

# Journal of the Senate

## TENTH DAY

---

SENATE CHAMBER, TOPEKA, KANSAS  
Monday, January 23, 2023, 2:30 p.m.

The Senate was called to order by President Ty Masterson.  
Invocation by Reverend Cecil T. Washington:

Lord, We Need You To Talk Us!  
Isaiah 5:6:1-9

Lord, we need You to talk to us! Too often we're just talking to ourselves searching for answers. But not even knowing what the questions are, we need You to talk to us, that we might have the wisdom to address the issues of today.

We need You to give us those Isaiah moments. Beginning in Isaiah 5:8, You declared distress and misery upon Your people because they ignored Your Words. And in vs. 20, like it is today, they had it so twisted, that things You call evil they were calling good, and things You call good they were calling evil.

What they needed and what You gave Isaiah, in 6:1-9, was that moment of clarity. You opened his eyes, his ears and his mouth. He saw how wasted and ruined he was. His ears were opened to hear from You, and You opened his mouth to speak for You. When he surrendered saying, "Here I am, send me," he was ready for You to use him. And, You used him as a major spokesman in the Old Testament.

So, Lord, bring us to the level of humility, where our eyes will see clearly and not cloudy, our ears will hear Your voice above all the others and our mouths will be Yours. Use us to speak Your Truths.

I present this prayer in the precious Name of Jesus, Amen!

The Pledge of Allegiance was led by President Masterson.

### **OATH OF OFFICE**

President Masterson requested Senator Larry Alley escort Tim Shallenburger to the front of the Senate. The President introduced the Honorable Marla J. Luckert, Chief Justice, Supreme Court of Kansas, who administered the Oath of Office.

OATH OF OFFICE  
STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

I do solemnly swear or affirm, that I will support the Constitution of the United States and the Constitution of the State of Kansas and will faithfully discharge the duties of the office of State Senator. So help me God.

Subscribed and sworn to, or affirmed, before me this 23<sup>rd</sup> day of January 2023.

Marla J. Luckert  
*Chief Justice of the Supreme Court*

The roll was called with 35 senators present.

Senators Claeys, Holscher, Longbine, Peck and Steffen were excused.

## **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 77**, AN ACT concerning housing discrimination; relating to the Kansas act against discrimination; authorizing the removal of unlawful restrictive covenants; amending K.S.A. 44-1017a and repealing the existing section, by Committee on Federal and State Affairs.

**SB 78**, AN ACT concerning electric utilities; relating to the state corporation commission; requiring the commission to evaluate the regional rate competitiveness of an electric utility's rates in rate proceedings; amending K.S.A. 66-101b and repealing the existing section, by Committee on Utilities.

**SB 79**, AN ACT concerning taxation; authorizing counties to impose an earnings tax; amending K.S.A. 2022 Supp. 19-101a and repealing the existing section, by Committee on Assessment and Taxation.

**SB 80**, AN ACT concerning taxation; relating to homestead property tax refund claims; excluding social security payments from household income for eligibility of seniors and disabled veterans related to increased property tax claims; amending K.S.A. 2022 Supp. 79-4508a and repealing the existing section, by Committee on Assessment and Taxation.

**SB 81**, AN ACT concerning income taxation; relating to Kansas adjusted gross income; providing a subtraction modification for the federal work opportunity tax credit and the employee retention credit disallowances; amending K.S.A. 2022 Supp. 79-32,117 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 82**, AN ACT concerning education; relating to the school sports head injury prevention act; requiring schools to establish concussion management teams; standards of care protocols; biennial education; amending K.S.A. 72-7119 and repealing the existing section, by Committee on Education.

**SB 83**, AN ACT concerning education; relating to the tax credit for low income students scholarship program; providing for additional student eligibility; increasing the tax credit for contributions made pursuant to such program; amending K.S.A. 72-4353 and 72-4357 and K.S.A. 2022 Supp. 72-4352 and repealing the existing sections, by Committee on Education.

**SB 84**, 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 85**, AN ACT concerning travel insurance; relating to the licensing and registration of limited lines travel insurance producers and travel retailers; enacting the Kansas travel insurance act; establishing a premium tax for travel insurers; regulating the sale and marketing of travel insurance and travel protection plans; providing for travel administrators; establishing standards for travel insurance policies; amending K.S.A.

40-4903 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 86**, AN ACT concerning governmental ethics; relating to actions of local governmental officials affecting the development, construction and operation of certain renewable energy systems; requiring local governmental officials and candidates for local office to disclose substantial interests in a renewable energy system; prohibiting local governmental officials who have a substantial interest from acting on matters relating to the renewable energy system; amending K.S.A. 75-4301a, 75-4303a and 75-4306 and repealing the existing sections, by Committee on Local Government.

Senators Kerschen, Alley, Baumgardner, Billinger, Blasi, Bowers, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Kloos, Longbine, Masterson, McGinn, Olson, O'Shea, Peck, Petersen, Pettey, Pyle, Ryckman, Steffen, Straub, Thompson, Tyson, Warren and Wilborn introduced the following Senate Concurrent resolution, which was read:

SENATE CONCURRENT RESOLUTION No. **SCR 1602**—

A CONCURRENT RESOLUTION disapproving the designation of the lesser prairie chicken as a threatened species in Kansas by the United States Fish and Wildlife Service and supporting efforts to remove such designation.

WHEREAS, On November 17, 2022, the United States Fish and Wildlife Service listed the lesser prairie chicken as threatened under the Endangered Species Act; and

WHEREAS, This designation creates unnecessary obstacles for Kansas farmers, ranchers and energy producers who wish to manage their own land; and

WHEREAS, The designation of the lesser prairie chicken as threatened is detrimental to Kansas' agriculture and energy industries; and

WHEREAS, On December 21, 2022, Senators Roger Marshall and Jerry Moran co-sponsored Senate Joint Resolution 70, a Congressional Review Act resolution stating congressional disapproval of the designation of the lesser prairie chicken as threatened; and

WHEREAS, Representatives Ron Estes, Jake LaTurner and Tracey Mann co-sponsored House Joint Resolution 105, addressing the same issue in the House of Representatives; and

WHEREAS, If the resolutions pass, their passage would prevent the designation from going into effect; and

WHEREAS, The resolutions would affirm the rights of farmers, ranchers and energy producers to control their lands and continue their existing proactive measures to protect the lesser prairie chicken: Now, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That we disapprove the designation of the lesser prairie chicken as a threatened species in Kansas by the United States Fish and Wildlife Service; and

*Be it further resolved:* That we support the passage of Senate Joint Resolution 70 and House Joint Resolution 105, which would return control to the farmers, ranchers and energy producers of Kansas; and

*Be it further resolved:* That the Secretary of State shall send an enrolled copy of this resolution to Senator Kerschen.

On emergency motion of Senator Kerschen **SCR 1602** was adopted by voice vote.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Financial Institutions and Insurance: **SB 76**.

Judiciary: **SB 74, SB 75**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1704—

A RESOLUTION honoring the outstanding achievements  
of Robert "Robby" Eugene Steinhardt.

WHEREAS, Robert Eugene Steinhardt, better known to the world as "Robby Steinhardt," was one of the original founding members of the rock band Kansas, along with his bandmates, Phil Ehart of Coffeyville, Kerry Livgren of Topeka, Dave Hope of Topeka, Richard Williams of Topeka and Steve Walsh of St. Louis Missouri; and

WHEREAS, Robby's career with the band Kansas spanned the years 1973 through 1982 and 1997 through 2006. Well known for his wild hair and bold violin style, he was the band's frontman, violinist and co-lead singer; and

WHEREAS, Robby, born in Chicago, Illinois, was given up for adoption at birth. Milton and Ilse Steinhardt adopted him when he was four days old; and

WHEREAS, They moved to Lawrence, Kansas, when Dr. Milton Steinhardt secured the position as Professor and Chairman of the Music History Department at the University of Kansas; and

WHEREAS, Robby was raised in Lawrence, where he attended Lawrence High School, graduating in 1968. At Lawrence High School he was in band and first chair in the orchestra. He also attended the University of Kansas—a proud Jayhawk—until his career started with the band Kansas; and

WHEREAS, Robby came from a musical family. His mother was a pianist, but it was his father who bestowed upon him the love for the violin and music as a whole; and

WHEREAS, Dr. Milton Steinhardt was honored with two Fulbright Grants and two Guggenheim Fellowships, which took his family across the world to learn and explore the history of music, mostly in the "City of Music," Vienna, Austria; and

WHEREAS, Classically trained at the American International School of Vienna, Robby brought his knowledge and training of the violin into the world of rock and roll, thus blazing a new trail for the violin's role in popular music; and

WHEREAS, During Robby's hiatus from the band Kansas, he formed a band called "Steinhardt Moon" in the Tampa Bay area of Florida with his best friend of 45 years, Rick Moon; and

WHEREAS, Playing original songs co-written by Moon and Robby, they played throughout the state of Florida until Robby's return to the band Kansas; and

WHEREAS, Before his death in 2021, Robby, along with producer Michael Franklin and co-writer Timothy Franklin of Solar Studios, created his first solo album "Not In Kansas Anymore," which received worldwide recognition; and

WHEREAS, Above all things, Robby was proud to have been the father of Rebecca M. Steinhardt and to have been married to the love of his life, Cindy "Cynthia"

Steinhardt, from 2006 until his death in 2021; and

WHEREAS, Rebecca and Cynthia will continue to honor Robby's life and achievements with the "Robby Steinhardt Foundation" with the mission to further music education and performing arts in his name; and

WHEREAS, Robby departed this earthly life on July 17, 2021, at the age of 71, but his outgoing personality, love for family and friends, and dedication to music and the public good will continue to resonate across this State and our nation for many years to come; and

WHEREAS, Robby is laid to rest next to his parents at Pioneer Cemetery in his hometown of Lawrence: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we honor the outstanding achievements of Robert "Robby" Eugene Steinhardt; and

*Be it further resolved:* That the Senate expresses its most profound sense of sorrow and offers its sincerest condolences to the family and friends of Robert Eugene Steinhardt on this time of his passing; and

*Be it further resolved:* That when the Senate adjourns on this day, it does so in loving memory and in honor of Robert Eugene Steinhardt; and

*Be it further resolved:* That the Secretary of the Senate shall send enrolled copies of this resolution to Rebecca M. Steinhardt, Cindy Steinhardt and the Robby Steinhardt Foundation, Inc.

On emergency motion of Senator Francisco **SR 1704** was adopted.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Tuesday, January 24, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

□