

# Journal of the Senate

THIRTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 25, 2020, 10:00 a.m.

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

When Tuned In To God, Nothing's Impossible!  
Matthew 19:26 and Luke 1:37

Heavenly Father, keeping in mind that we're still celebrating Black History Month, we can thank You for the contributions of a brother who spent many formative years here in Kansas, in Fort Scott, Paola, Minneapolis, Olathe and Spring Hill. Although George Washington Carver, was born the son of slaves,

You blessed him to become, as President Roosevelt labeled him, one of the most productive scientist our world has known, and Lord, You did that! He said "I love to think of nature as an unlimited broadcasting station through which God speaks to us every hour if we will only tune in." He was so in tune with You and this world You created that You led him to bless us with scores and scores of inventions: turning soybeans into plastic, sweet potatoes into cereal, wood shavings into synthetic marble, cotton into paving blocks. and creating from peanuts more than three hundred by-products such as milk, coffee and shaving cream.

Lord, it is amazing what You can do with a mind that's been set free and submitted, in tune with You. You did say, in Matthew 19:26 and Luke 1:37, that with Your help, "Nothing is impossible!" You also led him to unselfishly share with farmers throughout this land, while not seeking any royalties, the benefits of all his extensive research. Then, on January 5, 1943, You brought him home to be with You from labor to reward.

So, we're thanking You today for blessing Kansas and the world with George Washington Carver. I offer this prayer of thanksgiving in the cherished Name of Jesus, Amen!

The Pledge of Allegiance was led by President Wagle.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 470**.

Education: **SB 471; HB 2515**.

Federal and State Affairs: **SB 467, SB 468**.

Judiciary: **SB 469; HB 2500, HB 2521**.

Transportation: **SB 472**.

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Kerschen, Billinger, Bowers, Braun, Denning, Doll, Francisco, Givens, Goddard, Haley, Lynn, McGinn, Pettey, Taylor, Thompson, Tyson and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1762—

A RESOLUTION honoring United States servicemembers who were exposed and fell victim to Agent Orange during and after the Vietnam War.

WHEREAS, Our nation was built by individuals who were willing to sacrifice their personal safety and concerns to ensure our individual and collective freedom; and

WHEREAS, Kansas is proud to be the home of many men and women who have performed above and beyond the call of duty; and

WHEREAS, Throughout the years, citizens of the United States have been called to take up arms against the enemies of our great nation, risking their lives and leaving their loved ones behind, to honorably safeguard the freedoms and liberties guaranteed to all Americans; and

WHEREAS, When an estimated 20 million gallons of Agent Orange were sprayed across Vietnam from U.S. aircrafts, destroying vegetation and crops that provided the enemy's food supply and cover that concealed enemy forces, millions of American soldiers were exposed to the chemical; and

WHEREAS, Agent Orange is a blend of poisonous herbicides, including dioxin, that, through physical contact or ingestion, causes a number of serious illnesses, including leukemia, myeloma, Hodgkin's and non-Hodgkin's lymphoma, ischemic heart disease, soft tissue sarcomas, amyloidosis, diabetes, Parkinson's disease and cancers of the throat, prostate and lung; and

WHEREAS, Agent Orange also causes genetic damage and birth defects, as some children and grandchildren of veterans exposed to Agent Orange have been born with spina bifida and other defects; and

WHEREAS, The Wall at the Vietnam Veterans Memorial in Washington, D.C., memorializes those who died overseas, but it does not include those veterans who were exposed and fell victim to Agent Orange years after the war; and

WHEREAS, Agent Orange continues to affect American heroes who served on the ground, in the air and on the waterways in Vietnam and who have developed these serious illnesses or passed away years after leaving battle; and

WHEREAS, We should honor these veterans as they have made untold and innumerable sacrifices to preserve the liberties we enjoy today and that generations to come will continue to cherish: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we honor United States servicemembers who were exposed and fell victim to Agent Orange during and after the Vietnam War; and

*Be it further resolved:* That the Secretary of the Senate shall send six enrolled copies of this resolution to Senator Kerschen.

On emergency motion of Senator Kerschen **SR 1762** was adopted unanimously.

Comments from Senator Kerschen: Today we are recognizing and honoring those veterans who served in Vietnam and were exposed to Agent Orange. There are not enough words in the entire dictionary to adequately express our gratitude for those veterans. So today we will settle for two important words and say “thank you.” In the VIP section are Barbara Osborn and Amber Kerschen (my niece) from Wichita. Barbara's husband Edwin was a victim of Agent Orange.

#### **FINAL ACTION ON CONSENT CALENDAR**

**SB 290, SB 297, SB 334** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 290**, AN ACT concerning certain state officers; pertaining to the securities commissioner and the commissioner of insurance; updating the appointment and removal authority; amending K.S.A. 75-6301 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

The bill passed.

**SB 297**, AN ACT concerning property taxation; relating to appraisal standards; requiring compliance with uniform standards of professional appraisal practice; removing rules and regulations authority; amending K.S.A. 79-505 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

The bill passed.

**SB 334**, AN ACT concerning civil procedure; relating to the rules of evidence; authentication of records and documents; amending K.S.A. 60-464 and 60-467 and K.S.A. 2019 Supp. 60-460 and 60-465 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, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

Nays: Hilderbrand.

The bill passed.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 153**, AN ACT concerning the department of health and environment; relating to water and soil pollutants; spill program; amending K.S.A. 65-171v and repealing the existing section, 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, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Wagle, Ware, Wilborn.

Nays: Hilderbrand, Pyle, Tyson.

The bill passed, as amended.

**SB 256**, AN ACT concerning elections; relating to determination of senatorial and representative district boundaries; use of census data; repealing certain obsolete or nonconforming provisions; 1988 census, census data adjustments, presidential preference primary, election-related corporate contributions ; 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, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Wagle, Ware, Wilborn.

Nays: Hilderbrand, Pyle, Tyson.

Present and Passing: Holland.

The bill passed, as amended.

**SB 307**, AN ACT concerning wildlife, parks and recreation; relating to boating and water activities; approved types of personal flotation devices; amending K.S.A. 32-1129 and repealing the existing section, 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, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Wagle, Ware, Wilborn.

Nays: Hilderbrand, Pyle, Tyson.

The bill passed.

**SB 331**, AN ACT concerning the Kansas open records act; relating to exceptions to disclosure; public websites that identify home addresses or home ownership; identifying information of employees of the department of corrections, local correctional officers or local detention officers, employees of the judicial branch and employees of a municipal court; amending K.S.A. 2019 Supp. 45-221 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, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

The bill passed, as amended.

**SB 354**, AN ACT concerning postsecondary education; relating to the regulation of private and out-of-state educational institutions by the state board of regents; certificates of approval; student protections; rules and regulations; amending K.S.A. 74-32,162, 74-32,163, 74-32,164, 74-32,165, 74-32,167, 74-32,168, 74-32,169, 74-32,170, 74-32,171, 74-32,172, 74-32,173, 74-32,175, 74-32,177, 74-32,178, 74-32,181, 74-32,182, 74-32,184, 74-32,194, 74-32,417 and 74-32,419 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, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware, Wilborn.

Nays: Hilderbrand, Thompson, Tyson.

The bill passed, as amended.

**SB 390**, AN ACT concerning motor vehicles; relating to license plates; permitting concrete mixer trucks and requiring dump trucks to display license plates on the front of the vehicle; amending K.S.A. 2019 Supp. 8-133 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

Nays: Miller, Pyle.

The bill passed, as amended.

## ORIGINAL MOTION

President Wagle announced the time had arrived to consider the motion submitted February 24, 2020 in writing by Senator Tom Holland, citing Rule 11(b), to withdraw **SB 249** from the Committee on **Financial Institutions and Insurance**, and be placed on the calendar under the heading of **General Orders**.

**SB 249**, AN ACT concerning insurance; relating to coverage of mental illness and substance use disorders; limiting utilization review under certain circumstances; enacting the Kristi L. Bennett mental health parity act; amending K.S.A. 2019 Supp. 40-2,105 and 40-2,105a and repealing the existing sections.

On roll call, the vote was: Yeas 11; Nays 29; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Sykes, Ware.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pyle, Rucker, Skubal, Suellentrop, Taylor, Thompson, Tyson, Wagle, Wilborn.

Pursuant to Senate Rule 11(b) requiring a majority vote of 24, the motion failed and **SB 249** remains in committee.

#### EXPLANATION OF VOTE

Madame President: As a co-sponsor of **SB 249**, I vote in opposition of pulling this bill out of committee. It would be a disservice to Kristi L. Bennett's memory and to her loving family and friends for us to attempt to cobble together a Mental Health Parity solution on the Senate floor. As many of you know, I have worked tirelessly to find new solutions to the mental health crisis in Kansas. Just last year, I carried the amendment that was passed into law to create the Youth Suicide Prevention Coordinator. This session I have worked with my colleagues, the Senator from Johnson County and the Representative from Miami County, on a weekly basis to assure the progress of this bill. The House has had hearings and sub-committee meetings. They are working diligently toward the formation of a Task Force to address the many complicated issues involved in addressing the mental health needs of Kansans. It is more important for this legislature to find a true solution for Mental Health Parity than to cast a "feel good" vote.—MOLLY BAUMGARDNER

#### COMMITTEE OF THE WHOLE

On motion of Senator Denning, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Hilderbrand in the chair.

**SB 272, SB 295** be passed.

**SB 377** be amended by the adoption of the committee amendments, and the bill be passed as amended.

**SB 264** be amended by the adoption of the committee amendments, be further amended by motion of Senator Alley; on page 1, in line 35, after the stricken material by inserting "or";

On page 2, in line 2, by striking all after "property"; by striking all in line 3; in line 4, by striking all before the period; and **SB 264** be passed as further amended.

**SB 294** be amended by the adoption of the committee amendments, be further amended by motion of Senator Holland; on page 2, in line 31, before the period by inserting "with payment due to the county clerk by December 31"

**SB 294** be further amended by motion of Senator Holland; on page 4, in line 1, by striking "\$20,000" and inserting "\$5,000"

**SB 294** be further amended by motion of Senator Holland; on page 2, in line 13, by striking all after "rate"; by striking all in line 14; in line 15, by striking all before "on"

A motion by Senator Skubal to amend **SB 294** failed.

The Committee rose and reported progress (See Committee of the Whole afternoon session.)

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

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AFTERNOON SESSION

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

**COMMITTEE OF THE WHOLE**

The Senate returned to Committee of the Whole with Senator Hilderbrand in the chair.

On motion of Senator Hilderbrand the report for the morning and following afternoon session was adopted:

The Senate resumed debate on **SB 294**; and recommended **SB 294** be passed as further amended.

A motion by Senator Berger to amend **SB 294** failed.

**SB 358** be passed.

A motion by Senator Haley to amend **SB 358** failed.

**SB 42, SB 254, SB 266**, be amended by the adoption of the committee amendments,

The committee report on **SB 126** recommending **Sub SB 126** be adopted, be amended by motion of Senator Masterson; on page 1, in line 9, after "track" by inserting "and defer into a regulatory asset or liability, as appropriate,"; in line 10, by striking "taxes" and inserting "tax rates"; in line 13, by striking "amount of incomes taxes" and inserting "income tax rates"; in line 19, by striking "30" and inserting "60"; also in line 19, after "of" by inserting "the enactment of"; in line 32, after "That" by inserting ", if requested by the utility,";

On page 2, in line 6, by striking "cost of short-term debt" and inserting "weighted average cost of capital, as determined by the commission in the utility's most recent general rate proceeding"; in line 10, after "(e)" by inserting "If a utility has a full general rate proceeding pending before the commission, or has provided notice to the commission of its intent to file a full general rate proceeding application, at the time any adjusted income tax rates become effective, upon a showing by the utility that the public interest would be promoted, the commission may issue an order finding that such adjusted state or federal income tax rates should not be reflected in such utility's retail rates until the utility's new retail rates become effective following such utility's full general rate proceeding.

(f)";

Also on page 2, in line 11, by striking "be"; in line 12, by striking "maintained" and inserting "remain unamortized"; in line 13, by striking "altered" and inserting "adjusted"; in line 14, after "be" by inserting "amortized and"; in line 15, after the period by inserting "If requested by the utility,"; in line 16, by striking all after "be"; in line 17, by striking all before "amortized"; also in line 17, after "over" by inserting "a period of not less than"; in line 18, after "utility" by inserting "by order of the commission"; in line 19, by striking "authorized"; in line 20, by striking all before "amortized"; also in line 20, after "utility" by inserting "by order of the commission"; in line 34, after the first period by inserting ""Overcollection or undercollection of income tax expense" does not include the effects of accumulated deferred income taxes or excess accumulated deferred income taxes.";

On page 3, in line 15, after "(d)" by inserting "Notwithstanding the provisions of K.S.A. 79-32,110, and amendments thereto, effective for tax years ending on or after December 31, 2021,"; in line 16, by striking all after the comma; by striking all in line 17; in line 18, by striking all before "that"; in line 19, after "commission" by inserting "and any utility that is a cooperative as defined in K.S.A. 66-104d, and amendments thereto, or owned by one or more such cooperatives"; in line 21, after the semicolon by inserting "(2) not be permitted to be included in a consolidated or unitary combined return,"; also in line 21, by striking "(2)" and inserting "(3) except as provided in section 1, and amendments thereto,"; and **Sub SB 126** be passed as amended.

**SB 339** be amended by the adoption of the committee amendments, be further amended by motion of Senator Francisco; on page 3, in line 7, after "(f)" by inserting "Starting in January 2023, the commission shall biennially provide a status report to the legislature about any contract rates authorized pursuant to this section. Such report shall include the:

- (1) Number of entities with such contract rates;
- (2) number of entities with increased load;
- (3) number of entities with decreased load;
- (4) aggregate load and change in aggregate load on an annual basis;
- (5) total subsidy and the subsidy for each individual contract;
- (6) annual and cumulative rate increase on non-contract rate customers; and
- (7) estimated economic development impact of entities with contract rates that occurred as a result of such contract rates through an evaluation of the annual: (A) Total employment for such entities; (B) change in employment for such entities; and (C) tax revenue generated by such entities.

(g)";

On page 5, in line 11, after "(g)" by inserting "Starting in January 2023, the commission shall biennially provide a status report to the legislature about any discounts from tariffed rates authorized pursuant to this section. Such report shall include the:

- (1) Number of entities with such discounts;
- (2) number of entities with increased load;
- (3) number of entities with decreased load;
- (4) aggregate load and change in aggregate load on an annual basis;
- (5) total subsidy and the subsidy for each individual contract;
- (6) annual and cumulative rate impact on non-contract rate customers; and
- (7) estimated economic development impact of entities with discounted rates that occurred as a result of such discounts through an evaluation of the annual: (A) Total employment for such entities; (B) change in employment for such entities; and (C) tax revenue generated by such entities.

(h)";

On page 1, in the title, in line 4, before the period by inserting "; report to the legislature"; and **SB 339** be passed as further amended.

## **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 42; Sub SB 126; SB 254, SB 264, SB 265, SB 266, SB 272, SB 294, SB 295, SB 339, SB 358, SB 377** were advanced to Final Action and roll call.



**SB 42**, AN ACT concerning real estate brokers and salespersons; relating to the definitions of rebate and interest for purposes of real estate transactions; amending K.S.A. 2019 Supp. 58-3035 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

The bill passed, as amended.

**Sub SB 126**, AN ACT concerning income taxation; relating to certain public utilities; exemption from income taxation; income tax expenses, exclusion from retail rates; amending K.S.A. 79-32,113 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

The substitute bill passed, as amended.

**SB 254**, AN ACT concerning requirements of publication of certain documents by the secretary of state; relating to session laws, the Kansas register, proposed amendments to the constitution of the state of Kansas, and Kansas administrative rules and regulations and guidance documents; amending K.S.A. 45-315, 64-103, 75-430, 75-433, 77-417, 77-430, 77-430a, 77-431 and 77-438 and K.S.A. 2019 Supp. 45-107 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Wagle, Ware, Wilborn.

Nays: Hilderbrand, Tyson.

The bill passed, as amended.

**SB 264**, AN ACT concerning property taxation; relating to county appraisers; removal from list of persons eligible to be appointed to office of appraiser; notification when person no longer holds office of appraiser; amending K.S.A. 2019 Supp. 19-432 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson,

Wagle, Ware, Wilborn.

The bill passed, as amended.

**SB 265**, AN ACT concerning the state board of tax appeals; relating to orders and notices; service by electronic means; amending K.S.A. 74-2426 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

The bill passed.

**SB 266**, AN ACT concerning property taxation; relating to county appraisers, qualifications and appraisal courses for registered mass appraiser designation; state board of tax appeals, appraisal course requirements; appraisal courses approved by the real estate appraisal board; amending K.S.A. 74-2433 and K.S.A. 2019 Supp. 19-430 and 19-432 and repealing the existing sections.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pyle, Rucker, Skubal, Suellentrop, Taylor, Thompson, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Sykes, Ware.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on **Senate Bill 266** because we are unnecessarily delegating to the Real Estate Appraisal Board a responsibility, by their own admission, they do not specifically license and do not currently have approved courses for this designation. As the fiscal note indicates, costs will now rise for both the Kansas Property Valuation Division and Kansas counties. The Real Estate Appraisal Board has no more reason to be delving into mass appraisal instruction than dentists should be performing appendectomies.—VIC MILLER

Senators Faust-Goudeau, Francisco, Hawk, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Miller on **SB 266**.

**SB 272**, AN ACT concerning property taxation; relating to county appraisers and the state board of tax appeals; prohibiting valuation increases of county appraised property in valuation appeals; amending K.S.A. 74-2433f, 79-1448, 79-1609 and 79-2005 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, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley,

Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

The bill passed.

**SB 294**, AN ACT concerning property taxation; relating to tax rates; truth in taxation; establishing notice and public hearing requirements prior to approval to exceed revenue neutral rate; discontinuing the city and county tax lid; amending K.S.A. 79-2925c and repealing the existing section.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

Present and Passing: Sykes.

The bill passed, as amended.

**SB 295**, AN ACT concerning property taxation; relating to valuation of real property; prohibiting valuation increase solely as the result of normal repair, replacement or maintenance; amending K.S.A. 79-1460 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Givens, Goddard, Haley, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

Nays: Hardy.

Present and Passing: Francisco.

The bill passed.

**SB 339**, AN ACT concerning electric utilities; relating to electric rates; state corporation commission; approval of certain contract rates for electricity; cost recovery from rate classes; report to the legislature.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

Present and Passing: Suellentrop.

The bill passed, as amended.

**SB 358**, AN ACT concerning drivers' licenses; relating to driving under the influence of alcohol or drugs; providing that the highway patrol has oversight of state certification ignition interlock manufacturers and their service providers; amending K.S.A. 8-1016 and K.S.A. 2019 Supp. 8-241, 8-1014 and 8-1015 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, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

The bill passed.

**SB 377**, AN ACT concerning roads and highways; designating a portion of K-7 as the Senator Bud Burke memorial highway.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

Nays: Miller.

The bill passed, as amended.

#### **CHANGE OF REFERENCE**

An objection having been made to **SB 432** appearing on the **Consent Calendar**, the Vice President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **SB 309** be passed.

Also, **SB 273** be amended on page 3, in line 24, by striking "to attend" and inserting "that"; also in line 24, after "appeals" by inserting "be scheduled to accommodate participation"; in line 25, after the period by inserting "Any party may appear at such proceeding by audio or video electronic communication."; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 361** be passed.

Committee on **Education** recommends **SB 336** be amended on page 1, in line 5, by striking "7" and inserting "8"; in line 8, by striking "7" and inserting "8"; in line 9, after "(a)" by inserting "'Baccalaureate degree completion program" means the last two years, or up to the last 60 credit hours, of a baccalaureate degree program approved by the board for the Kansas RISE scholarship program whereby a student holding an associate degree or completing one half of such baccalaureate program may obtain a bachelor's degree from a four-year eligible postsecondary educational program.

(b)";

Also on page 1, by striking all in lines 12 through 16; in line 25, after "any" by inserting "not-for-profit"; in line 27, by striking all after "with"; in line 28, by striking all before the semicolon and inserting "a nationally recognized accrediting agency for higher education in the United States"; in line 30, after "offers" by inserting "a baccalaureate,"; in line 33, by striking "bridge" and inserting "baccalaureate degree completion";

On page 2, in line 12, by striking ", whether"; also in line 12, by striking "for-profit or"; in line 37, by striking "7" and inserting "8";

On page 3, in line 12, after "certificate" by inserting "or high school equivalency certificate"; in line 23, by striking "the limitation" and inserting "appropriations and except as"; in line 25, by striking "mandatory" and inserting "required"; in line 28, by striking "an amount equal to \$250" and inserting "a stipend"; in line 32, by striking "mandatory" and inserting "required"; in line 34, by striking "mandatory" and inserting "required";

On page 4, in line 8, by striking all after "maintains"; in line 9, by striking "2.0" and inserting "satisfactory academic progress"; following line 19, by inserting:

"Sec. 7. (a) As a condition of receiving a Kansas RISE scholarship, the student shall agree to commence work for three consecutive years in the state of Kansas within six months of completion of an associate degree program, career and technical education program or baccalaureate degree completion program.

(b) The student shall maintain records and make reports to the board on such forms and in such manner as required by the board to document the satisfaction of the work requirement pursuant to subsection (a).

(c) (1) If any student who receives a Kansas RISE scholarship fails to satisfy the requirements of subsections (a) and (b), such student shall pay an amount equal to the total amount of scholarship moneys received by such student that is financed by the state of Kansas plus accrued interest at a rate equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such student first received a scholarship. Installment payments of such amounts may be made in accordance with rules and regulations of the board. Such installment payments shall begin six months after the date such student fails to satisfy the requirements of subsection (a) or (b), as determined by the board. All moneys received pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(2) The board is authorized to turn any repayment account arising under this act to a designated loan servicer or collection agency, the state not being involved other than to receive payments from the loan servicer or collection agency at the interest rate prescribed under this subsection.";

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

Committee on **Financial Institutions and Insurance** recommends **SB 282** be amended by substituting with a new bill to be designated as "Substitute for SENATE BILL NO. 282," as follows:

"Substitute for SENATE BILL NO. 282

By Committee on Financial Institutions and Insurance

"AN ACT concerning transportation; relating to peer-to-peer vehicle sharing; insurance requirements; liability; recordkeeping; consumer protection; enacting the peer-to-peer vehicle sharing program act.";

And the substitute bill be passed.

Also, **SB 402** be amended on page 5, in line 17, by striking all after "(2)"; by striking all in line 18; in line 19, by striking "(3)"; in line 20, after "commissioner" by inserting "; and

application fee of \$4"; in line 21, after "(c)" by inserting "(1) (A) On and after July 1, 2001, through December 31, 2021, each licensed insurance agent who is an individual and holds a property or casualty qualification, or both, or a personal lines qualification shall biennially obtain a minimum of 12 C.E.C.s in courses certified as property and casualty that include at least one hour of instruction in insurance ethics, and such courses may include regulatory compliance.

(B)";

Also on page 5, also in line 21, by striking "the effective date of this act: (1)" and inserting "January 1, 2022, except as provided in paragraphs (3) through (6),"; in line 27, by striking all after the period; by striking all in line 28; in line 35, after the stricken material by inserting "On and after July 1, 2001, through December 31, 2021, each licensed insurance agent who is an individual and holds a life, accident and health, or variable contracts qualification, or any combination thereof, shall biennially complete 12 C.E.C.s in courses certified as life, accident and health, or variable contracts that include at least one hour of instruction in insurance ethics, and such courses may include regulatory compliance."; in line 36, before "Each" by inserting "(3)";

On page 6, in line 11, after "bond" by inserting ", self-service storage unit or travel insurance";

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

On page 16, in line 12, before "K.S.A" by inserting "On and after January 1, 2021,";

On page 19, in line 37, after the fourth comma, by striking "40-"; in line 38, by striking "4912,"; in line 39, after "Sec. 10." by inserting "On and after January 1, 2021, K.S.A. 2019 Supp. 40-4912 is hereby repealed.

Sec. 11.";

And the bill be passed as amended.

Committee on **Utilities** recommends **SB 380** be amended on page 1, in line 14, by striking all after "153"; in line 15, by striking all before the period; in line 25, by striking all after "means"; by striking all in lines 26 and 27; in line 28, by striking all before "not" and inserting "equipment at a fixed location that is:

(1) Installed on cables that are owned and operated by a video service provider between utility poles as defined in K.S.A. 66-2019, and amendments thereto;

(2) used to provide communications service; and

(3) ";

Also on page 1, in line 29, by striking the comma and inserting "and"; also in line 29, after "and" by inserting "does not have"; also in line 29, by striking "is not"; in line 30, by striking "11" and inserting "1½";

On page 2, by striking all in lines 14 through 18; in line 38, after "statutes" by inserting ", taxes";

On page 3, in line 35, after "(f)" by inserting "(1)"; in line 37, by striking "(1)" and inserting "(A)";

On page 4, by striking all in lines 1 through 3; in line 4, by striking "(5)" and inserting "(D) impose any fee, tax or charge other than any applicable federal and state taxes and the video service provider fee specified in K.S.A. 2019 Supp. 12-2024, and amendments thereto;

(E) require such holder to obtain any additional authorization or license for the provision of communications service over such holder's network;

(F)";

Also on page 4, in line 9, after the semicolon by inserting "and"; by striking all in lines 13 through 16; in line 17, by striking all before the period and inserting:

"(2) notwithstanding any provision to the contrary, a municipality may require the holder of a state-issued video service authorization to comply with the national electrical safety code and all industry recognized engineering safety standards; and

(3) except as provided in subparagraph (H), this subsection shall not prohibit a municipality from assessing any fees or rates or enforcing any regulations pursuant to K.S.A. 66-2019, and amendments thereto, on a video service provider";

On page 7, following line 4, by inserting:

"(o) Nothing in this act shall be construed to prohibit the owner of a utility pole from setting the rates, fees, terms and conditions of any pole attachment agreement with an authorized video service provider.";

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

On page 1, in the title, in line 2, by striking all after "of"; in line 3, by striking "prohibiting" and inserting "communications service; definitions; restricting"; also in line 3, by striking "enacting regulations" and inserting "imposing certain regulations and fees"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, February 26, 2020.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

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