

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 16, 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 Claeys was excused.
Invocation by Reverend Cecil T. Washington:

To Whom Do You Answer?
Galatians 6:3-9, 2 Corinthians 5:10

Lord, God of Heaven and earth, You've blessed all of us with responsible positions. Keep us mindful that it was You that did it; that the people we serve might think that they put us here to serve them. But it was Your Divine Hand that turned the wheels of fate for us to be here; to be here as conduits, conveying Your blessings to Your people. You did that!

Keep us mindful that the people we serve are not our people. But they belong to You. And we must first be answerable to You and secondarily to Your people. And You hold us accountable, accountable for our attitudes and our motives, accountable for our actions. And please keep us mindful of the resulting returns.

In Galatians 6:7-9, You tell us to not be deceived; that we will reap what we sow. If, in our serving, we are planting faulty, defective seeds, what we will get, is a faulty, defective crop. In 2 Corinthians 5:10, You say that each and every one of us must stand before You one day to give an accounting of all that we've done right and all we've done wrong; that You are looking and booking; maintaining a record for the day we have to face You.

So, Lord, encourage us not to get tired or grow weary of doing what You determine to be right. And when the people we serve praise us or rebuke us, remind them that none of us is perfect. But with Your help, we are trying to get there. Once again, in Jesus' Name and in grateful service, I come to You in prayer, 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 258, AN ACT concerning civil actions and civil procedure; enacting the act against abusive access litigation; creating a civil action for determining whether litigation that alleges any access violation under the Americans with disabilities act or similar law constitutes abusive litigation and authorizing penalties for such abusive

litigation, by Committee on Federal and State Affairs.

SB 259, AN ACT concerning elections; prohibiting the use of ballot copies or images in election audits and recounts; setting a deadline of 7:00 p.m. on the day of the election for the receipt of all advance ballots by the office of the county election officer; requiring the use of paper ballots and hand counting of ballots for all elections; providing for legislative oversight of elections with respect to certain matters; mandating that election records be publicly available and the creation of certain additional election records pertaining to ballots by the county election officer; establishing use of a uniform paper for the printing of ballots for all elections; amending K.S.A. 25-1132, 25-3107 and 25-4413 and K.S.A. 2022 Supp. 25-2912 and 25-3009 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 260, AN ACT concerning elections; prohibiting remote ballot boxes; providing for transmission of election-related materials from county election officers to the secretary of state for posting on the secretary's website; allowing a leave of absence from work for advance voting; limiting applications for advance voting ballots to be transmitted by mail to persons who are temporarily or permanently disabled or have been diagnosed as temporarily or permanently ill; requiring a delivery receipt for advance voting ballots delivered by mail and that such ballots be received by the county election officer by 7:00 p.m. on the date of the election; extending the time for applications for advance voting ballots to be transmitted by mail and transmitted in person by three days; requiring that advance voting ballots and ballots voted in person be canvassed by 12:00 a.m. on the day following the day of the election and the results immediately reported to the county election officer; providing that county election officers ensure adequate staffing of election boards; limiting the size of precincts to not more than 1,000 persons; requiring that persons vote in the precinct of their residence; making the day of the general election a state holiday; providing that signatures of voters on affidavits for federal services absentee ballots shall be notarized and such ballots shall be mailed by the voter three weeks prior to the election; prohibiting communications to the public of preliminary and final vote counts by election boards, county election officers and the secretary of state until the secretary of state has published the results from all precincts on the secretary's website; providing for the security of voting places by the sheriff; requiring that all applications for advance voting ballots be in writing; removing the requirement that electronic or electromechanical voting systems comply with federal law; making certain election crimes felonies; amending K.S.A. 25-418, 25-1119, 25-1122, 25-1123, 25-1128, 25-1132, 25-1135, 25-1136, 25-1219, 25-1221, 25-26a02, 25-26a03, 25-26a05, 25-2701, 25-2702, 25-2702a, 25-3006 and 35-107 and K.S.A. 2022 Supp. 25-4406 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 261, AN ACT concerning criminal procedure; relating to grand juries; authorizing appeals from certain decisions related to citizen-initiated grand juries; amending K.S.A. 2022 Supp. 22-3001 and 22-3008 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 262, AN ACT concerning elections; requiring legislative approval of determinations or rules or regulations of the secretary of state; requiring the hand counting of ballots; prohibiting the use of electronic or electromechanical voting systems and electronic poll books; providing for the public reporting of vote counts during vote canvassing; amending K.S.A. 25-3001, 25-3006 and 25-3107 and K.S.A.

2022 Supp. 25-2912, 25-4402, 25-4403, 25-4404, 25-4405, 25-4407, 25-4408, 25-4411, 25-4414, 25-4415, 25-4610 and 25-4613 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 263, AN ACT concerning property taxation; relating to appraiser directives; requiring appraiser directives be established by rules and regulations; amending K.S.A. 2022 Supp. 79-505 and repealing the existing section, by Committee on Assessment and Taxation.

SB 264, AN ACT concerning income taxation; relating to credits; increasing the tax credit amount for household and dependent care expenses; amending K.S.A. 79-32, 111c and repealing the existing section, by Committee on Assessment and Taxation.

SB 265, AN ACT concerning crimes, punishment and criminal procedure; relating to violation of a protective order; increasing criminal penalties for repeat violations; amending K.S.A. 2022 Supp. 21-5924 and repealing the existing section, by Committee on Ways and Means.

SB 266, AN ACT concerning crimes, punishment and criminal procedure; relating to domestic violence calls; requiring law enforcement officers to provide certain notices to victims and conduct a lethality assessment; amending K.S.A. 2022 Supp. 22-2307 and repealing the existing section, by Committee on Ways and Means.

SB 267, AN ACT concerning domestic violence; defining primary aggressor in the Kansas criminal code, the Kansas code of criminal procedure and the protection from abuse act; requiring law enforcement policies to direct that arrest is the preferred response only with respect to the primary aggressor; amending K.S.A. 2022 Supp. 21-5111, 22-2307 and 60-3107 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 255**.

Federal and State Affairs: **SB 253, SB 254, SB 257; SCR 1606, SCR 1607**.

Financial Institutions and Insurance: **SB 256**.

Judiciary: **HB 2027, HB 2214**.

Public Health and Welfare: **HB 2125**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1710—

A RESOLUTION congratulating and commending outstanding Kansas educators who have been selected for a Milken Educator Award or a Kansas Horizon Award.

WHEREAS, The Milken Educator Awards program, established by the Milken Family Foundation, provides recognition and financial awards to elementary and secondary school teachers, principals and other educational professionals who are furthering excellence in education; and

WHEREAS, Ryan Pfeifer, an educator at Washburn Rural High School in Auburn-Washburn USD 437, was selected as a Kansas recipient of the 2021 Milken Educator

Award; and

WHEREAS, Megan Morgan, an educator at Oliver Brown Elementary School in Manhattan-Ogdon USD 383, was selected as a Kansas recipient of the 2021 Milken Educator Award; and

WHEREAS, Kristine Becker Yulich, an educator at Logan Elementary School in Seaman USD 345, was selected as the Kansas recipient of the 2022 Milken Educator Award; and

WHEREAS, The Kansas Horizon Award program identifies and recognizes exemplary first-year teachers who perform in a way that distinguishes them as outstanding; and

WHEREAS, The Kansas Horizon Award program is currently in its 23rd year and is sponsored by the Kansas State Department of Education and Capitol Federal; and

WHEREAS, Thirty-two first-year educators from across the state have been named as Kansas Horizon Award program educators; and

WHEREAS, The Kansas Horizon Award program's 2023 recipients, representing elementary and secondary classrooms from Region 1 are: Kaisha Batman, Dodge City High School, Dodge City USD 443; Monica Blanco, Dodge City Middle School, Dodge City USD 443; Derek Davidson, Dwight D. Eisenhower Middle School, Manhattan-Ogden USD 383; Anne Kenworthy, Rock Creek Middle School, Rock Creek USD 323; Sally Lopez, Oliver Brown Elementary School, Manhattan-Ogden USD 383; Ashley Sides, Prairie Hills Middle School, Buhler USD 313; Andrew Thiesen, Garden City High School, Garden City USD 457; and Kinsey Volk, Bickerdyke Elementary School, Russell USD 407; and

WHEREAS, The Kansas Horizon Award program's 2023 recipients, representing elementary and secondary classrooms from Region 2 are: Julia Ferguson, Quail Run Elementary School, Lawrence USD 497; Heidi Jo Hayen, Berrinton Elementary School, Shawnee Heights USD 450; Madeline Lane, Lansing High School, Lansing USD 469; Emma Lehmann, Neodesha High School, Neodesha USD 461; Hannah Lucas, Humboldt Elementary School, Humboldt USD 258; Megan Maness, French Middle School, Topeka USD 501; DeLaney Russell, Dr. Jerry Hamm Early Learning Center, Coffeyville USD 445; and William Wehrs, Seaman High School, Seaman USD 345; and

WHEREAS, The Kansas Horizon Award program's 2023 recipients, representing elementary and secondary classrooms from Region 3 are: Cooper Allison, Woodland Spring Middle School, Spring Hill USD 230; Jordyn Burke, Corinth Elementary School, Shawnee Mission USD 512; Jordan Dillon, Blue Valley High School, Blue Valley USD 229; Lisa Frakes, Turner High School, Turner USD 202; Alexandra Furlinger, Oak Grove Elementary School, Turner USD 202; Jennifer Miller, Nike Elementary School, Gardner Edgerton USD 231; Stephanie Ruley, Gardner Edgerton High School, Gardner Edgerton USD 231; and Sydney Sieben, Riverview Elementary School, De Soto USD 232; and

WHEREAS, The Kansas Horizon Award program's 2023 recipients, representing elementary and secondary classrooms from Region 4 are: Sue Ake, Gordon Parks Academy, Wichita, USD 259; Kassady Griffin, Eisenhower High School, Goddard USD 265; Cody Kirkendoll, Campus High School, Haysville USD 261; Rochell Knight, Derby Middle School, Derby USD 260; Carla McConnell, Sunset Elementary School, Newton USD 373; Aaron Miller, Valley Center Middle School, Valley Center USD 262;

Jamie Rhue, El Paso Elementary School, Derby USD 260; and Erin Walter, Norwich Elementary School, Kingman-Norwich USD 331: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend these outstanding educators who were selected for a Milken Educator Award or a Kansas Horizon Award; and

Be it further resolved: That the Secretary of the Senate shall send one enrolled copy of this resolution to the Commissioner of Education and 36 enrolled copies to the Commissioner of Education to forward to each outstanding educator listed herein.

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

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.

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 Baumgardner in the chair.

On motion of Senator Baumgardner the following report was adopted:

SB 116 be passed.

SB 51 be passed over and retain a place on the calendar.

A motion by Senator Holscher to amend **SB 116** failed and the following amendment was rejected; on page 1, following line 25, by inserting:

"(c) Any firearm safety education program offered by a school district shall prohibit any person providing instruction or training as part of such program from possessing any firearm while conducting such instruction or training in a school building."

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

On roll call, the vote was: Yeas 12; Nays 25; Present and Passing 1; Absent or Not Voting 2.

Yeas: Corson, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Pettey, Pittman, Reddi, Sykes, Ware.

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

Present and Passing: Baumgardner.

Absent or Not Voting: Clays, Warren.

EXPLANATION OF VOTE

I vote "YES" on the amendment to **SB 116** that would prohibit any person providing instruction or training as part of a firearm safety education program offered by a school district from possessing any firearm while conducting such instruction or training in a school building. School Resource Officers are allowed to carry guns in our public schools, however I do not believe that they should be possessing firearms while conducting such instruction. The bill does not address this issue; I believe it should and could with this amendment.—MARCI FRANCISCO

Senator Haley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco.

A motion by Senator Sykes to amend **SB 116** failed and the following amendment was rejected; on page 1, in line 22, by striking the comma and inserting ":

(1)";

Also on page 1, in line 24, by striking "and" and inserting ";

(2) such instruction";

Also on page 1, in line 25, after "course" by inserting ";

(3) parents or legal guardians of students who are to be offered the opportunity for such instruction shall be notified in writing not more than four months prior to the commencement of such instruction that such instruction will be offered, information on how the parent or legal guardian may provide written consent to authorize the student to attend and the name of the individual or entity providing such instruction; and

(4) no student shall be offered such instruction without the prior written consent of such student's parent or legal guardian"

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

On roll call, the vote was: Yeas 8; Nays 27; Present and Passing 3; Absent or Not Voting 2.

Yeas: Corson, Faust-Goudeau, Haley, Holland, Holscher, Pettey, Reddi, Sykes.

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

Present and Passing: Baumgardner, Francisco, Ware.

Absent or Not Voting: Claeys, Pyle.

A motion by Senator Holscher to amend **SB 116** failed.

An amendment was offered by Senator Holscher. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **SB 116** was advanced to Final Action and roll call.

SB 116, AN ACT concerning education; relating to firearms; standardizing firearm safety education training programs in school districts.

On roll call, the vote was: Yeas 30; Nays 8; Present and Passing 1; Absent or Not Voting 1.

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

Nays: Corson, Francisco, Holland, Holscher, Pettey, Reddi, Sykes, Ware.

Present and Passing: Faust-Goudeau.

Absent or Not Voting: Claeys.

The bill passed.

EXPLANATION OF VOTE

Schools and children are not the problem, when we don't require individuals that purchase guns to have any training.—USHA REDDI

Senators Francisco, Holscher and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Reddi on **SB116**.

CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **SB 51** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Ways and Means**.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 41, SB 54, SB 81, SB 96** be passed.

Committee on **Local Government** recommends **SB 163** be passed.

Also, **SB 194** be amended on page 1, in line 11, after the period by inserting "A majority of the members of the board shall be residents of the county where the hospital is located."; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 132** be passed.

On motion of Senator Alley, the Senate adjourned pro forma until 9:00 a.m., Friday, February 17, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

