

Journal of the Senate

THIRTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 22, 2024, 10:00 a.m.

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

Leaning On The Everlasting Arms
Proverbs 3:5-7

Lord, God of Heaven and earth, in moving forward, in pushing for progress, there's a lot of ground we need to cover. Yet it's encouraging to know, that we can lean on You as we go. In fact, You've indicated that it's not wise to lean on any other.

Back in 1972, Bill Withers came up with a song where the singer was saying "Lean on Me" and I'll help you carry on. But then he went on to say that it wouldn't be long before he would need somebody to lean on.

In the wisdom, You've given us through Solomon, in Proverbs 3:5-7, You let us know that we're not to lean on our human understanding or try to be wise in our own eyes. But, if we acknowledge You in all our ways, You promised to show us the paths to take. So, Lord, as we push for progress, help us to hear Your voice calling us to lean on You; that You'd help us to carry on. I'm so very grateful for Your loving direction and protection. In Jesus' Name, 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 530, AN ACT concerning rural housing development; providing that residential housing constructed through loans or grants from the state housing trust fund shall meet certain energy conservation standards; amending K.S.A. 2023 Supp. 12-5256 and repealing the existing section, by Committee on Federal and State Affairs.

SB 531, AN ACT concerning children and minors; relating to material harmful to minors; creating a civil cause of action against schools that give or make available such materials to minors; relating to the criminal offenses of promoting obscenity and material harmful to minors; removing an affirmative defense for public and nonpublic schools thereof; amending K.S.A. 21-6401 and 21-6402 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 532, AN ACT concerning education; relating to literacy; establishing the Kansas blueprint for literacy; creating a literacy advisory committee; directing the state board

of regents to appoint a director of literacy education and develop a comprehensive assessment system for school districts; requiring the state board of regents and the state board of education to collaborate on a literacy micro-credential and professional development; authorizing the state board of regents to recommend diagnostic and formative literacy assessments; authorizing university presidents and deans of education oversight over postsecondary literacy courses; requiring a plan to establish centers of excellence in reading, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 527**.

Judiciary: **SB 526**.

Ways and Means: **SB 529**.

INTRODUCTION AND CONSIDERATION OF CONCURRENT RESOLUTIONS

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

SENATE CONCURRENT RESOLUTION No. 1619—

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2024 regular session of the legislature.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on February 23, 2024, and shall reconvene on February 28, 2024; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator Alley **SCR 1619** was adopted.

COMMITTEE OF THE WHOLE

On motion of Senator Alley, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Longbine in the chair.

On motion of Senator Longbine the following summary report was adopted.

SB 363, SB 458 be passed.

SB 438, SB 455, SB 481, SB 491 be passed as amended by adoption of the committee reports.

SB 352, SB 391, SB 417; HB 2545 be passed as amended by adoption of the committee reports and further amended by Committee of the Whole.

SB 457; HB 2446 be passed over and retain a place on the calendar.

COMMITTEE OF THE WHOLE ACTIONS

SB 352 be amended by the adoption of the committee amendments, be further amended by motion of Senator O'Shea ; on page 1, in line 8, by striking "section";

On page 2, following line 41, by inserting:

"(j) (1) If a medical care facility's compliance with this section results in such medical care facility to be in violation of federal statutes, regulations or United States centers for medicare and medicaid services rulings, and such violation results in money penalties, fees or lost funding from the United States centers for medicare and medicaid services, the medical care facility shall certify to the secretary of health and environment the amount of such penalties, fees or lost funding. The secretary of health and environment shall certify such amount to the director of accounts and reports. Upon receipt of such certification, the director of accounts and reports shall transfer such certified amount from the state general fund to the medical care facility reimbursement fund. Each time the secretary transmits such certification to the director of accounts and reports, the secretary shall transmit a copy of such certification to the director of the budget and the director of legislative research.

(2) There is hereby established in the state treasury the medical care facility reimbursement fund, which shall be administered by the secretary of health and environment. All expenditures from the medical care facility reimbursement fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or the secretary's designee. Moneys in the fund shall be used for the purpose of reimbursing medical care facilities for penalties, fees or lost funding as provided in paragraph (1).";

On page 1, in the title, in line 4, after the semicolon by inserting "establishing the medical care facility reimbursement fund to reimburse medical care facilities for lost federal funding due to compliance with the John D. Springer patient's bill of rights;"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 22; Nays 18; Present and Passing 0; Absent or Not Voting 0.

Yeas: Billinger, Blasi, Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Kerschen, Longbine, McGinn, O'Shea, Pettey, Pittman, Reddi, Ryckman, Shallenburger, Sykes, Ware.

Nays: Alley, Baumgardner, Claeys, Erickson, Fagg, Gossage, Kloos, Masterson, Olson, Peck, Petersen, Pyle, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

and **SB 352** be passed as further amended.

SB 363 be passed

SB 391 be amended by the adoption of the committee amendments, be further amended by motion of Senator Blasi; on page 6, by striking all in lines 8 through 17; in line 18, by striking "9" and inserting "8";

On page 10, in line 4, by striking the second comma and inserting "and"; also in line 4, by striking "and 65-129d";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, by striking the fourth comma and inserting "and"; also in line 7, by striking "and 65-129d"

SB 391 be further amended by motion of Senator Wilborn; on page 5, in line 41, after "(e)" by inserting "If an outbreak of a highly contagious, deadly disease occurs,"; also in line 41, by striking "shall" and inserting "may"; in line 42, by striking "under this section" and inserting "infected with such disease"; in line 43, by striking "as a proposed order"; also in line 43, by striking all after the period;

On page 6, by striking all in lines 1 through 3; in line 4, by striking all before the second "The"; in line 5, by striking "if approved by"; in line 7, after "disability" by inserting "may take action to isolate or quarantine such infected individuals", and **SB 391** be passed as further amended.

SB 417 be amended by the adoption of the committee amendments, be further amended by motion of Senator Straub; on page 1, in line 13, by striking all after "lands"; in line 19, by striking ", waters"; in line 34, by striking "and all water or water rights", and **SB 417** be passed as further amended.

SB 438 be amended by the adoption of the committee amendments.

SB 455 be amended by the adoption of the committee amendments.

SB 457 be passed over and retain a place on the calendar.

SB 458 be passed.

SB 481 be amended by the adoption of the committee amendments.

SB 491 be amended by the adoption of the committee amendments.

HB 2446 be passed over and retain a place on the calendar.

HB 2545 be amended by the adoption of the committee amendments, be further amended by motion of Senator Peck; on page 4, in line 40, by striking the first "not"; also in line 40, after "to" by inserting "a rental agreement delivered electronically only if"; also in line 40, by striking "that"; also in line 40, by striking the second "not" and **HB 2545** be passed as further amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 162, AN ACT creating the Riley county unincorporated area nuisance abatement act and the Crawford county unincorporated area nuisance abatement act; establishing procedures for the removal and abatement of nuisances; providing for the assessment of costs of such abatement, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll,

Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Reddi, Ryckman, Shallenburger, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Olson, Pyle, Steffen, Straub, Tyson.

Present and Passing: Haley.

The bill passed, as amended.

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. 22-2802 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 6; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Gossage, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Shallenburger, Straub, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Francisco, Haley, Holland, Reddi, Steffen, Tyson.

Present and Passing: Faust-Goudeau, Pettey, Pittman.

The bill passed, as amended.

SB 272, AN ACT concerning public use general aviation airports; increasing the transfer from the state highway fund to the public use general aviation airport development fund; amending K.S.A. 2023 Supp. 75-5061 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Baumgardner, Steffen, Straub, Tyson.

The bill passed, as amended.

SB 318, AN ACT concerning municipal courts; relating to the Kansas code of procedure for municipal courts; requiring the city attorney to review certain audio and video evidence; removing the requirement to collect fingerprints from persons convicted of violating certain municipal ordinance provisions related to vehicle registration or driving without a valid driver's license or motor vehicle liability insurance coverage; amending K.S.A. 12-4410 and 12-4517 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

SB 338, AN ACT concerning insurance; relating to group-funded liability and group-funded workers compensation pools; changing certain reporting requirements; amending K.S.A. 12-2620, 44-584 and 44-590 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

SB 339, AN ACT concerning insurance; relating to risk-based capital requirements; updating the version of instructions in effect; amending K.S.A. 2023 Supp. 40-2c01 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

SB 340, AN ACT concerning insurance; relating to insurance laws and enforcement thereof; removing automobile club from the definition of person; amending K.S.A. 2023 Supp. 40-2,125 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

SB 345, AN ACT concerning financial institutions; enacting the commercial financing disclosure act; requiring the disclosure of certain commercial financing product transaction information; providing for civil penalties; authorizing enforcement of such act by the attorney general, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Straub, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Steffen, Tyson.

The bill passed.

SB 356, AN ACT concerning insurance; relating to examinations; requiring that insurance examiner per diem amounts and expenses, outside consulting and data processing fees and pro rata funding for examination equipment and software be reasonable; establishing a tiered fee structure for examinations of insurance companies and societies based on gross premiums; amending K.S.A. 40-223 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

SB 362, AN ACT repealing K.S.A. 19-26,120; relating to the expiration of the Sedgwick county urban area nuisance abatement act, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Reddi, Ryckman, Shallenburger, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Olson, Pyle, Steffen, Straub, Tyson.

Present and Passing: Haley.

The bill passed.

SB 398, AN ACT concerning insurance; relating to the powers, duties and responsibilities of the commissioner of insurance; authorizing the commissioner of insurance to set the amount of certain fees; requiring the publication of such fees in the Kansas register; amending K.S.A. 40-205a, 40-218, 40-252, 40-2,133, 40-504, 40-956, 40-22a04, 40-2604, 40-2702, 40-3213, 40-3304, 40-3812, 40-3813, 40-4103, 40-4116, 40-4323, 40-4334, 40-4503, 40-5003 and 40-5509 and K.S.A. 2023 Supp. 40-3823, 40-3824, 40-4209, 40-4302 and 40-4903 and repealing the existing sections; also repealing K.S.A. 40-3217, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

SB 405, AN ACT concerning the Kansas uniform securities act; relating to violations thereof; holding a control person liable for the violations committed by an individual subject to discipline under the act unless the control person was unaware and could not have reasonably have known of the violations of such individual; amending K.S.A. 17-12a412, 17-12a603 and 17-12a604 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Petersen, Pettey, Pittman, Reddi, Ryckman, Sykes, Ware, Wilborn.

Nays: Baumgardner, Erickson, Olson, Peck, Pyle, Shallenburger, Steffen, Straub, Thompson, Tyson.

Present and Passing: Warren.

The bill passed.

SB 406, AN ACT concerning financial institutions; enacting the Kansas money transmission act; relating to the electronic transmission of money; oversight thereof by the state bank commissioner; establishing powers, duties and responsibilities of the state bank commissioner; licensing and renewal processes; penalties; repealing K.S.A. 9-508, 9-509, 9-510, 9-510a, 9-511, 9-513, 9-513a, 9-513b, 9-513c, 9-513d, 9-513e and K.S.A. 2023 Supp. 9-512, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

SB 423, AN ACT concerning insurance; reducing the number of board members appointed by the commissioner on certain insurance-related governing boards and the frequency of the meetings of the committee on surety bonds and insurance; amending K.S.A. 40-2102, 40-2109, 40-3116, 40-3413, 65-34,126 and 75-4101 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Baumgardner.

The bill passed, as amended.

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, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson,

Ware, Warren, Wilborn.

Nays: Tyson.

The bill passed.

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, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pyle, Reddi, Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Pittman.

Present and Passing: Holscher.

The bill passed, as amended.

SB 462, AN ACT concerning motor carriers; relating to the Kansas uniform commercial drivers' license act; authorizing the director of vehicles to waive the knowledge and skills test for driving a commercial vehicle for an applicant that provides evidence that such applicant qualifies for the military even exchange program for a commercial driver's license; amending K.S.A. 8-2,133 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

SB 467, AN ACT concerning economic development; relating to tourism; increasing the membership of the council on travel and tourism appointed by the governor and updating the house committee assignment required for house members from the committee on agriculture and natural resources to the committee on commerce, labor and economic development; reducing the required allocation of funds from the department of commerce's matching grant program for the promotion of tourism to public and nonprofit entities and removing the restriction on the percentage of such funds granted to a single entity; amending K.S.A. 2023 Supp. 32-1410 and 32-1420 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Tyson.

The bill passed.

SB 473, AN ACT concerning crimes, punishment and criminal procedure; relating to the Kansas code of criminal procedure; authorizing a notice to appear that meets certain requirements to serve as a lawful complaint; amending K.S.A. 22-2202 and 22-2408 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Steffen.

The bill passed.

HB 2105, AN ACT concerning earned wage access services; enacting the Kansas earned wage access services act; establishing the administration of such act by the office of the state bank commissioner; providing for registration, bond requirements; duties, prohibited acts, reports, records retention, orders, civil fines, criminal penalties and fees, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Reddi, Ryckman, Shallenburger, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Holland, Olson, Pyle, Steffen, Straub, Tyson.

The bill passed, as amended.

EXPLANATION OF VOTE

I vote NO on **HB 2105**. I am extremely concerned that this legislation, as currently written, will institutionalize a predatory loan scheme upon those Kansas workers who financially struggle living from paycheck to paycheck. I am also concerned about how this might adversely impact the existing rights of an employee working in a right-to-work state.—TOM HOLLAND

S Sub HB 2247, AN ACT concerning financial institutions; relating to the Kansas mortgage business act; uniform consumer credit code; pertaining to certain definitions, terms and conditions contained therein; modifying consumer loan finance charges and repayment terms; record requirements; credit card surcharge; definition of earnings and days; increasing the threshold for certain consumer loans and leases; origination fees for non-real estate transactions; clarifying license requirements to make supervised loans; exempting supervised loan license form filing notifications; transferring mortgage provisions contained in the uniform consumer credit code to the Kansas mortgage business act; clarifying entities exempt for licensing; amending K.S.A. 9-2201, 9-2202, 9-2203, 9-2208, 9-2209, 9-2212, 9-2216, 9-2216a, 9-2220, 16-207, 16-207d, 16a-1-101, 16a-1-102, 16a-1-103, 16a-1-104, 16a-1-107, 16a-1-108, 16a-1-109, 16a-1-201, 16a-1-

202, 16a-1-301, 16a-2-103, 16a-2-104, 16a-2-201, 16a-2-202, 16a-2-301, 16a-2-302, 16a-2-303, 16a-2-304, 16a-2-308, 16a-2-309, 16a-2-310, 16a-2-401, 16a-2-402, 16a-2-403, 16a-2-404, 16a-2-501, 16a-2-502, 16a-2-504, 16a-2-505, 16a-2-506, 16a-2-507, 16a-2-508, 16a-2-510, 16a-3-201, 16a-3-202, 16a-3-203, 16a-3-204, 16a-3-205, 16a-3-206, 16a-3-208, 16a-3-209, 16a-3-301, 16a-3-302, 16a-3-303, 16a-3-304, 16a-3-305, 16a-3-306, 16a-3-307, 16a-3-308, 16a-3-309, 16a-3-402, 16a-3-403, 16a-3-404, 16a-3-405, 16a-4-102, 16a-4-104, 16a-4-105, 16a-4-106, 16a-4-107, 16a-4-108, 16a-4-109, 16a-4-110, 16a-4-111, 16a-4-112, 16a-4-201, 16a-4-202, 16a-4-203, 16a-4-301, 16a-4-304, 16a-5-103, 16a-5-107, 16a-5-108, 16a-5-111, 16a-5-201, 16a-5-203, 16a-5-301, 16a-6-104, 16a-6-105, 16a-6-106, 16a-6-108, 16a-6-109, 16a-6-110, 16a-6-111, 16a-6-112, 16a-6-113, 16a-6-115, 16a-6-201, 16a-6-202, 16a-6-203, 16a-6-401, 16a-6-403 and 40-1209 and repealing the existing sections; also repealing K.S.A. 16a-1-303, 16a-2-101, 16a-2-102, 16a-2-303a, 16a-2-307, 16a-3-101, 16a-3-102, 16a-3-203a, 16a-3-207, 16a-3-308a, 16a-4-101, 16a-4-103, 16a-5-101, 16a-5-102, 16a-5-110, 16a-5-112, 16a-6-101, 16a-6-102, 16a-6-117, 16a-6-402, 16a-6-404, 16a-6-405, 16a-6-406, 16a-6-407, 16a-6-408, 16a-6-409, 16a-6-410, 16a-6-414, 16a-9-101 and 16a-9-102, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Francisco, Gossage, Haley, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Reddi, Ryckman, Shallenburger, Straub, Sykes, Ware, Warren, Wilborn.

Nays: Holland, Olson, Pyle, Steffen, Thompson, Tyson.

Present and Passing: Faust-Goudeau.

The substitute bill passed.

EXPLANATION OF VOTE

I stand proudly with Kansas consumers and vote NO on **S Sub HB 2247**.—TOM HOLLAND

EMERGENCY FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **SB 352, SB 363, SB 391, SB 417, SB 438, SB 455, SB 458, SB 481, SB 491; HB 2545** were advanced to Final Action and roll call.

SB 352, AN ACT concerning health and healthcare; enacting the John D. Springer patient's bill of rights; requiring hospitals to allow in-person visitation in certain circumstances; requiring hospitals to adopt visitation policies and procedures; establishing the medical care facility reimbursement fund to reimburse medical care facilities for lost federal funding due to compliance with the John D. Springer patient's bill of rights; creating a civil cause of action for violation of such rights.

On roll call, the vote was: Yeas 26; Nays 13; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Erickson, Fagg, Gossage, Kerschen, Kloos, Masterson, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Dietrich, Doll, Francisco, Haley, Holland, Holscher, Longbine,

McGinn, Pettey, Reddi, Sykes, Ware.
 Present and Passing: Faust-Goudeau.
 The bill passed, as amended.

EXPLANATION OF VOTE

I voted for **SB 352**, the John D. Springer Patient Bill of Rights, because a NO vote was a vote against basic human rights.—MARK STEFFEN

I vote Aye in support of **SB 352**, the John D. Springer Patient's Bill of Rights, and extend my deepest sympathies to Peggy Springer and the rest of her family. May no other families endure the torture their family did while their loved one was in the hospital.—ALICIA STRAUB

The John D Springer Patient's Bill of Rights is necessary. The intent of the bill is to prohibit placing medically unnecessary, unfounded, and non-scientific policies ahead of the rights of individuals. Families were kept from the bedside of dying patients, and those who were so sick they could not advocate for themselves. The farther we get from the COVID pandemic, the more we seem to be forgetting the lessons we must remember, to prevent out-of-control mandates from happening in the future. The totalitarian whims of people like Dr. Fauci should never be allowed to have the force and effect of law and take precedence over the most basic of individual rights. But that is exactly what happened in 2020 and 2021. I believe the amendment was ill conceived and confusing, but I cannot allow that to prevent our effort to provide surety to future patients and their families during times when their needs are paramount. For that reason, I vote "aye." —MIKE THOMPSON

Senator Gossage requests the record to show she concurs with the "Explanation of Vote" offered by Senator Thompson on **SB 352**.

SB 363, AN ACT concerning barbers; relating to the examination and licensure thereof; creating a senior status license; providing for certain licensure fees; amending K.S.A. 65-1808, 65-1809, 65-1810, 65-1812, 65-1815, 65-1817, 65-1819, 65-1820a and 65-1825a and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

SB 391, AN ACT concerning public health; relating to infectious or contagious diseases; changing the authority of the secretary of health and environment and local health officers; naming the constitutional right to health freedom act; revoking the authority of the secretary to order individuals to isolate or quarantine and impose penalties for violations thereof; amending K.S.A. 65-116g, 65-118, 65-119, 65-128; and 65-129b and K.S.A. 2023 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.

On roll call, the vote was: Yeas 23; Nays 17; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Claeys, Erickson, Fagg, Gossage, Kerschen, Kloos, Masterson, Olson, Peck, Petersen, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Longbine, McGinn, O'Shea, Pettey, Pittman, Reddi, Sykes, Ware.

The bill passed, as amended.

EXPLANATION OF VOTE

Kansans depend on the expertise and competence of the Kansas Department of Health and Environment (KDHE) and the state's public health practitioners to provide leadership and direction in times of health emergencies. **SB 391** limits the authority of the secretary of KDHE to only be able to recommend but not take action when it comes to exercising general supervision of the health of the state of Kansas. **SB 391** designates required reporters to local health officials on contagious diseases who then may only recommend actions to protect Kansans from infectious or contagious diseases. **SB 391** is poor state policy I vote No.—PAT PETTEY

Senator Sykes requests the record to show she concurs with the "Explanation of Vote" offered by Senator Pettey on **SB 391**.

SB 417, AN ACT concerning wildlife and parks; relating to eminent domain; limiting the secretary's authority to exercise the right of eminent domain; amending K.S.A. 2023 Supp. 32-840 and repealing the existing section.

On roll call, the vote was: Yeas 25; Nays 14; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Claeys, Erickson, Fagg, Gossage, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Haley, Holland, Holscher, Kerschen, McGinn, Pettey, Reddi, Sykes, Ware.

Present and Passing: Francisco.

The bill passed, as amended.

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.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

SB 455, AN ACT concerning electric public utilities; relating to the state corporation commission; extending the timeline for the commission to make a predetermination of ratemaking principles and treatment prior to the construction of or acquiring a stake in

an electric generation or transmission facility; establishing procedural requirements to support the timely and expeditious completion of such proceedings; prohibiting the commission from authorizing the retirement of fossil fuel-fired electric generating facilities unless certain requirements are met; authorizing electric public utilities to retain certain electric generating facilities in the utility's rate base; requiring the commission to report annually on public utility requests to retire fossil fuel-fired electric generating facilities; amending K.S.A. 2023 Supp. 66-1239 and repealing the existing section.

On roll call, the vote was: Yeas 29; Nays 8; Present and Passing 3; Absent or Not Voting 0.

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

Nays: Corson, Francisco, Holland, Holscher, Pettey, Reddi, Sykes, Ware.

Present and Passing: Blasi, Faust-Goudeau, Haley.

The bill passed, as amended.

EXPLANATION OF VOTE

I vote "NO" on **Senate Bill 455** as amended by the Senate Committee. The original bill permitted a utility to retain coal-fired electric generating facilities and operate them at a low capacity or hold them offline if determined by the Kansas Corporation Commission to be just, reasonable, and necessary for the provision of sufficient and efficient service. Wording added from **Senate Bill 456**, rather than permission, disallows the Corporation Commission from approving the abandonment or retirement of a fossil fuel-fired electric generating unit unless they determine relevant evidence supports findings that the abandoned unit will be replaced, the change is not expected to harm the utility's customers, and, unless it is required to comply with federal or state laws, it is for economic purposes and not based on achieving environmental, social or governance goals. We should be allowing changes that not only do no harm but also those that reduce costs. Kansas needs an energy plan, not this bill.—MARCI FRANCISCO

SB 458, AN ACT concerning seizure and forfeiture of property; relating to the Kansas standard asset seizure and forfeiture act; specifying that certain drug offenses do not give rise to forfeiture under the act; requiring courts to make a finding that forfeiture is not excessive; restricting actions prior to commencement of forfeiture proceedings; requiring probable cause affidavit filing and review to commence forfeiture proceedings; increasing the burden of proof required to forfeit property to clear and convincing evidence; providing persons involved in forfeiture proceedings the ability to request a jury trial; authorizing courts to order payment of attorney fees and costs for certain claimants; requiring the Kansas bureau of investigation to submit forfeiture fund financial reports to the legislature; amending K.S.A. 2023 Supp. 60-4104, 60-4106, 60-4107, 60-4109, 60-4111, 60-4112, 60-4113, 60-4114, 60-4116, 60-4117 and 60-4127 and repealing the existing sections.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Dietrich, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Holland, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Corson, Doll.

Present and Passing: Francisco, Holscher.

The bill passed.

EXPLANATION OF VOTE

I vote YES on **SB 458** in honor of Representative Gail Finney.—OLETHA FAUST-GOUDAU

Senators Bowers, Haley, Holland, McGinn, Pettey and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Faust Goudeau on **SB 458**.

SB 481, AN ACT concerning Kansas state university; renaming Kansas state university polytechnic campus as Kansas state university Salina; amending K.S.A. 74-3209, 76-156a, 76-205, 76-213, 76-218, 76-751, 76-754, 76-756 and 76-7,126 and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Tyson.

The bill passed, as amended.

SB 491, AN ACT concerning criminal history and record checks; relating to the Kansas bureau of investigation; standardizing fingerprinting requirements and making conforming amendments across statutes that authorize fingerprinting; defining people to be fingerprinted; amending K.S.A. 2-3901, 2-3902, 2-3906, 2-3907, 2-3911, 7-127, 8-2,142, 9-508, 9-509, 9-513e, 9-1719, 9-1722, 9-2201, 9-2209, 9-2301, 9-2302, 12-1,120, 12-1679, 16a-6-104, 17-2234, 19-826, 39-969, 39-970, 39-2009, 40-5502, 40-5504, 41-311b, 46-1103, 46-3301, 65-503, 65-1501a, 65-1505, 65-1696, 65-2401, 65-2402, 65-2802, 65-2839a, 65-28,129, 65-2901, 65-3503, 65-4209, 65-5117, 73-1210a, 74-1112, 74-2113, 74-4905, 74-50,182, 74-50,184, 74-5605, 74-5607, 74-7511, 74-8704, 74-8705, 74-8763, 74-8769, 74-8803, 74-8805, 74-8806, 74-9802, 74-9804, 74-9805, 75-712, 75-7b01, 75-7b04, 75-7b21, 75-7e01, 75-7e03, 75-3707e, 75-4315d, 75-5133c, 75-5156, 75-53,105, 75-5609a and 75-7241 and K.S.A. 2023 Supp. 40-4905, 40-5505, 41-102, 50-6,126, 50-1128, 58-3035, 58-3039, 58-4102, 58-4127, 58-4703, 58-4709, 65-516, 65-1120, 65-1626, 65-2924, 65-3407, 65-6129, 74-5602, 74-8702, 74-8802, 74-8804, 75-7c02, 75-7c05, 75-5393a, 75-5393c and 75-5397f and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

HB 2545, AN ACT concerning the self-service storage act; providing for sale of property not retrieved by an occupant after notice by an operator; allowing electronic signatures and electronic delivery for rental agreements upon consent by an occupant; defining "property that has no commercial value"; providing for the effectiveness of rental agreements when such agreements are not signed or delivered by an owner or by an occupant; specifying custody and control of abandoned or towed property; amending K.S.A. 58-814 and 58-818 and K.S.A. 2023 Supp. 58-816 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

On motion of Senator Alley, the Senate adjourned pro forma until 9:00 a.m., Friday February 23, 2024.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

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