

Journal of the Senate

FORTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 23, 2021, 2:30 p.m.

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

Think, Before You Speak! What Goes In, Is What Comes Out!
Life and Death Is In The Tongue!!

Matthew 4:4, Proverbs 18:21, Ephesians 4:29, Proverbs 29:20, James 1:19

Heavenly Father, most of us have had something to eat today to nourish our bodies. But in Matthew 4:4, You say that kind of food is not enough and that we need to feed on every Word that proceeds from You. And, You've ordained Your Prophets to give us a Divine, strength building diet consisting of Your Holy Word. So, Lord, let the words that come from us, reflect the Words that come from You.

In Proverbs 18:21, You tell us that the words we speak have the power of life and death. Your Word, therefore, orders us in Ephesians 4:29, not to use foul, offensive or insulting language. But to let everything we say be good and helpful, that our words will be an encouragement to those who hear them.

So, slow us down that we not be so quick as to speak out of our emotions. In Proverbs 29:20, You say that one who speaks in haste is more hopeless than a fool. And You tell us in James 1:19 to be slow to speak, but quick to listen. For when we're listening, You can teach us something.

And Lord, that reminds me of the wisdom of my Grandmother. She told me that as long as I kept my mouth shut, I could avoid displaying my ignorance. So, again Lord, keep us on a steady diet of feeding on Your Word. Because what comes in, is what will go out.

I pray today, in Jesus' Name. Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 304, AN ACT concerning the COVID-19 contact tracing privacy act; removing the sunset provision; amending K.S.A. 2020 Supp. 48-961 and repealing the existing section, by Committee on Federal and State Affairs.

SB 305, AN ACT concerning law enforcement; relating to automated license plate recognition systems; requiring each law enforcement agency that utilizes such systems

to adopt and maintain a detailed, written policy relating to the use and operation of such systems; prescribing restrictions and requirements relating to the collection, storage and sharing of captured license plate data; criminal penalties for unlawful acts relating to such data, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 302**.

Public Health and Welfare: **SB 303**.

REFERENCE OF APPOINTMENTS

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member - 1, State Board of Tax Appeals:

Kristen Wheeler, to serve Term ends January 15, 2025.

(Committee on Assessment and Taxation)

The following appointment made by the Attorney General and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member, Kansas Crime Victims Compensation Board

Rebecca Dickinson, effective upon the date of confirmation by the Senate, to serve a term to expire March 15, 2025.

(Committee on Judiciary)

CHANGE OF REFERENCE

An objection having been made to **SB 146** appearing on the **Consent Calendar**, the Vice President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

MESSAGES FROM THE GOVERNOR

Enclosed is Executive Order 21-08 for your information. (March 22, 2021)

MESSAGE FROM THE HOUSE

Announcing passage of **SB 118**.

Announcing passage of **SB 26**, as amended by **H Sub SB 26**; **SB 63**, as amended by **H Sub SB 63**; **SB 99**, as amended by **H Sub SB 99**.

Announcing passage of **SB 67**, as amended; **SB 95**, as amended.

Announcing passage of **HB 2401**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2401 was thereupon introduced and read by title.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Under the authority of the President, the Vice President referred **HB 2401** to the Committee on **Ways and Means**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **H Sub SB 26** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Claeys and Hawk as a conference committee on the part of the Senate.

On motion of Senator Baumgardner the Senate nonconcurrred in the House amendments to **H Sub SB 63** and requested a conference committee be appointed.

The Vice President appointed Senators Baumgardner, Erickson and Sykes as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 67** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Claeys and Hawk as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 95** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Claeys and Hawk as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 99** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Claeys and Hawk as a conference committee on the part of the Senate.

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

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

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointments submitted by the Governor to the Senate for confirmation were considered.

Senator Alley moved the following appointments be confirmed as recommended by the **Committee on Judiciary**.

By the Governor

On the appointment to the:

Kansas Court of Appeals:

Jacy Hurst

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Court of Appeals:

Lesley Isherwood

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

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

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

HB 2008, HB 2014, HB 2321 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2008, AN ACT concerning the attorney general; providing for coordination of training on missing and murdered indigenous people for law enforcement agencies.

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

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

The bill passed.

HB 2014, AN ACT concerning motor vehicles; relating to the registration and regulation of military surplus vehicles; amending K.S.A. 8-194, 8-195 and 8-196 and K.S.A. 2020 Supp. 8-1486 and repealing the existing sections.

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

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

The bill passed.

HB 2321, AN ACT concerning electric utilities; relating to the state corporation commission; construction of urban electric transmission lines in cities; requiring notice prior to construction.

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

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

The bill passed.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to HB 2022 submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 13, in line 39, by striking "Kansas register" and inserting "statute book";

And your committee on conference recommends the adoption of this report.

RICK BILLINGER

J.R. CLAEYS

TOM HAWK

Conferees on part of Senate

TROY WAYMASTER

KYLE HOFFMAN

KATHY WOLFE MOORE

Conferees on part of House

Senator Billinger moved the Senate adopt the Conference Committee Report on **HB 2022**.

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

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

The Conference Committee Report was adopted.

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 Warren in the chair.

On motion of Senator Warren the following report was adopted:

SB 2; HB 2172, HB 2270 be passed.

HB 2137, HB 2178 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2102** recommending **S Sub HB 2102** be adopted, and the substitute bill be passed.

SB 145 be passed over and retain a place on the calendar.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Under the authority of the President, the Vice President referred **SB 304** to the Committee on **Judiciary** and referred **SB 305** to the Committee on **Transportation**.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 290** be passed.

Also, **HB 2379**, as amended by House Committee, be passed.

HB 2134 be amended on page 60, in line 35, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

HB 2136, as amended by House Committee, be amended on page 3, in line 14, after "automobile" by inserting "club";

On page 15, in line 23, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2175** be passed.

Committee on **Transparency and Ethics** recommends **HB 2050**, **HB 2162** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Transportation** recommends **HB 2165**, as amended by House Committee, be amended on page 1, by striking all in lines 25 through 36;

On page 2, by striking all in lines 1 through 38; in line 39, by striking "K.S.A. 8-194, 8-195 and 8-196 and"; in line 40, by striking "are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking all after the semicolon; in line 4, by striking all before "amending"; also in line 4, by striking all after "amending"; in line 5, by striking "sections" and inserting "section"; and the bill be passed as amended.

Also, **Sub HB 2166**, as amended by House Committee of the Whole, be amended on page 11, following line 15, by inserting:

"New Sec. 10. (a) On and after January 1, 2022, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less, motorcycles or travel trailers, who is a resident of the state of Kansas, may apply for and be issued one distinctive license plate for each such passenger vehicle, truck, motorcycle or travel trailer, a Gadsden flag license plate. Such license plate shall be issued for the same period of time as other plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any applicant or renewal for a Gadsden flag license plate authorized by this section shall make an annual payment of a Gadsden flag license plate fee of \$25 to the county treasurer for each license plate to be issued. Any fee received pursuant to this section shall be used to support the Kansas state rifle association.

(c) Any applicant for a license plate authorized by this section may make application for such license plate not less than 60 days prior to such person's renewal of registration date on a form prescribed and furnished by the director of vehicles. Application for the registration of a passenger vehicle, truck, motorcycle or travel trailer, and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under the authority of this section shall be transferable to any other person.

(e) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any

applicant until such applicant has filed a form with the director as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plate to the county treasurer of such person's residence.

(f) The Gadsden flag license plate shall have a background design, an emblem or colors that designate the license plate as a Gadsden flag license plate.

(g) Annual Gadsden flag license plate fee payments collected by county treasurers under this section 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 Gadsden flag license plate fund, which is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the Gadsden flag license plate fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the Gadsden flag license plate fund shall be made on a monthly basis to the appropriate designee of the Kansas state rifle association.

New Sec. 11. Not later than May 1 of each year, any organization that receives payment from any fee imposed on the issuance or renewal of a distinctive license plate shall submit to the house of representatives committee on transportation, the senate committee on transportation, the legislative research department and the state treasurer a report on the prior year's finances that contains the following information:

(a) The total amount of money received by the organization from such distinctive license plate fee from the prior year; and

(b) the list of expenditures that the money in subsection (a) was spent on by the organization.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "educator" by inserting ", Gadsden flag"; in line 7, after the semicolon by inserting "requiring reporting by sponsoring organizations of income and expenditures derived from certain distinctive license plate fees"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2214** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

REPORT ON ENROLLED BILLS

SB 21 reported correctly enrolled, properly signed and presented to the Governor on March 23, 2021.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Wednesday, March 24, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

