

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 23, 2021, 2:30 p.m.

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

The roll was called with 38 senators present.

Senator Olson was excused.

Invocation by Reverend Cecil T. Washington:

"The Grace for Humility and Fulfillment!
1 John 1:9 and James 4:6

Gracious God, Our Creator and Sustainer, we come again by virtue of Your grace and mercy seeking Your guidance. We need Your wisdom for every move we make. There's nothing of any real value that we can achieve unless You are on the throne; unless You are in the driver's seat. But yet, knowing this, there are times when we try to retake the wheel. Lord, forgive us for those times.

And, Lord, not only forgive us, but do as You said in 1 John 1:9, cleanse us. Cleanse us from recurring attitudes of pride, where we start thinking more of ourselves than we ought.

You've promised to furnish us with Your grace when we humble ourselves. And if we don't humble ourselves, in James 4:6, You've promised to do it for us.

So, Lord, do with us according to Your will, that the joy of fulfilling Your purposes can be realized in our lives. On behalf of all of us, as recipients of Your grace, I offer this prayer in the Name of Jesus, 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 268, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2021, June 30, 2022, June 30, 2023, June 30, 2024, June 30, 2025, June 30, 2026, June 30, 2027, June 30, 2028, June 30, 2029, June 30, 2030, June 30, 2031, and June 30, 2032, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 75-4209 and K.S.A. 2020 Supp. 2-223 and repealing the existing sections, by Committee on Ways and Means.

SB 269, AN ACT concerning public health and safety; relating to dangerous regulated animals; prohibiting the sale, slaughter and acquisition of such animals;

including nonhuman primates and nonhybrid wolves as dangerous regulated animals; requiring sufficient barriers and distance between dangerous regulated animals and the public; amending K.S.A. 2020 Supp. 32-1301, 32-1302, 32-1303, 32-1304, 32-1305, 32-1306, 32-1307, 32-1308 and 32-1310 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 32-1309, by Committee on Federal and State Affairs.

SB 270, AN ACT concerning law enforcement; relating to law enforcement officers; prohibiting the hiring of certain officers with a history of serious misconduct or use of excessive force; making certain law enforcement employment and disciplinary records subject to the open records act; amending K.S.A. 2020 Supp. 45-221 and repealing the existing section, by Committee on Federal and State Affairs.

SB 271, AN ACT concerning civil actions; relating to limitations on actions; extending the time to file a claim for damages caused by childhood sexual abuse; amending K.S.A. 2020 Supp. 60-523 and repealing the existing section, by Committee on Federal and State Affairs.

SB 272, AN ACT concerning sexual assault evidence collection; requiring such collection procedures to include a urinalysis test to determine the presence of controlled substances that may have been used to commit the alleged sexual assault; amending K.S.A. 65-448 and repealing the existing section, by Committee on Federal and State Affairs.

SB 273, AN ACT concerning governmental response to certain emergencies; relating to the Kansas emergency management act; providing procedures for the declaration and extension of a state of disaster emergency; limiting powers granted to the governor during a state of disaster emergency; defining public health disasters and establishing special provisions therefor; creating the joint committee on emergency management and prescribing powers and duties; prescribing powers, duties and functions of the secretary of health and environment, city and county government and the board of education of each school district to control the spread of disease; establishing judicial review thereof; prescribing certain reporting requirements for the board of education of each school district, the state board of education and the Kansas state department of education; amending K.S.A. 48-904, 48-923, 48-933, 65-101, 65-119 and 65-126 and K.S.A. 2019 Supp. 48-925, as amended by section 4 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021 Senate Bill No. 14, 48-939, 48-949, 65-201 and 65-202 and repealing the existing sections; also repealing K.S.A. 2019 Supp. 48-925, as amended by section 5 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-925b, by Committee on Federal and State Affairs.

SB 274, AN ACT concerning health and healthcare; relating to the practice of naturopathy; licensure and regulation of naturopathic doctors; broadening the scope of practice of naturopathic doctors; amending K.S.A. 65-7201, 65-7207, 65-7208, 65-7209 and 65-7214 and K.S.A. 2020 Supp. 65-1626, 65-4101 and 65-7202 and repealing the existing sections; also repealing K.S.A. 65-7212, by Committee on Assessment and Taxation.

SB 275, AN ACT concerning health and healthcare; relating to naturopathic doctors; providing naturopathic doctors a certificate of authorization for a business entity to practice medicine; amending K.S.A. 17-2710 and K.S.A. 2020 Supp. 65-28,134 and repealing the existing sections, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Financial Institutions and Insurance: **SB 265**.

Ways and Means: **SB 264, SB 266, SB 267**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Under the authority of the President, the Vice President referred **SB 273** to the **Committee on Judiciary**.

MESSAGES FROM THE GOVERNOR

Enclosed herewith is Executive order 21-04 for your information. (February 19, 2021)

CONSIDERATION OF APPOINTMENTS

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

Senator Suellentrop moved the following appointments be confirmed as recommended by the Committees on **Federal and State Affairs** and **Agriculture and Natural Resources**.

By the Governor

On the appointment to the:

Kansas National Guard:

Michael Venerdi, At the pleasure of the governor

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

Yeas: Alley, 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, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Olson.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Water Authority:

Dawn Buehler, At the pleasure of the governor

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

Yeas: Alley, 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, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Olson.

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

SB 95, SB 99, SB 204 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 95, AN ACT concerning motor vehicles; relating to odometer requirements upon transfer of vehicle; exempting certain odometer certification requirements; amending K.S.A. 2020 Supp. 8-135 and repealing the existing section.

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

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

Absent or Not Voting: Olson.

The bill passed.

SB 99, AN ACT concerning the vehicle dealers and manufacturers licensing act; relating to vehicle dealer licensing; increasing the bonding requirement for vehicle dealers; amending K.S.A. 2020 Supp. 8-2404 and repealing the existing section.

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

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

Nays: Hilderbrand.

Present and Passing: Longbine.

Absent or Not Voting: Olson.

The bill passed.

SB 204, AN ACT concerning crimes, punishment and criminal procedure; prohibiting a court from requiring psychiatric or psychological examinations of an alleged victim of any crime.

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

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

Absent or Not Voting: Olson.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 89** 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 **Assessment and Taxation** begs leave to submit the following report:
The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:
By the Governor:

Member, State Board of Tax Appeals: K.S.A. 74-2433

Virginia Powell, to fill a term expiring on January 15, 2024

Committee on **Education** recommends **SB 51, SB 62** be passed.

Also, recommends **SB 43** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 43," as follows:

"Substitute for SENATE BILL NO. 43

By Committee on Education

"AN ACT concerning postsecondary education; relating to the state board of regents; creating the Kansas promise scholarship act and the Kansas promise scholarship program fund.";

And the substitute bill be passed.

Committee on **Transportation** recommends **SB 20, SB 26** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Suellentrop, the senate adjourned pro forma until 2:30 p.m. February 24, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

