

# Journal of the Senate

TWENTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, February 8, 2021, 2:30 p.m.

The Senate was called to order pro forma by Vice President Rick Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 160**, AN ACT concerning wildlife, parks and tourism; relating to the commercialization of wildlife; updating the reference to the guidelines of the American fisheries society; amending K.S.A. 2020 Supp. 32-1005 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**SB 161**, AN ACT concerning personal package delivery devices; definitions; operating requirements and restrictions; exemption from motor vehicle requirements; limitation of local regulation; amending K.S.A. 2020 Supp. 8-126 and repealing the existing section, by Committee on Commerce.

**SB 162**, AN ACT concerning employment security law; relating to the employment security board of review; emergency expansion, sunset; amending K.S.A. 2020 Supp. 44-709 and repealing the existing section, by Committee on Commerce.

**SB 163**, AN ACT concerning employment security law; relating to disqualification for benefits; disqualification begin dates; recovery from illness or injury; part-time employment for an educational institution; amending K.S.A. 2020 Supp. 44-706 and repealing the existing section, by Committee on Commerce.

**SB 164**, AN ACT concerning workers compensation; relating to an employer's maximum liability for permanent total disability compensation; removing the statutory monetary cap on such liability; extending liability for the lifetime of the employee; amending K.S.A. 2020 Supp. 44-510f and repealing the existing section, by Senator Holland.

**SB 165**, AN ACT concerning elections; relating to election commissioners; eliminating the residency requirement; amending K.S.A. 19-3419 and repealing the existing section, by Senator Corson.

**SB 166**, AN ACT concerning elections; relating to advance voting ballots; authorizing transmittal of such ballots up to 40 days prior to an election; amending K.S.A. 2020 Supp. 25-1123 and repealing the existing section, by Senator Corson.

**SB 167**, AN ACT concerning motor vehicles; relating to authorized emergency vehicles; permitting certain public utility motor vehicles to be authorized emergency vehicles without a designation by county commissioners; amending K.S.A. 2020 Supp. 8-1404 and 8-2010 and repealing the existing sections, by Senator Corson.

**SB 168**, AN ACT concerning health professions and practices; relating to the board

of pharmacy; prescription monitoring program act; pertaining to persons permitted to receive program data; data security; user and delegate access; increasing the number of members of the prescription monitoring program advisory committee; providing for initial setup and annual maintenance fees to be charged for program data integration into any other electronic health or pharmacy record system approved by the board; amending K.S.A. 65-1682, 65-1683, 65-1684, 65-1685, 65-1687 and 65-1689 and repealing the existing sections, by Committee on Ways and Means.

**SB 169**, AN ACT concerning firearms; relating to the personal and family protection act; authorizing the legislative coordinating council to prohibit the carrying of concealed handguns in the state capitol; amending K.S.A. 46-1202, 75-7c21 and 75-3765a and K.S.A. 2020 Supp. 21-6309 and repealing the existing sections, by Committee on Ways and Means.

**SB 170**, AN ACT concerning public health; relating to the department of health and environment, division of public health; powers, duties and functions of the advisory committee on trauma and the statewide trauma system regional council; continuing in existence the authority to conduct closed session meetings and keep records privileged; amending K.S.A. 75-5664 and 75-5665 and repealing the existing sections, by Committee on Ways and Means.

**SB 171**, AN ACT concerning sales and compensating use tax; relating to the adjusted rate of tax imposed on sales of food and food ingredients; amending K.S.A. 79-3602, 79-3620 and 79-3710 and K.S.A. 2020 Supp. 79-3603 and 79-3703 and repealing the existing sections, by Committee on Ways and Means.

**SB 172**, AN ACT concerning crimes, punishment and criminal procedure; creating the crimes of trespassing on a critical infrastructure facility and criminal damage to a critical infrastructure facility; eliminating the crime of tampering with a pipeline; amending K.S.A. 2020 Supp. 21-5818 and 21-6328 and repealing the existing sections, by Committee on Utilities.

**SB 173**, AN ACT concerning school districts; relating to the Kansas school equity and enhancement act; requiring school districts to make certain transfers to at-risk education funds; authorizing certain expenditures from at-risk education funds; extending the high-density at-risk student weighting; providing requirements for identification of students eligible to receive at-risk programs and services; requiring a performance audit for at-risk education; amending K.S.A. 72-5151 and K.S.A. 2020 Supp. 72-5131, 72-5153 and 72-5173 and repealing the existing sections, by Committee on Education.

**SB 174**, AN ACT concerning advanced practice registered nurses; relating to the board of nursing; definition of practice; prescribing authority; licensure requirements; rules and regulations; amending K.S.A. 65-1130 and K.S.A. 2020 Supp. 40-3401, 65-1113 and 65-4101 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 175**, AN ACT concerning health and healthcare; relating to hospitals and healthcare-related facilities; establishing rural emergency hospitals as a rural healthcare licensure category; requirements for licensure; enacting the rural emergency hospital act; amending K.S.A. 65-425 and 65-431 and repealing the existing sections, by Committee on Public Health and Welfare.

## SENATE CONCURRENT RESOLUTION No. SCR 1608—

By Committee on Judiciary

A PROPOSITION to amend section 3 of the bill of rights of the constitution of the state of Kansas, relating to the right to petition the government for the redress of grievances, including by citizen-initiated grand jury.

WHEREAS, This proposition to amend the bill of rights of the constitution of the state of Kansas shall be known and may be cited as the We The People Amendment.

Now, therefore:

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 3 of the bill of rights of the constitution of the state of Kansas is hereby amended to read as follows:

**"§ 3. Right of peaceable assembly; petition.** The people have the right to assemble, in a peaceable manner, to consult for their common good, to instruct their representatives, and to petition the government, or any department thereof, for the redress of grievances, *including by citizen-initiated grand jury.*"

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

*"Explanatory statement.* The We The People Amendment would place the right to citizen-initiated grand juries in the bill of rights of the constitution of the state of Kansas with the right to petition the government for the redress of grievances.

"A vote for the We The People Amendment would amend the bill of rights of the constitution of the state of Kansas to include citizen-initiated grand juries in the right to petition the government for the redress of grievances.

"A vote against the We The People Amendment would not add citizen-initiated grand juries to the bill of rights of the constitution of the state of Kansas and would leave the current law concerning citizen-initiated grand juries in the Kansas statutes."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was referred to Committee as indicated:

Ways and Means: **SB 159**.

**REPORTS OF STANDING COMMITTEES**

Committee on **Commerce** recommends **SB 65**, **SB 66** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Local Government** recommends **SB 52** be amended on page 1, in line 5, by striking "5" and inserting "6"; in line 6, after "nuisance" by inserting "abatement";

On page 2, in line 1, by striking all after "owner"; in line 2, by striking all before "by"; also in line 2, after "service" by inserting "in accordance with K.S.A. 60-303, and amendments thereto"; also in line 2, by striking all after the period; by striking all in lines 3 through 5; in line 6, by striking "or agent of the owner"; in line 17, by striking "or agent of the owner"; in line 23, by striking "or agent of the owner"; following line 42, by inserting:

"(g) All orders and notices shall be served on the owner of record or, if there is more than one owner of record, then on at least one such owner.

(h) Any decision of the board of county commissioners or its designated representative is subject to review in accordance with the Kansas judicial review act.";

On page 3, in line 20, after "nuisance" by inserting "abatement"; in line 22, after "for" by inserting "an"; also in line 22, by striking "purposes" and inserting "activity. For purposes of this section, the term "agricultural activity" means the same as defined in K.S.A. 2-3203, and amendments thereto, except such term shall also include real and personal property, machinery, equipment, stored grain and agricultural input products owned or maintained by commercial grain elevators and agribusiness facilities"; following line 22, by inserting:

"Sec. 6. The Sedgwick county urban area nuisance abatement act, sections 1 through 6, and amendments thereto, shall expire on July 1, 2024.";

And by renumbering sections accordingly; and the bill be passed as amended.

The Committee on **Transportation** recommends **SB 25** be amended on page 1, in line 18, by striking "or"; in line 19, after "(2)" by inserting "a person operating a motor vehicle while such vehicle is lawfully parked; or

(3)";

Also on page 1, in line 35, by striking the comma and inserting":

(1)";

On page 2, following line 3, by inserting:

"(2) "Mobile telephone" does not include a commercial two-way radio communication device or its functional equivalent, subscription-based emergency communication device, prescribed medical device, amateur or ham radio device or remote diagnostics system.";

Also on page 2, in line 4, after "(g)" by inserting "A law enforcement officer shall issue a warning citation to anyone violating the provisions of subsections (a) or (b). The provisions of this subsection shall expire and have no effect on and after January 1, 2022.

(h)"; and the bill be passed as amended.

**CHANGE OF REFERENCE**

An objection having been made to **SB 66** appearing on the **Consent Calendar**, the Vice President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

On motion of Senator Suellentrop, the Senate adjourned until 2:30 p.m., Tuesday, February 9, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

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