

# Journal of the Senate

FORTY-FIRST DAY

---

SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 11, 2021, 2:30 p.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 38 senators present.  
Senators Pettey and Wilborn were excused.  
Invocation by Reverend Cecil T. Washington:

“Achieving The Impossible By The Power of Prayer!”  
Mark 1:35-38

As your Chaplain, I pray this encourages you.

Yesterday, referring to the power of prayer, I made reference to Harriett Tubman, famous “conductor” of the “Underground Railroad.” While achieving the impossible, she attributed her success to the efficacy of her prayer life.

As you assume these seats, the tasks you face may seem, at times, impossible. But in spite of having suffered a stroke, and with a \$40,000 bounty on her head, God enabled Harriet to do the impossible. And He will do the same for us.

She made 19 different trips into the dangerous south, and escorted over 300 slaves to freedom. Never getting caught and not even losing one of her so called “passengers.”

Each of you here, is a “conductor,” and by the grace of God, on a trip to freedom. Let the power of prayer, not be the caboose, but the engine that takes you there. And these prayers that God has given us can be your ticket.

Lord, I pray that ALL under the sound of my voice, come to know You more and more intimately, through prayer. In Mark 1:35-38, You gave us the example of Jesus, Who got up in the morning to pray; got away from distractions to pray, and from You, got guidance to achieve the impossible. Help us now, to learn that example.

For Your glory and for our good. Amen!

The Pledge of Allegiance was led by President Masterson.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 290**, AN ACT concerning the healthcare stabilization fund; relating to minimum professional liability insurance coverage requirements; changing membership of the board of governors; service of notice thereon; amending K.S.A. 40-3409 and K.S.A. 2020 Supp. 40-3402, 40-3403, 40-3408, 40-3414 and 40-3424 and repealing the existing sections, by Committee on Ways and Means.

**SB 291**, AN ACT concerning labor and employment; increasing the minimum wage;

providing that the highest minimum wage under state or federal law will apply; amending K.S.A. 2020 Supp. 44-1203 and repealing the existing section, by Committee on Ways and Means.

**SB 292**, AN ACT concerning elections; relating to advance voting ballots; requiring certain signed statements for delivery of such ballots on behalf of a voter; limiting the number of ballots that can be delivered; penalties for violations; amending K.S.A. 2020 Supp. 25-1124 and 25-1128 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 293**, AN ACT concerning elections; creating the transparency in revenues underwriting elections act; prohibiting the receipt and expenditure of private moneys by election officials, by Committee on Federal and State Affairs.

**SB 294**, AN ACT concerning firearms; creating the Roy'Ale Spencer firearms safety act; requiring the safe storage of firearms; establishing criminal penalties for violations, by Committee on Federal and State Affairs.

**SB 295**, AN ACT concerning health and healthcare; relating to COVID-19 vaccine distribution; authorizing counties to adopt prioritized vaccination plans; prohibiting the state from reducing vaccination allotments based on adherence to state guidelines, by Committee on Federal and State Affairs.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2239**.

Commerce: **Sub HB 2196**.

Education: **HB 2039**.

Federal and State Affairs: **HB 2058**.

Financial Institutions and Insurance: **SB 288; HB 2379**.

Judiciary: **HB 2126, HB 2227**.

Public Health and Welfare: **HB 2088, HB 2224**.

Ways and Means: **SB 289; HB 2405**.

#### REFERENCE OF APPOINTMENTS

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

*Judge - 5, Kansas Court of Appeals:*

Lesley Isherwood.

(Committee on Judiciary)

#### MESSAGES FROM THE GOVERNOR

**SB 33** approved on March 11, 2021

On motion of Senator Suellentrop, the Senate recessed until the sound of the gavel.

---

The Senate met pursuant to recess with President Masterson in the Chair.

#### COMMITTEE OF THE WHOLE

On motion of Senator Suellentrop, the Senate resolved itself into Committee of the

Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Billinger in the chair.

On motion of Senator Billinger the following report was adopted:

**SB 50** be amended by the adoption of the committee amendments, and the bill be passed as amended.

**HB 2026** be passed over and retain a place on the calendar.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Suellentrop an emergency was declared by a 2/3 constitutional majority, and **SB 50** was advanced to Final Action and roll call.

**SB 50**, AN ACT concerning taxation; relating to marketplace facilitators; requiring the collection and remittance for sales, compensating use and transient guest taxes and prepaid wireless 911 fees made on platforms; removing click-through nexus provisions; amending K.S.A. 79-3702 and repealing the existing section.

On roll call, the vote was: Yeas 35; Nays 3; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pittman, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren.

Nays: Hilderbrand, Olson, Pyle.

Absent or Not Voting: Pettey, Wilborn.

The bill passed, as amended.

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Tyson moved the Senate concur in House amendments to **SB 13**.

**SB 13**, AN ACT concerning property taxation; relating to tax levy rates, establishing notice and public hearing requirements prior to approval by a governing body to exceed its revenue neutral rate and discontinuing the city and county tax lid; prohibiting valuation increase of real property solely as the result of normal repair, replacement or maintenance; establishment of a payment plan for the payment of delinquent or nondelinquent taxes; requiring the director of accounts and reports to include revenue neutral rate on regular budget form; eliminating certain requirements for budget approval for select taxing subdivisions; providing for payment of county printing and postage notification costs; establishing the taxpayer notification costs fund; amending K.S.A. 79-1460, 79-1801, 79-2024, 79-2925c and 79-2929 and repealing the existing sections; also repealing K.S.A. 79-2925b.

On roll call, the vote was: Yeas 30; Nays 5; Present and Passing 3; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hawk, Hilderbrand, Holland, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren.

Nays: Corson, Doll, Haley, Holscher, Sykes.

Present and Passing: Faust-Goudeau, Francisco, Ware.

Absent or Not Voting: Pettey, Wilborn.

The Senate concurred.

**CONSIDERATION OF APPOINTMENTS**

In accordance with Senate Rule 55, the following appointments submitted by the Governor to the Senate for confirmation were considered.

Senator Suellentrop moved the following appointment without recommendation as recommended by the **Committee on Assessment and Taxation**.

A motion by Senator Holland to refer the appointment nomination to the Committee on Judiciary failed.

*By the Governor*

On the appointment to the:

*State Board of Tax Appeals:*

Robert (Robin) Marx, term expires Term ends January 15, 2024

On roll call, the vote was: Yeas 11; Nays 27; Present and Passing 0; Absent or Not Voting 2.

Yeas: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Pittman, Sykes, Ware.

Nays: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren.

Absent or Not Voting: Pettey, Wilborn.

The appointment was not confirmed.

Senator Suellentrop moved the following appointment be confirmed as recommended by the **Committee on Assessment and Taxation**.

*By the Governor*

On the appointment to the:

*State Board of Tax Appeals:*

Virginia Powell, Term ends January 15, 2024

On roll call, the vote was: Yeas 35; Nays 0; Present and Passing 3; Absent or Not Voting 2.

Yeas: Alley, 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, Petersen, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware.

Present and Passing: Baumgardner, Peck, Warren.

Absent or Not Voting: Pettey, Wilborn.

The appointment was confirmed.

**REPORTS OF STANDING COMMITTEES**

Committee on **Financial Institutions and Insurance** recommends **HB 2063**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee reports without recommendation to the Senate such appointment:

By the Governor:

*Member; KPERs Board of Trustees: K.S.A. 74-4905*

Kathleen VonAchen, to fill a term expiring on January 15, 2025

**REPORT ON ENROLLED BILLS**

**SCR 1610** reported correctly enrolled, properly signed and presented to the Secretary of State on March 11, 2021.

**SR 1715** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 11, 2021.

On motion of Senator Suellentrop, the senate adjourned pro forma until 2:30 p.m. March 12, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

