

# Journal of the Senate

## EIGHTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 4, 2021, 2:30 p.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 38 senators present.  
Senators Alley and Estes were excused.  
Invocation by Reverend Cecil T. Washington:

“A Firm Anchor; The Law of Love!”  
Matthew 22:36-40, 1Corinthians 13

Heavenly Father, in the midst of uncertainty, thank You for providing something that is certain. And when the state of our being is unstable, we're grateful that we can find in You, a firm foundation. You have provided us with the security of an anchor, that will keep us from aimlessly drifting in the madness of life.

You said in Matthew 22:36-40, that if we love You with everything we've got and then love others with the same love we have for ourselves, all of our necessities You would provide. Therefore our greatest security rests in holding on to the anchor; the Word of Your promise.

Although we're living in a hectic world, keep us mindful that Your precious promises are strong and secure. And anything that You make secure, cannot be destabilized, destroyed or removed from us. In 1Corinthians 13, You said love is patient with others, kind to people and that it grips a host of other characteristics.

Lord, let the attributes of love for You and for one another, be the firm anchor that we hold dear to our hearts. Let the love and peace of God begin; let it begin right here. In the loving Name of Jesus, I offer this prayer, Amen!

The Pledge of Allegiance was led by President Ty Masterson.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 140**, AN ACT concerning the Kansas state employees health care commission; changing membership thereon to include a current and retired state employee enrolled in the state healthcare benefits program group health insurance medical plan; amending K.S.A. 75-6502 and repealing the existing section, by Senator McGinn.

**SB 141**, AN ACT enacting the Kansas uniform directed trust act; relating to power over a trust held by a nontrustee; establishing powers and duties of a trust director and a directed trustee; amending K.S.A. 58a-703 and K.S.A. 2020 Supp. 58a-103, 58a-105 and 58a-603 and repealing the existing sections; also repealing K.S.A. 58a-808, by

Committee on Judiciary.

**SB 142**, AN ACT concerning wildlife, parks and recreation; relating to boating and water activities; requiring personal flotation devices as prescribed by the secretary of wildlife, parks and tourism in rules and regulations; amending K.S.A. 32-1129 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**SB 143**, AN ACT concerning agriculture; relating to grain warehouses; updating definitions; increasing maximum functional unit license and storage fees; amending K.S.A. 34-2,107 and 34-2,111 and K.S.A. 2020 Supp. 34-223, 34-228 and 34-2,112 and repealing the existing sections; also repealing K.S.A. 34-136, by Committee on Agriculture and Natural Resources.

**SB 144**, AN ACT concerning education; relating to the Kansas school equity and enhancement act; making the high-density at-risk student weighting permanent; amending K.S.A. 72-5151 and repealing the existing section, by Committee on Education.

**SB 145**, AN ACT concerning the Kansas department of wildlife, parks and tourism; authorizing the purchase of land in Kingman county, by Committee on Ways and Means.

**SB 146**, AN ACT concerning drivers' licenses; relating to driving under the influence of alcohol or drugs; providing that the highway patrol has oversight of state certification ignition interlock manufacturers and their service providers; amending K.S.A. 8-1016 and K.S.A. 2020 Supp. 8-241, 8-1014 and 8-1015 and repealing the existing sections, by Committee on Transportation.

**SB 147**, AN ACT concerning sales taxation; relating to exemptions; defining nonprofit integrated community care organizations and providing an exemption therefor; amending K.S.A. 79-3602 and 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 148**, AN ACT concerning community improvement districts; relating to creation of a district and assessment of sales tax; providing an exception for grocery stores; amending K.S.A. 2020 Supp. 12-6a29 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 149**, AN ACT concerning property taxation; relating to the reimbursement to certain property owners of property taxes resulting from a forced shutdown or capacity limitation by a county, by Committee on Assessment and Taxation.

**SB 150**, AN ACT concerning legal services; relating to advertising; defining and prohibiting certain legal advertisement practices as unlawful and deceptive trade practices; restricting the use or disclosure of protected health information for legal solicitation; prescribing civil and criminal penalties, by Committee on Judiciary.

**SB 151**, AN ACT concerning attorneys; relating to limitations on contingency fee agreements, by Committee on Judiciary.

**SB 152**, AN ACT concerning the code of civil procedure; relating to litigation funding by third parties; providing for joint liability for costs and sanctions; requiring certain discovery disclosures; payment of certain costs for nonparty subpoenas in third-party funded action; amending K.S.A. 2020 Supp. 60-226 and 60-245 and repealing the existing sections, by Committee on Judiciary.

**SB 153**, AN ACT concerning counties; establishing procedures for the adoption of term limits for members of the board of county commissioners, by Committee on Local Government.

**SB 154**, AN ACT concerning home and community-based services; relating to the intellectual or developmental disability waiver; increasing provider reimbursement rates; making and concerning appropriations for the fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, for the Kansas department for aging and disability services; directing the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight to study the waiting list for such services, by Committee on Ways and Means.

**SB 155**, AN ACT concerning health and healthcare; relating to newborn screening; establishing an advance universal newborn screening program; providing for reimbursement of treatment services; authorizing the secretary of health and environment to specify conditions included in screenings; increasing transfers of moneys to the Kansas newborn screening fund; amending K.S.A. 65-181 and 65-183 and K.S.A. 2020 Supp. 65-180 and repealing the existing sections, by Committee on Ways and Means.

**SB 156**, AN ACT concerning firearms; relating to the personal and family protection act; prohibiting the carrying of concealed handguns in the state capitol; amending K.S.A. 75-7c21 and K.S.A. 2020 Supp. 21-6309 and repealing the existing sections, by Senator Holscher.

**SB 157**, AN ACT concerning elections; requiring election commissioners to be elected in certain counties; amending K.S.A. 19-3419 and K.S.A. 2020 Supp. 25-101, 25-213, 25-611 and 25-618 and repealing the existing sections, by Senator Holscher.

**SB 158**, AN ACT concerning abandoned and disabled vehicles; relating to the prohibition against towing vehicles outside the state of Kansas without prior consent; requiring an interstate search of registered owners and lienholders prior to sale of nonrepairable vehicles and vehicles less than 10 years old and publication in the newspaper seven days prior to sale of vehicles and property at auction; amending K.S.A. 8-1101 and K.S.A. 2020 Supp. 8-1103 and 8-1104 and repealing the existing sections, by Committee on Transportation.

SENATE CONCURRENT RESOLUTION No. **SCR 1606**—

By Committee on Local Government

A PROPOSITION to amend article 9 of the constitution of the state of Kansas by adding a new section thereto; concerning home rule for counties.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 9 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

**"§ 6. Counties' power of home rule.** (a) Counties are hereby empowered to determine their local affairs and government including the levying of taxes, excises, fees, charges and other exactions, except when and as the levying of any tax, excise, fee, charge or other exaction is limited or prohibited by enactment of the legislature

applicable uniformly to all counties of the same class. The legislature may establish not to exceed four classes of counties for the purpose of imposing all such limitations or prohibitions. Counties shall exercise such determination by resolution passed by the governing body with referendums only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all counties, to other enactments of the legislature applicable uniformly to all counties, to enactments of the legislature applicable uniformly to all counties of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other exaction and to enactments of the legislature prescribing limits of indebtedness. All enactments relating to counties now in effect or hereafter enacted and as later amended and until repealed shall govern counties, except as counties shall exempt themselves by charter resolutions as herein provided for in subsection (b).

(b) (1) Any county may by charter resolution elect in the manner prescribed in this section that the whole or any part of any enactment of the legislature applying to such county, other than enactments of statewide concern applicable uniformly to all counties, other enactments applicable uniformly to all counties, and enactments prescribing limits of indebtedness, shall not apply to such county.

(2) A charter resolution is a resolution which exempts a county from the whole or any part of any enactment of the legislature as referred to in this section and which may provide substitute and additional provisions on the same subject. Such charter resolution shall be so titled, shall designate specifically the enactment of the legislature or part thereof made inapplicable to such county by the adoption of such resolution and contain the substitute and additional provisions, if any, and shall require a two-thirds vote of the members-elect of the governing body of such county. Every charter resolution shall be published once each week for two consecutive weeks in the official county newspaper or, if there is none, in a newspaper of general circulation in the county.

(3) No charter resolution shall take effect until 60 days after its final publication. If, within 60 days of its final publication, a petition signed by a number of electors of the county equal to not less than 10% of the number of electors who voted at the last preceding regular county election shall be filed in the office of the clerk of such county demanding that such resolution be submitted to a vote of the electors, it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. An election, if called, shall be called within 30 days and held within 90 days after the filing of the petition. The governing body shall pass a resolution calling the election and fixing the date, which resolution shall be published once each week for three consecutive weeks in the official county newspaper or, if there be none, in a newspaper of general circulation in the county, and the election shall be conducted as elections for

officers and by the officers handling such elections. The proposition shall be: "Shall charter resolution No. \_\_\_\_\_, entitled (title of resolution) take effect?" The governing body may submit any charter resolution to a referendum without petition by the same publication of the charter resolution, and the same publication of the resolution calling the election as for resolutions upon petition and such charter resolution shall then become effective when approved by a majority of the electors voting thereon. Each charter resolution becoming effective shall be recorded by the county clerk in a book maintained for that purpose with a statement of the manner of adoption, and a certified copy shall be filed with the secretary of state, who shall keep an index of the same.

(4) Each charter resolution enacted shall control and prevail over any prior or subsequent act of the governing body of the county, and may be repealed or amended only by charter resolution or by enactments of the legislature applicable to all counties.

(c) Powers and authority granted to counties pursuant to this section shall be liberally construed for the purpose of giving to counties the largest measure of self-government.

(d) This amendment shall be effective on and after July 1, 2023."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* This amendment would provide a constitutional basis for county home rule. A county could enact a charter resolution to exempt itself from non-uniform state laws that apply to the county and provide substitute or additional provisions to that law. The legislature could preempt counties from exercising home rule powers by the passage of uniform state laws that apply to all counties in the exact same manner. Counties could pass home rule resolutions to legislate locally on matters not covered by state law.

"A vote for this proposition would empower counties to determine their local affairs and government with a constitutional grant of power that could only be preempted by enactments of the legislature that apply uniformly to all counties in the exact same way.

"A vote against this proposition would retain the present law granting counties home rule power and other both uniform and non-uniform laws pertaining to counties that can be readily amended by the legislature to restrict home rule powers by statute."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

## SENATE CONCURRENT RESOLUTION No. SCR 1607—

By Senator Pyle

A PROPOSITION to amend article 6 of the constitution of the state of Kansas by creating a new section limiting the authority to close a school district or attendance center within a school district to locally elected boards of education.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 6 of the constitution of the state of Kansas is hereby amended by adding a new section thereto to read as follows:

**"§ 11. Closure of school districts or attendance centers.** (a) The locally elected board of a school district shall be the only government entity that may close a school district or attendance center within such school district, except as provided by law.

(b) The executive branch, judicial branch, state board of education or any constitutional officer of the executive department shall not have the authority to effectuate the closure of a school district or attendance center within such school district by limiting, transferring, redirecting or stopping the expenditure of funds appropriated by law, except as provided by law."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* The purpose of this amendment is to clarify that except as provided by law, the locally elected board of a school district shall be the only governmental entity that may close schools and the executive branch, judicial branch, state board of education or any constitutional officer of the executive department shall not have the authority to effectuate the closure of a school by limiting, transferring, redirecting or stopping the expenditure of funds appropriated by law.

"A vote for this proposition would clarify that except as provided by law, the locally elected board of education of a school district shall be the only governmental entity that may close schools.

"A vote against this proposition would provide no change to the Kansas constitution."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of

the legislature, in which case it shall be submitted to the electors of the state at the special election.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Commerce: **SB 137**.

Education: **SB 139**.

Financial Institutions and Insurance: **SB 135**.

Judiciary: **SB 136**.

Public Health and Welfare: **SB 138**.

Ways and Means: **SB 134**.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2029, HB 2049, HB 2071, HB 2077, HB 2082, HB 2079, HB 2090**.

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

**HB 2029, HB 2049, HB 2071, HB 2077, HB 2079, HB 2082, HB 2090** were thereupon introduced and read by title.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senator McGinn introduced the following Senate resolution, which was read:  
SENATE RESOLUTION No. 1708—

A RESOLUTION recognizing February 5, 2021, as National Wear Red Day and the importance of the ongoing fight against heart disease and stroke among women.

WHEREAS, Cardiovascular diseases are the number one killer of women in the United States; and

WHEREAS, Cardiovascular diseases kill one woman almost every 80 seconds in the United States; and

WHEREAS, Heart disease and stroke can adversely affect all women at any age; and

WHEREAS, Heart attacks are on the rise among women across younger age groups; and

WHEREAS, Younger women are less likely than older women to be aware of the warning signs of heart attacks and strokes; and

WHEREAS, Cardiovascular diseases kill 1 in 3 women, despite the fact that about 80% of cardiac events can be prevented through education and lifestyle changes; and

WHEREAS, All women are encouraged to move more, eat smart and manage their blood pressure to reduce their risk of cardiovascular diseases; and

WHEREAS, The Go Red for Women movement of the American Heart Association motivates women to learn about their family history and to meet with a healthcare provider to determine their risk for cardiovascular diseases and stroke; and

WHEREAS, As a trusted, passionate and relevant force in eradicating heart disease and stroke in women, the American Heart Association's Go Red for Women movement remains steadfast and committed to meeting the comprehensive health needs of women

at every stage of life; and

WHEREAS, By increasing awareness and empowering women to reduce their risk for cardiovascular diseases, we can save thousands of lives each year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize February 5, 2021, as National Wear Red Day and urge all citizens to show their support of the ongoing fight against heart disease and stroke among women by wearing the color red; and

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

On emergency motion of Senator McGinn **SR 1708** was adopted unanimously.

On motion of Senator Suellentrop, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Masterson in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Senator Suellentrop, 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 24, SB 38.**

Amendments offered by Senators Francisco and Hawk on **SB 24** failed.

**SB 40** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 40** be further amended by motion of Senator Kerschen; on page 1, in line 23, by striking "75-5,128" and inserting "74-5,128";

On page 21, in line 16, by striking "75-5,128" and inserting "74-5,128"; and **SB 40** be passed as further amended.

**SR 1707** be adopted.

The following amendment, submitted by Senator Holland on **SR 1707** was ruled not germane:

MR. PRESIDENT: I move to amend **SR 1707**, on page 1, by striking all in lines 5 through 36;

On page 2, by striking all in lines 1 through 11; in line 12, by striking all before the period and inserting:

"WHEREAS, On January 6, 2021, a mob of armed insurrectionists stormed the United States Capitol in Washington, D.C. in a violent attempt to overturn the will of American voters and the election of Joe Biden as the 46<sup>th</sup> President of the United States of America and Kamala Harris as the 49<sup>th</sup> Vice President of the United States; and

WHEREAS, An attack on the United States Capitol has not occurred since 1814 when British troops fired upon and burned federal buildings in Washington, D.C.—including the White House and the Capitol during the War of 1812; and

WHEREAS, Kansas Attorney General Derek Schmidt has consistently supported efforts to disenfranchise thousands of Kansas voters, defending Kris Kobach's voter ID law that was found unconstitutional by the United States District Court, a ruling upheld by the 10<sup>th</sup> United States Circuit Court of Appeals and the Supreme Court of the United



States; and

WHEREAS, Kansas Attorney General Derek Schmidt signed on to the frivolous lawsuit brought by Texas Attorney General Ken Paxton to overturn the free and fair election of Joe Biden as the 46<sup>th</sup> President of the United States of America and Kamala Harris as the 49<sup>th</sup> Vice President of the United States, seeking to disenfranchise millions of voters in the states of Georgia, Pennsylvania, Michigan and Wisconsin and sow doubt in the 2020 presidential election, a baseless lawsuit rejected by the Supreme Court of the United States; and

WHEREAS, Kansas Attorney General Derek Schmidt is a standing member of the Republican Attorneys General Association and a recent board member of its dark money affiliate Rule of Law Defense Fund (RLDF), which federal authorities have confirmed was responsible for paid phone calls inciting people to "march" on the United States Capitol on January 6, 2021; and

WHEREAS, Kansas Attorney General Derek Schmidt is the top law enforcement officer in the State of Kansas, and his actions to advance unfounded conspiracy theories, foment doubt in a free and fair election and disenfranchise millions of legitimate voters precipitated the violent assault on American democracy resulting in the death of five U.S. citizens, including Brian D. Sicknick, a federal law enforcement officer:

Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we condemn the actions of Kansas Attorney General Derek Schmidt to suppress the rights of thousands of Kansas citizens, and millions of legitimate voters in the United States, to have a voice in their democracy and seed doubt in the free and fair election of Joe Biden as the 46<sup>th</sup> President of the United States. Actions that incited a deadly, seditious attempt to overthrow the seat of American democracy and the Constitution he solemnly swore to protect"; On page 1, in the title, in line 1, by striking all after "RESOLUTION"; by striking line 2; in line 3, by striking all before the period and inserting "condemning the actions of Kansas Attorney General Derek Schmidt to suppress the rights of legitimate voters in a free and fair election that incited an attempt to overthrow American democracy"

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.

Senator Holland challenged the ruling of the chair.

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

On roll call, the vote was: Yeas 25; Nays 11; Present and Passing 1; Absent or Not Voting 3.

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

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

Present and Passing: Doll.

Absent or Not Voting: Alley, Estes, Pyle.

The ruling was sustained.

**SB 30** be passed over and retain a place on the calendar.

**FINAL ACTION ON CONSENT CALENDAR**

**SB 1, SB 16, SB 39** and **SB 53** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 1**, AN ACT concerning the Kansas state fair; relating to the use of the state fair capital improvements fund; amending K.S.A. 2020 Supp. 2-223 and repealing the existing section.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

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

Absent or Not Voting: Alley, Estes, Pettey.

The bill passed.

**SB 16**, AN ACT concerning the legislative division of post audit; removing the requirement to submit certain documents thereto; amending K.S.A. 22-4514a, 75-3728c, 76-721 and 79-3233b and repealing the existing sections.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

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

Absent or Not Voting: Alley, Estes, Pettey.

The bill passed.

**SB 39**, AN ACT concerning agriculture; relating to the Kansas department of agriculture; the division of animal health; license, permit and registration renewal deadlines; calfhood vaccination tag fees; amending K.S.A. 47-1208 and K.S.A. 2020 Supp. 47-1001e, 47-1002, 47-1503, 47-1805, 47-1831 and 47-2101 and repealing the existing sections.

On roll call, the vote was: Yeas 36; Nays 1; Present and Passing 0; Absent or Not Voting 3.

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

Nays: Hilderbrand.

Absent or Not Voting: Alley, Estes, Pettey.

The bill passed.

**SB 53**, AN ACT concerning charter commissions; establishing the membership of the Sedgwick county charter commission.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

Yeas: Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson,

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

Absent or Not Voting: Alley, Estes, Pettey.

The bill passed.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Suellentrop an emergency was declared by a 2/3 constitutional majority, and **SB 24**, **SB 38**, **SB 40**, **SR 1707** were advanced to Final Action and roll call.

**SB 24**, AN ACT concerning municipalities; prohibiting any requirements that impact a customer's use of energy; relating to natural gas utility service; creating the Kansas energy choice act.

On roll call, the vote was: Yeas 27; Nays 10; Present and Passing 0; Absent or Not Voting 3.

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

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

Absent or Not Voting: Alley, Estes, Pettey.

The bill passed, as amended.

### EXPLANATION OF VOTE

Mr. President: I vote "NO" on **SB 24**. I understand the concerns; I sympathize with many of them. But this bill creates limits that would prevent our municipalities from adopting or enforcing those building codes that specifically relate to safety requirements that are restrictions only imposed on natural gas service. Those codes, especially the International Fuel Gas Code, are relied on by those municipalities as they work to protect the public health and safety of their residents. There should be a way to allow energy choice without unreasonably limiting the reasonable actions of a municipality.—  
MARCI FRANCISCO

**SB 38**, AN ACT concerning agriculture; relating to environmental remediation; establishing the Kansas pesticide waste disposal program and the Kansas pesticide waste disposal fund; permitting annual transfers from the Kansas agricultural remediation fund to the Kansas pesticide waste disposal fund; amending K.S.A. 2-3702 and K.S.A. 2020 Supp. 2-3708 and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 2; Present and Passing 0; Absent or Not Voting 3.

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

Nays: Hilderbrand, Thompson.

Absent or Not Voting: Alley, Estes, Pettey.

The bill passed, as amended.

**SB 40**, AN ACT concerning agriculture; relating to the Kansas department of agriculture division of conservation; implementing the provisions of 2011 executive reorganization order No. 40; amending K.S.A. 2-1916, 49-605, 49-611, 49-613, 49-618, 49-620, 49-623, 82a-1602, 82a-1603, 82a-1607 and 82a-1702 and K.S.A. 2020 Supp. 2-1903, 2-1904, 2-1907, 2-1907c, 2-1908, 2-1915, 2-1930, 2-1931, 2-1933, 49-603, 49-606 and 49-621 and repealing the existing sections; also repealing K.S.A. 49-619.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

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

Absent or Not Voting: Alley, Estes, Pettey.

The bill passed, as amended.

**SR 1707**, A RESOLUTION recognizing the need for the Governor of Kansas to administer the COVID-19 vaccine to law-abiding Kansans before administering the vaccine to healthy incarcerated individuals.

On roll call, the vote was: Yeas 28; Nays 8; Present and Passing 1; Absent or Not Voting 3.

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

Nays: Corson, Francisco, Haley, Hawk, Holland, Holscher, Sykes, Ware.

Present and Passing: Faust-Goudeau.

Absent or Not Voting: Alley, Estes, Pettey.

The resolution was adopted.

#### EXPLANATION OF VOTE

Mr. President: Dear Kansas Citizens: Your state senate Republican leadership has sadly let you down today. They have no solutions for addressing the COVID-19 pandemic in Kansas. So instead of working in a bi-partisan manner to constructively address this deadly virus that is ravaging the bodies and purse strings of the tens of thousands of afflicted Kansans in all regions across our state, they have instead chosen to take cheap political shots at our state officials who are at least trying to ease our citizens' pain and suffering. I vote "NO" on **SR 1707**.—TOM HOLLAND

#### REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 22** be amended on page 1, following line 10 by inserting:

"WHEREAS, The provisions of section 1 and the amendments made to K.S.A. 79-32,117, 79-32,120, 79-32,138 and 79-32,143a, pursuant to this act, shall be known and may be cited as the rebuilding employers and livelihoods while investing in everyone's future (RELIEF) act.

Now, therefore:"

On page 5, in line 35, by striking "2019" and inserting "2020";

On page 10, in line 3, by striking "2019" and inserting "2020"; in line 7, by striking "2019" and inserting "2020"; in line 10, by striking "2019" and inserting "2020"; in line 37, by striking "2021" and inserting "2020"; in line 42, by striking "2021" and inserting "2020";

On page 12, in line 33, by striking "2019" and inserting "2020";

On page 13, in line 17, by striking "2019" and inserting "2020";

On page 14, in line 7, by striking all after the period; by striking all in lines 8 through 10; in line 11, by striking all before "For"; in line 12, by striking "2019" and inserting "2020"; in line 16, by striking "2019" and inserting "2020"; by striking all in lines 37 through 43;

By striking all on page 15;

On page 16, by striking all in lines 1 through 12;

On page 19, in line 27, by striking ", 79-32,143";

And by renumbering sections accordingly;

On page 1, in the title, in line 8, by striking all after the semicolon; in line 9, by striking "corporations;"; also in line 9, by striking all after "79-32,138"; in line 10, by striking "32,143"; and the bill be passed as amended.

Also, **SB 70** 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 **Education** recommends **SB 61** be passed.

Committee on **Judiciary** recommends **SB 58** be passed.

Also, **SB 4**, **SB 56**, **SB 59** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 36** be amended on page 4, in line 6, after "year" by inserting ", as reported to the Kansas department of revenue,";

On page 8, in line 35, by striking all after "treasurer"; by striking all in lines 36 and 37; in line 38, by striking all before the period;

On page 9, in line 17, by striking all after the second "the";

On page 10, in line 4, by striking all before "salvage"; in line 8, by striking "certificate of title, a"; and the bill be passed as amended.

Also, **SB 68**, **SB 69** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

#### CHANGE OF REFERENCE

An objection having been made to **SB 70** appearing on the **Consent Calendar**, the President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

On motion of Senator Suellentrop, the senate adjourned pro forma until 8:30 a.m. February 05, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

