

Journal of the Senate

TWENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 7, 2023, 2:30 p.m.

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

A Day: Not To Spend; To Invest and Trust
Prov. 27:1, James 4:13-15

Once again Lord, heads are bowed in humility. You've blessed us with another day, a day that had not been promised to us. So help us, as Your Word says in Proverbs 27:1, to not take it for granted.

You've blessed us with another day, not to spend it and see it gone. But to invest in it and see returns that are Godly.

You've given us another day, a day to be grateful for another day. As we interact with one another, as we share this space, as we share the gifts that come from You, it's another day to try and be like You. A day to let everything we say or do spring from a warm place of love and compassion, from hearts marinated in love.

Lord, as Your Word reiterates in James 4:13-15, none of these days are we to take for granted. For this day, tomorrow and all our days are in Your hands.

You've just given us another day to trust You, another day for our faith to be tested, another day to praise Your Holy name. When this day is done, help us to look back on it as one that would truly prove profitable. I pray in the precious 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 169, AN ACT concerning income taxation; relating to rates; providing a 4.75% tax rate for individuals; amending K.S.A. 2022 Supp. 79-32,110 and repealing the existing section, by Committee on Assessment and Taxation.

SB 170, AN ACT concerning housing; relating to assistance animals; enacting the Kansas assistance animals in housing act; creating the crime of misrepresentation of entitlement to an assistance animal in housing and providing penalties therefor, by Committee on Federal and State Affairs.

SB 171, AN ACT concerning health and healthcare; creating the veterans first medical cannabis act; providing for the regulation of the cultivation, distribution, sale and use of medical cannabis; establishing the cannabis regulatory commission;

imposing an excise tax on the cultivation and sale of medical cannabis; amending K.S.A. 65-28a05, 65-28b08, 79-5201 and 79-5210 and K.S.A. 2022 Supp. 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 65-1120, 65-2836 and 79-3606 and repealing the existing sections, by Senators Holland, Corson, Doll, Faust Goudeau, Francisco, Haley, Pettey and Pittman.

SB 172, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; increasing the lump-sum death benefit; amending K.S.A. 74-4989 and 74-49,315 and repealing the existing sections, by Committee on Ways and Means.

SB 173, AN ACT concerning health and healthcare; relating to medications; authorizing the over-the-counter purchase of ivermectin tablets and hydroxychloroquine tablets, by Committee on Public Health and Welfare.

SB 174, AN ACT concerning crimes, punishment and criminal procedure; relating to interference with law enforcement; increasing criminal penalties when the violation involves fleeing from a law enforcement officer; amending K.S.A. 2022 Supp. 21-5904 and repealing the existing section, by Committee on Judiciary.

SB 175, AN ACT concerning abortion; prohibiting abortion; creating the crimes of unlawful performance of an abortion and unlawful destruction of a fertilized embryo and establishing penalties therefor; restricting the use of fetal tissue; relating to exclusions from sales and use tax exemptions for certain abortion providers; amending K.S.A. 65-2401, 65-2837, 65-6731, 65-6732, 65-67a01, 65-67a02, 65-67a04, 65-67a07, 76-3308 and 79-32,195 and K.S.A. 2022 Supp. 21-5301, 21-5302, 21-5303, 60-1901, 60-1906, 79-32,182b, 79-32,261 and 79-3606 and repealing the existing sections; also repealing K.S.A. 38-2003, 65-445, 65-4a01, 65-4a02, 65-4a03, 65-4a04, 65-4a05, 65-4a06, 65-4a07, 65-4a08, 65-4a09, 65-4a10, 65-4a11, 65-4a12, 65-6701, 65-6702, 65-6703, 65-6704, 65-6705, 65-6707, 65-6708, 65-6709, 65-6710, 65-6711, 65-6712, 65-6714, 65-6715, 65-6721, 65-6722, 65-6723, 65-6724, 65-6725, 65-6726, 65-6741, 65-6742, 65-6743, 65-6744, 65-6745, 65-6746, 65-6747, 65-6748, 65-6749 and 65-67a09, by Committee on Public Health and Welfare.

SB 176, AN ACT concerning the behavioral sciences; increasing the membership of the behavioral sciences regulatory board; relating to licensure and regulation; professional counselors, social workers, marriage and family therapists, addiction counselors, behavior analysts, psychologists and master's level psychologists; decreasing the years of practice required for reciprocity licensure; requiring that clinical social work supervisors be approved by the board; providing additional continuing education requirements; establishing license categories for applicants from social work programs in candidacy for accreditation and for temporary reinstatement; extending the license period of temporary licenses; amending K.S.A. 65-5802, 65-5806, 65-6302, 65-6313, 65-6314, 65-6402, 65-6407, 65-6608, 65-6614, 65-6618, 65-7504, 65-7505, 74-5302, 74-5318, 74-5361, 74-5365, 74-5366, 74-5367 and 74-7501 and K.S.A. 2022 Supp. 65-5804a, 65-5807, 65-5808, 65-6306, 65-6309, 65-6322, 65-6404, 65-6405, 65-6406, 65-6411, 65-6610, 65-6611, 65-6613, 74-5310, 74-5315, 74-5316, 74-5363 and 74-5375 and repealing the existing sections; also repealing K.S.A. 74-5339, by Committee on Public Health and Welfare.

SB 177, AN ACT concerning legal holidays; declaring Juneteenth National Independence Day to be a legal public holiday; relating to the closure of state offices for the observance of certain legal public holidays; amending K.S.A. 35-107 and repealing

the existing section, by Senators Faust Goudeau and Haley.

SB 178, AN ACT concerning property taxation; relating to delinquent taxes; requiring judicial foreclosure public auctions to be conducted in person at a physical location in the county; amending K.S.A. 79-2804 and repealing the existing section, by Senator Haley.

SB 179, AN ACT concerning property taxation; relating to delinquent taxes; providing that payment of special assessments for years other than the year being redeemed is not required for purposes of partial redemption of homesteads; amending K.S.A. 79-2401a and repealing the existing section, by Senator Haley.

SB 180, AN ACT establishing the women's bill of rights; providing a meaning of biological sex for purposes of statutory construction, by Committee on Public Health and Welfare.

SB 181, AN ACT concerning children and minors; relating to cities and counties; establishing city and county child death review boards; permitting and requiring disclosure of records; amending K.S.A. 22a-241 and K.S.A. 2022 Supp. 22a-243 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 182, AN ACT concerning criminal procedure; relating to restitution; requiring a person convicted of an offense that resulted in the incapacitation or death of a victim who is the parent or guardian of a minor child to pay restitution in the form of child support, by Senator Haley.

SB 183, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal discharge of a firearm; increasing the penalty for violations when a person was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm and when a person less than 14 years of age was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm; amending K.S.A. 2022 Supp. 21-6308 and 21-6804 and repealing the existing sections, by Senator Haley.

SB 184, AN ACT concerning education; relating to certain nonpublic schools; requiring participation in state assessments; requiring website publication of performance accountability and longitudinal achievement reports; amending K.S.A. 2022 Supp. 72-5178 and repealing the existing section, by Senator Holscher.

SB 185, AN ACT concerning education; relating to school districts; authorizing a teacher and a student to serve as non-voting members of boards of education; amending K.S.A. 72-1072, 72-1091 and 72-1137 and K.S.A. 2022 Supp. 72-1073 and 72-1133 and repealing the existing sections, by Senator Holscher.

SB 186, AN ACT concerning deprivation of rights under color of law; creating the crime of deprivation of rights under color of law; authorizing a civil cause of action; requiring restitution; amending K.S.A. 2022 Supp. 22-3424 and repealing the existing section, by Senator Haley.

SB 187, AN ACT concerning civil actions; relating to actions for wrongful conviction and imprisonment; providing for payment of interest; directing the attorney general to file certain collateral actions; amending K.S.A. 2022 Supp. 60-5004 and repealing the existing section, by Senator Haley.

SB 188, AN ACT concerning crimes, punishment and criminal procedure; relating to promotion to minors of material harmful to minors; removing an affirmative defense for public, private and parochial schools; amending K.S.A. 2022 Supp. 21-6402 and repealing the existing section, by Committee on Judiciary.

SB 189, AN ACT concerning law enforcement; relating to applicants for a law enforcement officer position; authorizing state and local law enforcement agencies to receive certain files and information about the applicant from agencies that received an application from the applicant for a law enforcement position or conducted an employment background investigation; amending K.S.A. 75-4379 and repealing the existing section, by Committee on Judiciary.

SB 190, AN ACT concerning crimes, punishment and criminal procedure; release prior to trial; requiring a waiver of extradition proceedings as a condition of release prior to trial for any person charged with a felony; amending K.S.A. 2022 Supp. 22-2802 and repealing the existing section, by Committee on Judiciary.

SB 191, AN ACT concerning the adult care home licensure act; relating to involuntary transfer or discharge of residents from an adult residential care facility; creating a right to appeal an involuntary transfer or discharge; requiring the secretary for aging and disability services to review notices and preside over appeals, by Committee on Judiciary.

SB 192, AN ACT concerning driving; relating to drivers' licenses; eligibility for restricted driving privileges; removing and delaying payment for fees that apply to individuals for failure to comply with a traffic citation; providing for payment plans and waiver of fines; eliminating reinstatement of certain fees; requiring certain contact information on a traffic citation; amending K.S.A. 8-2106 and 8-2110 and repealing the existing sections, by Committee on Judiciary.

SB 193, AN ACT concerning crimes, punishment and criminal procedure; enacting the reduce armed violence act; increasing criminal penalties for certain violations of criminal possession of a weapon by a convicted felon that involve firearms; amending K.S.A. 2022 Supp. 21-6804 and repealing the existing section, by Committee on Judiciary.

SB 194, AN ACT concerning hospital districts; relating to the qualifications of hospital board members; removing the requirement that such members be qualified electors; amending K.S.A. 80-2506 and repealing the existing section, by Committee on Ways and Means.

SB 195, AN ACT concerning the children's cabinet; authorizing the cabinet to establish a nonprofit corporation to raise funds to benefit the Dolly Parton's imagination library book gifting program, by Committee on Ways and Means.

SB 196, AN ACT concerning taxation; relating to the local ad valorem tax reduction fund; reinstating transfers to the local ad valorem tax reduction fund (LAVTRF); amending K.S.A. 2022 Supp. 79-2959 and repealing the existing section, by Senator Pittman.

SB 197, AN ACT concerning elections; relating to voter registration; allowing voters to register on election day; amending K.S.A. 25-2311 and 25-3602 and K.S.A. 2022 Supp. 25-2316c and repealing the existing sections, by Senators Pittman, Corson and Holscher.

SB 198, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; providing a postretirement cost-of-living adjustment for certain retirants, by Senator Pittman.

SB 199, AN ACT concerning financial institutions; relating to the technology-enabled fiduciary financial institutions act; authorizing the state banking board to deny, suspend or revoke the charter of a fiduciary financial institution in certain

circumstances; providing procedures therefor; requiring fiduciary financial institutions to purchase a surety bond; establishing a civil money penalty for violations, by Senator Holland.

SB 200, AN ACT concerning the legislature; establishing term limits for the speaker of the house of representatives and the president of the senate, by Senator Holland.

SB 201, AN ACT concerning adult-oriented businesses; relating to drag shows; prohibiting the expenditure of any state moneys for drag shows targeting minors; providing criminal penalties for violations of the act, by Committee on Federal and State Affairs.

SB 202, AN ACT concerning elections; relating to ranked-choice voting; enacting the Kansas ranked-choice voting act, by Committee on Federal and State Affairs.

SB 203, AN ACT concerning the state board of regents; enacting the Kansas campus restoration act; relating to deferred maintenance of facilities at state educational institutions; providing rules and regulations authority; establishing the Kansas campus restoration fund in the state treasury; authorizing certain transfers from the state general fund to the Kansas campus restoration fund; requiring annual reports to certain committees of the legislature, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 164, SB 168**.

Commerce: **SB 165**.

Education: **SB 167**.

Local Government: **SB 162, SB 163**.

Utilities: **SB 166**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Bowers introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1707—

A RESOLUTION recognizing the Kansas Chiropractic Association's groundbreaking history and its continued work for Kansas chiropractic physicians.

WHEREAS, The Kansas Chiropractic Association (KCA) was formed in 1911 and is the oldest chiropractic association in the United States; and

WHEREAS, In 1913, the KCA was instrumental in the creation of a Kansas law, which licensed chiropractic practice in Kansas – the first law of its kind in the world; and

WHEREAS, As the first state in the nation to have a doctor obtain a chiropractic license, Kansas spearheaded the licensed chiropractic practice movement in the United States; and

WHEREAS, KCA promotes the long, bountiful and pioneering history of chiropractic practice in Kansas; and

WHEREAS, KCA protects and preserves the art, science and philosophy of the chiropractic practice in Kansas; and

WHEREAS, KCA advocates on behalf of more than 1,000 chiropractic physicians by providing a unified voice in government relations, public policy and a positive vision

for the profession; and

WHEREAS, KCA members provide leadership throughout healthcare by demanding the highest educational standards and adherence to the highest moral and ethical standards: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the groundbreaking and storied history of the Kansas Chiropractic Association; and

Be it further resolved: That we applaud the essential and ongoing work that the Kansas Chiropractic Association accomplishes on behalf of chiropractic physicians in Kansas; and

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

On emergency motion of Senator Bowers **SR 1707** was adopted by voice vote.

COMMUNICATIONS FROM STATE OFFICERS

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

State Treasurer FY 2022 Annual Report Low-income Family Postsecondary Saving Accounts Incentive Program (January 31, 2023)

State Long-Term Care Ombudsman FY 2022 Annual Report (February 4, 2023)

Department of Commerce STAR Bonds Annual Report (February 4, 2023)

Department of Commerce APEX Annual Report (February 4, 2023)

Department of Commerce Rural Opportunity Zones Annual Report (February 4, 2023)

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 59** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Your Committee on **Judiciary** 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 Attorney General:

Director, Kansas Bureau of Investigation: K.S.A. 75-711

Anthony Mattivi, to serve at the pleasure of the Attorney General

Committee on **Ways and Means** recommends **SB 42** be passed.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Wednesday, February 8, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

