

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 6, 2025, 2:30 p.m.

The Senate was called to order by President Ty Masterson.

The roll was called with 39 senators present.

Senator Ware was excused.

President Masterson introduced guest chaplain, Greg Fletcher, Deerfield United Methodist Church, who delivered the following invocation:

Dear Almighty God, as we come before You today, from our beautiful state capitol building, I ask that Your Holy Spirit fill this chamber with Your guiding wisdom and character. Give each senator peace in their hearts to make decisions that are good and right for the people of this great state. I pray that You have opened their eyes to see things as they really are, to see each other made in Your image and to see You as You really are. Father, please fill each person in this room with your light to light up any darkness that may be present today so they can have clarity in all things as they work together for the people of Kansas. Express an attitude of humility throughout this chamber that allows us to realize that all we have comes from You. Father, I ask You to lift up anyone here that is feeling a bit tired or worn down for whatever reason and give them strength to fulfill the purpose of their presence. Please give Your servants in this chamber an understanding mind to govern the people of this state. I pray for harmony in this room as relationships grow from this partnership with You and each other. I pray that every person in this room is filled with the knowledge of Your will in all spiritual wisdom and understanding, and presents themselves in a manner worthy and pleasing to You Lord, bearing fruit in every good work and increasing in the knowledge of God, being strengthened with all power according to His glorious might, for all endurance and patience with joy and peace in believing, so that by the power of the Holy Spirit they may abound in Hope. Father, I ask that You be with the families of the members of this chamber by wrapping Your comforting and protecting arms around them as they are such an important part of everyone here today. I ask all of this in Your Son's Holy and Precious 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 223, AN ACT concerning sales and compensating use tax; relating to city and countywide retailers' sales tax; providing countywide retailers' sales tax authority for Russell county for the purpose of financing costs of attendance centers or other school

district facilities; amending K.S.A. 2024 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 224, AN ACT concerning income taxation; relating to credits; providing for the preceptor income tax incentive act; establishing a credit for nursing home administrators, registered nurses and registered dietitians that serve as a community-based faculty preceptor in adult care homes and medical care facilities by providing personalized instruction, training and supervision for students, by Committee on Assessment and Taxation.

SB 225, AN ACT concerning property; relating to homesteads; requiring counties to purchase homesteads at the appraised values set by county appraisers upon applications made by the owners under certain conditions, by Committee on Assessment and Taxation.

SB 226, AN ACT concerning income taxation; relating to deductions; allowing a Kansas itemized deduction for certain losses from wagering transactions; amending K.S.A. 2024 Supp. 79-32,120 and repealing the existing section, by Committee on Assessment and Taxation.

SB 227, AN ACT concerning economic development; relating to the tax credit for qualified expenditures for the restoration and preservation of historic structures; providing for different credit percentages based on city populations of more than 50,000 or 50,000 or less and the amount of expenditures; amending K.S.A. 2024 Supp. 79-32,211 and repealing the existing section, by Committee on Commerce.

SB 228, AN ACT concerning health and healthcare; relating to the Kansas department for aging and disability services; providing for the regulation of supplemental nursing services agencies and healthcare worker platforms thereby; creating the supplemental nursing services agency and healthcare worker platforms regulation fund, by Committee on Ways and Means.

SB 229, AN ACT concerning labor and employment; relating to occupational licensing; providing for the termination of current and new occupational licensing requirements adopted by an agency or enacted by the legislature after a period of five years unless extended by a joint resolution of the legislature; requiring that adoption of new occupational licensing requirements by a state agency be approved by joint resolution of the legislature; providing for notice to agencies and the legislature of termination dates by the revisor of statutes and the secretary of state; specifying a procedure for legislative review of occupational licensing requirements by certain committees, by Committee on Commerce.

SB 230, AN ACT concerning drivers' licenses; relating to the division of vehicles; permitting the division of vehicles to establish or contract with an entity to issue digital proof of driver's licenses and digital proof of identification; regulating the use thereof; providing fees on such digital proof of driver's license and identification cards; amending K.S.A. 8-235, 8-240, 8-1325 and 8-1328 and K.S.A. 2024 Supp. 8-243 and 8-1324 and repealing the existing sections, by Committee on Transportation.

SB 231, AN ACT concerning elections; relating to advance voting ballot applications; modifying the requirements for soliciting registered voters to submit such applications; amending K.S.A. 2024 Supp. 25-1122 and repealing the existing section, by Committee on Federal and State Affairs.

SB 232, AN ACT concerning retirement and pensions; relating to management and investment by the board of trustees of the Kansas public employees retirement system

of moneys certified by the state treasurer as equivalent to the aggregate net amount received for unclaimed property; modifying investment standards; authorizing investments in certain foreign governments; amending K.S.A. 2024 Supp. 75-2263 and repealing the existing section, by Committee on Federal and State Affairs.

SB 233, AN ACT concerning energy; relating to commercial wind and solar energy facilities; establishing requirements for the decommissioning of such facilities; requiring a county to enter into a decommissioning agreement with a facility owner prior to construction of any such facility; requiring the facility owner to provide financial assurance in an amount sufficient to cover the costs of decommissioning; requiring decommissioning costs to be paid by affected landowners under certain circumstances, by Committee on Federal and State Affairs.

SB 234, AN ACT concerning medical technology; prohibiting medical and research facilities from using genetic sequencers or operational software used for genetic analysis that is produced in or by a foreign adversary, by Committee on Federal and State Affairs.

SB 235, AN ACT concerning agriculture; relating to pesticides; making it unlawful to sell, offer for sale, use or distribute seeds coated with a pesticide that contains a neonicotinoid unless otherwise ordered by the governor under certain conditions, by Committee on Agriculture and Natural Resources.

SB 236, AN ACT concerning childhood abuse or neglect; authorizing victims of childhood abuse or neglect to access records related to substantiated reports or investigations of abuse or neglect; amending K.S.A. 2024 Supp. 38-2212 and repealing the existing section, by Committee on Public Health and Welfare.

SB 237, AN ACT concerning family law; relating to child support obligations; requiring the court to consider the value of retirement accounts when determining support orders; prohibiting modification of a support order for criminal conduct, professional misconduct or voluntary underemployment; eliminating the exemption and retirement moneys from claims to fulfill child support obligations; amending K.S.A. 23-3002 and 23-3005 and K.S.A. 2024 Supp. 60-2308 and repealing the existing sections, by Committee on Judiciary.

SB 238, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; providing for a postretirement cost-of-living adjustment for certain retirants; making and concerning appropriations for the fiscal year ending June 30, 2026, for the Kansas public employees retirement system, by Committee on Financial Institutions and Insurance.

SB 239, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; creating a special sentencing rule to add 100 months to a sentence for distribution of a controlled substance when the substance involved is fentanyl and such distribution causes the death of a child; amending K.S.A. 2024 Supp. 21-6804 and 21-6805 and repealing the existing sections, by Committee on Judiciary.

SB 240, AN ACT concerning fraudulent insurance acts; establishing procedures for a civil action instituted by the commissioner of insurance and authorizing civil penalties, restitution and other relief; providing that expunged criminal records will be disclosed in any application for licensure as an insurance producer or public adjuster if the arrest, conviction or diversion is for a fraudulent insurance act; including automobile assigned claims plans in provisions related to fraudulent insurance acts; amending K.S.A. 21-

6614, 40-2,118 and 40-2,119 and repealing the existing sections, by Committee on Judiciary.

SB 241, AN ACT concerning restraint of trade; relating to restrictive covenants; providing that certain restrictive covenants are not considered a restraint of trade and shall be enforceable; amending K.S.A. 2024 Supp. 50-163 and repealing the existing section, by Committee on Judiciary.

SB 242, AN ACT concerning contingent fee contracts for legal services; relating to contracts entered into for legal services by a political subdivision; requiring an open meeting before a political subdivision may approve such a contract; requiring the attorney general to approve such contract before it becomes effective, by Committee on Judiciary.

SB 243, AN ACT concerning criminal procedure; relating to competency to stand trial; requiring the court to make certain findings in treatment orders; requiring outpatient examination and evaluation in certain circumstances; amending K.S.A. 22-3302 and 22-3303 and repealing the existing sections, by Committee on Judiciary.

SB 244, AN ACT concerning release prior to trial; minimum appearance bond premium; prohibiting a compensated surety from making a loan for certain portions of the minimum appearance bond premium required; amending K.S.A. 2024 Supp. 22-2809b and repealing the existing section, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 211, SB 213.**

Assessment and Taxation: **SB 201, SB 209, SB 210, SB 215, SB 217.**

Commerce: **SB 197, SB 199, SB 216, SB 218.**

Federal and State Affairs: **SCR 1610.**

Financial Institutions and Insurance: **SB 202, SB 212; HB 2048.**

Judiciary: **SB 203, SB 204, SB 205, SB 206, SB 208, SB 221, SB 222.**

Public Health and Welfare: **SB 198, SB 207, SB 219, SB 220.**

Senate Select Committee on Veterans Affairs: **SB 200.**

Ways and Means: **SB 214.**

COMMUNICATIONS FROM STATE OFFICERS

The following report was received by the Office of the Secretary of the Senate:

Kansas Forests in Focus: Protecting, Educating and Celebrating, Kansas Forest Service

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5004**, as amended.

Announcing passage of **HB 2020**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2020; HCR 5004 were thereupon introduced and read by title.

CONSIDERATION OF APPOINTMENTS

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

Senator Blasi moved the following appointments:

By the Governor

On the appointment to the:

Brigadier General, Kansas National Guard

Carlin Williams, at the pleasure of the Governor

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Warren.

Absent or Not Voting: Ware.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Regents:

Kathy Wolfe-Moore, Term ends June 30, 2025

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Warren.

Absent or Not Voting: Ware.

The appointment was confirmed.

EXPLANATION OF VOTE

I rise in support of Ms. Kathy Wolfe-Moore's nomination. The Mission of the Kansas Board of Regents is to pursue measurable continuous improvement in the quality and effectiveness of the public post secondary educational system in Kansas, while expanding participation for all qualified Kansans. To achieve that mission, the Board will demand accountability, focus resources, and advocate powerfully. Ms. Wolfe-Moore's nearly three decades of dedicated service to our communities reflect her commitment to improving the lives of Kansans. Having spoken with constituents, consulted with both current and former House and Senate members, and engaged in personal conversations with Ms. Wolfe-Moore, it is clear that she possesses the qualifications and desire necessary for this role. I urge Mrs. Wolfe-Moore to champion fiscally responsible decisions while fostering an environment that encourages freedom of thought on our campuses. This focus will not only uphold the values of academic independence but also continue to advance our universities towards a world-class education system.—JEFF KLEMP

Senator Haley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Klemp on the appointment of Kathy Wolfe-Moore to the Kansas Board of Regents.

FINAL ACTION ON CONSENT CALENDAR

SB 8, SB 9 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 8, AN ACT concerning traffic regulations; relating to the duty of drivers approaching stationary vehicles; providing a penalty for unlawful passing thereof; amending K.S.A. 8-2118 and repealing the existing section.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Warren.

Absent or Not Voting: Ware.

The bill passed.

SB 9, AN ACT concerning United States public land surveys; relating to reports filed with the state historical society; extending the time to file such reports from 30 to 90 days; amending K.S.A. 2024 Supp. 58-2011 and repealing the existing section.

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

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Corson, Dietrich, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holscher, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Pettey, Rose, Ryckman, Schmidt, Shallenburger, Shane, Starnes, Sykes, Thomas, Thompson, Titus, Tyson, Warren.

Absent or Not Voting: Ware.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 14, AN ACT concerning the state budget; providing for a continuous budget until amended, lapsed or eliminated by the legislature; temporary reallocations; establishing conditions and limitations therefor, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Argabright, Billinger, Blasi, Blew, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Clifford, Dietrich, Erickson, Fagg, Gossage, Klemp, Kloos, Masterson, Murphy, Owens, Peck, Petersen, Rose, Ryckman, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Holscher, Pettey, Schmidt, Sykes.

Absent or Not Voting: Ware.

The bill passed.

EXPLANATION OF VOTE

I vote No on **SB 14**. The legislature's one constitutional obligation is to make appropriations to pass a budget. This bill is setting us up to abdicate that duty. We recently received legislative raises and for us to abdicate our duty is not right. I cannot in good conscience support this bill.—DINAH SYKES

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator Sykes on **SB 14**.

SCR 1603, A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas; relating to property taxation; limiting valuation increases for real property and for personal property classified as mobile homes used for residential purposes, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Argabright, Billinger, Blasi, Bowers, Bowser, J.R. Claeys, Joseph Claeys, Dietrich, Erickson, Gossage, Haley, Klemp, Kloos, Masterson, Murphy, Peck, Petersen, Rose, Schmidt, Shallenburger, Shane, Starnes, Thomas, Thompson, Titus, Tyson, Warren.

Nays: Blew, Clifford, Corson, Fagg, Faust-Goudeau, Francisco, Holscher, Owens, Pettey, Ryckman, Sykes.

Absent or Not Voting: Ware.

A two-thirds constitutional majority having voted in favor of the resolution, **SCR 1603** was adopted as amended.

EXPLANATION OF VOTE

I vote No on **Senate Concurrent Resolution 1603** because this Constitutional Amendment is not the vehicle which will solve the problem of rapidly increasing property taxes. I am more than happy to be on record as voting against a Valuation Cap which will not provide a permanent solution. I know that this is not the last train out of town, and I look forward to future productive debates and legislation which will guarantee our constituents true property tax relief.—WILLIAM CLIFFORD

Senators Fagg and Holscher request the record to show they concur with the "Explanation of Vote" offered by Senator Clifford on **SCR 1603**.

I vote "No" on **SCR 1603**. I, along with many other members of the Senate, hope to address the three-legged "tax" stool that has become lopsided because of significant increases in property taxes. This constitutional amendment would limit increases in property tax valuations, but there could still be substantial increases in property taxes because those valuations are multiplied against the mill levies adopted by local entities. I appreciate the amendment made by the Senate Committee eliminating the concern that valuations would increase when a property is sold. I remain concerned that these limitations on valuation increases will create differences between the valuations of existing properties and those newly constructed or improved. The amendment passed in this body could significantly exacerbate any such difference since the increase in valuations would be limited to a total of 3% during the four years since 2022; the higher valuations of all properties constructed or improved after that year will likely be multiplied against higher mill levies required to deliver promised municipal services. A

property owner should not be unfairly taxed if their property was built or improved after 2022 and have those differences in tax valuations continue to increase over the years.—

MARCI FRANCISCO

Senators Fagg and Holscher request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SCR 1603**.

I vote "No" on **SCR 1603**. Voting to amend the constitution of the State of Kansas should be a thorough and deliberative process where all ideas are considered and only the best is voted on. Supporting an amendment such as this that leads the taxpayers to believe their taxes will only be raised 3% per year without any proof it will, that has been proven to distort markets, that has been proven to shift property tax burdens and have been proven to de-incentivize home selling and buying is not an amendment I can support. We can and must do better for the people of Kansas and deliver on the property tax reform that ACTUALLY accomplishes tax relief, not just purports to do so.—

STEPHEN OWENS

Senators Fagg, Holscher, Pettey and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Owens on **SCR 1603**.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 32** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Government Efficiency** recommends **SB 13** be amended on page 1, following line 19, by inserting:

"Section 1. K.S.A. 44-807 is hereby amended to read as follows: 44-807. The secretary of state shall prepare and keep a register or proper record showing the date of filing of the application provided for in K.S.A. 44-804, and amendments thereto, the name names of the licensee; and ~~of the labor organization for whom he such licensee~~ will act as agent, ~~and shall receive, file and properly index the documents provided for in K.S.A. 44-805 and 44-806. The~~Such records provided for herein shall be made available by the secretary of state to all persons for examination and taking of copies.";

On page 2, in line 18, before "To" by inserting "To act as a business agent without having obtained and without possessing a valid and subsisting license.

(8)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 9, in line 41, by striking "44-804,"; in line 42, by striking "44-812,"; also in line 42, by striking "75-4336,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking all after the semicolon; by striking all in line 5; in line 6, by striking all before "eliminating"; in line 13, after "K.S.A." by inserting "44-807,"; in line 16, by striking "44-804,"; also in line 16, by striking "44-807, 44-812, 75-4336,"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 125** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

REPORT ON ENROLLED BILLS, CONCURRENT AND SENATE RESOLUTIONS

SR 1708 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 6, 2025.

On motion of Senator Blasi, the Senate adjourned pro forma until 1:30 p.m. February 7, 2025.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

