

Journal of the Senate

NINETEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 10, 2020, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 38 senators present.
Senators Alley and Wagle were excused.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, Your Word says, in Proverbs 14:34, that righteousness of character exalts a nation but lack of it brings about disgrace.

Please deliver us. Deliver this nation from the poverty of a declining integrity...from the breaking down of ethics and morality. Lord, please infuse the economy of this nation's soul with the blessed capital of richness in character.

As a Master Engraver imprints a character into metal, would You imprint into our spiritual mettle the wisdom and goodness we need to guide self, home, state and this nation. Give us the grace to overcome any approaching disgrace.

Bless us with the wisdom, courage and boldness to make prudent decisions. As those who come after us, look at what we have accomplished and the lives we've lived. Let them see, that we stood for righteousness, because righteousness of character exalts.

So Lord, guide us by the Spirit of Your Word. I pray in Jesus' Name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 385, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing, by Committee on Ways and Means.

SB 386, AN ACT making and concerning appropriations for fiscal years ending June 30, 2020, June 30, 2021, and June 30, 2022, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 75-2263, 75-4209, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and K.S.A. 2019 Supp. 2-223, 12-1775a, 12-5256, 55-193, 74-50,107 and 74-99b34 and repealing the existing sections, by Committee on Ways and Means.

SB 387, AN ACT concerning the Kansas state employees healthcare commission; relating to the establishment of new healthcare benefits; plan design, billing requirements, pricing information; requiring that such benefits not be covered or affiliated with a health insurer or health benefits plan, by Committee on Financial Institutions and Insurance.

SB 388, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal sodomy and aggravated criminal sodomy; aggravated sexual battery; amending K.S.A. 2019 Supp. 21-5504 and 21-5505 and repealing the existing sections, by Senator Miller.

SB 389, AN ACT concerning cemetery corporations; adding a definition to the law; defining purposes of sepulture; amending K.S.A. 2019 Supp. 17-1301c and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 390, AN ACT concerning motor vehicles; relating to license plates; permitting concrete mixer trucks to display license plates on the front of the vehicle; amending K.S.A. 2019 Supp. 8-133 and repealing the existing section, by Committee on Transportation.

SB 391, AN ACT concerning labor and employment; relating to occupational licensing and regulation; enacting the right to earn a living act, by Committee on Federal and State Affairs.

SB 392, AN ACT concerning employment security law; relating to compensation of the pre-payment waiting period; amending K.S.A. 2019 Supp. 44-705 and repealing the existing section, by Committee on Ways and Means.

SB 393, AN ACT concerning utilities; relating to the net metering and easy connection act; customer-generator rates; amending K.S.A. 66-1263, 66-1265, 66-1266 and 66-1267 and repealing the existing sections; also repealing K.S.A. 66-1271, by Committee on Ways and Means.

SB 394, AN ACT concerning employment security law; relating to the number of weeks a claimant is eligible for benefits; amending K.S.A. 2019 Supp. 44-704 and repealing the existing section, by Committee on Ways and Means.

SB 395, AN ACT concerning eminent domain; relating to the conduct of carbon dioxide in pipes; amending K.S.A. 17-618 and repealing the existing section, by Committee on Ways and Means.

SB 396, AN ACT concerning sales taxation; relating to countywide retailers' sales tax; discontinuing apportionment of revenue received for general purposes between the county and cities located therein; amending K.S.A. 2019 Supp. 12-192 and repealing the existing section, by Committee on Assessment and Taxation.

SB 397, AN ACT concerning sales taxation; relating to imposition of tax; digital property and subscription services; amending K.S.A. 79-3602 and 79-3603 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 398, AN ACT concerning taxation; relating to income tax; providing a refundable food sales tax credit; discontinuing the nonrefundable food sales tax credit; amending K.S.A. 79-32,271 and repealing the existing section, by Committee on Assessment and Taxation.

SB 399, AN ACT concerning taxation; relating to sales and compensating use taxes; requiring collection and remittance by marketplace facilitators; nexus; amending K.S.A. 79-3702 and repealing the existing section, by Committee on Assessment and Taxation.

SB 400, AN ACT concerning taxation; authorizing counties to impose an earnings

tax; amending K.S.A. 2019 Supp. 19-101a and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 384**.

Transportation: **SB 383**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Baumgardner, Alley, Bollier, Braun, Estes, Givens, Rucker, Sykes, Taylor and Thompson introduced the following Senate resolution, which was read:

A RESOLUTION congratulating and commending
the individuals selected as award-winning educators in Kansas.

WHEREAS, The Milken Educator Awards program, established by the Milken Family Foundation, recognizes the top educators in the country. The program provides awards to elementary and secondary school teachers, principals, and other educational professionals who inspire excellence in education; and

WHEREAS, Carly Bowden, an educator at Andover Central Middle School in Andover USD 385, has been selected as the Kansas recipient of the 2019 Milken Educator Award; and

WHEREAS, National Board Certification is designed to develop, retain, and recognize accomplished educators nationwide. The certification process requires that educators demonstrate evidence of the positive effect they have on student learning. They must also exhibit a deep understanding of their students, content knowledge, use of data, and teaching practices; and

WHEREAS, The following educators have satisfied the high professional requirements of National Board of Professional Teaching Standards to be designated as National Board Certified Teachers: Laura Bock, Blue Valley USD 229; Ashley Eckelberry, Manhattan-Ogden USD 383; Karen Stohlmann Henderson, Blue Valley USD 229; Kerry Kinkelaar, Blue Valley USD 229; Melanie Kiser, Wichita USD 259; Cheryl Lee, Blue Valley USD 229; Misty Lohmeyer, Hays USD 489; Jeremy Mohn, Blue Valley USD 229; Frances Oare, Wichita USD 259; Katherine Orr, Valley Center USD 262; Lisa Renz, Hays USD 489; Meg Richard, Olathe USD 233; Nancy Torgler, Blue Valley USD 229; Sarah Wise, Garden City USD 457; Stephanie Withrow, Southeast Kansas Interlocal; and

WHEREAS, 32 first-year educators from across the state have been named as Kansas Horizon Award Program Educators; and

WHEREAS, The Kansas Horizon Award Program, currently in its 18th year and sponsored by the Kansas State Department of Education and Capitol Federal, identifies and recognizes exemplary first-year teachers who perform in a way that distinguishes them as outstanding; and

WHEREAS, This year's Region 1 recipients are: Elly Dice, North Lyon Co. Elementary School, North Lyon Co. USD 251; Christina Frost, Council Grove Elementary School, Morris County USD 417; Mariannet Navarro Herrera, Western Plains High School, Western Plains USD 106; Lillian Lingenfelter, Peabody-Burns

Middle School, Peabody-Burns USD 398; Carrie Pilkington, St. George Elementary School, Rock Creek USD 323; Lisa Pluff, Manhattan High School, Manhattan-Ogden USD 383; Caroline Riggerbach, Plum Creek Elementary School, Buhler USD 313; Kyle Van Vogelpoel, Rock Creek Jr. Sr. High School, Rock Creek USD 323; and WHEREAS, This year's Region 2 recipients are: Chad Aberle, West Middle School, Lawrence USD 497; Kaylee Barber, Washburn Rural High School, Auburn-Washburn USD 437; Tristan Bartley, McLouth Public School, McLouth USD 342; Heather Corley, Anderson Co. Jr. Sr. High School, Garnett USD 365; Sidney Doty, Berryton Elementary School, Shawnee Heights USD 450; Allison Flinn, Oskaloosa Elementary School, Oskaloosa USD 341; Tawni Schraad, Randolph Elementary School, Topeka USD 501; Scotti Twombly, Hiawatha Elementary School, Hiawatha USD 415; and WHEREAS, This year's Region 3 recipients are: Emily Baden, Nike Elementary School, Gardner Edgerton USD 231; Samantha Collins, Chisholm Trail Middle School, Olathe USD 233; Katie Cox, Turner Middle School, Turner USD 202; Blake Fingalsen, Rhein Benninghoven Elementary School, Shawnee Mission USD 512; Bennett Johnson, Heritage Elementary School, Olathe USD 233; Paige Lankford, Blue Valley West High School, Blue Valley USD 229; Matthew Lundy, Spring Hill High School, Spring Hill USD 230; Emily Moore, Overland Trail Elementary School, Blue Valley USD 229; and WHEREAS, This year's Region 4 recipients are: Victoria Bay, Andover Central Middle School, Andover USD 385; Keegan Hallmark, Andover Middle School, Andover USD 385; Kacie Johnson, El Dorado Middle School, El Dorado USD 490; Chasmyn Lindeman-Thimesch, Cloud Elementary School, Wichita USD 259; Crystal Logan, Mulvane High School, Mulvane USD 263; Kelley Lowe, W.D. Munson Primary School, Mulvane USD 263; Mollie Mills-Weis, Newton High School, Newton USD 373; Kali Stearns, Circle Towanda Elementary School, Circle USD 375: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend these award-winning Kansas educators; and

Be it further resolved: That the Secretary of the Senate shall send 48 enrolled copies of this resolution to the Commissioner of the Education for forwarding to each of these teachers so honored, and another copy to the Commissioner of Education.

On emergency motion of Senator Baumgardner **SR 1756** was adopted unanimously.

MESSAGES FROM THE GOVERNOR

Enclosed herewith is Executive Directive 20-512 for your information. (February 6, 2020.)

The Vice President announced this document is on file in the office of the Secretary of the Senate and available for review at any time.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2466**, **HB 2467**.

Announcing passage of **SB 155**.

Announcing rejection of **SCR 1613**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2466, **HB 2467** were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

The Committee on **Ethics, Elections and Local Government** recommends **SB 256** be amended on page 1, by striking all in lines 7 through 9 and inserting:

"New Section 1. Population data used in adopting senatorial and representative district boundaries shall be identical to the decennial census data from the actual enumeration conducted by the United States bureau of the census and used for the apportionment of the United States house of representatives. Bureau of the census counts derived by any other means, including the use of statistical sampling, to add or subtract population by inference shall not be used.

Sec. 2. K.S.A. 2019 Supp. 11-201 is hereby amended to read as follows: 11-201. (a) Except as otherwise provided in ~~subsections subsection~~ subsection (b) and (c), the most recent population figures available from the United States bureau of the census as certified to the secretary of state by the division of the budget on July 1 of each year shall be used for all purposes in the application of the statutes of this state. Whenever the use of the population figures or the census of the Kansas department of agriculture is referred to or designated by a statute, such reference or designation shall be deemed to mean the population figures certified to the secretary of state pursuant to this section. The city and county population figures certified to the secretary of state pursuant to this section shall be distributed by the division of the budget to the cities and counties of the state and to such other governmental entities as the division deems appropriate and shall be made available by the division upon request of any other person.

The population figures certified to the secretary of state pursuant to this section shall be disposed of in accordance with K.S.A. 75-3501 et seq., and amendments thereto.

(b) On July 1 of each year, the division of the budget shall distribute to the treasurer of each county and to the secretary of revenue a table showing the total population of the county, the total population of the county residing outside the boundaries of any incorporated city and the population of each incorporated city within the county, using the most recent information which is available from the United States bureau of the census and which provides actual or estimated population figures for both cities and counties as of the same date. Such table shall be used as the basis for apportioning revenue from any countywide retailers' sales tax pursuant to K.S.A. 12-192, and amendments thereto.

~~(c) Population figures established by the enumeration authorized under K.S.A. 11-204 to 11-208, and amendments thereto, shall be used only as a basis for the reapportionment of any state legislative districts, reapportionment of which is authorized pursuant to section 1 of article 10 of the constitution of the state of Kansas, in the year 1989, and for such other purposes as shall be specifically authorized by K.S.A. 11-204, and amendments thereto.~~

Sec. 3. K.S.A. 11-210 is hereby amended to read as follows: 11-210. Notwithstanding the provisions of K.S.A. ~~11-304 and~~ 11-321, and amendments thereto, and section 1, and amendments thereto, for the purpose of making applications for grants, the secretary of state and any political subdivision of the state may use any census data available.

Sec. 4. K.S.A. 2019 Supp. 17-2205 is hereby amended to read as follows: 17-2205. (a) (1) The membership shall consist of the organizers and such persons, societies, associations, copartnerships and corporations as have been duly elected to membership

and have subscribed to one or more shares and have paid for the same, and have complied with such other requirements as the articles of incorporation may contain.

(2) Once a person becomes a member of the credit union, such person may remain a member of the credit union until the person chooses to withdraw or is expelled from the membership of the credit union.

(3) Members of a credit union also may include the following:

(A) The spouse of any person who died while such person was within the field of membership of the credit union;

(B) any employee of the credit union;

(C) any person who retired from any qualified employment group within the field of membership;

(D) any person of a volunteer group recognized by the management of the association or employee group within the field of membership and such person: (i) Has completed a training program offered by the volunteer group to further its goals; (ii) serves on the board of the volunteer group; or (iii) serves as an officer of the volunteer group;

(E) any member of such person's immediate family or household;

(F) any organization whose membership consists of persons within the field of membership; and

(G) any corporate or other legal entity within the field of membership as identified in the charter, articles of incorporation or bylaws of the credit union.

(4) For the purposes of subparagraph (E) of paragraph (3):

(A) Except as provided in subparagraph (B), the term "immediate family or household" shall mean spouse, parent, stepparent, grandparent, child, stepchild, sibling, grandchild or former spouse and persons living in the same residence maintaining a single economic unit with persons within the credit union's field of membership.

(B) If the credit union's bylaws adopted a definition of immediate family before June 30, 2008, the credit union may use that definition. A credit union may adopt a more restrictive definition of immediate family or household.

(C) If authorized in the credit union's bylaws, a member of the immediate family or household is eligible to join even when the eligible member has not joined the credit union.

(b) (1) Credit union organizations shall be limited to:

(A) A group having a single common bond of occupation or association;

(B) a group having multiple common bonds of occupation or association or any combination thereof. No such group shall have a membership of more than 3,000 except as permitted in subsections (c) or (d); or

(C) persons residing, working or worshipping in or organizations located within a geographic area.

(2) A common bond of occupation may include employees of the same employer, workers under contract with the same employer, businesses paid by the same employer on a continuing basis or employees in the same trade, industry or profession.

(3) A common bond of association may include members and employees of a recognized association as defined in such association's charter, bylaws or other equivalent document.

(c) A credit union which chooses to be limited as provided in subparagraph (C) of paragraph (1) of subsection (b) may include one or more common bonds of occupation

or one or more common bonds of association or any combination thereof with no limitation on the number of members, if the employer or association is located in the geographic area of the credit union.

(d) A group formed with multiple common bonds of occupation or association may exceed 3,000 members if the administrator determines in writing that such group could not feasibly or reasonably establish a new single common bond credit union because the group:

(1) Lacks sufficient volunteer and other resources to support the efficient and effective operation of a credit union;

(2) does not meet the criteria established by the administrator indicating a likelihood of success in establishing and managing a new credit union, including demographic characteristics such as geographical location of members, diversity of ages and income levels, and other factors that may affect the financial viability and stability of a credit union; or

(3) would be unlikely to be able to operate in a safe and sound manner.

(e) (1) A geographic area may include:

(A) A single political jurisdiction;

(B) multiple contiguous political jurisdictions if the aggregate total of the population of the geographic area does not exceed 500,000, except as provided in subparagraph (C) or in subsections (i), (j), (k) and (l); or

(C) if the headquarters of the credit union is located in a MSA, the geographic area may include one or more political jurisdictions which share a common border to the MSA if the aggregate total of the population of the geographic area does not exceed 1,000,000. The maximum population available for any credit union whose headquarters is located within a MSA shall be adjusted by the administrator based upon the population data for the largest MSA in the state of Kansas, or any portion thereof located within the state of Kansas. The maximum population available for any credit union whose headquarters is located within a MSA shall be determined by multiplying the population of the largest MSA in the state of Kansas, or that portion of such MSA located within the state of Kansas if the boundaries of such MSA extend outside the state of Kansas, as determined by the most recent population data, by the fraction having a numerator of 1,000,000 and a denominator of 750,000 for the purposes of this section, the administrator shall use population data ~~based upon the adjusted federal census information presented to the legislature by the secretary of state pursuant to K.S.A. 11-304, and amendments thereto as defined in subsection (g).~~

(2) Except as provided in subsections (i), (j), (k) and (l), from and after July 1, 2008, no geographic area shall consist of any congressional district or the entire state of Kansas.

(f) (1) Except as provided in subsections (i), (j), (k) and (l), from and after July 1, 2008, no credit union shall change or alter its field of membership except as provided in this section. Before a credit union can alter or change its field of membership, such credit union shall file, or cause to be filed, with the administrator, an application for amendment to its field of membership. The application shall include:

(A) Documentation showing that the proposed area or groups to be served meets the statutory requirements for field of membership set forth in this statute;

(B) pro forma financial statements for the first two years after the proposed alteration of or change in field of membership, including any assumption regarding

growth in membership, shares, loans and assets;

(C) a marketing plan addressing how the proposed field of membership will be served;

(D) the financial services to be provided to the credit union's members;

(E) a local map showing the location of both current and proposed headquarters and branches; and

(F) the anticipated financial impact on the credit union in terms of need for additional employees and fixed assets.

(2) (A) The application shall also include a proof of publication of the notice that the affected credit union intends to file or has filed an application to alter or change its field of membership. Such notice shall be in the form prescribed by the administrator and shall at a minimum contain the name and address of the applicant credit union and a description of the proposed alteration of or change in the field of membership.

(B) The notice shall be published for two consecutive weeks in the Kansas register. The required publications shall occur within 60 days of and prior to the effective date of the proposed change. The applicant shall provide proof of publication to the administrator.

(g) For the purposes of this section:

(1) "MSA" means a metropolitan statistical area as defined by the United States department of commerce which has more than one county located in Kansas. If the boundaries of such MSA extend outside the state of Kansas only that portion of such MSA located within the state of Kansas shall be considered for the purposes of this section.

(2) "Political jurisdiction" means a city, county, township or clearly identifiable neighborhood.

(3) "Population data" means official state population figures for the state of Kansas, or any portion thereof, which are identical to the decennial census data from the actual enumeration conducted by the United States bureau of the census and used for the apportionment of the United States house of representatives in accordance with ~~K.S.A. 11-304~~ section 1, and amendments thereto.

(h) No increase in the population reflected by the population data shall require a modification to a field of membership as in existence on June 30, 2008.

(i) Notwithstanding any other provisions of this section, any person, including any member of such person's immediate family or household, or organization that is a member of any credit union which was in existence on June 30, 2008, may continue to be a member of such credit union after such date. For the purposes of this subsection, if the term "member" refers to an individual, the term member may include any other person who is a member of such individual's immediate family or household as specified in subsection (a).

(j) (1) Notwithstanding any other provisions of this section:

(A) Any branch of a credit union that is in existence as of February 1, 2008, may continue to operate in the county where it is located on and after June 30, 2008. If such branch is unable to continue operations due to a natural disaster, eminent domain proceedings, loss of lease, loss of sponsor space or any condition outside of the control of the credit union, the credit union may establish a replacement branch in that county.

(B) Any credit union which has taken an overt step toward the construction of a new building, facility or branch on or before February 1, 2008, may continue to

construct and operate the new building, facility or branch in the city in which such new building, facility or branch is located even if the construction is not completed on or before June 30, 2008. If such branch is unable to continue operations due to a natural disaster, eminent domain proceedings, loss of lease, loss of sponsor space or any condition outside of the control of the credit union, the credit union may establish a replacement branch in that city.

(2) For the purposes of this subsection, the term "overt act" includes the:

(A) Purchase of or entering into a contract for the purchase of any necessary tract of land for the location of such new building, facility or branch of an existing credit union.

(B) Acquisition or lease of a building for the purpose of housing a new facility or branch of an existing credit union.

(C) Adoption of architectural drawings for the construction of a new building, facility or branch of an existing credit union.

(D) Adoption of architectural drawings for the renovation of an existing building for use as a facility or branch of an existing credit union.

(k) Notwithstanding any other provisions of this section, a member of any occupation or association group whose members constituted a portion of the membership of any credit union as of February 1, 2008, shall continue to be eligible to become a member of that credit union, by virtue of membership in that group on and after June 30, 2008. For purposes of this subsection, a patron of an organization is eligible for membership if such patron is an individual who uses the products and services of the organization which is included in the field of membership of the credit union at the time the patron applies for membership in the credit union.

(l) Notwithstanding any other provisions of this section, any credit union:

(1) Which has been granted a field of membership on or before February 1, 2008, which includes the entire state of Kansas or its residents shall, on or before January 1, 2009, adopt a field of membership that may include multiple contiguous political jurisdictions having an aggregate total population not to exceed 1,000,000. The population of the county of any branch of such credit union not located within the adopted field of membership shall not be included in the 1,000,000 population total. Any credit union with its headquarters located in a county that is not part of a MSA shall not include more than one MSA in its entirety in its adopted field of membership.

(2) With its headquarters located within a MSA as of February 1, 2008, may continue to include multiple contiguous political jurisdictions that were included in its field of membership as of February 1, 2008, if the aggregate total population of such multiple contiguous political jurisdictions does not exceed 1,000,000. If the field of membership of any credit union involves multiple contiguous political jurisdictions that have an aggregate total population that exceeds 1,000,000 as of February 1, 2008, then such credit union shall, on or before January 1, 2009, adopt a field of membership that may include multiple contiguous political jurisdictions having an aggregate total population which does not exceed 1,000,000. The population of the county of any branch of such credit union not located within the adopted field of membership shall not be included in the 1,000,000 population total.

(3) With headquarters located in a county that is not part of a MSA may continue to include multiple contiguous political jurisdictions that were included in its field of membership as of February 1, 2008, if the aggregate total population of such multiple

contiguous political jurisdictions does not exceed 1,000,000 population total. If the field of membership of any credit union involves multiple contiguous political jurisdictions that have an aggregate total population that exceeds 1,000,000 as of February 1, 2008, then such credit union shall, on or before January 1, 2009, adopt a field of membership that may include multiple contiguous political jurisdictions having an aggregate total population which does not exceed 1,000,000 population total. The population of the county of any branch of such credit union not located within the adopted field of membership shall not be included in the 1,000,000 population total. The adopted field of membership of such credit union shall not include more than one MSA in its entirety.

Sec. 5. K.S.A. 2019 Supp. 45-229 is hereby amended to read as follows: 45-229. (a) It is the intent of the legislature that exceptions to disclosure under the open records act shall be created or maintained only if:

- (1) The public record is of a sensitive or personal nature concerning individuals;
- (2) the public record is necessary for the effective and efficient administration of a governmental program; or
- (3) the public record affects confidential information.

The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds that the public has a right to have access to public records unless the criteria in this section for restricting such access to a public record are met and the criteria are considered during legislative review in connection with the particular exception to disclosure to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the legislature shall consider the criteria in this section before enacting an exception to disclosure.

(b) Subject to the provisions of subsections (g) and (h), any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment of the new exception or substantial amendment, unless the legislature acts to continue the exception. A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires at the end of five years and that the exception shall be reviewed by the legislature before the scheduled date.

(c) For purposes of this section, an exception is substantially amended if the amendment expands the scope of the exception to include more records or information. An exception is not substantially amended if the amendment narrows the scope of the exception.

(d) This section is not intended to repeal an exception that has been amended following legislative review before the scheduled repeal of the exception if the exception is not substantially amended as a result of the review.

(e) In the year before the expiration of an exception, the revisor of statutes shall certify to the president of the senate and the speaker of the house of representatives, by July 15, the language and statutory citation of each exception that will expire in the following year that meets the criteria of an exception as defined in this section. Any exception that is not identified and certified to the president of the senate and the speaker of the house of representatives is not subject to legislative review and shall not expire. If the revisor of statutes fails to certify an exception that the revisor subsequently determines should have been certified, the revisor shall include the exception in the following year's certification after that determination.

(f) "Exception" means any provision of law that creates an exception to disclosure or limits disclosure under the open records act pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any other provision of law.

(g) A provision of law that creates or amends an exception to disclosure under the open records law shall not be subject to review and expiration under this act if such provision:

- (1) Is required by federal law;
- (2) applies solely to the legislature or to the state court system;
- (3) has been reviewed and continued in existence twice by the legislature; or
- (4) has been reviewed and continued in existence by the legislature during the 2013 legislative session and thereafter.

(h) (1) The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

- (A) What specific records are affected by the exception;
- (B) whom does the exception uniquely affect, as opposed to the general public;
- (C) what is the identifiable public purpose or goal of the exception;
- (D) whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;

(2) an exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exception and if the exception:

(A) Allows the effective and efficient administration of a governmental program that would be significantly impaired without the exception;

(B) protects information of a sensitive personal nature concerning individuals, the release of such information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. Only information that would identify the individuals may be excepted under this paragraph; or

(C) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information that is used to protect or further a business advantage over those who do not know or use it, if the disclosure of such information would injure the affected entity in the marketplace.

(3) Records made before the date of the expiration of an exception shall be subject to disclosure as otherwise provided by law. In deciding whether the records shall be made public, the legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exception of the type specified in paragraph (2)(B) or (2)(C) would occur if the records were made public.

(i) (1) Exceptions contained in the following statutes as continued in existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas and that have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, ~~11-306~~, 12-189, 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-1312e, 17-2227, 17-5832, 17-7511, 17-7514, 17-76,139, 19-4321, 21-2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312, 25-4161, 25-4165, 31-

405, 34-251, 38-2212, 39-709b, 39-719e, 39-934, 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21, 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b, 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635, 44-714, 44-817, 44-1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427, 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a, 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922, 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203, 66-1220a, 66-2010, 72-996, 72-4311, 72-4452, 72-5214, 72-53,106, 72-5427, 72-8903, 73-1228, 74-2424, 74-2433f, 74-4905, 74-4909, 74-50,131, 74-5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2015 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-4616, 60-3351, 72-972a, 74-50,217 and 75-53,105.

(j) (1) Exceptions contained in the following statutes as continued in existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas and that have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and 74-7508.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2015 and that have been reviewed during the 2016 legislative session are hereby continued in existence: 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05, 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

(k) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2014 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48), 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 74-50,184, 74-8134, 74-99b06, 77-503a and 82a-2210.

(l) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2016 and that have been reviewed during the 2017

legislative session are hereby continued in existence: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)(51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

(m) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2012 and that have been reviewed during the 2013 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a, 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-60c01, 75-712 and 75-5366.

(n) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2018 legislative session are hereby continued in existence: 9-513c(c)(2), 39-709, 45-221(a)(26), (53) and (54), 65-6832, 65-6834, 75-7c06 and 75-7c20.

(o) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been reviewed during the 2019 legislative session are hereby continued in existence: 21-2511(h)(2), 21-5905(a)(7), 22-2302(b) and (c), 22-2502(d) and (e), 40-222(k)(7), 44-714(e), 45-221(a)(55), 46-1106(g) regarding 46-1106(i), 65-2836(i), 65-2839a(c), 65-2842(d), 65-28a05(n), article 6(d) of 65-6230, 72-6314(a) and 74-7047(b).

Sec. 6. K.S.A. 11-204, 11-205, 11-206, 11-207, 11-208, 11-210, 11-301, 11-302, 11-303, 11-304, 11-305, 11-306, 11-307, 25-1709, 25-1710, 25-4506, 25-4507 and 25-4508 and K.S.A. 2019 Supp. 11-201, 17-2205, 25-4502, 25-4503, 25-4505 and 45-229 are hereby repealed.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking all after "ACT"; by striking all in line 2; in line 3, after "to" by inserting "determination of senatorial and representative district boundaries; use of census data; repealing certain obsolete or nonconforming provisions; 1988 census, census data adjustments,"; also in line 3, by striking the second semicolon and inserting a comma; in line 4, after "election-related" by inserting "corporate"; also in line 4, by striking "by certain corporations and stockholders" and inserting "; amending K.S.A. 11-210 and K.S.A. 2019 Supp. 11-201, 17-2205 and 45-229 and repealing the existing sections; also repealing K.S.A. 11-204, 11-205, 11-206, 11-207, 11-208, 11-301, 11-302, 11-303, 11-304, 11-305, 11-306, 11-307, 25-1709, 25-1710, 25-4506, 25-4507 and 25-4508 and K.S.A. 2019 Supp. 25-4502, 25-4503 and 25-4505"; and the bill be passed as amended.

Committee on **Federal and State Affairs** 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 Governor:

Commissioner, Kansas Human Rights Commission: K.S.A. 44-1003

Laurel Searles, to fill a term expiring on January 15, 2023

The Committee on **Judiciary** recommends **SB 253** be passed.

Also, **SB 293** be amended on page 9, by striking all in lines 24 through 43;

On page 10, by striking all in line 1;

On page 15, in line 35, by striking all after "17-1762";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking all after "to"; in line 4, by striking all before "address" and inserting "the"; in line 8, by striking "and 25-2435"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, February 11, 2020.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

