

Journal of the Senate

FIFTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 21, 2024, 2:30 p.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:

Unstablens of Double Mindedness
James 1:8

Heavenly Father, I pray Your special blessings upon all in this house, that our hearts and minds come into sync with Yours. In James 1:8, You tell us that the uncertainty of double mindedness causes instability in everything we do. So Lord please meet each one of us at the point of our particular need.

Where there is double mindedness bring Godly decisiveness.

Where there is harshness bring gentleness.

Where there is partiality bring sensitivity.

Where there is indifference bring compassion.

Where there is apathy bring enthusiasm.

Where there is hypocrisy bring sincerity.

Where there is willfulness bring obedience.

Where there is fearfulness bring boldness.

Where there is wastefulness bring resourcefulness.

Where there is impulsiveness bring cautiousness.

Where there is disorganization bring order.

Where there is unfaithfulness bring loyalty.

Where there is anger bring peace.

Lord, we are in what is called the heartland of this nation. Let us be the heartbeat for this nation's good. Let the pulse of Your Holy Spirit's presence in us permeate this land. Work Your work in us. Then work Your work through us. I pray this in the Name of Jesus, whose stability never changes. Amen.

The Pledge of Allegiance was led by President Masterson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 557, AN ACT concerning school districts; relating to professional employees; authorizing such professional employees to cease the withholding of professional employees' organization dues from their wages upon request; amending K.S.A. 72-2219

and 72-2241 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2800, HB 2816.**

Ways and Means: **Sub HB 2273.**

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2460; HB 2806, HB 2810, HB 2819.**

Announcing passage of **SB 424, SB 481, SB 491.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2460; HB 2806, HB 2810, HB 2819 were thereupon introduced and read by title.

CONSIDERATION OF ORIGINAL MOTIONS

The motion by Senator Steffen on **SB 286** to withdraw from the Committee on Federal and State Affairs and advance the bill to General Orders was not adopted.

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

On roll call, the vote was: Yeas 7; Nays 26; Present and Passing 5; Absent or Not Voting 2.

Yeas: Baumgardner, Olson, Peck, Pyle, Steffen, Straub, Tyson.

Nays: Alley, Bowers, Corson, Dietrich, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, Petersen, Pettey, Pittman, Reddi, Ryckman, Shallenburger, Sykes, Thompson, Ware, Warren, Wilborn.

Present and Passing: Blasi, Claeys, Erickson, Masterson, O'Shea.

Absent or Not Voting: Billinger, Doll.

EXPLANATION OF VOTE

I vote "No." Kansans spoke loud and clear on August 2nd that a woman should have bodily autonomy. I vote no because the people of Kansas have decided this issue.—
DINAH SYKES

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Sykes on **SB 286.**

Sometimes allies in a war disagree on battle tactics. On multiple occasions over the past year and a half, I have explained to my allies, who are the proponents of **SB 286**, why hearing this bill would be detrimental to achieving our mutual goal of overturning the Hodes decision and protecting life in Kansas. I have sought the counsel of pro-life leaders here in Kansas, and those who have been on the forefront of fighting for pro-life legislation nationally for decades. They all agreed there are issues with the language that would thwart our efforts to establish a culture of life in Kansas. Our situation here in Kansas is not like that of Florida, Texas, or many other states. We must deal with the unique political climate that exists here today if we are to make the right decisions. Otherwise, we are simply running headlong into a burning building without a fire hose. We cannot expect victory in the battle for the lives of the unborn without being united in

purpose and possessing the proper tools to achieve our goal. I just cannot support an effort that I firmly believe will set us back...and so I must vote "NO."—MIKE THOMPSON

Senator Bowers requests the record to show she concurs with the "Explanation of Vote" offered by Senator Thompson on **SB 286**.

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 Kloos in the chair.

On motion of Senator Kloos the following summary report was adopted:

SB 493; HB 2525, HB 2557, HB 2561, HB 2783 be passed.

SB 371; HB 2530, HB 2531, HB 2532, HB 2562 be amended by the adoption of the committee reports.

HB 2176 be amended by the adoption of the committee reports and further amended by the Committee of the Whole.

COMMITTEE OF THE WHOLE ACTIONS

SB 371 be amended by the adoption of the committee amendments.

SB 493 be passed.

A motion by Senator Haley to amend **SB 493** failed.

HB 2176 be amended by the adoption of the committee amendments, be further amended by motion of Senator Ware; on page 9, following line 42, by inserting:

"New Sec. 17. (a) This act shall be known and may be cited as the blind information access act.

(b) The state librarian shall estimate the cost of entering into a contract with an organization that delivers on-demand information access services to persons who are blind, visually impaired, deafblind, print disabled or who have another disability. Such services shall provide access to digital content through audio, electronic text and braille reading technologies and other related services, including, but not limited to, Kansas specific publications, national publications, international publications, breaking news sources and localized emergency weather alerts. Such on-demand information access services shall be provided using telecommunication services or internet services

(c) On or before November 1 of each year, the state librarian shall submit a report to the legislature and the state corporation commission that specifies the estimate of the cost to enter into a contract to provide such on-demand information access services and shall certify such cost to the director of accounts and reports and the administrator of the Kansas universal service fund. Upon receipt of such certification, the total amount certified shall be transferred by the administrator of the Kansas universal service fund from the Kansas universal service fund to the state treasurer in the following calendar year by 12 equal monthly installment payments. Upon receipt of each such payment, the state treasurer shall deposit such amount in the state treasury and credit such amount to the blind information access fund.

(d) Upon receipt of the amount certified pursuant to subsection (c), the state librarian shall enter into or renew the contract required pursuant to this section.

(e) There is hereby created in the state treasury the blind information access fund. All moneys credited to the blind information access fund shall be used by the state

librarian to implement the provisions of this section. All expenditures from the blind information access 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 state librarian or the state librarian's designee.

(f) The state librarian shall promote the information access services to persons who may be eligible for such services.

Sec. 18. K.S.A. 66-2010 is hereby amended to read as follows: 66-2010. (a) The commission shall utilize a competitive bidding process to select a neutral, competent and bonded third party to administer the KUSF.

(b) The administrator shall be responsible for: (1) Collecting and auditing all relevant information from all qualifying telecommunications public utilities, telecommunications carriers or wireless telecommunications service providers receiving funds from or providing funds to the KUSF; (2) verifying, based on the calculations of each qualifying telecommunications carrier, telecommunications public utility or wireless telecommunications service provider, the obligation of each such qualifying carrier, utility or provider to generate the funds required by the KUSF; (3) collecting all moneys due to the KUSF from all telecommunications public utilities, telecommunications carriers and wireless telecommunications service providers in the state; and (4) distributing amounts on a monthly basis due to qualifying telecommunications public utilities, wireless telecommunications service providers and telecommunications carriers receiving KUSF funding.

(c) Any information made available or received by the administrator from carriers, utilities or providers receiving funds from or providing funds to the KUSF shall not be subject to any provisions of the ~~Kansas~~ open records act and shall be considered confidential and proprietary.

(d) The administrator shall be authorized to maintain an action to collect any funds owed by any telecommunications carrier, public utility or wireless telecommunications provider in the district court in the county of the registered office of such carrier, utility or provider or, if such carrier, utility or provider does not have a registered office in the state, such an action may be maintained in the county where such carrier's, utility's or provider's principal office is located. If such carrier, utility or provider has no principal office in the state, such an action may be maintained in the district court of any county in which such carrier, utility or provider provides service.

(e) (1) The KUSF administrator shall be responsible to ensure that funds do not fall below the level necessary to pay all amounts collectively owed to all qualifying telecommunications public utilities, wireless telecommunications service providers ~~and~~, telecommunications carriers and the information access services contracted for pursuant to section 17, and amendments thereto. The administrator shall have the authority to retain and invest in a prudent and reasonable manner any excess funds collected in any period to help ensure that adequate funds are available to cover amounts payable in other periods.

(2) ~~Subject to the provisions of appropriations acts, for fiscal year 2013, the KUSF administrator may transfer moneys from the KUSF to the state treasurer. Upon the receipt of any payment, the state treasurer shall deposit the entire amount in the state treasury and credit it to the KAN-ED fund. Any such payments shall be made after all payments required by K.S.A. 66-2008, and amendments thereto, for the month are made from the KUSF.~~

(2) Upon receipt of the certification from the state librarian issued pursuant to section 17, and amendments thereto, the KUSF administrator shall transfer the total amount of moneys certified by the state librarian from the KUSF to the state treasurer in the following calendar year by 12 equal monthly installment payments. Upon receipt of each such payment, the state treasurer shall deposit such amount in the state treasury and credit such amount to the blind information access fund.;

On page 10, in line 26, after "K.S.A." by inserting "66-2010 and"; also in line 26, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "libraries; relating to"; in line 4, after the semicolon by inserting "establishing the blind information access act; requiring the state librarian to contract with an organization to provide on-demand information access services to persons who are blind, visually impaired, deafblind or print disabled; establishing the blind information access fund; requiring the transfer of moneys from the Kansas universal service fund to provide for such services"; also in line 4, after "K.S.A." by inserting "66-2010 and"; also in line 4, by striking "section" and inserting "sections"

HB 2176 be further amended by motion of Senator Tyson; on page 1, in line 19, by striking "appointed" and inserting "elected"; in line 29, by striking "appointed" and inserting "elected"; in line 31, by striking "appointed" and inserting "elected";

On page 2, in line 6, by striking all after the period; by striking all in lines 7 and 8; in line 9, by striking all before the period and inserting "The members shall be elected at the first general election held after the creation of such library district. Three members shall serve an initial term of two years and four members shall serve an initial term of four years. Thereafter, each member shall serve terms of four years. The board of trustees of the Arkansas city public library shall establish the district boundaries for each board position on the board of trustees of the library district and designate which board positions will serve an initial term of two years and which board positions will serve an initial term of four years"; in line 12, by striking all after the second "the"; in line 13, by striking all before the second period and inserting "members elected to the library district board are sworn into office"; in line 14, by striking all after "(c)"; by striking all in lines 15 through 17; in line 18, by striking all before "Vacancies"; in line 19, after "term" by inserting "of the remaining members of the library district board";

On page 5, in line 37, by striking "appointed" and inserting "elected";

On page 6, in line 4, by striking "appointed" and inserting "elected"; in line 6, by striking "appointed" and inserting "elected"; in line 15, by striking all after the period; by striking all in lines 16 and 17; in line 18, by striking all before the period and inserting "The members shall be elected at the first general election held after the creation of such library district. Three members shall serve an initial term of two years and four members shall serve an initial term of four years. Thereafter, each member shall serve terms of four years. The board of trustees of the Udall public library shall establish the district boundaries for each board position on the board of trustees of the library district and designate which board positions will serve an initial term of two years and which board positions will serve an initial term of four years"; in line 21, by striking all after the second "the"; by striking all in line 22; in line 23, by striking "reappointment" and inserting "members elected to the library district board are sworn into office"; in line 24, by striking all after "(c)"; by striking all in lines 25 through 28;

in line 29, by striking all before "Vacancies"; in line 30, after "term" by inserting "of the remaining members of the library district board"

HB 2525 be passed.

HB 2530 be amended by the adoption of the committee amendments.

HB 2531 be amended by the adoption of the committee amendments.

HB 2532 be amended by the adoption of the committee amendments.

HB 2557 be passed.

HB 2561 be passed.

HB 2562 be amended by the adoption of the committee amendments.

HB2783 be passed.

A motion to amend **HB 2783** was offered by Senator Olson. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

Senator Pyle challenged the ruling of the chair.

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

On roll call, the vote was: Yeas 25; Nays 15; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Dietrich, Erickson, Fagg, Faust-Goudeau, Gossage, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Ryckman, Shallenburger, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Francisco, Haley, Holland, Holscher, Olson, Pettey, Pittman, Pyle, Reddi, Steffen, Straub, Sykes, Ware.

The ruling of the the chair was sustained.

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 371, SB 493; HB 2176, HB 2525, HB 2530, HB 2531, HB 2532, HB 2557, HB 2561, HB 2562** and **HB 2783** were advanced to Final Action and roll call.

SB 371, AN ACT concerning the Kansas silver alert plan; relating to public notice of certain missing persons; expanding such plan to include persons 18 years of age or older who have been diagnosed with an intellectual disability and are in certain dangerous circumstances; amending K.S.A. 75-754 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 493, AN ACT concerning driving; relating to ignition interlock devices; requiring manufacturers of such devices to pay fees to the highway patrol for the administration of the ignition interlock program; creating the IID fee program fund; amending K.S.A.

8-1016 and repealing the existing section.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Blasi, Claeys, Haley, Holland, McGinn, Olson, Pyle, Reddi, Shallenburger, Straub, Tyson, Ware.

The bill passed.

HB 2176, AN ACT concerning libraries; relating to library districts; creating the Arkansas city area public library district act and the Udall area public library district act; requiring an election to create such district; authorizing a tax levy therefor; establishing the blind information access act; requiring the state librarian to contract with an organization to provide on-demand information access services to persons who are blind, visually impaired, deafblind or print disabled; establishing the blind information access fund; requiring the transfer of moneys from the Kansas universal service fund to provide for such services; amending K.S.A. 66-2010 and 75-2554 and repealing the existing sections.

On roll call, the vote was: Yeas 36; Nays 4; 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, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Haley, Pettey, Reddi, Shallenburger.

The bill passed, as amended.

HB 2525, AN ACT concerning the department of health and environment; relating to fees established for the regulation of wastewater treatment facilities, water wells and underground injection control wells; providing for additional sources of revenue for the water program management fund; authorizing the secretary of health and environment to establish additional fees for the regulation of underground injection control wells; amending K.S.A. 65-166b, 65-4514 and 82a-1206 and K.S.A. 2023 Supp. 55-1,117 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, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Olson.

The bill passed.

HB 2530, 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.

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 2531, 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.

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 2532, 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.

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 2557, AN ACT concerning the rules of evidence; relating to peer support counseling session communication privilege; expanding the definition of peer support counseling session; amending K.S.A. 2023 Supp. 60-473 and repealing the existing section.

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

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

Nays: Francisco, Haley, Holland, Ware.

The bill passed.

HB 2561, AN ACT concerning financial institutions; relating to credit unions; authorizing a domestic credit union to do business outside the state; providing civil penalties for certain violations; allowing informal agreements with the credit union administrator; eliminating the requirement to submit duplicate certificates of organization and bylaws; establishing appeals procedures for suspension of credit and supervisory committee members; requiring members of the merging credit union to

approve a merger of credit unions; amending K.S.A. 17-2201, 17-2208 and 17-2228 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.

HB 2562, AN ACT concerning securities; enacting the protect vulnerable adults from financial exploitation act; requiring reporting of instances of suspected financial exploitation under certain circumstances; providing civil and administrative immunity to individuals who report such instances; amending K.S.A. 17-12a412 and repealing the existing section.

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, as amended.

HB 2783, AN ACT concerning motor vehicles; prohibiting any state agency, city or county from regulating or restricting the use or sale of motor vehicles based on the energy source used; allowing the state agency, city or county to establish motor vehicle purchase policies for such state agency, city or county.

On roll call, the vote was: Yeas 29; Nays 9; Present and Passing 2; Absent or Not Voting 0.

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

Nays: Doll, Francisco, Holland, Holscher, Olson, Pettey, Reddi, Sykes, Ware.

Present and Passing: Bowers, Longbine.

The bill passed.

EXPLANATION OF VOTE

I vote "NO" on **HB 2783**. Once again the Kansas Legislature attempts to exceed its constitutional boundaries by limiting the duties and obligations of the executive branch.

—TOM HOLLAND

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Holland on **HB 2783**.

Local Control or Home Rule whichever you'd rather call it, is a basic Kansas concept. This guiding principle has been ignored over and over again in the Kansas

legislature. Going forward it will be very hard for me to vote for any bill that turns its back on our counties and cities authority to govern themselves. I vote "NO" on **HB 2783**.—MARY WARE

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Ware on **HB 2783**.

CHANGE OF REFERENCE

The President withdrew **HB 2705** from the Committee on **Education**, and referred the bill to the Committee on **Ways and Means**.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **SB 524** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **Substitute for HB 2168** be amended on page 2, in line 8, after "date" by inserting "not more than 90 days after the negligent violation";

On page 3, in line 27, by striking "\$500" and inserting "\$800";

On page 4, in line 2, by striking "\$500" and inserting "\$800";

On page 1, in the title, in line 2, by striking "\$500" and inserting "\$800"; and the bill be passed as amended.

Also, **HB 2607**, As Amended by House Committee, be amended on page 8, in line 24, after "(a)" by inserting "(1)"; also in line 24, by striking "person"; in line 25, by striking all before "violates" and inserting "pesticide business licensee or pesticide dealer who"; in line 30, by striking "\$500" and inserting "\$5,000"; in line 32, by striking all after "violation"; in line 33, by striking all before the period and inserting ". In the case of a continuing violation, the maximum civil penalty shall not exceed \$10,000.

(2) Except as provided in paragraph (1), any person who holds a license, certification, registration or permit or is required to hold such license, certification, registration or permit pursuant to the Kansas pesticide law and violates any provision of the Kansas pesticide law or any rules and regulations adopted thereunder, in addition to any other penalty provided by law, may incur a civil penalty imposed under subsection (b) in the amount fixed by rules and regulations of the secretary in an amount not less than \$100 nor more than \$500 for each violation, and in the case of a continuing violation, every day such violation continues may be deemed a separate violation. In the case of a continuing violation, the maximum civil penalty shall not exceed \$2,500";

On page 9, in line 1, after "that" by inserting "a pesticide business licensee, pesticide dealer or"; also in line 1, by striking "or entity"; in line 7, before "person" by inserting "pesticide business licensee, pesticide dealer or"; in line 8, by striking all before the first "to"; in line 9, before "person" by inserting "pesticide business licensee, pesticide dealer or"; also in line 9, by striking "or entity"; in line 14, after "Any" by inserting "pesticide business licensee, pesticide dealer or"; also in line 14, by striking "or entity";

On page 10, in line 43, after "(a)" by inserting "(1)";

On page 11, in line 2, by striking "(1)" and inserting "(A)"; following line 14, by

inserting:

"(2) Sodium fluoroacetate predator control applications shall not be allowed.";

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

On page 12, in line 20, by striking "17" and inserting "16";

On page 16, in line 7, after "insurance" by inserting "or surety bond";

On page 1, in the title, in line 10, by striking "the current"; and the bill be passed as amended.

HB 2634, 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.

Committee on **Assessment and Taxation** recommends **SB 537** 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 **Education** recommends **SB 427** be passed.

Also, **HB 2645** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2645," as follows:

"Senate Substitute for HOUSE BILL NO. 2645

By Committee on Education

"AN ACT concerning postsecondary education; relating to scholarship programs; removing limits on Kansas nursing service scholarship awards and modifying the interest rate terms and repayment obligations for such awards; abolishing the nursing service scholarship review committee; modifying financial limitations on Kansas hero's scholarship awards and broadening eligibility requirements for such awards; amending K.S.A. 74-3292, 74-3293, 74-3294, 74-3295, 74-3296, 74-3297 and 74-3298 and K.S.A. 2023 Supp. 75-4364 and repealing the existing sections; also repealing K.S.A. 74-3299.";

And the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **HB 2358**, As Amended by House Committee, be amended on page 3, in line 1, by striking "cause of death"; also in line 1, after "certification" by inserting "of cause of death"; in line 4, by striking the second "a"; in line 10, by striking "cause of death"; also in line 10, after "certification" by inserting "of cause of death"; and the bill be passed as amended.

Also, **HB 2618** be amended on page 1, in line 26, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

HB 2614, **HB 2615**, be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **HB 2711**, As Amended by House Committee, be amended on page 1, following line 12, by inserting:

"Section 1. K.S.A. 2023 Supp. 74-4911 is hereby amended to read as follows: 74-4911. (1) Any employee of a participating employer other than an elected official on the entry date of such employer shall be a member of the system on either the entry date or the first day of the payroll period coinciding with or following the completion of one year of service, whichever is later, except that an employee of a participating employer who was first employed by a participating employer on or after July 1, 2008, but before July 1, 2009, shall be a member on July 1, 2009, and except that an employee who is first employed by a participating employer on or after July 1, 2009, shall be a member

of the system on the first day of employment of such employee with such participating employer. On and after July 1, 2019, employees employed in direct support positions of an affiliated employer organized under K.S.A. 19-4001, and amendments thereto, ~~and~~ or defined under K.S.A. 39-1803, and amendments thereto, may become a member of the system on the first day of the payroll period coinciding with or following the completion of a two-year period of training, whichever is later. For purposes of this act occasional breaks in service which shall not exceed an aggregate of 10 days in any such year shall not constitute a break in service for purposes of determining the membership date of such employee.

(2) Except as otherwise provided in this subsection, any employee other than an elected official who is employed by a participating employer after the entry date of such employer shall be a member of the system on the first day of the payroll period coinciding with or following completion of one year of continuous service. For purposes of this act, occasional breaks in service which shall not exceed an aggregate of 10 days in any such year shall not constitute a break in continuous service for purposes of determining the membership date of such employee. For purposes of this subsection, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental units, which occurred on January 1, 1994, may count service with such local governmental unit in determining whether such employee has met the one year of continuous service requirement contained in this subsection.

(3) Any employee who is an elected official and is eligible to join the system shall file, within 90 days after taking the oath of office, an irrevocable election to become or not to become a member of the system. Such election shall become effective immediately upon making such election, if such election is made within 14 days of taking the oath of office or, otherwise, on the first day of the first payroll period of the first quarter following receipt of the election in the office of the retirement system. In the event that such elected official fails to file the election to become a member of the retirement system, it shall be presumed that such person has elected not to become a member.

(4) Except as otherwise required by USERRA, any employee other than an elected official who is in military service or on leave of absence on the entry date of such employee's employer shall become a member of the system upon returning to active employment or on the first day of the payroll period coinciding with or following the completion of one year of service, whichever is later. For purposes of this act, occasional breaks in service which shall not exceed an aggregate of 10 days in any such year shall not constitute a break in service for purposes of determining the membership date of such employee.

(5) Any employee of the state of Kansas other than an elected official, who is receiving or is eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925, and amendments thereto, and who becomes ineligible for such assistance because such employee's position is reclassified to a position in the classified service under the Kansas civil service act, or who becomes ineligible for such assistance because such person accepts and transfers to a position in the classified service under the Kansas civil service act shall be a member of the system on the first day of the payroll period coinciding with or following the effective date of

such reclassification or transfer. Any such employee who became ineligible for such assistance prior to ~~the effective date of this act~~ April 15, 1977, because of such a reclassification or such a transfer occurring prior to ~~the effective date of this act~~ April 15, 1977, and who is not a member of the system on ~~the effective date of this act~~ April 15, 1977, shall be a member of the system on the first day of the payroll period coinciding with or following ~~the effective date of this act~~ April 15, 1977.

(6) Any employee of the state board of regents or of an educational institution under its management, other than an elected official, who is a member of the system and who becomes ineligible to be a member of the system because such employee's position is reclassified to a position under the Kansas civil service act which is eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925, and amendments thereto, or who becomes ineligible to be a member of the system because such employee transfers to a position under the Kansas civil service act which is eligible for such assistance, shall become eligible for such assistance in accordance with the provisions of K.S.A. 74-4925, and amendments thereto, unless such employee files a written election in the office of the retirement system, in the form and manner prescribed by the board of trustees thereof, to remain a member of the system prior to the first day of the first complete payroll period occurring after the effective date of such reclassification or transfer. Failure to file such written election shall be presumed to be an election not to remain a member of the system and to become eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925, and amendments thereto. Such election, whether to remain a member of the system or to become eligible for such assistance, shall be effective as of the effective date of such reclassification or transfer, and shall be irrevocable.

(7) Any elected official who at the time of becoming an elected official is already a member of the system by being or having been an employee of a participating employer shall continue as a member of the system.";

On page 6, in line 12, by striking the second "and" and inserting "or";

On page 18, in line 7, after "Supp." by inserting "74-4911 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "membership waiting period for direct support positions of community service providers;"; in line 6, after "organization" by inserting "or a community service provider affiliated with a community developmental disability organization"; in line 10, after "Supp." by inserting "74-4911 and"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2353**, **HB 2601**, **HB 2665** be passed.

Also, **HB 2144** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2144," as follows:

"Senate Substitute for HOUSE BILL NO. 2144

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; creating the crime of organized retail crime and providing criminal penalties for violation thereof; relating to theft; increasing penalties for theft of certain property; relating to the Kansas racketeer influenced and corrupt organization act; including organized retail crime in the definition of racketeering activity; relating to the attorney general; authorizing the attorney general to prosecute specified crimes that are part of an alleged course of

criminal conduct that occurred in two or more counties; amending K.S.A. 21-5801 and 21-6328 and K.S.A. 2023 Supp. 75-702 and repealing the existing sections.";

And the substitute bill be passed.

HB 2605, **HB 2781** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Public Health and Welfare** recommends **HB 2749**, As Amended by House Committee, be passed.

Committee on **Utilities** recommends **SB 284** be amended on page 1, in line 23, by striking "January 8, 2024" and inserting "November 1 of each year"; in line 24, after "legislature" by inserting "and the state corporation commission"; in line 25, by striking the period; by striking all in line 26; in line 27, by striking all before "shall" and inserting "and"; also in line 27, by striking "the" and inserting "such"; also in line 27, by striking "to enter into or renew such contract"; in line 29, after "the" by inserting "total"; in line 32, by striking all before "credit" and inserting "in the following calendar year by 12 equal monthly installment payments. Upon receipt of each such payment, the state treasurer shall deposit such amount in the state treasury and"; in line 33, by striking "(e)" and inserting "(d)"; also in line 33, by striking "(d)" and inserting "(c)";

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

On page 2, in line 28, by striking "Kansas";

On page 3, in line 15, after the first "the" by inserting "total"; in line 16, after "treasurer" by inserting "in the following calendar year by 12 equal monthly installment payments"; also in line 16, after "of" by inserting "each"; in line 17, by striking "it" and inserting "such amount"; and the bill be passed as amended.

Also, **HB 2527**, As Amended by House Committee, be amended on page 3, in line 9, by striking "all" and inserting "any";

On page 7, in line 37, by striking all after "(e)";

On page 8, in line 3, before "July" by inserting "(1) Except as provided in paragraph (2), on and after"; following line 7, by inserting:

"(2) Any reduction in revenue resulting from any discount provided pursuant to this section that was tracked by the public utility and deferred to a regulatory asset prior to July 1, 2024, shall be recoverable in any general rate proceeding initiated on or after July 1, 2024, through an equal percentage adjustment to the revenue requirement responsibility for all customer classes of the public utility, including the customer classes that include customers qualifying for discounts pursuant to this section."; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2491** be passed.

REPORT ON ENROLLED BILLS AND RESOLUTIONS

SR 1747, **SR 1748**, **SR 1749** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 21, 2024.

On motion of Senator Alley, the Senate adjourned pro forma until Friday, 9:00 a.m. March 22, 2024.

COREY CARNAHAN, *Secretary of the Senate.*

