

# Journal of the Senate

## FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, January 9, 2023, 2:00 p.m.

In accordance with the provisions of the Constitution of the State of Kansas and by the virtue of his office as President of the Senate, Senator Ty Masterson declared the 2023 Senate to be in session.

President Masterson welcomed Reverend Cecil T. Washington, Jr., who will again serve as the Senate Chaplain. Reverend Washington delivered the following invocation:

Invocation by Reverend Cecil T. Washington:

“The Wind Power To Elevate”

Heavenly Father, You are Lord of Heaven and Earth. There is no power or authority that is greater. All of it actually comes from You. Therefore, as we tackle this new year and take on new responsibilities, our need and our desire is to be in harmony with You. For if we're not in harmony with You, we're in trouble.

For this new beginning to be followed by a good middle and result in a good ending, we need You, Lord, to infuse us with Godly convictions and the courage to stand for them. That's why You tell us in Proverbs 14:34 that Godliness elevates us, while unGodliness brings us down.

Like a kite has to fully depend on the wind, when moving to a higher position, Lord, we must rely on the Holy Wind; the Breath of Your Holy Spirit. For Lord, if You don't lift us and sustain us, we will surely fall.

So Lord, the prayer at the beginning of this season, is that from start to finish, throughout every session; throughout every meeting and everything we do, a great movement of Your Lordship will prevail.

I pray this in the precious Name of Jesus. Amen!

The Pledge of Allegiance was led by President Masterson.

### **OATH OF OFFICE**

President Masterson requested Senator Larry Alley escort Senator Ron Ryckman and Chase Blasi to the front of the Senate. The President introduced the Honorable Eric S. Rosen, Justice, Supreme Court of Kansas, who administered the Oath of Office.

#### OATH OF OFFICE

STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

I do solemnly swear or affirm, that I will support the Constitution of the United

States and the Constitution of the State of Kansas and will faithfully discharge the duties of the office of State Senator. So help me God.

Subscribed and sworn to, or affirmed, before me this 9<sup>th</sup> day of January 2023.

Eric S. Rosen

*Justice of the Supreme Court*

The roll was called with 37 senators present.

Senators Gossage and Steffen were excused.

### **INTRODUCTION OF GUESTS**

Senator Masterson introduced Dr. Debra Doubek, President of the Kansas Academy of Family Physicians, and thanked the Academy for providing the Doctor of the Day Program in the Statehouse during the 2023 Legislative Session.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 1**, AN ACT concerning consumer protection; relating to terms of service; authorizing civil penalties under the Kansas consumer protection act for social media websites; prohibiting censorship of certain speech made via such websites, by Senator Steffen.

**SB 2**, AN ACT concerning drivers' licenses; authorizing certain individuals with revoked licenses to be eligible for restricted driving privileges; amending K.S.A. 8-2110 and repealing the existing section, by Senator Faust Goudeau.

**SB 3**, AN ACT designating *Silvisaurus condrayi* as the official state land fossil, by Senator Bowers.

**SB 4**, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for purchases for the construction or repair of buildings used for human habitation by the Kansas state school for the blind and the Kansas state school for the deaf; amending K.S.A. 2022 Supp. 79-3606 and repealing the existing section, by Senator Fagg.

**SB 5**, AN ACT concerning health and healthcare; related to the Kansas telemedicine act; prohibiting the prescribing of medications intended to induce an abortion via telemedicine; restricting the power of the governor during a state of emergency to alter such abortion prohibitions; amending K.S.A. 40-2,215 and K.S.A. 2022 Supp. 48-925 and repealing the existing sections, by Senator Steffen.

**SB 6**, AN ACT concerning infectious or contagious diseases; relating to the secretary of health and environment and local health officers; restricting the powers thereof; repealing authority of the secretary to order individuals to isolate or quarantine and impose associated penalties therefor; amending K.S.A. 65-116g, 65-118, 65-119, 65-128, 65-129b and 65-129d and K.S.A. 2022 Supp. 65-101, 65-202 and 72-5180 and repealing the existing sections; also repealing K.S.A. 65-126, 65-127, 65-129 and 65-129c, by Senator Steffen.

**SB 7**, AN ACT concerning income taxation; relating to resident individuals; reducing tax rates for individuals domiciled in a rural equity decline county; amending K.S.A. 2022 Supp. 79-32, 110 and repealing the existing section, by Senator Steffen.

**SB 8**, AN ACT concerning property taxation; relating to personal property; reducing penalties for the late filing of or the failure to file statements listing property for assessment and the discovery of escaped property; amending K.S.A. 79-332a, 79-1422 and 79-1427a and repealing the existing sections, by Senator Steffen.

**SB 9**, AN ACT concerning the uniform controlled substances act; adding tianeptine to the substances in schedule I; amending K.S.A. 2022 Supp. 65-4105 and repealing the existing section, by Senator Steffen.

**SB 10**, AN ACT concerning members of the legislature; relating to compensation and retirement benefits therefor; increasing the daily rate of compensation for legislators first serving on or after January 13, 2025; eliminating the annualization of compensation for purposes of determining benefits and contributions under the Kansas public employees retirement system for legislators first serving on or after January 13, 2025; providing an election for the calculation of compensation and retirement benefits for legislators with service prior to January 13, 2025; amending K.S.A. 46-137a, 46-137c, 74-4915b, 74-4992, 74-4995 and 75-3212 and repealing the existing sections, by Senator Hawk.

**SB 11**, AN ACT concerning the state capitol; reauthorizing the permanent placement of a life-size version of the "Ad Astra" sculpture on state capitol grounds; transferring approval authority to the capitol preservation committee; making and concerning appropriations for the fiscal year ending June 30, 2023, for the department of administration; amending K.S.A. 75-2256 and repealing the existing section, by Senator Bowers.

**SB 12**, AN ACT concerning gender identity medical care; creating the crime of unlawful gender reassignment service and providing punishment therefor; providing grounds for unprofessional conduct for healing arts licensees; amending K.S.A. 65-2837 and repealing the existing section, by Senators Thompson and Steffen.

**SB 13**, AN ACT concerning schools; relating to the state high school activities association; contracts for exclusive broadcast coverage of postseason activities; permitting certain local broadcasters to cover a school's postseason activities notwithstanding such exclusive contracts, by Senators Hawk and Billinger.

Senators Masterson, Alley and Sykes introduced the following Senate Concurrent Resolution which was read in and adopted by voice vote:

SENATE CONCURRENT RESOLUTION No. 1601—

A CONCURRENT RESOLUTION informing the Governor that the two houses of the Legislature are duly organized and ready to receive communications.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the Secretary of the Senate and the Chief Clerk of the House of Representatives be appointed to wait upon the Governor and inform the Governor that the two houses of the Legislature are duly organized and are ready to receive any communications the Governor may have to present.

**MESSAGES FROM THE GOVERNOR**

The following appointments made by the Governor and submitted to the Senate for confirmation were introduced and their appointment letters read:

Erica Andrade, Public Member, State Board of Indigents' Defense Services (submitted: August 22, 2022)

Blake Benson, Regent, Kansas Board of Regents (submitted: August 16, 2022)

Michael Birzer, Public Member, State Board of Indigents' Defense Services (submitted: August 22, 2022)

Steven Bowser, Public Member, Pooled Money Investment Board (submitted: August 22, 2022)

Maurice Brewer, Attorney, Wyandotte County Attorney, State Board Of Indigent's Defense Services (submitted: December 6, 2022)

Pete Brungardt, At-Large Member, Kansas Lottery Commission (submitted: August 22, 2022)

John Dicus, Regent, Kansas Board of Regents (submitted: August 16, 2022)

Patricia Hudgins, Public Member, State Board of Indigents' Defense Services (submitted: August 22, 2022)

Talal Khan, Public Member, University of Kansas Hospital Authority (submitted: August 22, 2022)

Chrystal Krier, CD4 Public Member, State Civil Service Board (submitted: December 6, 2022)

Diana Mendoza, Regent, Kansas Board of Regents (submitted: August 16, 2022)

Jake Miller, CD3 Public Member, State Civil Service Board (submitted: December 6, 2022)

Rachel Pickering, Judge, Kansas Court of Appeals (submitted: August 29, 2022)

Alexandra "Nicki" Rose, Sedgwick County Attorney, State Board of Indigents' Defence (submitted: December 6, 2022)

Harold Schorn, Attorney Representative, Kansas Human Rights Commission (submitted: August 22, 2022)

Ruth Stevenson, CD3 Banker, State Banking Board (submitted: August 22, 2022)

Anne St. Peter, Public Member, University of Kansas Hospital Authority (submitted: August 16, 2022)

Lea Tatum-Haskell, Public Member, State Banking Board (submitted: August 22, 2022)

Patrick Walden, CD4 Banker, State Banking Board (submitted: August 22, 2022)

Ray Walling, State Librarian (submitted: August 16, 2022)

Donald (Rick) Wiley, Member, Public Employee Relations Board (submitted: August 22, 2022)

#### **COMMUNICATIONS FROM STATE OFFICERS**

The following appointment made by the Kansas State Board of Healing Arts and submitted to the Senate for confirmation was introduced and the appointment letter read:

Susan Gile, Executive Director (submitted: March 18, 2022)

#### **COMMUNICATIONS FROM STATE OFFICERS**

The following appointment made by the Attorney General and submitted to the Senate for confirmation was introduced and the appointment letter read:

Stu Hite, Member, Crime Victims Compensation Board (submitted: March 14, 2022)

**REFERENCE OF APPOINTMENTS**

President Masterson referred the following appointment made by the Governor and submitted to the Senate for confirmation to Committee as indicated.:

*Judge - 6, Kansas Court of Appeals:*

Rachel Pickering

(Committee on Judiciary)

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1701—

A RESOLUTION relating to the organization of the Senate.

*Be it resolved by the Senate of the State of Kansas:* That the Secretary of the Senate notify the House of Representatives that the Senate is organized with the following officers:

Ty Masterson, president,  
 Rick Wilborn, vice president,  
 Larry Alley, majority leader,  
 Dinah Sykes, minority leader,  
 Corey Carnahan, secretary,  
 Don Cackler, sergeant at arms,  
 and awaits the pleasure of the House of Representatives.

On emergency motion of Senator Alley **SR 1701** was adopted by voice vote.

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

SENATE RESOLUTION No. 1702—

A RESOLUTION relating to assignments of seats of the Senate.

*Be it resolved by the Senate of the State of Kansas:* That the permanent seats of the Senate are hereby assigned as follows: Alley 24, Baumgardner 29, Billinger 1, Blasi 14, Bowers 28, Claeys 2, Corson 19, Dietrich 16, Doll 36, Erickson 30, Fagg 17, Faust-Goudeau 21, Francisco 8, Gossage 3, Haley 22, Holland 40, Holscher 6, Kerschen 34, Kloos 18, Longbine 32, Masterson 23, McGinn 27, Olson 26, O'Shea 13, Peck 15, Petersen 10, Pettey 37, Pittman 20, Pyle 5, Ryckman 35, Steffen 33, Straub 4, Sykes 38, Thompson 25, Tyson 31, Ware 7, Warren 12 and Wilborn 9. After being sworn in as the appointed replacement for district 13, which is being vacated by Senator Richard Hilderbrand, such replacement will be assigned to seat 11. After being sworn in as the appointed replacement for district 22, which is being vacated by Senator Tom Hawk, such replacement will be assigned to seat 39.

On emergency motion of Senator Alley **SR 1702** was adopted by voice vote.

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

SENATE RESOLUTION No. 1703—

A RESOLUTION concerning the rules of the Senate for 2021-2024; relating to standing committees; increasing the number of members on the committee on assessment and taxation.

*Be it resolved by the Senate of the State of Kansas:* That Rule 7 of the Rules of the Kansas Senate be amended to read as follows:

**Rule 7. Standing Committees.** (a) There shall be a standing committee named the Committee on Organization, Calendar and Rules which shall consist of three members, the chairperson of which shall be the president of the Senate, and the vice chairperson of which shall be the majority leader of the Senate. The Vice President of the Senate shall be a member of the committee. No bill or resolution other than resolutions adopting, amending or revoking rules of the Senate or Joint Rules of the Senate and House of Representatives, shall be introduced by or be referred to the Committee on Organization, Calendar and Rules.

(b) The following shall be the other standing committees:

	Number of members
1. Agriculture.....	9
2. Assessment and Taxation.....	→ <u>11</u>
3. Commerce.....	9
4. Confirmation Oversight.....	6
5. Education.....	9
6. Federal and State Affairs.....	9
7. Financial Institutions and Insurance.....	9
8. Interstate Cooperation.....	9
9. Judiciary.....	9
10. Local Government.....	11
11. Public Health and Welfare.....	9
12. Redistricting.....	9
13. Transparency and Ethics.....	11
14. Transportation.....	9
15. Utilities.....	11
16. Ways and Means.....	9

(c) The president of the Senate, with the advice of the majority leader and the vice president of the Senate, shall appoint the members of each committee, shall appoint the chairperson and vice chairperson or vice chairpersons thereof and shall designate the ranking minority member of each committee. The minority leader shall submit recommendations for the appointment of minority members to the standing committees of the Senate to the Committee on Organization, Calendar and Rules. The Committee on Organization, Calendar and Rules shall have a standing subcommittee on calendar which shall be the president of the Senate, the vice president of the Senate and the majority leader of the Senate. The Majority Leader shall be the chairperson of the subcommittee. The Committee on Organization, Calendar and Rules may establish such other subcommittees of the Committee on Organization, Calendar and Rules as the Committee deems appropriate.

(d) The Committee on Organization, Calendar and Rules shall have a standing subcommittee on rules which shall be the president of the Senate, the vice president of

the Senate, the majority leader of the Senate, one member of the Senate from the majority party appointed jointly by the president of the Senate, the vice president of the Senate and the majority leader of the Senate and one member who shall be the minority leader of the Senate or the designee of the minority leader. The chairperson of the subcommittee on rules shall be the vice president of the Senate. The subcommittee on rules shall consider rules questions arising during a convening of the Senate.

(e) The Committee on Organization, Calendar and Rules and all of its subcommittees may close their meetings.

(f) The two major political parties shall have proportional representation on each standing committee other than the Committee on Organization, Calendar and Rules. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding 0.5 shall receive representation as though such fraction were a whole number.

(g) The Senate standing Committee on Agriculture and Natural Resources shall constitute the successor committee to the Senate standing Committee on Agriculture and the Senate standing Committee on Natural Resources for purposes of references in statutory and other documents. The Senate standing Committee on Ethics, Elections and Local Government shall constitute the successor committee to the Senate standing Committee on Ethics and Elections and the Senate standing Committee on Local Government.

(h) For purposes of references in statutes and other documents, the Senate standing Committee on Local Government shall constitute the successor committee to the Senate standing Committee on Ethics, Elections and Local Government regarding local government matters and the Senate standing Committee on Transparency and Ethics shall constitute the successor committee to the Senate standing Committee on Ethics, Elections and Local Government regarding ethics and election matters.

On emergency motion of Senator Alley **SR 1703** was adopted by voice vote.

## **COMMUNICATIONS FROM STATE OFFICERS**

Secretary of the Senate Corey Carnahan submitted a letter to the Office of the Senate President listing the following communications received during the 2022 Interim:

Annual Report of the Pooled Money Investment Board for Fiscal Year 2022;

2021 Annual Report of the Consumer Protection and Antitrust Division, Kansas Attorney General;

2022 Annual Report of the Kansas State Child Death Review Board, Kansas Attorney General;

2022 Annual Report of the Abuse, Neglect and Exploitation Unit, Kansas Attorney General;

2021-2022 Energy Council Year in Review;

Johnson County Educational Research Triangle Authority Annual Report;

Governmental Ethics Commission's 2022 Annual Report;

Kansas Juvenile Justice Oversight Committee 2022 Annual Report;

Kansas Development Finance Authority Annual Report;

Central Interstate Low Level Radioactive Waste Compact Annual Reports for Fiscal Years 2019 through 2022;

Juvenile Justice and Education Annual Report for 2022-23, Kansas State Department of Education;

Capital Improvement State Aid Requests Annual Report, Kansas State Department of Education;

Information Relating to School Safety and Security, Kansas State Department of Education;

Kansas Corporation Commission FY 2022 in Review;

Kansas Corporation Commission Abandoned Oil and Gas Well Status Report;

Kansas Corporation Commission Land-Spreading Procedures and Costs Report;

Kansas Corporation Commission Remediation Site Status Report;

Kansas Corporation Commission Utilities and Common Carriers Report;

Kansas Corporation Commission Electric Supply and Demand Biennial Report; and

Kansas Employment First Oversight Commission 2022 Recommendations.

From the Office of Governor Laura Kelly:

Executive Directive Nos. 22-555, 22-556, 22-558, 22-559, 22-561, and 22-563;

Authorizing Expenditure of Federal Funds

Executive Directive Nos. 22-554, 22-557, and 22-562; Authorizing Personnel Transactions

Executive Directive Nos. 22-552, 22-553, and 22-560; Authorizing Personnel Transactions and Authorizing Expenditure of Federal Funds

Executive Orders 22-05 through 22-10

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Tuesday, January 10, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

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