

Journal of the Senate

ELEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 25, 2022, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.
Roll was called with 38 senators present.
Senators Claeys and Dietrich were absent.
Vice President introduced Senator Richard Hilderbrand to deliver the invocation.
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 384, AN ACT concerning income taxation; relating to credits; providing a credit for certain qualified property taxes levied on homesteads, by Senator Hilderbrand.

SB 385, AN ACT concerning the Kansas offender registration act; requiring registration for certain violations of breach of privacy; amending K.S.A. 2021 Supp. 22-4902 and 22-4906 and repealing the existing sections, by Senators Warren, Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, Olson, O'Shea, Peck, Petersen, Pettey, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware and Wilborn.

SB 386, AN ACT concerning the Kansas open records act; relating to copies of records; limiting fees charged for copying and staff time; providing for waiver or reduction of such fees; amending K.S.A. 45-219 and repealing the existing section, by Committee on Ways and Means.

SB 387, AN ACT concerning the behavioral sciences regulatory board; relating to licensure of health professions and practices; allowing board-approved postgraduate supervised experience to count toward graduate level supervised clinical practicum of supervised professional experience; permitting current master's and clinical level licensees to take the addiction counselor test; requiring psychologists to have continuing education relating to diversity, equity and inclusion; amending K.S.A. 74-5318 and K.S.A. 2021 Supp. 65-6306 and 65-6610 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 388, AN ACT concerning elections; relating to mail ballots; requiring the use of the United States postal service when returning a ballot by mail; amending K.S.A. 25-1128 and repealing the existing section, by Senator Hilderbrand.

SB 389, AN ACT concerning elections; relating to voting systems and procedures; requiring voter-verified paper ballots with a distinctive watermark, by Senator Hilderbrand.

SB 390, AN ACT concerning elections; relating to handling of ballots by election workers; requiring the secretary of state and local election officer to develop an affidavit to be signed by such workers listing certain information, by Senator Hilderbrand.

SB 391, AN ACT concerning elections; requiring the secretary of state and county election officers to develop a system whereby ballots would reflect the number of years an incumbent for an office served in that position, by Senator Hilderbrand.

SENATE CONCURRENT RESOLUTION No. **SCR 1617**—

By Senator Hilderbrand

A PROPOSITION to amend section 5 of article 1 and section 8 of article 2 of the constitution of the state of Kansas to eliminate the ability of the governor to call a special session of the legislature on extraordinary occasions or to call a special session of the legislature when petitioned to do so by two-thirds of the members elect of the legislature; provide for monthly meetings of the legislature after each regular session.

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: Section 5 of article 1 and section 8 of article 2 of the constitution of the state of Kansas are hereby amended to read as follows:

"§ 5. Governor's duties for legislature; messages; special sessions; adjournment. ~~The governor may, on extraordinary occasions, call the legislature into special session by proclamation; and shall call the legislature into special session, upon petition signed by at least two-thirds of the members elected to each house.~~ At every session of the legislature, the governor shall communicate in writing information in reference to the condition of the state; and recommend such measures as ~~he~~ *the governor* deems expedient. In case of disagreement between the two houses in respect of the time of adjournment, the governor may adjourn the legislature to such time as ~~he~~ *the governor* deems proper, not beyond its next regular session.

"§ 8. Organization and sessions. (a) The legislature shall meet in regular session annually commencing on the second Monday in January, and all sessions shall be held at the state capital. The duration of regular sessions held in even-numbered years shall not exceed ~~ninety~~ 90 calendar days. Such sessions may be extended beyond ~~ninety~~ 90 calendar days by an affirmative vote of two-thirds of the members elected to each house.

(b) *After the adjournment of each regular session, the legislature shall meet on the first Monday of each month and any additional days as needed to deal with legislative matters. Any monthly session that extends beyond three days shall require an affirmative vote of two-thirds of the members elected to each house.*

(c) Bills and concurrent resolutions under consideration by the legislature

upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an even-numbered year, as if there had been no such adjournment.

(d) The legislature shall be organized concurrently with the terms of representatives except that the senate shall remain organized during the terms of senators. The president of the senate shall preside over the senate, and the speaker of the house of representatives shall preside over the house of representatives. A majority of the members then elected (or appointed) and qualified of the house of representatives or the senate shall constitute a quorum of that house. Neither house, without the consent of the other, shall adjourn for more than two days, Sundays excepted. Each house shall elect its presiding officer and determine the rules of its proceedings, except that the two houses may adopt joint rules on certain matters and provide for the manner of change thereof. Each house shall provide for the expulsion or censure of members in appropriate cases. Each house shall be the judge of elections, returns and qualifications of its own members."

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

"Explanatory statement. The purpose of the amendment is to eliminate the ability of the governor to call special sessions of the legislature and to provide instead for the monthly meeting of the legislature following adjournment of the regular session.

"A vote for this proposition would remove the governor's power to call special sessions of the legislature and require the legislature meet on a monthly basis following the adjournment of the regular session of the legislature.

"A vote against this proposition would not amend the constitution and the governor would retain the power to call special session of the legislature on extraordinary occasions or when petitioned by two-thirds of the members elected to each house."

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:

Assessment and Taxation: **SB 374.**

Commerce: **SB 378, SB 382.**

Education: **SB 380.**

Federal and State Affairs: **SB 375, SB 376.**

Financial Institutions and Insurance: **SB 377.**

Public Health and Welfare: **SB 381.**

Transportation: **SB 379**.

Utilities: **SB 383**.

COMMUNICATIONS FROM STATE OFFICERS

The following reports were submitted to the Senate and are on file with the Secretary of the Senate:

Kansas Board of Pharmacy Report of Substances Proposed for Scheduling, Rescheduling or Deletion (January 24, 2022)

Kansas Board of Pharmacy 2022 Annual Report on the Kansas Prescription Drug Monitoring Program (January 24, 2022)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Warren, Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, Olson, O'Shea, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1725—

A RESOLUTION honoring pregnancy maintenance resource centers
in Kansas and across the United States.

WHEREAS, The life-affirming impact of pregnancy maintenance resource centers on the women, men, children and communities they serve is significant and growing; and

WHEREAS, Pregnancy maintenance resource centers serve women in Kansas and across the United States with integrity and compassion; and

WHEREAS, More than 2,500 pregnancy maintenance resource centers across the United States provide men and women facing unplanned pregnancies with comprehensive care that includes resources to meet their physical, psychological, emotional and spiritual needs; and

WHEREAS, Pregnancy maintenance resource centers offer women free, confidential and compassionate services, including pregnancy tests, peer counseling, 24-hour telephone hotlines, childbirth and parenting classes, as well as referrals to community, healthcare and support services; and

WHEREAS, Many pregnancy maintenance resource centers offer ultrasound and other medical services; and

WHEREAS, Many pregnancy maintenance resource centers provide pregnant mothers with information on adoption and adoption referrals; and

WHEREAS, Pregnancy maintenance resource centers encourage women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn child; and

WHEREAS, Pregnancy maintenance resource centers provide women with compassionate and confidential peer counseling in a nonjudgmental manner, regardless of their pregnancy outcomes; and

WHEREAS, Pregnancy maintenance resource centers provide important support and resources to women who choose childbirth over abortion; and

WHEREAS, Pregnancy maintenance resource centers ensure that women receive prenatal information and services that lead to birth of healthy infants; and

WHEREAS, Many pregnancy maintenance resource centers provide grief assistance to men and women who regret the loss of their children due to choices they have made; and

WHEREAS, Federal and state governments are increasingly recognizing the valuable services of pregnancy maintenance resource centers, as demonstrated by the designation of public funds for such organizations, including the Stan Clark Pregnancy Maintenance Initiative in Kansas; and

WHEREAS, The successful operation of pregnancy maintenance centers primarily rely on the voluntary donations and time given by caring individuals who are committed to helping with the needs of women while promoting and protecting life: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we strongly support pregnancy maintenance resource centers for their unique and positive contributions to the individual lives of women, men and babies—both born and unborn; and

Be it further resolved: That we honor pregnancy maintenance resource centers in Kansas and across the United States; and

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

On emergency motion of Senator Warren **SR 1725** was adopted by voice vote.

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

The Senate met pursuant to recess with Vice President Wilborn.

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 337 be passed.

SB 146 be amended by motion of Senator Petersen; on page 1, in line 8, by striking "2020" and inserting "2021";

On page 3, in line 28, by striking "2020" and inserting "2021";

On page 6, in line 41, by striking "2020" and inserting "2021";

On page 11, in line 5, by striking "2021" and inserting "2022"; in line 8, by striking "2020" and inserting "2021";

On page 1, in the title, in line 4, by striking "2020" and inserting "2021"

and the bill be passed as amended.

HB 2087 be amended by the adoption of the committee amendments, and the bill be passed as amended.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Wednesday, January 26, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

JANUARY 25, 2022

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