

# Journal of the Senate

FORTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 17, 2021, 2:30 p.m.

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

Going To God In Prayer; The Power of Interceding For Others!"  
1 Timothy 2:1-4; Acts 12:1-3, 5-7, 12; Ecclesiastes 4:9

Heavenly Father, as we gather today, we're in a significant battle for our freedoms. So, an ever increasing necessity for us is to understand the need for fervent prayer. Your Word declares, in 1 Timothy 2:1-4, that public servants in positions of authority, must be prayed for, so that a peaceful and calm Godliness may prevail.

Lord, in Acts 12:5-7, freedom for Your people was in grave danger. Peter, leader of the Apostles, was in chains and hopelessly imprisoned. But Your people prayed for Peter. You honored their combined prayers. That chain of prayers, coming from Your people, was heard by You. You released Peter from his chains so he could more effectively serve You and Your people.

Lord, please reproduce that scenario right here. If any one of us is wearing shackles of any kind, that hinder us from more effectively serving You and Your people, then remind us of the need for and the power of praying for one another. Keep us mindful of the increased energy principle, found in Ecclesiastes 4:9, where two praying together are better than one and the synergy of three increases the power of prayer exponentially.

And Lord, let not one of us be so careless or non-committal in linking the chain of our prayers together that any of us become the weakest link. Help us to be strong together and together strong. And in the same way that it happened with Peter, as we pray for each other, we'll see freedom prevail and the chains of bondage falling from us.

I thank You Lord, for the combined effect of our praying for one another. In the Name of Christ Jesus, Amen!

The Pledge of Allegiance was led by President Masterson.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 299**, AN ACT concerning the state banking board; increasing the compensation of members; amending K.S.A. 74-3005 and K.S.A. 2020 Supp. 9-815 and repealing the existing sections, by Committee on Ways and Means.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Commerce: **HB 2219**.

Education: **HB 2287**.

Public Health and Welfare: **SB 298**.

**MESSAGES FROM THE GOVERNOR**

*To the Senate of the State of Kansas*

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY  
*Governor*

March 1, 2021

*Member (Public Member #4), KU Hospital Authority, Mark Uhlig, Leawood, (R),* pursuant to the authority vested in me by K.S.A. 76-3304, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed himself.

March 2, 2021

*Secretary, Kansas Department of Labor, Amber Shultz, Lawrence, (D),* pursuant to the authority vested in me by the K.S.A. 75-5701 and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Delia Garcia.

March 4, 2021

*Member (CDI Member) State Civil Service Board, Tom Phillips, Manhattan, (R),* pursuant to the authority vested in me by K.S.A. 75-2929a, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed Allen Clark Schmidt.

*Member (At-Large), State Civil Service Board, Sheryl Gilchrist, Topeka, (R),* pursuant to the authority vested in me by K.S.A. 75-2929a, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed herself.

**COMMUNICATIONS FROM STATE OFFICERS**

December 29, 2020

Office of the Attorney General, Derrick Schmidt: Pursuant to K.S.A. 74-7303, I am appointing Becky Dickinson as a member of the Crime Victims Compensation Board...to fill the unexpired four-year term to the vacant position previously held by Nan Porter that expires on March 15, 2021.

January 6, 2021

Kansas Insurance Commissioner, Vicki Schmidt: Pursuant to K.S.A. 2020 Supp 75-6301, I am appointing Daniel Klucas as Kansas Securities Commissioner for a term to expiring January 15, 2025...in a new position to serve at the pleasure of the Commissioner of Insurance.

January 19, 2021

Office of the Attorney General, Derrick Schmidt: Pursuant to K.S.A. 75-7427(b)(2)

(A) I hereby appoint Steven D. Anderson...to serve as Medicaid Inspector General for a term expiring on January 15, 2025.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2021**; **Sub HB 2094**; **HB 2248**, **HB 2339**.  
Announcing the failure of **SB 235**.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2021**, **HB 2094**, **HB 2248**, **HB 2339** were thereupon introduced and read by title.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**Sub SB 267**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, 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. 75-6702 and 75-6706 and K.S.A. 2020 Supp. 2-223, 12-1775a, 12-5256, 55-193, 72-5462, 74-50,107, 74-99b34, 75-2263, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 13; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pyle, Ryckman, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Baumgardner, Corson, Doll, Francisco, Haley, Holscher, Peck, Pettey, Pittman, Steffen, Straub, Sykes, Ware.

Present and Passing: Faust-Goudeau, Hawk, Holland.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. President: I vote "PASS" on **Substitute** for **SB 267**. This vote is both a reluctant pass and an optimistic hope for a much better budget bill during Omnibus. The Governor and state agencies gave us a sustainable budget with several cuts reflecting the difficult times we are facing. To make that budget balance, the Governor included several budget relief tools. To date in the Senate we have passed only one, the "Market Place Facilitator". To further complicate our budget outlook, the Senate passed a \$478.3M tax cut in **SB 22**. That complicates the additional spending in **Sub SB 267** with \$56.7M beyond the Governor and agency recommendations. My optimistic hope for this budget process is in what I have seen in past years with the Conference Committee process, the give and take and the final considerations in Omnibus. We do have a serious problem to fix in that we cut \$235.8M from our mandated school finance obligation based on the hope that the new federal funds could be used to fund that. There is legitimate concern that those new ARP/CARES funds cannot be used and would be considered supplanting necessary state funding. I will trust in the process, hope that the initial profile of a negative \$78.2m balance can be fixed and that working with all legislators and the Governor, we can craft a final responsible, sustainable

budget for the people of Kansas.—TOM HAWK

Senator Faust-Goudeau requests the record to show she concurs with the "Explanation of Vote" offered by Senator Hawk on **Sub SB 267**.

Mr. President: I vote "AYE" on this legislation in support of amendments that were adopted, most emphatically in support of the language ending the mask mandate!—

DENNIS PYLE

Mr. President: This budget is not balanced nor sustainable. When we consider budgets, we must always prioritize the need to protect our state's future and be fiscally responsible. We cannot pay for tax cuts for giant multinational corporations, keep the lights on and keep our state running, and operate with a positive balance under this proposed budget. Furthermore, this budget punts our constitutional obligation to fund our schools. One-time federal funds during a pandemic do not a finance formula make. It is irresponsible to set a precedent wherein we choose not to appropriate funds for our public schools because we hope we can shore up money elsewhere. This will land us in court, and this will cost our state money and hurt our kids. I vote "NO."—DINAH SYKES

Senators Corson and Haley request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **Sub SB 267**.

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 President Masterson in the Chair.

### 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 Claeys in the chair.

On motion of Senator Claeys the following report was adopted:

**HB 2227** be passed.

**Sub HB 2066** be amended by motion of Senator Hilderbrand; on page 9, in line 19, by striking "statute book" and inserting "Kansas register"

and **Sub HB 2066** be passed as amended.

A motion by Senator Hawk to amend **Sub HB 2066** failed and the following amendment was rejected; on page 7, in line 32, after "engineering" by inserting "or architecture"; in line 33, after "engineering" by inserting "or architecture"

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

On roll call, the vote was: Yeas 16; Nays 17; Present and Passing 3; Absent or Not Voting 4.

Yeas: Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Kloos, McGinn, O'Shea, Pettey, Pittman, Steffen, Sykes, Ware.

Nays: Alley, Bowers, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Longbine, Masterson, Peck, Petersen, Ryckman, Straub, Suellentrop, Thompson, Tyson, Wilborn.

Present and Passing: Baumgardner, Claeys, Warren.

Absent or Not Voting: Billinger, Holland, Olson, Pyle.

**SB 208; HB 2078** be amended by the adoption of the committee amendments, and the bills be passed as amended.

An amendment was offered by Senator Corson. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

**SB 37** be amended by the adoption of the committee amendments, be further amended by motion of Senator Peck; on page 8, following line 17, by inserting:

"(7) (A) A licensed insurance agent who is a member of the national guard or any reserve component of the armed services of the United States who serves on active duty for at least 90 consecutive days shall be exempt from the requirement to obtain C.E.C.s during the time that such insurance agent is on active duty.

(B) The commissioner shall grant an extension to any licensed insurance agent described in subparagraph (A) until the biennial due date that occurs in the year next succeeding the year in which such active duty ceases."

**SB 37** be further amended by motion of Senator Peck; on page 8, in line 9, by striking all after "report"; in line 10, by striking all before "shall" and inserting "and" and **SB 37** be passed as further amended.

A motion by Senator Peck to amend **SB 37** failed and the following amendment was rejected; on page 8, following line 17, by inserting:

"(7) A licensed insurance agent who is an individual and who has been licensed continuously for at least 25 years immediately preceding January 1, 2022, shall be exempt from the requirement to obtain C.E.C.s."

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

On roll call, the vote was: Yeas 16; Nays 19; Present and Passing 4; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Claeys, Doll, Fagg, Masterson, Peck, Petersen, Pittman, Pyle, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Bowers, Corson, Dietrich, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, McGinn, O'Shea, Olson, Pettey, Ryckman, Steffen, Sykes, Ware.

Present and Passing: Erickson, Faust-Goudeau, Gossage, Hilderbrand.

Absent or Not Voting: Billinger.

The substitute bill passed, as amended.

A motion by Senator Gossage to amend **SB 37** failed.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **SB 37, SB 208; Sub HB 2066; HB 2078, HB 2227** were advanced to Final Action and roll call.

**SB 37**, AN ACT concerning insurance; relating to producer licensing requirements; agent conduct; pertaining to examinations; fees; renewal dates; suspension, revocation or denial of licensure; licensure renewal; amending K.S.A. 2020 Supp. 40-241, 40-4902, 40-4903, 40-4905, 40-4909, 40-4912, 40-4915, 40-5505 and 40-5512 and repealing the existing sections.

On roll call, the vote was: Yeas 31; Nays 6; Present and Passing 2; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman,

Suellentrop, Sykes, Tyson, Ware, Wilborn.

Nays: Gossage, Peck, Steffen, Straub, Thompson, Warren.

Present and Passing: Hilderbrand, Pyle.

Absent or Not Voting: Billinger.

The bill passed, as amended.

**SB 208**, AN ACT concerning education; relating to student athletes; creating the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations.

On roll call, the vote was: Yeas 24; Nays 10; Present and Passing 5; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Bowers, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Dietrich, Faust-Goudeau, Francisco, Hawk, Holland, Holscher, Pettey, Sykes, Ware.

Present and Passing: Doll, Haley, Longbine, McGinn, Pittman.

Absent or Not Voting: Billinger.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. President: I believe in old fashioned chivalry and standing up for God's special creation -- females. I vote "YES" on **SB 208**. I have a 14-year-old granddaughter. Hannah, this one's for you. And I have a 20-year-old granddaughter. Libbi, this one's for you. Libbi is expecting and will give birth to my first great-grandchild -- a girl -- in the next 50 days. Baby Jabben, this one's for you.—VIRGIL PECK

Mr. President: The state of Kansas has an organization, KSHAA, the Kansas State High School Activities Association, that provides guidelines for participation in secondary sports in Kansas. KSHAA has guidelines for Transgender students to participate in sports. **SB 208** is creating a problem and opening the door to discrimination and bullying of our Kansas students from K-12. I vote "NO" for **SB 208**.—PAT PETTEY

Senators Francisco and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **SB 208**.

Mr. President: We made good progress for the good of Kansas with earlier bills we passed today, bills that position our state for future military investment and economic development. I came to Topeka as a businessman, to use my skills to help Kansas, not to have government step in to unnecessarily regulate our citizens' social lives. **SB 208** is an unnecessary bill in search of a problem. Our athletic organizations have appropriate rules in place. If there were a demonstrated problem, we should address it in a way that is constructive and takes appropriate steps that help all youth be the best they could be. But I feel this unfortunately a punitive bill targeted towards at-risk youth and not a real solution that I can truly support at this time. I do not feel we should even be discussing this bill as it exists and so I actively choose to pass at this time.—JEFF PITTMAN

Mr. President: Treating humans with dignity and respect is the right thing to do. This bill is built on a lie that the biggest threat to women's sports and happiness is

transgender folks. It is built on a lie that biological gender is simple and we understand the science that says that it isn't as simple as some want it to be. It is built on a premise and a problem that hasn't and isn't occurring. I vote NO.—DINAH SYKES

Senator Francisco requests the record to show she concur with the "Explanation of Vote" offered by Senator Sykes on **SB 208**.

**Sub HB 2066**, AN ACT concerning occupational regulation; relating to occupational licenses for certain applicants; temporary emergency licenses; electronic credentials; amending K.S.A. 2020 Supp. 48-3406 and repealing the existing section.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Hawk, Hilderbrand, 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: Haley, Holland.

Present and Passing: Francisco.

Absent or Not Voting: Billinger.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. President: This bill effects many licensed occupations in Kansas. I understand that many licensing bodies are concerned that their ability to deny an application for licensure will be limited by this bill. It is critical that every applicant complies with the underlying laws governing each occupational license. I fully support this bill. My understanding of the bill, after conferring with the Revisor, is that each licensing body retains the discretion to determine if the applicant's credential, private certification, or work experience falls in the similar scope of practice as the Kansas licensed profession. Per subsection (m) this determination would be subject to any state law defining such scope of practice. Subsection (h) requires the licensing body to issue a temporary permit in such instances if the applicant is a military service member or spouse unless doing so would jeopardize public health and safety (which is also determined by the licensing body.) Subsection (i) authorizes the licensing body to issue a temporary permit in such instances to any other applicant, but the licensing body is not required to do so. Based on this analysis, I vote "YES" on **Sub HB 2066**.—BRENDA DIETRICH

Mr. President: I vote "NO" on **Sub HB 2066**. While I support the military spouse provisions of this bill, I cannot support how the bill unjustly favors out-of-state civilian workers with lesser experience over unemployed and underemployed Kansans who possess the appropriate licenses/credentials. Make no mistake, this bill will erode wages for those licensed Kansan professionals who will now be forced to compete on an unlevel playing field.—TOM HOLLAND

**HB 2078**, AN ACT concerning criminal procedure; relating to discharge of persons not brought promptly to trial; suspension of statutory deadlines; providing guidelines for prioritizing trials; requiring the office of judicial administration to prepare and submit a report to the legislature in 2022 and 2023; amending K.S.A. 2020 Supp. 22-3402 and repealing the existing section.

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

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

Nays: Hilderbrand, Holland, Peck, Pyle, Steffen, Straub, Tyson.

Absent or Not Voting: Billinger.

The bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. President: **HB 2078** puts a temporary stop on our Kansas statute on speedy trial. I believe we should not be delaying our citizens right to a trial just because of backlog. As an example, the military judicial system has adjusted to the pandemic with strict procedures and protective equipment to execute appropriately timed justice. I believe our judiciary should be obligated to do what it could do to ensure our state's expectations on one of our constitutional rights. However, we are where we are with the pandemic and we have serious criminal who pose a serious risk to society that cannot be set free by a technicality, so I appreciate the amendments our body has made to limit this hiatus on one of our sacred rights to two years.—JEFF PITTMAN

**HB 2227**, AN ACT concerning courts; relating to orders issued by the chief justice to secure health and safety during a disaster emergency; suspension of deadlines or time limitations; authorizing suspension during a state of local disaster emergency; suspension of verification requirements under the revised Kansas code for the care of children; use of electronic audio-visual communication to expeditiously resolve pending cases; amending K.S.A. 2020 Supp. 20-172 and repealing the existing section.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, 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, Ryckman, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Hilderbrand, Pyle, Steffen, Straub, Tyson.

Absent or Not Voting: Billinger.

The bill passed.

#### REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2126**, as amended by House Committee, be passed.

Committee on **Local Government** recommends **HB 2178** be amended on page 1, in line 5, before "Section" by inserting "New"; following line 9, by inserting:

"New Sec. 2. Any owner of land aggrieved by the decision of the city governing body under the provisions of K.S.A. 12-505, 13-443, 14-423 and 15-427, and amendments thereto, within 30 days following the publication of the vacation ordinance, may bring an action in district court challenging the reasonableness of such decision.

Sec. 3. K.S.A. 12-504 is hereby amended to read as follows: 12-504. ~~Whenever the governing body of the city in which any of the following are located or whenever (a) The owner or owners of: (1) Any townsite or part of a townsite, or of: (2) any addition or part of an addition to any city; or the governing body in which the following are located, or the owner or owners of (3) the lands adjoining on both sides of any street, alley or public reservation such as, but not limited to public easements, dedicated building setback lines, access control, or a part thereof, in any city or any addition thereto, that desires to have the same any townsite or part thereof, any addition or part thereof, or public easements, building setback lines, access control or part thereof vacated, or that desires to exclude any farming lands or unplatted tracts, or any addition or part of an addition to be vacated hereunder, from the boundaries of the city wherein situated, shall petition the governing body of such city or the city planning commission shall and request a public hearing on the issues. The governing body shall give public notice of the same of such request by a publication in a newspaper of general circulation in the vicinity of such place sought to be vacated or excluded or in the official city newspaper in which is situated the place, tract or tracts, street, alley, or public reservation sought to be vacated or excluded, if there is any such newspaper published therein and shall designate whether the hearing will be conducted by the governing body or the planning commission. Such The notice shall be published at least one time at least 20 days prior to the date of the hearing. Such The notice shall state that a petition has been filed in the office of the city clerk praying for requesting such vacation or exclusion, or both, describing the property fully, and that on a certain date after the completion of such publication notice, naming the day on which the petition will be presented to the governing body of the city or the city planning commission for a hearing thereon, and that at such time and place. The notice shall specify whether the hearing is to be held before the governing body or the planning commission. All interested persons interested can appear and shall be given an opportunity to be heard under on the petition.~~

(b) Any city may initiate the deannexation of land from the city by following the notice and public hearing process established in subsection (a). The hearing shall be held before the city governing body.

(c) A city may initiate the vacation of any public reservation by following the notice and public hearing process established in subsection (a). The hearing shall be held before the city governing body.

Sec. 4. K.S.A. 12-505 is hereby amended to read as follows: 12-505. (a) ~~(1) Upon the presentation of such the petition, as hereinbefore provided for, to the governing body of the city or planning commission, the governing body or planning commission shall proceed to hear the same petition, or may adjourn the hearing from time to time to some day and hour certain, as deemed necessary, and which adjournment shall be noted upon the record of the proceedings thereof as provided in the notice. On the day of the hearing of such petition, the governing body or planning commission shall hear such testimony as may be produced before it, and such other testimony as required in order to fully understand the true nature of the petition and on the propriety of granting the same petition. If the planning commission holds the hearing, the commission shall make a recommendation regarding the vacation and submit such recommendation to the governing body in the same manner provided by K.S.A. 12-752, and amendments thereto, for the submission and approval of recommendations regarding plats. Subject to~~

~~the provisions of subsection (b);~~

~~(2) If the governing body or planning commission determines from the proofs and evidence presented that due and legal notice has been given by publication as required ~~in this act, and,~~ that no private rights will be injured or endangered by such vacation or exclusion, ~~and~~ that the public will suffer no loss or inconvenience thereby; and that in justice to the petitioner or petitioners the ~~prayer request~~ of the petitioner ought to be granted, the governing body shall enact an ordinance containing the order that such vacation or exclusion, or both, be made. Any order approving a vacation of plat, street, alleys, easements or a public reservation shall provide for the reservation to the city and the owners of any lesser property rights for public utilities, rights-of-ways and easements for public service facilities originally held in such plat, street, alley, easement or public reservation then in existence and use.~~

~~(3) The petition shall not be granted if a written objection ~~thereto~~ is filed with the city clerk, at the time of or before the hearing, by any owner or adjoining owner who would be a proper party to the petition but has not joined therein. When only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be granted if a written objection is filed with the clerk of the governing body by any owner of lands ~~which~~ that adjoin the portion to be vacated.~~

~~(b) If within two years following the effective date of the annexation of any tract pursuant to K.S.A. 12-520c, and amendments thereto, and upon petition of the owner of any such tract, the governing body of the city shall exclude such tract if the owner reimburses the city for all costs incurred by the city in the extension of services to such tract, together with interest on the amount of such costs at a rate provided by K.S.A. 16-201, and amendments thereto. The owner shall be required to pay only those costs which are attributable to services which exclusively benefit such tract.~~

~~The provisions of this subsection shall apply only to a tract which is under one ownership on the date the petition for exclusion is filed by the owner thereof with the city governing body, and which will not adjoin the city on the effective date of its exclusion from the city.~~

~~The terms "tract" and "owner" in this subsection shall have the same meaning ascribed thereto in K.S.A. 12-519, and amendments thereto.~~

~~The provisions of this subsection shall expire on December 31, 1997.~~

~~(e) Any lands ~~so~~ excluded pursuant to this section shall be listed for future taxation the same as though it the lands had never been a part of such city, ~~and which order shall be entered at length on the records of the proceedings of the governing body. Thereupon~~ The city clerk shall certify a copy of such ordinance containing the order to the register of deeds of the county in which such property is located. The register of deeds shall record in the deed records of the county at the expense of the petitioner or petitioners, and the register of deeds shall also write on the margin of the recorded plat of such townsite or addition, the words "canceled by order" or "canceled in part by order," as the case may be, giving reference thereon to the page and book of records where ~~such~~ the ordinance containing the order is recorded in the register's office.~~

Sec. 5. K.S.A. 12-504 and 12-505 are hereby repealed.;

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after "of" by inserting "territory, easements or"; also in line 1, by striking all after "blocks"; in line 2, by striking all before the period and inserting "; providing procedures to challenge certain decisions of a city; amending

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K.S.A. 12-504 and 12-505 and repealing the existing sections"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 295** be passed.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Thursday, March 18, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

