

# Journal of the Senate

THIRTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 8, 2022, 2:30 p.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 40 senators present.  
Invocation by Reverend Cecil T. Washington:

Is There Even One Righteous Person?  
Ezekiel 22:23-31

Heavenly Father, strong and mighty walls provided protection for Your people by keeping out disparaging forces. In like manner today, solid walls of righteousness are needed to protect us from the damning forces of unrighteousness.

In Chapter 22:23-31, You used the prophet Ezekiel to reveal that there was a break, a hole, in their wall of justice and You couldn't find anyone committed enough to the cause of righteousness that they would stand in the gap. And Lord, it was troubling that after seeing where You looked, no one could be found. Not even one!

You looked among the priests, who should've been teaching Your people to honor You and obey Your Word. You looked among the politicians, but they were like wolves tearing the people apart, financially ripping them off. When You looked at the prophets who were supposed to be telling the people the truth, they were lying, pretending You were giving them Your words when You never spoke to them.

Finally, when none of the leaders were measuring up, You looked among the people themselves. But they were just as bad, cheating, robbing, abusing the poor and taking advantage of immigrants.

Lord, when You look among us I pray You find men and women, irrespective of position, willing to take a stand for justice, morality, virtue and integrity for Your righteousness.

In Jesus' Name, I pray that the righteousness You call for will prosper. Amen!

The Pledge of Allegiance was led by President Masterson.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 550**, AN ACT concerning drivers' licenses; authoring certain individuals with revoked licenses to be eligible for restricted driving privileges; amending K.S.A. 2021 Supp. 8-2110 and repealing the existing section; also repealing K.S.A. 2021 Supp. 8-2110c, by Committee on Federal and State Affairs.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 548, SB 549.**

Assessment and Taxation: **SB 547.**

Transportation: **SB 546.**

**CHANGE OF REFERENCE**

The President withdrew **SB 547** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Federal and State Affairs**.

**MESSAGE FROM THE HOUSE**

The House accedes to the request of the Senate for a conference on **SB 62** and has appointed Representatives Huebert, Thomas and Stogsdill as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub for SB 101** and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

**FINAL ACTION ON CONSENT CALENDAR**

**HB 2329, HB 2594** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**HB 2329**, AN ACT concerning pipeline safety; relating to the state corporation commission; pipeline safety program; entities who are subject to the program; amending K.S.A. 66-1,150 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**HB 2594**, AN ACT concerning motor vehicles; relating to vehicle identification numbers; exempting certain modifications on antique vehicles from vehicle identification number offense seizures and dispositions; amending K.S.A. 2021 Supp. 8-116 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

**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 Erickson in the chair.

On motion of Senator Erickson the following report was adopted:

**HB 2231** be amended by the adoption of the committee amendments, and the bill be passed as amended.

The committee report on **HB 2057** recommending **S Sub HB 2057** be adopted, be amended by motion of Senator Francisco; on page 1, in line 12, by striking "disability and"; in line 13, by striking "disability or"; in line 30, by striking "individual's disability and";

On page 2, in line 13, by striking "disability or"; in line 19, by striking all after "the" and **S Sub HB 2057** be passed as amended.

The committee report **HB 2279** recommending **S Sub HB 2279** be adopted, and the substitute bill be passed.

A motion by Senator Wilborn to amend **S Sub HB 2279** failed.

Senator Wilborn moved **S Sub HB 2279** be rereferred to the Committee on Public Health and Welfare. The motion failed.

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

On roll call, the vote was: Yeas 14; Nays 22; Present and Passing 2; Absent or Not Voting 2.

Yeas: Bowers, Dietrich, Doll, Francisco, Kerschen, Kloos, Longbine, Pittman, Pyle, Ryckman, Steffen, Suellentrop, Thompson, Wilborn.

Nays: Alley, Baumgardner, Claeyes, Corson, Erickson, Fagg, Faust-Goudeau, Gossage, Hawk, Hilderbrand, Holland, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Straub, Sykes, Tyson, Ware.

Present and Passing: Haley, Holscher.

Absent or Not Voting: Billinger, Warren.

**HB 2001** be passed over and retain a place on the calendar.

**REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **SB 403** 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 496** be passed.

Committee on **Federal and State Affairs** recommends **SB 389** be amended on page 1, in line 6, after "state" by inserting "held on or after January 1, 2024,";

On page 2, in line 7, after "(b)" by inserting "For any election held on or after January 1, 2024,"; in line 20, after "(d)" by inserting "On or before January 1, 2023,"; and the bill be passed as amended.

Also, **SB 390** be amended on page 1, in line 7, before "The" by inserting "(a)"; also in line 7, by striking "local" and inserting "county"; in line 9, by striking "received from voters"; also in line 9, by striking "in a local election office"; in line 10, by striking "such"; also in line 10, after "ballots" by inserting "for a county election office"; in line 12, by striking "(a)" and inserting "(1)"; in line 13, by striking "(b)" and inserting "(2)"; in line 14, by striking "(c)" and inserting "(3)"; in line 15, by striking "(d)" and inserting the following:

"(4) number of counted ballots;

(5)"

Also on page 1, in line 16, by striking "(e)" and inserting "(6)"; following line 16, by inserting:

"(b) The affidavit system developed under this section shall apply to all ballots received, handled and collected by county election offices prior to, on and after the date of an election and shall operate in conjunction with the provisions of K.S.A. 25-2707, 25-2708 and 25-2709, and amendments thereto, regarding transporting, preserving and destroying ballots and election records.

(c) (1) It shall be a violation of this section to alter any information provided in an affidavit or provide false information in an affidavit with the intent to hinder, prevent or defeat a fair election.

(2) A violation of this section is a severity level 9, nonperson felony.";

Also on page 1, in the title, in line 2, by striking "local" and inserting "county"; also in line 2, by striking "officer" and inserting "officers"; and the bill be passed as amended.

**HB 2540** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Judiciary** recommends **HCR 5014** be adopted.

Committee on **Ways and Means** recommends **SB 523** be amended on page 1, following line 35, by inserting:

"Sec. 3. K.S.A. 2021 Supp. 74-4920 is hereby amended to read as follows: 74-4920. (1) (a) Upon the basis of each annual actuarial valuation and appraisal as provided for in K.S.A. 74-4908(3)(a), and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution ~~which that~~ will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities ~~which that~~ shall exist or accrue under the system, including amortization of the actuarial accrued liability as determined by the board. The board shall determine the actuarial cost method to be used in annual actuarial valuations, to determine the employer contribution rates that shall be certified by the board. Such certified rate of contribution, amortization methods and periods and actuarial cost method shall be based on the standards set forth in K.S.A. 74-4908(3)(a), and amendments thereto, and shall not be based on any other purpose outside of the needs of the system.

(b) (i) For employers affiliating on and after January 1, 1999, upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908, and amendments thereto, the board shall certify, on or before July 15 of each year to each such employer an actuarially determined estimate of the rate of contribution ~~which that~~ shall be required to be paid by each such employer to pay all of the liabilities ~~which that~~ shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be termed the employer's participating service contribution and shall be uniform for all participating employers. Such additional liability shall be amortized as determined by the board. For all participating employers described in this section, the board shall determine the actuarial cost method to be used in annual actuarial valuations

to determine the employer contribution rates that shall be certified by the board.

(ii) The board shall determine for each such employer separately an amount sufficient to amortize all liabilities for prior service costs ~~which that~~ shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each such employer separately an actuarially determined estimate of the rate of contribution ~~which that~~ shall be required to be paid by that employer to pay all of the liabilities for such prior service costs. Such rate shall be termed the employer's prior service contribution.

(2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation.

(3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each political subdivision, other than an instrumentality of the state, ~~which that~~ is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax ~~which that~~ may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102, and amendments thereto. Each participating employer ~~which that~~ is not by law authorized to levy taxes as described above, but ~~which that~~ prepares a budget for its expenses for the ensuing year and presents the same to a governing body ~~which that~~ is authorized by law to levy taxes as described above, may include in its budget an amount sufficient to make its contributions under this act which may be in addition to all other taxes authorized by law. Such governing body to which the budget is submitted for approval, may levy a tax sufficient to allow the participating employer to make its contributions under this act, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act.

(5) (a) The rate of contribution certified to a participating employer as provided in this section shall apply during the fiscal year of the participating employer ~~which that~~ begins in the second calendar year following the year of the actuarial valuation.

(b) (i) Except as specifically provided in this section, for fiscal years commencing in calendar year 1996 and in each subsequent calendar year, the rate of contribution certified to the state of Kansas shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than 0.2% of the amount of compensation upon which members contribute during the period.

(ii) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to the state of Kansas and to the participating employers under K.S.A. 74-4931, and

amendments thereto, shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar years 2010 through 2012, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2013, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2015, the employer rate of contribution shall be 10.91%; (E) for the fiscal year commencing in calendar year 2016, the employer rate of contribution shall be 10.81%, except as provided by section 37(b) of chapter 54 of 2017 Session Laws of Kansas, and amendments thereto, for the participating employers under K.S.A. 74-4931, and amendments thereto; (F) for the fiscal year commencing in calendar year 2017, the employer rate of contribution shall be 12.01% and for participating employers under K.S.A. 74-4931, and amendments thereto, an additional percentage of compensation corresponding to the level dollar repayment amount certified by the board pursuant to subsection (17); (G) for the fiscal year commencing in calendar year 2021, the employer rate of contribution shall be 13.33%; (H) for the fiscal year commencing in calendar year 2022, the employer rate of contribution shall be ~~13.44%~~ 12.22%; (I) for the fiscal year commencing in calendar year 2023, the employer rate of contribution shall be 11.08%; and ~~(H)~~ (J) in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately preceding fiscal year and for participating employers under K.S.A. 74-4931, and amendments thereto, an additional percentage of compensation corresponding to the level dollar repayment amount certified by the board pursuant to subsections (17) and (18).

(iii) Except as specifically provided in this section, for fiscal years commencing in calendar year 1997 and in each subsequent calendar year, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed such participating employer's contribution rate for the immediately preceding fiscal year by more than 0.15% of the amount of compensation upon which members contribute during the period.

(iv) Except as specifically provided in this subsection, for the fiscal years commencing in the following calendar years, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed the contribution rate for such employers for the immediately preceding fiscal year by more than the following amounts expressed as a percentage of compensation upon which members contribute during the period: (A) For the fiscal year commencing in calendar years 2010 through 2013, an amount not to exceed more than 0.6% of the amount of the immediately preceding fiscal year; (B) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2016, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2017, and in each subsequent calendar year, an amount not to exceed more than 1.2% of the amount of the immediately

preceding fiscal year.

(v) As part of the annual actuarial valuation, there shall be a separate employer rate of contribution calculated for the state of Kansas, a separate employer rate of contribution calculated for participating employers under K.S.A. 74-4931, and amendments thereto, a combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, and a separate employer rate of contribution calculated for all other participating employers.

(vi) There shall be a combined employer rate of contribution certified to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto. There shall be a separate employer rate of contribution certified to all other participating employers.

(vii) If the combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, is greater than the separate employer rate of contribution for the state of Kansas, the difference in the two rates applied to the actual payroll of the state of Kansas for the applicable fiscal year shall be calculated. This amount shall be certified by the board for deposit as additional employer contributions to the retirement benefit accumulation reserve for the participating employers under K.S.A. 74-4931, and amendments thereto.

(6) The actuarial cost of any legislation enacted in the 1994 session of the Kansas legislature will be included in the June 30, 1994, actuarial valuation in determining contribution rates for participating employers.

(7) The actuarial cost of the provisions of K.S.A. 74-4950i, and amendments thereto, will be included in the June 30, 1998, actuarial valuation in determining contribution rates for participating employers. The actuarial accrued liability incurred for the provisions of K.S.A. 74-4950i, and amendments thereto, shall be amortized over 15 years.

(8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature, except the actuarial cost of K.S.A. 74-49,114a, and amendments thereto, shall be in addition to the employer contribution rates certified for the employer contribution rate in the fiscal year immediately following such enactment. Such actuarial cost shall be determined by the qualified actuary employed or retained by the system pursuant to K.S.A. 74-4908, and amendments thereto, and reported to the system and the joint committee on pensions, investments and benefits.

(9) Notwithstanding the provisions of subsection (8), the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be first reflected in employer contribution rates effective with the first day of the first payroll period for the fiscal year 2005. The actuarial accrued liability incurred for the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be amortized over 10 years.

(10) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 74-49,114b, and amendments thereto, for retirants other than local retirants as described in subsection (11) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2007.

(11) The actuarial accrued liability incurred for the provisions of K.S.A. 74-49,114b, and amendments thereto, for the KPERs local group and retirants who were employees of local employers ~~which that~~ affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(12) The cost of the postretirement benefit payment provided pursuant to the provisions of K.S.A. 74-49,114c, and amendments thereto, for retirants other than local retirants as described in subsection (13) or insured disability benefit recipients shall be paid in the fiscal year commencing on July 1, 2008.

(13) The actuarial accrued liability incurred for the provisions of K.S.A. 74-49,114c, and amendments thereto, for the KPERS local group and retirants who were employees of local employers ~~which that~~ affiliated with the Kansas police and firemen's retirement system shall be amortized over 10 years.

(14) The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912, and amendments thereto, at rates different from the rate fixed for employers joining within one year of the first entry date.

(15) Employer contributions shall in no way be limited by any other act ~~which that~~ now or in the future establishes or limits the compensation of any member.

(16) Notwithstanding any provision of law to the contrary, each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive director for credit to the Kansas public employees retirement fund within three days after the end of the period covered by the remittance by electronic funds transfer. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection shall be subject to interest at the rate established for interest on judgments under K.S.A. 16-204(a), and amendments thereto. At the request of the board, delinquent payments ~~which that~~ are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

(17) The actuarial cost of the reduction of employer contributions for eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, pursuant to the provisions of section 37 of chapter 54 of the 2017 session laws of Kansas, and amendments thereto, shall be amortized over 20 years as a level dollar amount, as certified by the board upon recommendation of the consulting actuary, through an additional percentage of compensation for participating employers under K.S.A. 74-4931, and amendments thereto. This additional percentage of compensation shall first be reflected in employer contribution rates for participating employers under K.S.A. 74-4931, and amendments thereto, effective on the first day of the first payroll period for the fiscal year 2018.

(18) The actuarial cost of \$194,022,683 shall be amortized over 20 years as a level dollar amount, as certified by the board upon recommendation of the consulting actuary, through an additional percentage of compensation for participating employers under K.S.A. 74-4931, and amendments thereto. This additional percentage of compensation shall first be reflected in employer contribution rates for participating employers under K.S.A. 74-4931, and amendments thereto, effective on the first day of the first payroll period for the fiscal year 2020.

Sec. 4. K.S.A. 2021 Supp. 74-4920 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after "transfers" by inserting "; establishing employer contribution rates for fiscal years 2023 and 2024; amending K.S.A. 2021 Supp. 74-4920



and repealing the existing section"; and the bill be passed as amended.

**REPORT ON ENROLLED BILLS**

**SR 1731** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 4, 2022.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Wednesday, March 9, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

