

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 1, 2024, 2:30 p.m.

The Senate was called to order by President Ty Masterson.
The roll was called with 37 senators present.
Senators Longbine, O'Shea and Steffen were excused.
Invocation by Reverend Cecil T. Washington:

Same Mud – Same Blood – Equal In God's Sight
Acts 17:26, Romans 14:11

Lord, let us thank You today, for Carter J Woodson, who, behind W.E.B. Du Bois, was the second African American to receive a doctorate from Harvard, and became known as the Father of Black History. You led him to lobby and encourage others in pushing for Black History Month to become a nationwide institution, choosing the month of February for its celebration because of two great Americans born in February.

You brought Abraham Lincoln, a white brother, into the world on February 12th and Frederick Douglas, a Black brother, on February 14th, and You used both of them to play powerful roles in honoring and shaping Black history.

Lord, I pray that all of us would become active for the cause of equality. We're all in this thing together. Lord, I'm reminded of the story where all the elements involved would lead to racial conflict; a Black Squad Sgt, out of Detroit was leading a Squad of White soldiers out of Mississippi. When the war was over and they came home, they were the best of friends and inseparable because they'd been fighting the same war, dodging the same bullets, diving into the same fox holes, experiencing the same mud, and according to Acts 17:26, sharing the same blood. Lord, help us to realize that today we're fighting the same war, dodging the same bullets, experiencing the same mud, sharing the same blood.

Remind us that we're equal in Your sight. I offer this prayer in the Name of Jesus, the One to Whom, according to Romans 14:11, all of us will one day bow. Amen!

The Pledge of Allegiance was led by President Masterson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were introduced and read by title:

SB 433, AN ACT concerning health and healthcare; relating to institutional licenses; clarifying practice privileges; amending K.S.A. 65-2895 and repealing the existing section, by Committee on Public Health and Welfare.

SB 434, AN ACT concerning public health; relating to the practice of cosmetology; exempting the practice of hair removal by sugaring from the definition of cosmetology; amending K.S.A. 2023 Supp. 65-1901 and 65-1928 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 435, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for period products, diapers and incontinence products; amending K.S.A. 2023 Supp. 79-3606 and repealing the existing section, by Committee on Federal and State Affairs.

SB 436, AN ACT concerning income taxation; relating to credits; establishing a child tax credit, by Committee on Assessment and Taxation.

SB 437, AN ACT concerning education; establishing the Kansas education enrichment program; authorizing educational awards to certain elementary and secondary students for qualifying expenses for educational goods and services; requiring the state treasurer to administer the program; establishing the Kansas education enrichment program fund; making and concerning appropriations for the fiscal year ending June 30, 2025, for the department of revenue, by Committee on Education.

SB 438, AN ACT concerning postsecondary education; relating to the AO-K program; eliminating the requirement to subtract other aid from the state payment; amending K.S.A. 2023 Supp. 74-32,267 and repealing the existing section, by Committee on Education.

SB 439, AN ACT concerning the revised Kansas juvenile justice code; prohibiting the use of restraints during hearings; authorizing exceptions if the court makes certain findings on the record; defining hearing under the code; amending K.S.A. 38-2353 and K.S.A. 2023 Supp. 38-2302 and repealing the existing sections, by Committee on Judiciary.

SB 440, AN ACT concerning traffic regulations; relating to driving privileges; revoking the authority to suspend a person's driving privileges or driver's license due to nonpayment of fines or court costs from traffic citations; providing for retroactive application thereof; amending K.S.A. 8-2106 and 8-2110 and repealing the existing sections, by Committee on Judiciary.

SB 441, AN ACT enacting the fairness in condemnation act; relating to the eminent domain procedure act; requiring the plaintiff condemning authority to provide the property owner notice and opportunity for negotiation; providing for court review of compliance with this act, by Committee on Judiciary.

SB 442, AN ACT concerning court services officers; relating to persons found not guilty by reason of mental disease or defect; prohibiting supervision by court services officers; amending K.S.A. 22-3428 and repealing the existing section, by Committee on Judiciary.

SB 443, AN ACT concerning eminent domain; relating to the eminent domain procedure act; requiring landowners whose land is taken by eminent domain for electric transmission lines to be compensated at not less than fair market value multiplied by 150%; amending K.S.A. 26-513 and repealing the existing section, by Committee on Judiciary.

SB 444, AN ACT concerning county law libraries; relating to the board of trustees thereof; providing that the attorney members of the board in certain counties shall be appointed by the chief judge of the judicial district; allowing the board to authorize the

chief judge to use certain fees for the purpose of facilitating and enhancing functions of the district court of the county; amending K.S.A. 20-3127 and repealing the existing section, by Committee on Judiciary.

SENATE CONCURRENT RESOLUTION No. 1617

By Committee on Federal and State Affairs

A PROPOSITION to amend section 11 of article 1 of the constitution of the state of Kansas; relating to vacancies in the offices of the secretary of state and the attorney general.

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 11 of article 1 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 11. Vacancies in executive offices. (a) When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the disability of the governor, the lieutenant governor shall assume the powers and duties of governor until the disability is removed. The legislature shall provide by law for the succession to the office of governor should the offices of governor and lieutenant governor be vacant, and for the assumption of the powers and duties of governor during the disability of the governor, should the office of lieutenant governor be vacant or the lieutenant governor be disabled.

(b) (1) ~~When the office of secretary of state or attorney general is vacant, the governor shall fill the vacancy by appointment for the remainder of the term. If the secretary of state or attorney general is disabled, the governor shall name a person to assume the powers and duties of the office until the disability is removed~~ *or if the secretary of state or attorney general is disabled, the vacancy in either case shall be filled by a state party delegate convention of the party of the executive officer at the time of such officer's election, except as provided in paragraph (4).* The procedure for determining disability and the removal thereof shall be provided by law.

(2) *The convention shall be called by the state party chairperson. Such convention shall be convened within 21 days of notice that a vacancy has occurred or will occur. The delegates to the convention shall be the state party committee members. The officers of the convention shall be the officers of the state party committee. At such convention, the vote to fill such vacancy shall be taken. The election shall be by secret ballot, and the person elected shall be the person who receives the majority of all votes cast. If no person receives a majority of all votes cast on any ballot, the balloting shall continue until a person receives a majority of all the votes cast. Each state delegate of the party shall be entitled to vote. No state delegate shall be represented or vote by proxy. The*

convention may adopt such rules necessary to govern its procedure in making nominations, voting, counting and canvassing votes and for the conduct of any business that may properly be brought before the convention, except that such rules shall not be in conflict with the provisions of this section.

(3) After a person has been elected to fill the vacancy, the chairperson or vice-chairperson of the party committee shall execute a certificate, under oath, stating that such person has been duly elected to fill such vacancy. The chairperson or vice-chairperson shall transmit such certificate either by hand delivery by a person designated by the chairperson or vice-chairperson or by registered mail, return receipt requested, to the governor and a copy to the secretary of state. If transmitted by registered mail, such certificate and copy shall be mailed within 24 hours of the election, unless the day following the election is a Sunday or legal holiday, in which case, it shall be mailed by the next regular business day. Not later than seven days after the certificate is received in the office of the governor, the governor, or in the governor's absence, the lieutenant governor, shall fill the vacancy by appointing to the office of the secretary of state or the attorney general the person elected. In the event the governor or the lieutenant governor fails to appoint any person as required by this subsection after receiving a lawfully executed certificate, such person shall be deemed to have been appointed notwithstanding the governor's or lieutenant governor's failure to appoint such person. The person so appointed may qualify and enter upon the duties of the secretary of state or the attorney general immediately after appointment and shall serve for the unexpired term and until a successor is elected and qualified.

(4) If the secretary of state or the attorney general whose office will become or has become vacant was an independent when elected, the vacancy shall be filled by the governor, who shall appoint a suitable person to serve for the unexpired term and until a successor is elected and qualified."

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

"Explanatory statement. The purpose of this amendment is to replace the authority of the governor to fill vacancies by appointment in the offices of secretary of state and attorney general with an election for the filling of vacancies in those offices conducted at a convention of the state party delegates for the political party of the secretary of state or attorney general at the time of such officer's election, unless such officer was an independent candidate at the time of election, in which case, the governor shall make an appointment to fill the vacancy.

"A vote for this proposition would replace the authority of the governor to fill vacancies by appointment in the offices of secretary of state and attorney general with an election for the filling of

vacancies in those offices conducted at a convention of the state party delegates for the political party of the secretary of state or attorney general at the time of such officer's election, unless such officer was an independent candidate at the time of election, in which case, the governor shall make an appointment to fill the vacancy.

"A vote against this proposition would make no changes to the constitution with respect to filling vacancies in the offices of the secretary of state or attorney general and the current provision giving the governor authority to fill vacancies by appointment in those offices."

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 2024, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case the proposed amendment 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:

Commerce: **SB 430**.

Federal and State Affairs: **SB 431, SB 432**.

INTRODUCTION AND CONSIDERATION OF SENATE RESOLUTIONS

Senator McGinn introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1735—

A RESOLUTION recognizing February 2024 as American Heart Month and supporting efforts to raise awareness on the rise of cardiovascular disease as the world's leading cause of death and disability.

WHEREAS, More than 350,000 persons experience cardiac arrest outside of a hospital each year, and only about 1 in 10 survive; and

WHEREAS, More than 23,000 children under the age of 18 experience cardiac arrest outside of a hospital each year in the United States, and almost 40% of these are sports related; and

WHEREAS, There are effective ways to mitigate the rise of cardiovascular disease, such as promoting awareness and education, establishing cardiac emergency response plans and providing CPR education and automated external defibrillator (AED) training and accessibility; and

WHEREAS, About 70% of cardiac arrests that occur outside of a hospital happen at home; and

WHEREAS, Cardiopulmonary resuscitation (CPR), especially if performed immediately, can double or triple a person's chance of survival; and

WHEREAS, Only about 46% of those who experience cardiac arrest receive CPR

from persons close by while waiting for emergency responders to arrive; and

WHEREAS, The ability to properly perform CPR has encouraged more people to act when faced with a cardiac emergency and save more lives from cardiac arrest outside of a hospital; and

WHEREAS, There is an urgent need for a greater number of people to take action and immediately respond to cardiac arrest events by calling 911, so that high-quality CPR using AED may be administered as soon as possible; and

WHEREAS, CPR is a lifesaving skill that most people, including children as young as age nine, can learn; and

WHEREAS, The American Heart Association has set a goal of doubling cardiac arrest survival rates by 2030 by turning bystanders into lifesavers, so that everyone, everywhere, may be prepared and empowered to become a vital link in the chain of survival and provide CPR in response to a cardiac emergency; and

WHEREAS, Currently, 90% of those who experience cardiac arrest outside of a hospital do not survive, in part because they do not receive CPR more than half of the time: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the month of February as American Heart Month and support efforts to raise awareness on the rise of cardiovascular disease as the world's leading cause of death and disability; and

Be it further resolved: That we congratulate the American Heart Association on its 100th anniversary and urge every household to help in the ongoing fight against heart disease and stroke by learning CPR and joining a growing nation of lifesavers; and

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

On emergency motion of Senator McGinn **SR 1735** was adopted by voice vote.

COMMUNICATIONS FROM STATE OFFICERS

The following report was submitted to the Senate and is on file with the Secretary of the Senate:

2023 Annual Report, Kansas Guardianship Program

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2103**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2103 was thereupon introduced and read by title.

CHANGE OF REFERENCE

The President withdrew **SB 330** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Commerce**.

On motion of Senator Alley, the Senate adjourned pro forma until 9:00 a.m., Friday, February 2, 2024.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

