

# Journal of the Senate

## FIFTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 25, 2021, 2:30 p.m.

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

Blindness; The Springboard For Unity!  
Ecclesiastes 4:9

Heavenly Father, It was on March 24th in 1820, that You blessed this world with Fanny J. Crosby. When only a few weeks old, by Your Divine providence she became permanently blind. But her physical blindness became a springboard for her to focus on seeing things from a more spiritual perspective. And You blessed her to write over 8,000 hymns, that 200 years later are still blessing Your people. Thank You for Fanny Crosby.

Now in a different way, You've blessed each of us with some blindness. You designed that each one of our two eyes, would have a blind spot. And each eye covers, or makes up for the other eye's blind spot. My right eye can see the spot, that my left eye is missing. And my left eye sees what escapes my right eye.

Lord, in a like manner, You've created us to need each other. For none of us can see, what others of us can see. And others of us cannot see, what some of us can see.

You said in Ecclesiastes 4:9, two people are better off than one, for they can help each other succeed. So, help us look out for one another; the left looking out for the right, and the right looking out for the left. Let our individual blindness's become springboards of unity. And when we do it, the way You've designed for it to be done, we'll all be seeing things we didn't see before.

And Lord, You'll have us seeing the unseeable, achieving the unachievable, the impossible becoming possible. And all for the good of Your people. I humbly submit, to Your will and Your way. In the Name of Jesus. Amen

The Pledge of Allegiance was led by Vice President Wilborn.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 306**, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for certain purchases by county ambulance service districts; amending K.S.A. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 307**, AN ACT concerning elections; relating to advance voting ballots; requiring

the return of such ballots by the day of the election; amending K.S.A. 2020 Supp. 25-1132 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 308**, AN ACT concerning health and healthcare; creating the healthcare individual rights affirmation act; mandating access to public places for individuals without facial coverings or vaccinations; requiring physicians to prescribe certain medications for off-label uses if requested by patients, by Committee on Federal and State Affairs.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **HB 2406**.

Utilities: **HB 2329**.

Committee of the Whole: **HCR 5015**.

### REFERENCE OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred to Committees as indicated:

*Member - 3, Kansas Racing and Gaming Commission:*

Brandon Jones, to serve a term ending January 15, 2025.

(Committee on Federal and State Affairs)

*Board Member - 5, Kansas Development Finance Authority:*

Suchitra Padmanabhan, to serve a term ending January 15, 2025.

(Committee on Ways and Means)

### MESSAGES FROM THE GOVERNOR

**SB 40** approved on March 24, 2021

Enclosed herewith is Executive Directive No 21-531 for your information. (March 15, 2021)

Enclosed herewith is Executive Directive No. 21-532 for your information. (March 19, 2021)

### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2150**.

Announcing passage of **SB 37**.

Also, passage of **SB 58**, as amended; **SB 103**, as amended; **SB 107**, as amended; **SB 175**, as amended; passage of **Sub SB 238**, as amended.

The House accedes to the request of the Senate for a conference on **SB 36** and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 86** and has appointed Representatives S. Johnson, Croft and Neighbor as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2066**, requests a conference and has appointed Representatives Tarwater, Croft and Clayton as conferees on the part of the House.

Announcing adoption of **HR 6009**, A RESOLUTION disapproving Executive Reorganization Order No. 47, renaming the Kansas department for children and families the Kansas department of human services and abolishing the Kansas department for aging and disability services and transferring powers, duties and functions to the Kansas department of human services.

Announcing passage of **SB 52**.

Announcing passage of **SB 38**, as amended; **SB 66**, as amended; **SB 89**, as amended; **SB 65**, as amended; **SB 90**, as amended; **SB 143**, as amended; **SB 142**, as amended; **SB 160**, as amended.

## INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2150** were thereupon introduced and read by title.

## ORIGINAL MOTION

On motion of Senator Alley, the Senate acceded to the request of the House for a conference on **Sub HB 2066**.

The Vice President appointed Senators Alley, Hilderbrand and Faust-Goudeau as conferees on the part of the Senate.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2007**, AN ACT concerning motor carriers; relating to the state corporation commission's regulation of motor carriers; updating and eliminating certain procedures for certificates of convenience and necessity and certificates of public service; revising certain laws to conform to federal regulation; amending K.S.A. 66-1,105, 66-1,108, 66-1,110, 66-1,111, 66-1,112, 66-1,112g, 66-1,112j, 66-1,114, 66-1,114b, 66-1,116, 66-1,119 and 66-1,141 and repealing the existing sections; also repealing K.S.A. 66-1,118, 66-1,119a, 66-1,140 and 66-1,142d, 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, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2026**, AN ACT concerning crimes, punishment and criminal procedure; relating to diversion agreements; creating a certified drug abuse treatment program for people on diversion; providing for supervision by court services or community corrections; amending K.S.A. 22-2907, 75-5291 and 75-52,144 and K.S.A. 2020 Supp. 22-2909 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, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2071**, AN ACT concerning crimes, punishment and criminal procedure; relating to crimes against persons; increasing criminal penalties for stalking a minor; amending K.S.A. 2020 Supp. 21-5427 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, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2126**, AN ACT concerning adult care facilities; relating to civil liability for COVID-19 claims; providing immunity therefrom; modifying the definition of adult care facility; amending K.S.A. 2020 Supp. 60-5502, 60-5506 and 60-5508 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 7; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Hawk, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Haley, Holland, Holscher, Pittman, Sykes, Ware.

Present and Passing: Pettey, Steffen, Straub.

The bill passed.

**HB 2155**, AN ACT concerning the department of health and environment; relating to water and soil pollutants; spill program; penalties; amending K.S.A. 65-171v and repealing the existing section; also repealing K.S.A. 65-171w, 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, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Erickson, Hilderbrand, Thompson, Tyson.

The bill passed.

**Sub HB 2166**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Braden's hope for childhood cancer, proud educator, Gadsden flag and alpha kappa alpha distinctive license plates; providing distinctive license plates for current and veteran members of the United States army, navy, marine corps, air force, coast guard and space force; modifying requirements to begin production on distinctive license plates; requiring reporting by sponsoring organizations of income and expenditures derived from certain distinctive license plate fees; allowing certain license plates issued by the division of vehicles to be personalized license plates; amending K.S.A. 2020 Supp. 8-132, 8-1,141, 8-1,142 and 8-1,147 and repealing the

existing sections, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 5; Present and Passing 4; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Hawk, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Francisco, Holscher, Pittman, Sykes, Ware.

Present and Passing: Doll, Holland, McGinn, Pettey.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Chairman: AYE to **Sub HB 2166** relating to authorization of a new round of distinctive license auto plates. The good news is most of these new tags are beneficial to bona fide organizations; each with some particular direct connection to Kansas. The bad news is that an amendment added in committee (one small part of this bill) authorizes the Don't Tread on Me Flag whose creation is attributed to a South Carolinian slave trader who, allegedly, "owned" over 90 Africans as slaves and "Gadsden Wharf" which was the largest port for slave importation in North America. I regret well-intentioned Kansans, many of whom know we came into this Union as a Free State and had little to do with the rest of our country's past in that regard, not knowing this despot's history may unwittingly sport "his" flag on a license tag because of its' catchy motto. But one of my late uncle Alex (the author of *ROOTS : An America Saga*) Haley's most oft quoted sayings was "Find the good and praise it." So praises for the GOOD and worthy organizations that're the far predominance of proud future Kansas representations on many vehicles! And to hell with sanctioning of the codification in the Gadsden ("Don't Tread on Me") flag as an "official" part of the history of Kansas; which he and his sordid, debauchery-of-a-legacy never actual was.—DAVID HALEY

Mr. Vice President: I'd like to offer an explanation of my vote for **Sub HB 2166**. There is a certain taint with this bill; while there are many great organizations contained within it, the incorporation of the Gadsden flag, with it's history associated with racism, runs counter of recognizing Kansas as a free state. Additionally, the evolution of this particular flag as a symbol of the Jan. 6 insurrection seems to oppose the very essence of being a united nation.—CINDY HOLSCHER

Senators Francisco and Haley request the record to show they concur with the "Explanation of Vote" offered by Senator Holscher on **Sub HB 2166**.

**HB 2243**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; adjusting the frequency of the actuarial experience study; amending K.S.A. 74-4908 and 74-4908a 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, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson,

Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**S Sub HB 2252**, AN ACT concerning alcoholic beverages; relating to wineries; authorizing the issuance of fulfillment house licenses; eliminating the requirement for certain percentage of Kansas grown product; allowing the transfer and receipt of bulk wine; allowing the transfer and receipt of bulk alcoholic liquor and cereal malt beverage for canning and bottling purposes; requiring electronic submission of gallonage taxes by special order shipping licensees; authorizing the issuance of a drinking establishment license to manufacturers under certain conditions; eliminating the requirement of Kansas residency for licensure; amending K.S.A. 41-2632 and K.S.A. 2020 Supp. 41-102, 41-308a, 41-308b, 41-311, 41-311b, 41-350, 41-352, 41-2623, 41-2642 and 41-2703 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 8; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claey's, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Ryckman, Straub, Suellentrop, Sykes, Ware, Wilborn.

Nays: Erickson, Gossage, Hilderbrand, Pyle, Steffen, Thompson, Tyson, Warren.

Present and Passing: Baumgardner, Holland.

The substitute bill passed.

**HB 2298**, AN ACT concerning service of process; relating to the secretary of state; nonresident drivers or their representatives; domestic or foreign business entities; amending K.S.A. 8-402 and K.S.A. 2020 Supp. 60-304 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Hilderbrand, Thompson, Tyson.

The bill passed.

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

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The Senate met pursuant to recess with Vice President Wilborn in the chair.

### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Hilderbrand the Senate nonconcurred in the House amendments to **SB 175** and requested a conference committee be appointed.

The Vice President appointed Senators Hilderbrand, Gossage and Pettey as a conference committee on the part of the Senate.

On motion of Senator Hilderbrand the Senate nonconcurred in the House amendments to **Sub SB 238** and requested a conference committee be appointed.

The Vice President appointed Senators Hilderbrand, Gossage and Pettey as a conference committee on the part of the Senate.

On motion of Senator Warren the Senate nonconcurrred in the House amendments to **SB 58** and requested a conference committee be appointed.

The Vice President appointed Senators Warren, Wilborn and Haley as a conference committee on the part of the Senate.

On motion of Senator Warren the Senate nonconcurrred in the House amendments to **SB 103** and requested a conference committee be appointed.

The Vice President appointed Senators Warren, Wilborn and Haley as a conference committee on the part of the Senate.

On motion of Senator Warren the Senate nonconcurrred in the House amendments to **SB 107** and requested a conference committee be appointed.

The Vice President appointed Senators Warren, Wilborn and Haley as a conference committee on the part of the Senate.

Senator Thompson moved the Senate concur in House amendments to **SB 24**.

**SB 24**, AN ACT concerning municipalities; prohibiting any requirements that impact a customer's use of energy; relating to the retail provision of natural gas and propane; creating the Kansas energy choice act.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Corson, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

The Senate concurred.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on the motion to concur with the House changes to **SB 24**. I would prefer that a conference committee would meet to review the changes and the bill. I sympathize with the intent to not allow a municipality to prohibit a utility from providing a customer with natural gas or propane service. My concern is that this bill goes beyond that, creating limits that could prevent municipalities from adopting or enforcing building codes such as the International Fuel Gas Code that relates to safety requirements only imposed on natural gas or propane service. These codes are relied on by municipalities as they work to protect the safety of their residents. There should be a way to allow energy choice without unreasonably limiting the reasonable actions of a municipality.—MARCI FRANCISCO

Senators Haley and Hawk requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **SB 24**.

Senator Hilderbrand moved the Senate concur in House amendments to **SB 77**.

**SB 77**, AN ACT concerning health professions and practices; relating to audiologists and speech-language pathologists; licensure; enacting the audiology and speech-language pathology interstate compact.

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

Voting 0.

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

Nays: Pyle, Tyson.

The Senate concurred.

### 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 Peck in the chair.

On motion of Senator Peck the following report was adopted:

**SB 145, HB 2070, HB 2112, HB 2145** be passed.

**SB 158, HB 2254** be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2072** recommending **S Sub HB 2072** be adopted, and the substitute bill be passed.

Senator Tyson moved to divide the question into two parts.

A substitute motion made to return **S Sub HB 2072** to committee failed.

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

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Baumgardner, Peck, Steffen, Straub, Suellentrop, Thompson, Tyson.

Absent or Not Voting: Masterson.

Part One was retained.

Senator Tyson withdrew part two of the motion.

The committee report on **HB 2104** recommending **S Sub HB 2104** be adopted, be amended by motion of Senator Tyson; on page 18, following line 33, by inserting:

"Sec. 12. Section 1 of 2021 Senate Bill No. 13 is hereby amended to read as follows: Section 1. (a) On or before June 15 each year, the county clerk shall calculate the revenue neutral rate for each taxing subdivision and include such revenue neutral rate on the notice of the estimated assessed valuation provided to each taxing subdivision for budget purposes. The director of accounts and reports shall modify the prescribed budget information form to show the revenue neutral rate.

(b) No tax rate in excess of the revenue neutral rate shall be levied by the governing body of any taxing subdivision unless a resolution or ordinance has been approved by the governing body according to the following procedure:

(1) At least 10 days in advance of the public hearing, the governing body shall publish notice of its proposed intent to exceed the revenue neutral rate by publishing notice: (A) On the website of the governing body, if the governing body maintains a website; and

(B) in a weekly or daily newspaper of the county having a general circulation therein. The notice shall include, but not be limited to, its proposed tax rate, its revenue neutral rate and the date, time and location of the public hearing.

(2) On or before July ~~15~~ 20, the governing body shall notify the county clerk of its proposed intent to exceed the revenue neutral rate and provide the date, time and location of the public hearing and its proposed tax rate. For all tax years commencing after December 31, 2021, the county clerk shall notify each taxpayer with property in the taxing subdivision, by mail directed to the taxpayer's last known address, of the proposed intent to exceed the revenue neutral rate at least 10 days in advance of the public hearing. Alternatively, the county clerk may transmit the notice to the taxpayer by electronic means at least 10 days in advance of the public hearing, if such taxpayer and county clerk have consented in writing to service by electronic means. The county clerk shall consolidate the required information for all taxing subdivisions relevant to the taxpayer's property on one notice. The notice shall be in a format prescribed by the director of accounts and reports. The notice shall include, but not be limited to:

(A) The revenue neutral rate of each taxing subdivision relevant to the taxpayer's property;

(B) the proposed property tax revenue needed to fund the proposed budget of the taxing subdivision, if the taxing subdivision notified the county clerk of its proposed intent to exceed its revenue neutral rate;

(C) the proposed tax rate based upon the proposed budget and the current year's total assessed valuation of the taxing subdivision, if the taxing subdivision notified the county clerk of its proposed intent to exceed its revenue neutral rate;

(D) the tax rate and property tax of each taxing subdivision on the taxpayer's property from the previous year's tax statement;

(E) the appraised value and assessed value of the taxpayer's property for the current year;

(F) the estimates of the tax for the current tax year on the taxpayer's property based on the revenue neutral rate of each taxing subdivision and any proposed tax rates that exceed the revenue neutral rates;

(G) the difference between the estimates of tax based on the proposed tax rate and the revenue neutral rate on the taxpayer's property described in subparagraph (F) for any taxing subdivision that has a proposed tax rate that exceeds its revenue neutral rate; and

(H) the date, time and location of the public hearing of the taxing subdivision, if the taxing subdivision notified the county clerk of its proposed intent to exceed its revenue neutral rate.

Although the state of Kansas is not a taxing subdivision for purposes of this section, the notice shall include a statement of the statutory mill levies imposed by the state and the estimate of the tax for the current year on the taxpayer's property based on such levies.

(3) The public hearing to consider exceeding the revenue neutral rate shall be held not sooner than August ~~10~~ 20 and not later than September ~~10~~ 20. The governing body shall provide interested taxpayers desiring to be heard an opportunity to present oral testimony within reasonable time limits and without unreasonable restriction on the number of individuals allowed to make public comment. The public hearing may be conducted in conjunction with the proposed budget hearing pursuant to K.S.A. 79-2929,

and amendments thereto, if the governing body otherwise complies with all requirements of this section. Nothing in this section shall be construed to prohibit additional public hearings that provide additional opportunities to present testimony or public comment prior to the public hearing required by this section.

(4) A majority vote of the governing body, by the adoption of a resolution or ordinance to approve exceeding the revenue neutral rate, shall be required prior to adoption of a proposed budget that will result in a tax rate in excess of the revenue neutral rate. Such vote of the governing body shall be conducted at the public hearing after the governing body has heard from interested taxpayers. If the governing body approves exceeding the revenue neutral rate, the governing body shall not adopt a budget that results in a tax rate in excess of its proposed tax rate as stated in the notice provided pursuant to this section.

(c) Any governing body subject to the provisions of this section that does not comply with subsection (b) shall refund to taxpayers any property taxes over-collected based on the amount of the levy that was in excess of the revenue neutral rate. The provisions of this subsection shall not be construed as prohibiting any other remedies available under the law.

(d) Notwithstanding any other provision of law to the contrary, if the governing body of a taxing subdivision must conduct a public hearing to approve exceeding the revenue neutral rate under this section, the governing body of the taxing subdivision shall certify, on or before ~~September 20~~ October 1, to the proper county clerk the amount of ad valorem tax to be levied.

(e) As used in this section:

(1) "Taxing subdivision" means any political subdivision of the state that levies an ad valorem tax on property.

(2) "Revenue neutral rate" means the tax rate for the current tax year that would generate the same property tax revenue as levied the previous tax year using the current tax year's total assessed valuation. To calculate the revenue neutral rate, the county clerk shall divide the property tax revenue for such taxing subdivision levied for the previous tax year by the total of all taxable assessed valuation in such taxing subdivision for the current tax year, and then multiply the quotient by 1,000 to express the rate in mills. The revenue neutral rate shall be expressed to the third decimal place.

(f) In the event that a county clerk incurred costs of printing and postage that were not reimbursed pursuant to section 7, and amendments thereto, such county clerk may seek reimbursement from all taxing subdivisions required to send the notice. Such costs shall be shared proportionately by all taxing subdivisions that were included on the same notice based on the total property tax levied by each taxing subdivision. Payment of such costs shall be due to the county clerk by December 31.

(g) The provisions of this section shall take effect and be in force from and after January 1, 2021.

Sec. 13. K.S.A. 79-1801, as amended by section 3 of 2021 Senate Bill No. 13, is hereby amended to read as follows: 79-1801. (a) Except as provided by subsection (b), each year the governing body of any city, the trustees of any township, the board of education of any school district and the governing bodies of all other taxing subdivisions shall certify, on or before August 25, to the proper county clerk the amount of ad valorem tax to be levied. Thereupon, the county clerk shall place the tax upon the tax roll of the county, in the manner prescribed by law, and the tax shall be collected by

the county treasurer. The county treasurer shall distribute the proceeds of the taxes levied by each taxing subdivision in the manner provided by K.S.A. 12-1678a, and amendments thereto.

(b) Prior to January 1, 2021, if the governing body of a city or county must conduct an election for an increase in property tax to fund any appropriation or budget under K.S.A. 2020 Supp. 25-433a, and amendments thereto, the governing body of the city or county shall certify, on or before October 1, to the proper county clerk the amount of ad valorem tax to be levied. On and after January 1, 2021, if the governing body of a taxing subdivision must conduct a public hearing to approve exceeding the revenue neutral rate under section 1, and amendments thereto, the governing body of the taxing subdivision shall certify, on or before ~~September 20~~ October 1, to the proper county clerk the amount of ad valorem tax to be levied.";

Also on page 18, in line 35, after "79-1609" by inserting ", 79-1801, as amended by section 3 of 2021 Senate Bill No. 13,"; in line 36, after "72-5142" by inserting "and section 1 of 2021 Senate Bill No. 13";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after the semicolon by inserting "extending certain due dates relating to notice and hearing requirements to exceed the revenue neutral rate for purposes of property tax;"; in line 14, after "79-1609" by inserting ", 79-1801, as amended by section 3 of 2021 Senate Bill No. 13,"; in line 15, after the third "and" by inserting "section 1 of 2021 Senate Bill No. 13 and"

and **S Sub HB 2104** be passed as amended.

**HB 2175** be passed over and retain a place on the calendar.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **SB 145, SB 158; HB 2070; S Sub HB 2072, S Sub HB 2104; HB 2112, HB 2145, HB 2254** were advanced to Final Action and roll call.

**SB 145**, AN ACT concerning the Kansas department of wildlife, parks and tourism; authorizing the purchase of land in Kingman county.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Baumgardner, Hilderbrand, Peck, Pyle, Straub, Thompson, Tyson.

The bill passed.

**SB 158**, AN ACT concerning abandoned and disabled vehicles; relating to the prohibition against towing vehicles outside the state of Kansas without prior consent; requiring an interstate search of registered owners and lienholders prior to sale of nonrepairable vehicles and vehicles less than 10 years old and publication in the newspaper seven days prior to sale of vehicles and property at auction; amending K.S.A. 8-1101 and K.S.A. 2020 Supp. 8-1103 and 8-1104 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, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

**HB 2070**, AN ACT concerning postsecondary education; relating to certain private postsecondary educational institutions; acceptable methods of payment, credit card surcharges; amending K.S.A. 75-30,100 and repealing the existing section.

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

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

Nays: Hilderbrand.

The bill passed.

**S Sub HB 2072**, AN ACT concerning the state corporation commission; relating to certain public utilities; authorizing the securitization of certain generating facilities and qualified extraordinary costs; providing for the approval and issuance of securitized utility tariff bonds; enacting the utility financing and securitization act; amending K.S.A. 66-1239 and K.S.A. 2020 Supp. 84-9-109 and repealing the existing sections.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Baumgardner, Peck, Steffen, Straub, Suellentrop, Thompson, Tyson.

The substitute bill passed.

#### EXPLANATION OF VOTE

Mr. Vice President: Energy policy in Kansas has inherent problems that have accumulated over a long period of time. These policy decisions are having negative consequences for Kansas ratepayers and our energy system as a whole. I am trying to protect the future of Kansas by making wise choices about how we provide energy to our citizens. The bill does include some important short-term relief for ratepayers as a result of the recent cold spell and those needs must be addressed...that is not in dispute. We can have a quick fix for these short-term problems. But, it is the long term rates and energy sources I am worried about. All residents need to have confidence in our long-term solutions so they can rest assured that Kansas will be good place to live and work in the future for their children and grandchildren. Make Kansas more appealing than others because of our good decisions! Rate payers of Kansas...remember this discussion. I ask you to write down the price of your electrical bill today...then look at that number in 10 years. I vote No on **S Sub HB 2072**.—MIKE THOMPSON

Senators Baumgardner, Steffen, Straub, Suellentrop, and Tyson request the record to

show they concur with the “Explanation of Vote” offered by Senator Thompson on **S Sub HB 2072**.

**S Sub HB 2104**, AN ACT concerning property taxation; relating to school district levies, authorizing continuation of the statewide levy for schools and the exemption of a portion of residential property from such levy, extending the due date for budget to state board of education when revenue neutral rate hearing is required; extending certain due dates relating to notice and hearing requirements to exceed the revenue neutral rate for purposes of property tax; relating to the state board of tax appeals, orders and notices, service by electronic means, time to request full and complete opinion, judicial review, burden of proof in district court, appointments, extending the time a board member may continue to serve after member’s term expires, authorizing appoint by the governor of a member pro tempore under certain conditions; relating to appeals, prohibiting valuation increases in certain appeals; relating to county appraisers, eligibility list, notification when person no longer holds office; appraisal standards; amending K.S.A. 72-5137, 74-2426, 74-2433, 74-2433f, 79-201x, 79-505, 79-1448, 79-1609, 79-1801, as amended by section 3 of 2021 Senate Bill No. 13, and 79-2005 and K.S.A. 2020 Supp. 19-432 and 72-5142 and section 1 of 2021 Senate Bill No. 13 and repealing the existing sections.

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

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

Present and Passing: Francisco.

The substitute bill passed, as amended.

**HB 2112**, AN ACT concerning self-storage rental units; relating to sales by operators of property due to abandonment or nonpayment of rent; occupant’s designation of alternate contact; contractual value of property; amending K.S.A. 58-816 and K.S.A. 2020 Supp. 58-817 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, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O’Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Tyson.

The bill passed.

**HB 2145**, AN ACT concerning electric public utilities; relating to the state corporation commission; exempting retail sales of electricity through electric vehicle charging stations from commission jurisdiction; amending K.S.A. 66-104 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, Bowers, Claeys, Corson, Dietrich, Doll,

Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Olson, Pyle.

The bill passed.

**HB 2254**, AN ACT concerning funeral preparations; relating to prearranged funeral agreements; increasing the monetary cap on irrevocable agreements; relating to preparation of bodies for a funeral or cremation; removing the requirement to provide a permit to cremate in certain circumstances; authorizing electronic permits to cremate; amending K.S.A. 65-1762 and 65-2426a and K.S.A. 2020 Supp. 16-303 and repealing the existing sections; also repealing K.S.A. 65-2429.

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

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

Nays: Peck, Tyson.

The bill passed, as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2244**, as amended by House Committee, be amended on page 2, following line 37, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 2-3901 is hereby amended to read as follows: 2-3901.

(a) K.S.A. 2020 Supp. 2-3901 et seq., and amendments thereto, shall be known and may be cited as the commercial industrial hemp act.

(b) As used in the commercial industrial hemp act:

(1) "Commercial" means the cultivation or production of industrial hemp for purposes other than research as authorized under K.S.A. 2020 Supp. 2-3906, and amendments thereto.

(2) "Delta-9 tetrahydrocannabinol concentration" means the combined percentage of delta-9 tetrahydrocannabinol and its optical isomers, their salts and acids, and salts of their acids, reported as free THC:

(A) On a dry weight basis, of any part of the plant *cannabis sativa* L.; or

(B) on a percentage by weight basis in hemp products, waste or substances resulting from the production or processing of industrial hemp.

(3) "Effective disposal" includes, but is not limited to:

(A) Destruction; or

(B) any other method of disposing of industrial hemp or hemp products found to be in violation of this act that is permitted under the provisions of 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(4) "Hemp products" means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption and ~~authorized seed or clone plants for cultivation, if the seeds originate from industrial hemp varieties~~ any extract from

industrial hemp intended for further processing.

(5) "Hemp producer" means any individual, licensed or otherwise, engaging in the cultivation or production of industrial hemp for commercial purposes pursuant to K.S.A. 2020 Supp. 2-3906, and amendments thereto.

(6) "Hemp processor" means a person registered under K.S.A. 2020 Supp. 2-3907, and amendments thereto, to process and manufacture industrial hemp and hemp products.

(7) "Industrial hemp" means all parts and varieties of the plant *cannabis sativa* L., whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

(8) "Person" means an individual, corporation, partnership, association, joint stock company, trust, unincorporated organization or any similar entity or any combination of the foregoing acting in concert.

(9) "Seed research" means research conducted to develop or recreate better strains of industrial hemp, particularly for the purpose of seed production.

(10) "State educational institution" means the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.

(11) "Authorized seed or clone plants" means a source of industrial hemp seeds or clone plants that:

(A) Has been certified by a certifying agency, as defined by K.S.A. 2-1415, and amendments thereto;

(B) has been produced from plants that were tested during the active growing season and were found to produce industrial hemp having a tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and has been certified in writing by the grower or distributor of such seeds or clone plants to possess such qualities; or

(C) meets any other authorized standards approved by the Kansas department of agriculture through rules and regulations, except that no seed or clone plants shall be considered authorized seed or clone plants if they do not meet any standard adopted by the United States department of agriculture pursuant to 7 U.S.C. § 1621 et seq., and amendments thereto.";

On page 3, in line 18, by striking "A"; in line 19, by striking "fee" and inserting "fees";

On page 7, following line 16, by inserting:

"Sec. 6. K.S.A. 2020 Supp. 2-3908 is hereby amended to read as follows: 2-3908.

(a) (1) It shall be unlawful for any of the following hemp products to be manufactured, marketed, sold or distributed by any person in the state of Kansas:

(A) Cigarettes containing industrial hemp;

(B) cigars containing industrial hemp;

(C) chew, dip or other smokeless material containing industrial hemp;

(D) teas containing industrial hemp;

(E) liquids, solids or gases containing industrial hemp for use in vaporizing devices; and

(F) any other hemp product intended for human or animal consumption containing any ingredient derived from industrial hemp that is prohibited pursuant to the Kansas food, drug and cosmetic act, K.S.A. 65-636 et seq., and amendments thereto, and the

commercial feeding stuffs act, K.S.A. 2-1001 et seq., and amendments thereto. This subparagraph shall not otherwise prohibit the use of any such ingredient, including cannabidiol oil, in such hemp products.

(2) As used in this subsection:

(A) "Human or animal consumption" means:

(i) Ingested orally; or

(ii) applied by any means such that an ingredient derived from industrial hemp enters the human or animal body.

(B) "Intended for human or animal consumption" means:

(i) Designed by the manufacturer for human or animal consumption;

(ii) marketed for human or animal consumption; or

(iii) distributed with the intent that it be used for human or animal consumption.

(b)(1) It shall be unlawful for any of the following hemp products to be marketed, sold or distributed to any person in Kansas who is not registered as a hemp processor pursuant to K.S.A. 2020 Supp. 2-3907, and amendments thereto, or who does not possess a license by the Kansas department of agriculture under any commercial plan established pursuant to K.S.A. 2020 Supp. 2-3906, and amendments thereto, or the research program established pursuant to K.S.A. 2020 Supp. 2-3902, and amendments thereto:

~~(A)~~ Industrial hemp buds;

~~(B)~~ ground industrial hemp floral material; or

~~(C)~~ ground industrial hemp leaf material; or

(D) any extract from industrial hemp with a delta-9 tetrahydrocannabinol concentration greater than 0.3% that will be further processed.

(2) No license shall be required for the transport of hemp products described in paragraph (1) if such products are transported between hemp producers and hemp processors or between more than one hemp processor. Any such transportation of industrial hemp shall be subject to rules and regulations promulgated by the state fire marshal pursuant to this act.

(c) (1) Upon a first conviction for a violation of this section, a person shall be guilty of a class A nonperson misdemeanor.

(2) On a second or subsequent conviction for a violation of this section, a person shall be guilty of a severity level 9, nonperson felony.

(d) Nothing in this section shall prohibit:

(1) The use of any hemp product for research purposes by a state educational institution or affiliated entity; or

(2) the production, use or sale of any hemp product that is otherwise not prohibited by state or federal law.

(e) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2020 Supp. 2-3901 et seq., and amendments thereto.";

Also on page 7, in line 17, after "Supp." by inserting "2-3901,"; also in line 17, by striking "and" and inserting a comma; also in line 17, after "2-3907" by inserting "and 2-3908";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, after "Supp." by inserting "2-3901,"; also in line 6, by striking the first "and" and inserting a comma; also in line 6, after "2-3907" by inserting "and 2-3908"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2039**, as amended by House Committee, be passed.

Also, **HB 2085** be passed.

**HB 2287** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2287," as follows:

"Senate Substitute for HOUSE BILL NO. 2287

By Committee on Education

"AN ACT concerning postsecondary education; relating to the state board of regents; creating the Kansas promise scholarship act and the Kansas promise scholarship program fund.";

And the substitute bill be passed.

Committee on **Financial Institutions and Insurance** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Commissioner of Insurance:

*Securities Commissioner of Kansas, Office of the Securities Commissioner of Kansas:*  
K.S.A. 2020 Supp. 75-6301

Daniel Klucas, serves at the pleasure of the Commissioner of Insurance

Committee on **Judiciary** recommends **HB 2093**, as amended by House Committee, be amended on page 1, in line 10, by striking "willfully" and inserting "knowingly"; in line 14, by striking "willfully" and inserting "knowingly"; in line 23, by striking "willfully" and inserting "knowingly"; in line 27, after "pursuit" by inserting ", shall be guilty as provided by subsection (c)(2)";

On page 2, in line 2, by striking "willfully" and inserting "knowingly"; in line 4, by striking "willfully" and inserting "knowingly"; in line 6, by striking "willfully" and inserting "knowingly"; in line 8, after "driver" by inserting ", shall be guilty as provided by subsection (c)(3)"; and the bill be passed as amended.

Also, **HB 2121**, as amended by House Committee, be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2020 Supp. 21-5417 is hereby amended to read as follows: 21-5417. (a) Mistreatment of a dependent adult or an elder person is knowingly committing one or more of the following acts:

(1) Infliction of physical injury, unreasonable confinement or unreasonable punishment upon a dependent adult or an elder person;

(2) taking the personal property or financial resources of a dependent adult or an elder person for the benefit of the defendant or another person by taking control, title, use or management of the personal property or financial resources of a dependent adult or an elder person through:

(A) Undue influence, coercion, harassment, duress, deception, false representation, false pretense or without adequate consideration to such dependent adult or elder person;

(B) a violation of the Kansas power of attorney act, K.S.A. 58-650 et seq., and amendments thereto;

(C) a violation of the Kansas uniform trust code, K.S.A. 58a-101 et seq., and amendments thereto; or

(D) a violation of the act for obtaining a guardian or a conservator, or both, K.S.A.

59-3050 et seq., and amendments thereto; or

(3) omission or deprivation of treatment, goods or services that are necessary to maintain physical or mental health of such dependent adult or elder person.

(b) Mistreatment of a dependent adult or an elder person as defined in:

(1) (A) Subsection (a)(1) is a severity level 5, person felony, except as provided in subsection (b)(1)(B);

(B) subsection (a)(1) is a severity level 2, person felony, when the victim is a dependent adult who is a resident of an adult care home, as described in subsection (e)(2)(A), during the commission of the offense;

(2) subsection (a)(2) if the aggregate amount of the value of the personal property or financial resources is:

(A) \$1,000,000 or more is a severity level 2, person felony;

(B) at least \$250,000 but less than \$1,000,000 is a severity level 3, person felony;

(C) at least \$100,000 but less than \$250,000 is a severity level 4, person felony;

(D) at least \$25,000 but less than \$100,000 is a severity level 5, person felony;

(E) at least \$1,500 but less than \$25,000 is a severity level 7, person felony;

(F) less than \$1,500 is a class A person misdemeanor, except as provided in subsection (b)(2)(G); and

(G) less than \$1,500 and committed by a person who has, within five years immediately preceding commission of the crime, been convicted of a violation of this section two or more times is a severity level 7, person felony; and

(3) (A) subsection (a)(3) is a severity level 8, person felony, except as provided in subsection (b)(3)(B); and

(B) subsection (a)(3) is a severity level 5, person felony, when the victim is a dependent adult who is a resident of an adult care home, as described in subsection (e)(2)(A), during the commission of the offense.

(c) It shall be an affirmative defense to any prosecution for mistreatment of a dependent adult or an elder person as described in subsection (a)(2) that:

(1) The personal property or financial resources were given as a gift consistent with a pattern of gift giving to the person that existed before the dependent adult or elder person became vulnerable;

(2) the personal property or financial resources were given as a gift consistent with a pattern of gift giving to a class of individuals that existed before the dependent adult or elder person became vulnerable;

(3) the personal property or financial resources were conferred as a gift by the dependent adult or elder person to the benefit of a person or class of persons, and such gift was reasonable under the circumstances; or

(4) a court approved the transaction before the transaction occurred.

(d) No dependent adult or elder person is considered to be mistreated under subsection (a)(1) or (a)(3) for the sole reason that such dependent adult or elder person relies upon or is being furnished treatment by spiritual means through prayer in lieu of medical treatment in accordance with the tenets and practices of a recognized church or religious denomination of which such dependent adult or elder person is a member or adherent.

(e) As used in this section:

(1) "Adequate consideration" means the personal property or financial resources were given to the person as payment for bona fide goods or services provided by such

person and the payment was at a rate customary for similar goods or services in the community that the dependent adult or elder person resided in at the time of the transaction.

(2) "Dependent adult" means an individual 18 years of age or older who is unable to protect the individual's own interest. Such term shall include, but is not limited to, any:

(A) Resident of an adult care home including, but not limited to, those facilities defined by K.S.A. 39-923, and amendments thereto;

(B) adult cared for in a private residence;

(C) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a medical care facility;

(D) individual with intellectual disability or a developmental disability receiving services through a community facility for people with intellectual disability or residential facility licensed under K.S.A. 2020 Supp. 39-2001 et seq., and amendments thereto;

(E) individual with a developmental disability receiving services provided by a community service provider as provided in the developmental disability reform act; or

(F) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a state psychiatric hospital or state institution for people with intellectual disability.

(3) "Elder person" means a person 60 years of age or older.

(f) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any other offense in article 54, 55, 56 or 58 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2020 Supp. 21-6418, and amendments thereto.";

On page 3, following line 10, by inserting:

"Sec. 3. K.S.A. 22-2809 is hereby amended to read as follows: 22-2809. (a) Any person who is released on an appearance bond may be arrested by such person's surety or any person authorized by such surety and delivered to a custodial officer of the court in any the county in the state in which such person is charged where the complaint subject to the bond was filed. Such person who is arrested as provided in this section shall be brought before any magistrate having power to commit for the crime charged. The magistrate shall indorse on the bond, or a certified copy of such bond, the discharge of such surety upon the sworn statement, either written or oral, of the surety setting forth the reasons for the discharge. The magistrate may commit the party who is arrested as provided in this section. Such person committed as provided in this section shall be held in custody until released as provided by law.

(b) As used in this section, "custodial officer of the court" means the sheriff or the keeper of the jail in the county.";

On page 6, in line 19, after the first "K.S.A." by inserting "22-2809 and"; also in line 19, after "Supp." by inserting "21-5417 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "increasing criminal penalty for mistreatment of a dependent adult or elder person when the victim is a resident of an adult care home;"; in line 2, after the second semicolon by inserting "surrender of obligor by surety; release of surety; requiring delivery to county where the complaint subject to the bond was filed; adding a definition of custodial officer of the

court"; in line 3, after the first "K.S.A." by inserting "22-2809 and"; also in line 3, after "Supp." by inserting "21-5417 and"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2238** 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 **Public Health and Welfare** recommends **HB 2114**, as amended by House Committee of the Whole, be amended on page 1, in line 17, by striking the second "and"; in line 18, after "Kansas" by inserting "; and

(7) rebalancing of home and community based services"; and the bill be passed as amended.

Also, **HB 2116** be amended on page 21, in line 32, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**HB 2224**, as amended by House Committee, be amended on page 3, in line 36, by striking "Kansas register" and inserting "statute book"; and the bill be passed as amended.

**HB 2279**, as amended by House Committee of the Whole, be amended on page 16, in line 30, before the comma by inserting "connection with any investigation of any holder of a license or certificate";

On page 18, in line 26, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 100** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 100," as follows:

"Substitute for SENATE BILL NO. 100

By Committee on Transportation

"AN ACT concerning driving; relating to drivers' licenses; providing an exclusion from the additional 90-day period for suspended or revoked licenses; amending K.S.A. 2020 Supp. 8-262 and repealing the existing section.";

And the substitute bill be passed.

Also, **HB 2201** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2201," as follows:

"Senate Substitute for HOUSE BILL NO. 2201

By Committee on Transportation

"AN ACT concerning transportation; relating to the Eisenhower legacy transportation program; decreasing the threshold amount required for alternate delivery projects; providing for the usage of federal stimulus funds for certain projects; calculating KDOT bonding and debt cap authority; amending K.S.A. 68-2320 and 68-2328 and K.S.A. 2020 Supp. 68-2314c, 68-2332 and 75-5094 and repealing the existing sections.";

And the substitute bill be passed.

**HB 2167** be amended on page 1, in line 29, after the period by inserting "The provisions of this paragraph shall not apply to such vehicle if such vehicle is registered as a farm truck."; and the bill be passed as amended.

**HB 2247**, as amended by House Committee of the Whole, be amended on page 1, in line 12, before "Section" by inserting "New"; in line 19, before "Sec." by inserting "New"; in line 25, before "Sec." by inserting "New"; in line 31, before "Sec." by inserting "New";

On page 2, in line 3, before "Sec." by inserting "New"; in line 9, before "Sec." by

inserting "New"; following line 17, by inserting:

"New Sec. 7. The portion of K-7 from the junction of K-7 and K-10 in Johnson county, then south on K-7 to the junction of K-7 and west Santa Fe street is hereby designated as the Senator Bud Burke memorial highway. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the Senator Bud Burke memorial highway.

New Sec. 8. The portion of United States highway 77 from the western city limits of the city of Blue Rapids then west to the eastern city limits of the city of Waterville in Marshall county is hereby designated as the CPL Allen E Oatney and SP4 Gene A Myers memorial highway. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place suitable signs to indicate that the highway is the CPL Allen E Oatney and SP4 Gene A Myers memorial highway.

Sec. 9. K.S.A. 68-1022 is hereby amended to read as follows: 68-1022. It shall be the duty of the secretary of transportation to designate and mark by suitable signs, those portions of established highways—~~which that~~ traverse the state from the historic Hollenberg pony express station near the city of Hanover to the old cattle shipping town of Elgin, and connecting historic sites on the Oregon trail and the cities of Council Grove and Cottonwood Falls, as the prairie parkway, which highways are described as follows: Beginning at the Hollenberg pony express station east of Hanover on highway K-243; thence west to highway K-15E and south on K-15E to its junction with highway U.S. 36; thence east on highway U.S. 36 to its junction with highway U.S. 77; thence south on highway U.S. 77 to that highway's junction with the western city limits of the city of Blue Rapids in Marshall county; thence south on highway U.S. 77 from its junction with highway K-9 in Marshall county to its junction with highway K-16 just north of Randolph; thence east on highway K-16 to a junction with Pottawatomie county federal aid secondary route 1208, one-half mile east of Olsburg, Pottawatomie county, Kansas; thence on F.A.S. route 1208 in a southerly direction approximately five and one-half miles; thence southeasterly to the junction of highway K-13 and F.A.S. route 1208; thence south and southwest on highway K-13 to that highway's junction with highway U.S. 24; thence following K-177 south from the junction of K-177 highway with interstate highway 70 to El Dorado; thence south on U.S. 77 - U.S. 54 to the east junction with U.S. 400; thence east on U.S. 400 from the western boundary of Greenwood county to its junction with highway K-99 near Severy; thence south on K-99 to the southern Kansas border near the city of Chautauqua.

Sec. 10. K.S.A. 68-1022 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 9, after "highway" by inserting "; designating a portion of K-7 as the Senator Bud Burke memorial highway; designating a portion of United States highway 77 as the CPL Allen E Oatney and SP4 Gene A Myers memorial highway; amending K.S.A. 68-1022 and repealing the existing section"; and the bill be passed as amended.

**HB 2295** 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 **Ways and Means** recommends **HB 2101**, as amended by House Committee, be passed.

Also, **HB 2079**, as amended by House Committee, be amended on page 6, following

line 34, by inserting:

"(g) A state agency or state official shall not impose any annual filing or reporting requirements on a private foundation, as defined in 26 U.S.C. § 509(a), as in effect on July 1, 2021, or a charitable trust, as defined in 26 U.S.C. § 4947(a)(1), as in effect on July 1, 2021, that are more stringent, restrictive or expansive than such requirements in the Kansas Statutes Annotated or federal law.";

And the bill be passed as amended.

**HB 2087**, as amended by House Committee, be amended on page 2, in line 21, after "exceed" by inserting "\$1,000,000 over any two-year period from the effective date of this act through June 30, 2024, or exceed"; also in line 21, after "period" by inserting "on and after July 1, 2024";

On page 4, in line 35, after the first "the" by inserting "\$1,000,000 or";

On page 5, in line 14, after "than" by inserting "\$1,000,000 from the effective date of this act through June 30, 2024, or more than"; also in line 14, after "\$3,000,000" by inserting "on and after July 1, 2024,"; in line 27, after "than" by inserting "\$1,000,000 from the effective date of this act through June 30, 2024, or more than"; also in line 27, after "\$3,000,000" by inserting "on and after July 1, 2024,";

On page 6, in line 13, after "than" by inserting "\$1,000,000 from the effective date of this act through June 30, 2024, or greater than"; in line 14, after "\$3,000,000" by inserting "on and after July 1, 2024,"; and the bill be passed as amended.

**HB 2218** be amended on page 1, following line 7, by inserting:

"Section 1. K.S.A. 75-6501 is hereby amended to read as follows: 75-6501. (a) Within the limits of appropriations made or available therefor and subject to the provisions of appropriation acts relating thereto, the Kansas state employees health care commission shall develop and provide for the implementation and administration of a state health care benefits program. The state employees health care commission shall balance the healthcare needs of state employees at an affordable cost to the employees with the financial impact on the state.

(b) (1) Subject to the provisions of paragraph (2), the state health care benefits program may provide benefits for persons qualified to participate in the program for hospitalization, medical services, surgical services, nonmedical remedial care and treatment rendered in accordance with a religious method of healing and other health services. The program may include such provisions as are established by the Kansas state employees health care commission, including, but not limited to, qualifications for benefits, services covered, schedules and graduation of benefits, conversion privileges, deductible amounts, limitations on eligibility for benefits by reason of termination of employment or other change of status, leaves of absence, military service or other interruptions in service and other reasonable provisions as may be established by the commission.

(2) The state health care benefits program shall provide the benefits and services required by K.S.A. 75-6524, and amendments thereto.

(c) The Kansas state employees health care commission shall designate by rules and regulations those persons who are qualified to participate in the state health care benefits program, including active and retired public officers and employees and their dependents as defined by rules and regulations of the commission. Such rules and regulations shall not apply to students attending a state educational institution as defined in K.S.A. 76-711, and amendments thereto, who are covered by insurance

contracts entered into by the board of regents pursuant to K.S.A. 75-4101, and amendments thereto. In designating persons qualified to participate in the state health care benefits program, the commission may establish such conditions, restrictions, limitations and exclusions as the commission deems reasonable. Such conditions, restrictions, limitations and exclusions shall include the conditions contained in K.S.A. 75-6506(d), and amendments thereto. Each person who was formerly elected or appointed and qualified to an elective state office and who was covered immediately preceding the date such person ceased to hold such office by the provisions of group health insurance or a health maintenance organization plan under the law in effect prior to August 1, 1984, or the state health care benefits program in effect after that date, shall continue to be qualified to participate in the state health care benefits program and shall pay the cost of participation in the program as established and in accordance with the procedures prescribed by the commission if such person chooses to participate therein.

(d) (1) Commencing with the 2009 plan year that begins January 1, 2009, if a state employee elects the high deductible health plan and health savings account, the state's employer contribution shall equal the state's contribution to any other health benefit plan offered by the state. The cost savings to the state for the high deductible health plan shall be deposited monthly into the employee's health savings account up to the maximum annual amount allowed pursuant to 26 U.S.C. § 223(d), as amended, for as long as the employee participates in the high deductible plan.

(2) If the employee had not previously participated in the state health benefits plan, the employer shall calculate the average savings to the employer of the high deductible plan compared to the other available plans and contribute that amount monthly to the employee's health savings account up to the maximum annual amount allowed pursuant to 26 U.S.C. § 223(d), as amended.

(3) The employer shall allow additional voluntary contributions by the employee to their health savings account by payroll deduction up to the maximum annual amount allowed pursuant to 26 U.S.C. § 223(d), as amended.

(e) The commission shall have no authority to assess charges for employer contributions under the student health care benefits component of the state health care benefits program for persons who are covered by insurance contracts entered into by the board of regents pursuant to K.S.A. 75-4101, and amendments thereto.

(f) Nothing in this act shall be construed to permit the Kansas state employees health care commission to discontinue the student health care benefits component of the state health care benefits program until the state board of regents has contracts in effect that provide student coverage pursuant to the authority granted therefor in K.S.A. 75-4101, and amendments thereto.

(g) (1) On and after July 1, 2018, the commission shall designate claimants, as defined in K.S.A. 2020 Supp. 60-5004, and amendments thereto, as qualified to participate in the state health care benefits program. The commission shall implement this subsection in accordance with applicable federal law, including, but not limited to, the employee retirement income security act of 1974 and any regulations issued by the United States department of the treasury.

(2) A claimant shall have 31 calendar days from the date of judgment entered pursuant to K.S.A. 2020 Supp. 60-5004, and amendments thereto, to complete or decline enrollment in the state health care benefits program. A claimant shall be qualified to participate in the state health care benefits program for the remainder of the

plan year when judgment is entered pursuant to K.S.A. 2020 Supp. 60-5004, and amendments thereto, and for the next ensuing plan year. A claimant shall not be qualified to elect a high-deductible health plan and health savings account under the state health care benefits program.

(3) Costs of premiums under the state health care benefits program for a claimant shall be paid from the tort claims fund established by K.S.A. 75-6117, and amendments thereto, and shall not be charged to the claimant. A claimant shall be responsible to pay any applicable copayments, deductibles and other related costs under the state health care benefits program.

(4) A claimant may elect to include the claimant's dependents under the state health care benefits program. For any covered dependents, the claimant shall be responsible to pay the costs of premiums, copayments, deductibles and other related costs under the state health care benefits program.

(5) The secretary of health and environment or the secretary's designee shall provide assistance to a claimant to obtain and maintain coverage under the state health care benefits program pursuant to this subsection, including: Enrollment; maintenance of related records; and other assistance as may be required or incidental to implement this subsection.";

Also on page 1, in line 10, by striking "five" and inserting "seven"; in line 18, by striking "and"; in line 19, after "governor" by inserting "; (6) a member of the senate ways and means committee, appointed by the president of the senate; and (7) a member of the house of representatives appropriations committee, appointed by the speaker of the house of representatives"; in line 22, after the period by inserting "The member appointed by the president of the senate shall serve at the pleasure of the president of the senate, and the member appointed by the speaker of the house of representatives shall serve at the pleasure of the speaker of the house of representatives."; also in line 22, by striking "three" and inserting "five"; in line 24, by striking all after "be"; in line 25, by striking "governor" and inserting "the commissioner of insurance in odd-numbered years and the secretary of administration in even-numbered years"; in line 29, by striking "three" and inserting "four"; following line 35, by inserting:

"Sec. 3. K.S.A. 75-6509 is hereby amended to read as follows: 75-6509. Commencing with the regular session of the legislature in 1985 and with each regular session of the legislature thereafter, the Kansas state employees health care commission shall submit to the president of the senate and to the speaker of the house of representatives, on the day the governor's budget report is submitted to the legislature, recommendations with respect to the state health care benefits program together with estimates of the cost of the program proposed by the commission, including a five-year projection of the cost of the program, and the estimated cost of admitting each entity pursuant to ~~subsection (e) of K.S.A. 75-6506(c)~~, and amendments thereto. The recommendations shall include a report on the current and projected reserve balance, including as a percentage of total plan expenses. For any reserve balance over 10% of expected plan expenses for the next plan year, the commission shall provide recommendations for reducing reserves by minimizing increases to employee contributions or cost-sharing requirements. Together with the recommendations submitted, the commission shall include alternatives for cost containment and benefit coverage for qualified persons for both the proposed program and the five-year projected program. The commission shall also submit any recommendations for

legislation with respect to the state health care benefits program.";

Also on page 1, in line 36, after "K.S.A." by inserting "75-6501,"; also in line 36, by striking "is" and inserting "and 75-6509 are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, by striking all after "thereon"; by striking all in line 3; in line 4, by striking all before the semicolon and inserting "; providing responsibility to balance the healthcare needs of state employees with the financial impact on the state; requiring reports to the legislature on current and projected reserve balances in the state healthcare benefits program"; also in line 4, after "K.S.A." by inserting "75-6501,"; also in line 4, after "75-6502" by inserting "and 75-6509"; in line 5, by striking "section" and inserting "sections"; and the bill be passed as amended.

**HB 2405**, as amended by House Committee of the Whole, be amended on page 1, in line 9, by striking all after "(a)"; by striking all in lines 10 through 34;

On page 2, by striking all in lines 1 through 8; in line 9, by striking all before "the"; and the bill be passed as amended.

On motion of Senator Alley, the senate adjourned pro forma until 8:30 a.m. March 26, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

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