

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 9, 2023, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Erickson was excused.

Invocation by Doug Henkle:

Gracious Heavenly Father, thank You for Your presence in the Kansas Senate this afternoon. Remind this body that they have come together here, to serve the people of Kansas by whom they have been elected. As servants, cause them to be diligent, faithful and humble.

Thank You for Your freely given, unmerited favor and love. Cause these senators, who You love dearly, to have confidence in You – that You are at work, that You are in full control and that You are in the midst of all that happens here. Because of that, dear Father, give them joy and peace as they serve. I pray that as You have commanded us, we would love one another as You have loved us, despite differing views and approaches to the issues at hand.

I thank You for the individual giftings and perspectives of each Senator and the way You work them together to accomplish Your will. Give each Senator Your wisdom and direction as the legislation before them is debated.

I ask that You continue to give President Masterson, Vice President Wilborn, Majority Leader Alley and Minority Leader Sykes Your divine wisdom and insight as they lead this chamber through the challenges of the legislative process.

I ask that You will in each of us individually and collectively in these hours in the Kansas Senate, be accomplished. In Jesus' Name, 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 223, AN ACT concerning elections; changing the candidate filing deadline and the date of primary elections; increasing campaign contribution limits under the campaign finance act; modifying restrictions on campaign activities during legislative sessions; amending K.S.A. 25-203, 25-205, 25-302a, 25-1115, 25-1122, 25-1903, 25-2006, 25-2010, 25-2018, 25-2102, 25-2107, 25-2108a, 25-2109, 25-21a01, 25-21a03, 25-2502, 25-26a03, 25-3801, 25-3901, 25-4004, 25-4005, 25-4153, 25-4153a, 71-1413, 71-1414 and 71-1422 and K.S.A. 2022 Supp. 19-3505 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 224, AN ACT concerning environmental, social and governance standards involving contracts, investments and business practices; relating to ideological boycotts or other discriminatory conduct; enacting the Kansas protection of pensions and businesses against ideological interference act; directing the board of trustees of the Kansas public employees retirement system to divest from investments with entities engaged in ideological boycotts; establishing conditions and procedures for divestment; requiring the state treasurer to publish a list of financial companies and financial institutions engaged in ideological boycotts; authorizing the state treasurer to disqualify listed financial institutions from receiving deposit of state moneys; prohibiting governmental contracts without written verification that a contractor is not engaged in ideological boycotts; directing fiduciaries of governmental plans that provide retirement benefits, defer employee income or invest taxpayer moneys to act only in the financial interest of such plans; requiring registered investment advisers to make certain disclosures to clients and obtain written consent of clients prior to investing client funds in investments engaged in ideological boycotts; providing for civil and criminal penalties; amending K.S.A. 75-4208 and K.S.A. 2022 Supp. 40-2404 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 225, AN ACT concerning health and healthcare; establishing the KanCare bridge to a healthy Kansas program; relating to medical assistance; expanding income limits for eligibility to 138% of the federal poverty level, by Committee on Ways and Means.

SB 226, AN ACT concerning education; relating to student data; authorizing educational agencies to disclose student data for the purpose of conducting research contracted for by an educational agency; amending K.S.A. 72-6314 and repealing the existing section, by Committee on Education.

SB 227, AN ACT concerning sales and compensating use taxation; relating to the collection and remittance of taxes; allowing for the retention of taxes by a retailer on movie ticket and concession sales, by Committee on Assessment and Taxation.

SB 228, AN ACT concerning county jails; removing the requirement that every county shall have a jail; modernizing requirements related to food, drink and medical care for prisoners and jail records; modifying procedures used when district courts commit prisoners to jail in another county and when counties contract with city jails or other county jails to keep prisoners; requiring a medical examination before certain United States prisoners or city prisoners are taken into custody of a county jail; amending K.S.A. 19-1901, 19-1903, 19-1904, 19-1905, 19-1910, 19-1911, 19-1916, 19-1917, 19-1927, 19-1929 and 19-1930 and repealing the existing sections; also repealing K.S.A. 19-1906, 19-1907, 19-1908, 19-1912, 19-1913, 19-1914 and 19-1915, by Committee on Judiciary.

SB 229, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the city of Topeka license plate, by Committee on Commerce.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 205**.

Assessment and Taxation: **SCR 1604**.

Education: **SB 207**.

Federal and State Affairs: **SB 208, SB 209, SB 210, SB 218, SB 220, SB 221,**

SB 222.

Financial Institutions and Insurance: **SB 204.**

Judiciary: **SB 211, SB 216, SB 217.**

Local Government: **SB 212.**

Public Health and Welfare: **SB 206, SB 213, SB 219.**

Transportation: **SB 215.**

Utilities: **SB 214.**

MESSAGES FROM THE GOVERNOR

Enclosed herewith is Executive Directive No. 23-565 for your information. (February 7, 2023)

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2033, HB 2042, HB 2069, HB 2070.**

Announcing passage of **HB 2010, HB 2014, HB 2065.**

Announcing adoption of **SCR 1602.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2010, HB 2014, HB 2033, HB 2042, HB 2065, HB 2069, HB 2070 were thereupon introduced and read by title.

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.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointments submitted to the Senate for confirmation were considered:

Senator Alley moved the following appointments be confirmed as recommended by the Committee on **Judiciary**

By the Attorney General

On the appointment to the:

Kansas Bureau of Investigation:

Anthony (Tony) Mattivi

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Erickson.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Indigents Defense Services:

Maurice Brewer, Term ends January 1, 2024

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Erickson.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Indigents Defense Services:

Alexandra (Nicki) Rose, Term ends January 15, 2025

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Erickson.

The appointment was confirmed.

Committee on Federal and State Affairs

By the Governor

On the appointment to the:

State Civil Service Board:

Chrystal Krier, Term ends March 15, 2026

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Erickson.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Civil Service Board:

Jacob (Jake) Miller, Term ends March 15, 2026

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson, Tyson, Ware,

Warren, Wilborn.

Absent or Not Voting: Erickson.

The appointment was confirmed.

Committee on **Confirmation Oversight**

By the Governor

On the appointment to the:

State Banking Board:

Ruth Stevenson, Term ends March 15, 2025

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Erickson.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Banking Board:

Lea Tatum-Haskell, Term ends March 15, 2025

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Erickson.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Banking Board:

Patrick Walden, Term ends March 15, 2025

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Erickson.

The appointment was confirmed.

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:

SB 14, SB 15, SB 17, SB 19, SB 26, SB 42 be passed.

SCR 1603 be adopted.

SB 25 be amended by the adoption of the committee amendments, be further amended by motion of Senator Longbine; on page 1, in the title, in line 2, by striking "3%" and inserting "4%"

and **SB 25** be passed as further amended.

FINAL ACTION ON CONSENT CALENDAR

SB 11, SB 39 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 11, AN ACT concerning the state capitol; reauthorizing the permanent placement of a life-size version of the "Ad Astra" sculpture on state capitol grounds; transferring approval authority to the capitol preservation committee; making and concerning appropriations for the fiscal year ending June 30, 2023, for the department of administration; amending K.S.A. 75-2256 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Erickson.

The bill passed.

SB 39, AN ACT concerning the state capitol; relating to permanent displays and murals; directing the capitol preservation committee to develop and approve plans for a mural honoring the 1st Kansas (Colored) Voluntary Infantry regiment; creating the 1st Kansas (Colored) Voluntary Infantry regiment mural fund; amending K.S.A. 75-2264 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Erickson.

The bill passed.

EXPLANATION OF VOTE

I am so proud to join a seemingly unanimous vote in favor of developing and approving plans for a permanent mural in our Kansas State Capitol honoring the 1st Kansas (Colored) Voluntary Infantry. This decorated regiment brought honor to Kansas for the heroic service of its' all African-American legion on and off the fields of combat.

It is only just and most fitting that this legislation, first adopted in this Chamber at the advocacies of the late distinguished Senators U.L. “Rip” Gooch (SG) and Sherman Jones (WY) and in the House by members such as myself and several others in 2000, after being ignored and shelved (due, allegedly, to waiting until after the then planned Capitol restoration was completed) is being revived and now passed during Black History Month in Kansas. Let us look forward soon to the actual unveiling of an eternal mural in this grand building remembering a distinguished battalion in which we should ALL, as Kansans, take pride.—DAVID HALEY

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **SB 14, SB 15, SB 17, SB 19, SB 25, SB 26, SB 42; SCR 1603** were advanced to Final Action and roll call.

SB 14, AN ACT concerning insurance; relating to risk-based capital requirements; updating the version of instructions in effect; amending K.S.A. 2022 Supp. 40-2c01 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O’Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Erickson.

The bill passed.

SB 15, AN ACT concerning insurance; relating to penalties; failure of agents or brokers to pay premiums; removing the requirement of a documented written demand for premiums as part of a prima facie case; amending K.S.A. 40-247 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O’Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Erickson.

The bill passed.

SB 17, AN ACT concerning insurance; relating to prepaid service plans; certificates of registration; discontinuing annual registration fees for such plans; modifying the requirement to report individuals who solicit memberships on behalf of such plans from semi-annually to annually and upon application for registration; amending K.S.A. 40-4209 and repealing the existing section; also repealing K.S.A. 40-4203.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll,

Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Erickson.

The bill passed.

SB 19, AN ACT concerning insurance; relating to premium tax; adjusting the basis upon which certain premium tax calculations are made; requiring such premium taxes to be paid 90 days after each calendar year and basing such premium taxes upon the gross premiums collected for the previous calendar year; amending K.S.A. 12-2624 and 44-588 and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Erickson.

The bill passed.

SB 25, AN ACT concerning insurance; relating to premium tax; decreasing such tax rate imposed from 6% to 4% on surplus lines insurance; amending K.S.A. 40-246c and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Erickson.

The bill passed as amended.

SB 26, AN ACT concerning insurance; relating to health maintenance organizations and medicare provider organizations; applications for certificates of authority; specifying certain requirements necessary to demonstrate fiscal soundness; amending K.S.A. 40-3203 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Holland.

Absent or Not Voting: Erickson.

The bill passed.

SB 42, AN ACT concerning certain claims against the state; making appropriations; authorizing certain transfers; imposing certain restrictions and limitations; directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Erickson.

The bill passed.

SCR 1603, A CONCURRENT RESOLUTION urging the President of the United States to consider current geopolitical tensions and support policies to ensure America's long-term energy affordability, security, leadership and progress.

On roll call, the vote was: Yeas 28; Nays 10; Present and Passing 1; Absent or Not Voting 1.

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

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

Present and Passing: Francisco.

Absent or Not Voting: Erickson.

The resolution was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 116** be passed.

Committee on **Transportation** recommends **SB 106** be amended on page 2, in line 18, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **SB 143** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

REPORT ON ENROLLED BILLS

SCR 1602 reported correctly enrolled, properly signed and presented to the Secretary of State on February 9, 2023.

SR 1707, **SR 1708** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 9, 2023.

On motion of Senator Alley, the senate adjourned pro forma until 11:00 a.m. February 10, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

