailing side on **Sub SB 355**, Senator Masterson moved the senate reconsider its action on the veto of **Sub SB 355**.

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

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 1; Absent or Not Voting 0.

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

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

Present and Passing: Pyle.

A two-thirds constitutional majority having voted in favor of reconsidering previous action on **Sub SB 355**, the motion prevailed.

### **ACTION ON VETO MESSAGE**

President Masterson moved **Sub SB 355** be passed notwithstanding the Governor's veto.

**Sub 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.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 2; Absent or Not Voting 0.

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

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

Present and Passing: Doll, Pyle.

A two-thirds constitutional majority being voted in favor of overriding the Governor's veto, the motion prevailed and the bill passed.

### **EXPLANATION OF VOTE**

Mr. Vice President: I vote "Yes." Notwithstanding the governor's veto, the passage of the Ad Astra 2 map is the culmination of a Congressional redistricting process that began last summer. The map is reflective of the testimony we received from the public, has zero deviation between Congressional districts, creates compact and contiguous districts, preserves existing district cores, and groups together communities of interest. It is also politically fair. The map's underlying fairness is what makes the language used by those against it so disappointing and over the top. Of course, all maps are ultimately political boundaries, and those on both sides of the aisle have a right to passionately advocate for why they do or do not prefer a certain map. However, the extreme rhetoric

from some in the Democratic caucus was out of bounds. Hurling accusations that impugn motives of your colleagues based on your personal interpretation of political boundaries is truly beyond the pale. It was tantamount to a temper tantrum that has no place in a body that prides itself on decorum and respect. It is my hope that today's display by the minority party is more of an aberration than a trend. —TY MASTERSON

Mr. Vice President: The Big First has a long, proud history as the rural, agricultural district of Kansas. Ten years ago, redistricting brought us liberal Manhattan. Now, they are dumping the Lawrence liberals in our lap. Just like illegal hunting killed off our buffalo in the 1800s, insidious redistricting will kill off the true conservative character of my beloved Big First.—MARK STEFFEN

Senator Straub requests the record to show she concurs with the "Explanation of Vote" offered by Senator Steffen on **S Sub 355**.

### REFERENCE OF BILLS

Under the authority of the President, the Vice President referred **SB 448** to the Committee on **Financial Institutions and Insurance**.

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.

### REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 331**, **SB 335**, **SB 336**, **SB 392** be passed.

Committee on **Judiciary** recommends **HB 2361** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2361," as follows:

"Senate Substitute for HOUSE BILL NO. 2361

By Committee on Judiciary

"AN ACT concerning courts; relating to specialty court programs; authorizing the supreme court to adopt rules related thereto; establishing the specialty court funding advisory committee and the specialty court resources fund; authorizing courts to order defendants to participate in specialty court programs; allowing expungement of certain convictions when defendants complete the requirements of such programs; amending K.S.A. 2021 Supp. 21-6604 and 21-6614 and repealing the existing sections.";

And the substitute bill be passed.

### MESSAGE FROM THE HOUSE

Announcing passage of **SB 347**, as amended by **House Sub SB 347**.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Wednesday, February 9, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

FEBRUARY 8, 2022

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