

Journal of the Senate

FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 13, 2022, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.
The roll was called with 37 senators present.
Senators Erickson, McGinn and Straub were excused.
The Vice President introduced Doug Henkle to deliver the Invocation:

Heavenly Father, I thank You for Your amazing love for us. Thank You for the privilege it is to come before Your throne this afternoon. I ask that You bestow Your Divine favor upon this body, collectively and individually. Give them Your perspective and Your wisdom as they study and debate the, often challenging, matters before them. May their goal be Your best for the people of Kansas.

Thank You for each Senator here today and for the families they represent, as the family is the relational core of our society. Lord, I ask that You build and strengthen this chamber and this legislature with relationships that honor You. I pray that You would cause a bond of common purpose to unite this body and that You would heal and strengthen any relationships that are not as You would have them to be.

I lift up the committee chairs and ranking minorities to You today as their work has begun for this session. Give them clarity of mind and Your direction as they lead their committees. As hearings are held I pray for each conferee offering testimony before each committee. I ask that their testimony would be clear, concise and accurate and that it would lead to sound decisions that would honor You, blessing all Kansans.

Father, I thank You for the hope we have in You. Give us Your peace and Your wisdom. In Jesus' Name, 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 334, AN ACT concerning financial institutions; relating to technology-enabled fiduciary financial institutions; pertaining to procedures when undercapitalized or insolvent; fees and assessments; grounds for denial of application; examinations; insurance and capital requirements; disclosures to consumers; mandatory reporting of elder abuse; amending K.S.A. 39-1401 and K.S.A. 2021 Supp. 9-2301, 9-2302, 9-2303, 9-2304, 9-2305, 9-2306, 9-2307, 9-2310, 9-2311, 9-2312, 9-2317, 9-2318 and 9-2325 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 335, AN ACT concerning insurance; relating to accident and health insurance; exempting certain qualified trade, merchant, retail and professional associations and business leagues that provide health insurance in the state but are not subject to the jurisdiction of the commissioner of insurance from payment of the annual premium tax; amending K.S.A. 40-2222b and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 336, AN ACT concerning insurance; relating to permissible investments made by life insurance companies; updating certain investment limitation requirements to provide increased options for Kansas domiciled life insurance companies investing in equity interests and preferred stock; amending K.S.A. 40-2b06 and 40-2b07 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 337, AN ACT concerning financial institutions; relating to the technology-enabled fiduciary financial institutions act; pertaining to the pilot program; converting the conditional charter to a full fiduciary financial institution charter; amending K.S.A. 2021 Supp. 9-2325 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 338, AN ACT concerning the Kansas city area transportation authority; relating to property lease by such authority to private developers; restricting property and sales tax exemptions for such property; amending K.S.A. 79-201a and K.S.A. 2021 Supp. 79-3606 and repealing the existing sections, by Committee on Local Government.

SB 339, AN ACT concerning taxation; relating to sales and compensating use tax; providing a 0% state rate for sales of food and food ingredients and providing for the levying of such tax by cities and counties; relating to income tax; discontinuing the nonrefundable food sales tax credit; amending K.S.A. 79-32,271 and K.S.A. 2021 Supp. 12-189a, 79-3602, 79-3603 and 79-3703 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 340, AN ACT concerning higher education; relating to the Kansas promise scholarship program; responsibilities of the state board of regents and postsecondary educational institutions; authorizing designation of additional eligible programs and fields of study; amending K.S.A. 2021 Supp. 74-32,271, 74-32,272, 74-32,273, 74-32,274, 74-32,275 and 74-32,276 and repealing the existing sections, by Committee on Education.

SB 341, AN ACT concerning education; relating to the Kansas school equity and enhancement act; removing federal impact aid from the determination of local foundation aid; amending K.S.A. 72-5135 and K.S.A. 2021 Supp. 72-5132 and repealing the existing sections, by Committee on Education.

SB 342, AN ACT concerning taxation; relating to sales and compensating use tax; providing a 0% state rate for sales of food and food ingredients and providing for the levying of such tax by cities and counties; providing for an exemption for sales of farm products sold at farmers' markets; relating to income tax; discontinuing the nonrefundable food sales tax credit; amending K.S.A. 79-32,271, 79-3620 and 79-3710 and K.S.A. 2021 Supp. 12-189a, 79-3602, 79-3603, 79-3606 and 79-3703 and repealing the existing sections, by Senators Sykes, Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman and Ware.

SB 343, AN ACT concerning persons with hearing loss; relating to statutory terminology; updating the term "hearing impairment" to "hard of hearing" and other related terms concerning persons with hearing loss; amending K.S.A. 19-2698, 36-517,

39-1107, 65-3276, 65-6511, 72-3253, 72-3404, 75-3740, 75-5391, 75-5397c, 75-5399 and 76-1001b and K.S.A. 2021 Supp. 50-676 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 344, AN ACT concerning crimes, punishment and criminal procedure; relating to principles of criminal liability; providing an exception to criminal liability when a defendant has a mental disease or defect so as not to know the nature of the act or that such act was wrong; amending K.S.A. 22-3219, 22-3221 and 22-3222 and K.S.A. 2021 Supp. 12-736, 21-5209, 22-3428 and 22-3428a and repealing the existing sections, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 326, SB 327, SB 328.**

Federal and State Affairs: **SB 330.**

Financial Institutions and Insurance: **SB 329, SB 331.**

Local Government: **SB 325.**

Transportation: **SB 332, SB 333.**

Utilities: **SB 323, SB 324.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Masterson, Alley and Sykes introduced the following Senate resolution, which was read:

SENATE RESOLUTION 1723—

A RESOLUTION relating to assignment of seats of the Senate.

Be it resolved by the Senate of the State of Kansas: The members of the 2022 regular session shall occupy the same seats assigned pursuant to 2021 Senate Resolution No. 1715 with the following exceptions: Alley 24, Erickson 30, Kerschen 34, Olson 26, O'Shea 13, Pyle 33 and Sullentrop 14.

On emergency motion of Senator Alley **SR 1723** was adopted unanimously.

SR 1724, A RESOLUTION supporting the Global Covid Summit Physicians Declaration II and its three foundational principles for public policy in response to COVID-19, by Committee on Public Health and Welfare.

CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **H Sub SB 158** from the Committee on **Federal and State Affairs**, and referred the bill to the Committee on **Interstate Cooperation**.

Under the authority of the President, the Vice President withdrew **HB 2115, HB 2234, HB 2279, HB 2280** from the Calendar under the heading of **General Orders**, and rereferred the bills to the Committee on **Public Health and Welfare**.

REPORTS OF STANDING COMMITTEES

The Committee on **Judiciary** recommends **HB 2228**, as amended by House Committee, be amended on page 1, in line 27, by striking "July 1, 2022" and inserting

"January 31, 2023"; in line 28, by striking "2020 Supp.";

On page 5, in line 3, by striking "2020" and inserting "2021"; in line 5, after the first "K.S.A." by inserting "38-2227 and"; also in line 5, by striking "and K.S.A. 2020 Supp. 38-2227";

On page 1, in the title, in line 3, after the first "K.S.A." by inserting "38-2227 and"; also in line 3, by striking all after "65-448"; in line 4, by striking all before "and"; and the bill be passed as amended.

On motion of Senator Alley, the senate adjourned pro forma until 9:00 a.m. January 14, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

