

Journal of the Senate

FIFTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 24, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.

The roll was called with 40 senators present.

The Vice President introduced Reverend LaRon Thompson, Paseo Baptist Church, and guest of Senator David Haley to deliver the invocation:

Omniscient, Omnipresent and Omnipotent God, on this 24th day of March in the year of 2021, we pause with grateful hearts to say Thank You! Thank You for Your bountiful blessings, Your prudent provisions, Your gracious gifts, Your lavish love and the multiplicity of mercies that are new every morning.

Father, in this moment we beseech Your presence. Your presence to abide in the hearts of Your public servants. Your presence to build the boldness we need in our service to Your children. Your presence to convict us in challenging moments. Your presence to discern the direction You desire for us to go.

Finally, may we, public servants elected for the people by the people, be reminded of Your unwavering requirement found in Micah 6:8. May we live justly, love mercy and walk humbly before almighty God.

We humbly submit this prayer and petition to You. In Your sovereign and holy name, we pray, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

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

Member (CD2 Member) Kansas Racing and Gaming Commission, Brandon Jones, Ottawa, (R), pursuant to the authority vested in me by K.S.A. 74-8803, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed himself.

Member (Public Member), Kansas Development Finance Authority, Suchitra Padmanabhan, Topeka, (U), pursuant to the authority vested in me by K.S.A. 74-8903,

and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed herself.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **H Sub SB 26** and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 63** and has appointed Representatives Williams, Hoffman and Winn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 67** and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 95** and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 99** and has appointed Representatives Proehl, Delperdang and Helgerson as conferees on the part of the House.

Announcing passage of **SB 64**.

Announcing passage of **HB 2329**, **HB 2406**, as amended.

Announcing adoption of **HCR 5015**, as amended.

Announcing passage of **SB 24**, as amended; **SB 36**, as amended; **SB 55**, as amended; **SB 86**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2329, **HB 2406**; **HCR 5015** were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 2, AN ACT concerning the Kansas state fair; relating to alcoholic liquor; sales during the state fair; issuance of temporary permits; liquor enforcement tax and liquor drink tax; crediting a portion of such tax moneys collected to the state fair capital improvements fund; amending K.S.A. 79-4108 and 79-41a03 and K.S.A. 2020 Supp. 41-719 and 41-1201 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Baumgardner, Erickson, Gossage, Peck, Pyle, Ryckman, Steffen, Tyson.

Present and Passing: Holland.

The bill passed.

S Sub 2102, AN ACT concerning agriculture; relating to eggs; clarifying repackaging requirements for retailers; amending K.S.A. 2020 Supp. 2-2507 and 2-2510 and repealing the existing sections, was considered on final action.

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

Voting 0.

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

The substitute bill passed.

HB 2137, AN ACT concerning alcoholic beverages; authorizing the issuance of a license to an individual whose spouse is a law enforcement officer; relating to the sale of cereal malt beverages; authorizing certain licensees under the Kansas liquor control act and the club and drinking establishment act to sell and serve cereal malt beverages; amending K.S.A. 41-2604 and 41-2619 and K.S.A. 2020 Supp. 41-308, 41-311, 41-1201, 41-1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-2610, 41-2611, 41-2613, 41-2614, 41-2623, 41-2637, 41-2641, 41-2642, 41-2643, 41-2653 {, as amended by section 1 of 2021 Senate Bill No. 14}, 41-2655, 41-2658 and 41-2659 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Baumgardner, Gossage, Peck, Pyle, Ryckman, Steffen, Tyson, Warren.

Present and Passing: Holland.

The bill passed, as amended.

HB 2172, AN ACT concerning water; relating to the division of water resources of the department of agriculture; modifying multi-year flex accounts, base average usage calculation and fees; permitting alternative base average usage calculation and prorated terms; amending K.S.A. 82a-736 and repealing the existing section, was considered on final action.

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

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

The bill passed.

HB 2178, AN ACT concerning cities; relating to the vacation of territory, easements or certain blocks; providing procedures to challenge certain decisions of a city; amending K.S.A. 12-504 and 12-505 and repealing the existing sections, was considered on final action.

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

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

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

The bill passed, as amended.

HB 2270, AN ACT concerning the distribution of the levy on fire insurance business premiums; relating to the state fire marshal fee fund, the emergency medical services operating fund and the fire training service program fund; modifying the distribution of moneys thereof; amending K.S.A. 75-1514 and repealing the existing section, was considered on final action.

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

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

The bill passed.

Upon motion of Senator Alley, the Senate recessed to the sound of the gavel.

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

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 36** 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 **SB 55** 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 Longbine the Senate nonconcurrred in the House amendments to **SB 86** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Fagg and Pittman as a conference committee on the part of the Senate.

Senator Masterson moved the Senate concur in House amendments to **H Sub SB 63**.

H Sub SB 63, AN ACT concerning education; relating to student attendance; enacting the back to school act; requiring school districts to provide for a full-time, in person attendance option in school year 2020-2021.

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Pettey, Pittman, Sykes, Ware.

Absent or Not Voting: Holland.

The Senate concurred.

Senator Petersen moved the Senate concur in House amendments to **H Sub SB 99**.

H Sub SB 99, AN ACT concerning motor vehicles; relating to the vehicle dealers and manufacturers licensing act; increasing the bonding requirement for vehicle dealers; providing for display show licenses; allowing for new vehicle dealers and manufacturers to participate in display shows; amending K.S.A. 2020 Supp. 8-2404 and 8-2435 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 8-2435, as amended by section 1 of 2021 Senate Bill No. 33.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 1; Absent or Not Voting 1.

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

Nays: Hilderbrand.

Present and Passing: Longbine.

Absent or Not Voting: Holland.

The Senate concurred.

COMMITTEE OF THE WHOLE

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

On motion of Senator Erickson the following report was adopted:

HB 2126, HB 2155, HB 2298 be passed.

A motion to amend **HB 2126** was offered by Senator Straub. A ruling of the chair was requested as to the germaneness of the amendment. The chair ruled the amendment was germane to the bill.

The amendment failed.

HB 2007, HB 2026, HB 2071, HB 2243 be amended by the adoption of the committee amendments, and the bills be passed as amended.

Sub **HB 2166** be amended by the adoption of the committee amendments, be further amended by motion of Senator Tyson; on on page 12, following line 34, by inserting:

"Sec. 12. K.S.A. 2020 Supp. 8-132 is hereby amended to read as follows: 8-132. (a) Subject to the provisions of this section and K.S.A. 8-1,125, and amendments thereto, the division of vehicles shall furnish to every owner whose vehicle shall be registered one license plate for such vehicle. Such license plate shall have displayed on it the registration number assigned to the vehicle and to the owner thereof, the name of the state, which may be abbreviated, and the year or years for which it is issued. The same type of license plates shall be issued for passenger motor vehicles, rented without a driver, as are issued for private passenger vehicles.

(b) During calendar year 1975 commencing on the effective date of this act, and during every fifth calendar year thereafter, the division of vehicles shall furnish one license plate for any type of vehicle an owner registers or has the registration thereof

renewed, but during the succeeding four-year period following calendar year 1975 and during the succeeding four-year period following every fifth calendar year subsequent to 1975, the division of vehicles shall not furnish any license plate for the renewal of a vehicle's registration. During calendar year 1976 and during each calendar year thereafter in which a license plate is not issued for the renewal of registration of a vehicle, the division of vehicles shall furnish one decal for the license plate issued for a vehicle as provided in K.S.A. 8-134, and amendments thereto, for each registration and renewal of registration of such vehicle. Notwithstanding the foregoing provisions of this subsection, whenever, in the discretion of the director of vehicles, it is determined that the license plates currently being issued and displayed are not deteriorating to the extent that their replacement is warranted, the director may adopt rules and regulations to extend the five-year issuance cycle provided for in this subsection by one year at a time, and in the same manner the director may further extend such cycle by one year at a time, successively as the director determines appropriate. If the cycle is extended at the expiration of the extended term, new license plates shall again be issued in the manner and for the term provided in such rules and regulations, except that the owner of a motor vehicle currently registered may continue to display the license plate currently being issued and displayed for a period not to exceed three registration years from the date of the expiration of the extended term. The division shall furnish one decal for each such license plate in accordance with the provisions of this subsection.

(c) Any license plate issued pursuant to subsection (a) or (b) may be a personalized license plate subject to the provisions of subsection (d), including the payment of the additional fee. The division shall allow an applicant for a personalized license plate to personalize a license plate design established by subsection (a), (b) or (d).

(d) Two personalized license plates may be issued to any owner or lessee of a passenger vehicle or a truck licensed for a gross weight of not more than 20,000 pounds, who makes proper application to the division of vehicles not less than 60 days prior to such owner's or lessee's renewal of registration date. Such application shall be on a form prescribed by the division and accompanied by a fee of \$40, which shall be in addition to any other fee required to renew the registration of such passenger vehicle under the laws of this state. One such personalized license plate shall be displayed on the rear of the vehicle and, at the option of the owner or lessee, the other license plate may be displayed on the front of the vehicle, except that no registration decal shall be issued pursuant to K.S.A. 8-134, and amendments thereto, for any such license plate displayed on the front of such vehicle. One personalized license plate may be issued to any owner of a motorcycle upon proper application in the same manner provided in this subsection-~~(e)~~ for passenger vehicles and trucks. The \$40 fee shall be paid only once during the registration period for which such license plates were issued, and any subsequent renewals during the registration period shall be subject only to the registration fee prescribed by K.S.A. 8-143, and amendments thereto. The division shall design distinctive, personalized license plates to be issued which shall contain not more than seven letters or numbers on truck or passenger vehicle license plates and not more than five letters or numbers on motorcycle license plates, or a combination thereof, to be designated by the applicant in lieu of the letters and numbers required by K.S.A. 8-147, and amendments thereto, other than the letters required to designate the county in which such vehicle is registered. Unless the letters or numbers designated by the applicant have been assigned to another vehicle, or unless the letters or numbers

designated by the applicant have a profane, vulgar, lewd or indecent meaning or connotation, as determined by the director of vehicles, the division shall assign such letters or numbers to the applicant's vehicle, and the letters or numbers, or combination thereof, so assigned shall be deemed the registration number of such vehicle. Subject to the foregoing provisions, all license plates issued under this section shall be manufactured in accordance with K.S.A. 8-147, and amendments thereto. Such license plates shall be issued for a registration period of five years commencing in 1985 and each five years thereafter.

(c) The secretary of revenue shall adopt rules and regulations necessary to carry out the provisions of this act, including, without limitation, rules and regulations concerning: (1) the procedure for insuring that duplicate license plates are not issued throughout the state; (2) the procedure for reserving distinctive license plates for the purpose of obtaining the same on each annual renewal of registration; (3) the procedure for allowing the transfer of personalized license plates from one vehicle to another for which such license plates were originally issued, when the title to the original vehicle has not been transferred and the name or names of the owner or owners listed on the titles to both vehicles are identical; and (4) procedures necessary to coordinate this act with other laws of this state governing registration of vehicles. The director of vehicles shall remit all moneys received by the division of vehicles under this section 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 highway fund."

On page 17, in line 40, after "Supp." by inserting "8-132,";

And by renumbering sections accordingly;

On page 1, in the title, in line 9, after the semicolon by inserting "allowing certain license plates issued by the division of vehicles to be personalized license plates;"; also in line 9, after "Supp." by inserting "8-132,"

Sub HB 2166 be further amended by motion of Senator Haley; on page 12, following line 34, by inserting:

"New Sec. 12. (a) On and after January 1, 2022, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one delta sigma theta license plate for each such passenger vehicle or truck. Such license plate shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and either the payment to the county treasurer of the logo use royalty payment or the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) Delta sigma theta may authorize the use of the organization's logo to be affixed on license plates as provided by this section. Any motor vehicle owner or lessee may apply annually to delta sigma theta for the use of such logo. Such owner or lessee shall pay an amount of not less than \$25 nor more than \$100 as a logo use royalty payment for each such license plate to be issued. The logo use royalty payment shall be paid to either:

(1) Delta sigma theta, who shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement that shall be presented by the motor vehicle owner or lessee at the time of registration; or

(2) the county treasurer.

(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, and any applicant for such license plate shall either provide the annual logo use authorization statement provided for in subsection (b) or pay to the county treasurer the logo use royalty payment. Application for registration of a passenger vehicle or truck and issuance of the license plate 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 this section shall be transferable to any other person.

(e) The director of vehicles may transfer a delta sigma theta license plate from a leased vehicle to a purchased vehicle.

(f) 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 provides to the county treasurer either the annual logo use authorization statement provided for in subsection (b) or the payment of the annual royalty payment. If such statement is not presented at the time of registration or faxed by delta sigma theta, or the annual royalty payment is not made to the county treasurer, the applicant shall be required to comply with the provisions of K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) Delta sigma theta shall provide to all county treasurers an electronic mail address where applicants can contact delta sigma theta for information concerning the application process or the status of such applicant's license plate application.

(h) Delta sigma theta, with the approval of the director of vehicles, shall design a license plate to be issued under the provisions of this section.

(i) As a condition of receiving the delta sigma theta license plate and any subsequent registration renewal of such license plate, the applicant shall consent to the division authorizing the division's release of motor vehicle record information, including the applicant's name, address, royalty payment amount, license plate number and vehicle type to delta sigma theta and the state treasurer.

(j) The collection and remittance of annual royalty payments by the county treasurer shall be subject to the provisions of K.S.A. 8-1,141(h), and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second comma by inserting "delta sigma theta,"

and **Sub HB 2166** be passed as amended.

A motion by Senator Sykes to amend **Sub HB 2166** failed and the following amendment was rejected; on page 12, following line 34, by inserting:

"New Sec. 12. (a) On and after January 1, 2022, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one "I support public education" license plate for each such passenger vehicle or truck. Such license plate shall be issued for the same time as other license 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 an "I support public education" license plate authorized by this section shall make an annual payment of an "I support public education" license plate fee of \$50 to the county treasurer for each license plate to be issued.

(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 registration of a passenger vehicle or truck and issuance of the license plate 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 this section shall be transferable to any other person.

(e) The director of vehicles may transfer an "I support public education" license plate from a leased vehicle to a purchased vehicle.

(f) 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 pays the annual fee to the county treasurer as provided for in subsection (b). If the fee payment is not made to the county treasurer at the time of registration, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) The department of education, with the approval of the director of vehicles, shall design a plate to be issued under the provisions of this section.

(h) As a condition of receiving the "I support public education" license plate and any subsequent registration renewal of such license plate, the applicant shall provide consent to the division authorizing the division's release of motor vehicle record information, including the applicant's name, address, I support public education license plate fund fee payment amount, plate number and vehicle type to the state treasurer.

(i) Annual "I support public education" 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 I support public education license plate fund. Such fund is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the I support public education 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 I support public education license plate fund shall be made on a monthly basis to the appropriate designee of the department of education to support the teacher of the year program.";

On page 13, in line 12, by striking the first "and" and inserting a comma; also in line 12, after "8-1,183" by inserting "and section 12";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second comma by inserting "I support

public education,"

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

On roll call, the vote was: Yeas 15; Nays 15; Present and Passing 5; Absent or Not Voting 5.

Yeas: Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Kloos, Olson, Pettey, Pittman, Ryckman, Sykes, Ware.

Nays: Baumgardner, Claeyes, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Masterson, Peck, Petersen, Steffen, Straub, Suellentrop, Thompson, Tyson.

Present and Passing: Alley, Bowers, O'Shea, Warren, Wilborn.

Absent or Not Voting: Billinger, Holland, Longbine, McGinn, Pyle.

A motion by Senator Sykes to further amend **Sub HB 2166** failed and the following amendment was rejected; on page 11, by striking all in lines 20 through 43;

On page 12, by striking all in lines 1 through 24;

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking the second comma; in line 3, by striking "Gadsden flag"

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

On roll call, the vote was: Yeas 11; Nays 26; Present and Passing 0; Absent or Not Voting 3.

Yeas: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holscher, Pettey, Pittman, Sykes, Ware.

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

Absent or Not Voting: Billinger, Holland, McGinn.

EXPLANATION OF VOTE

Madam Chair: I vote AYE on the amendment offered to remove the Gadsden flag (also known as "Don't Tread on Me") from the options for new specialty car license tags. My objection is not meant to undermine any organization these tags will support but to oppose the glorification of Christopher Gadsden; a notorious slave merchant whose Gadsden's Wharf is estimated to have sold more Africans into slavery than any other location in North America. Further, Gadsden purportedly owned more than 90 slaves and operated his Wharf even after the slave trade was outlawed. It would be ironic for proud Kansans, a State we all know was brought into this Union as a Free State, to unwittingly sport a symbolic flag, and tag, created by the antithesis of that pride; that someone like Christopher Gadsden wholly represents. We should all vote now to remove all vestiges of affirmations in any way rooted in the misery of slavery or the slave trade, which is NOT Kansas' history, from any Kansas imagery or certainly official representations. Again, accordingly I vote "Aye" on this amendment.—DAVID HALEY

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

The committee report on **HB 2252** recommending **S Sub HB 2252** be adopted, and the substitute bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2203** be amended on page 1, in line 15, by striking all after "expenses"; in line 16, by striking all before the second "and";

On page 2, by striking all in lines 13 through 40; in line 41, by striking "and 65-5314 are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "and 65-5314"; also in line 3, by striking "sections" and inserting "section"; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **HB 2104** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2104," as follows:

"Senate Substitute for HOUSE BILL NO. 2104

By Committee on Assessment and Taxation

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

Also, **HB 2237** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 74-50,222 is hereby amended to read as follows: 74-50,222. As used in K.S.A. 74-50,222, 74-50,223 and 79-32,267, and amendments thereto:

(a) "Institution of higher education" means a public or private nonprofit educational institution that meets the requirements of participation in programs under the higher education act of 1965, as amended, 34 C.F.R. § 600;

(b) "rural opportunity zone" means ~~Allen, Anderson, Barber, Bourbon, Brown, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Decatur, Doniphan, Edwards, Elk, Ellsworth, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Haskell, Hodgeman, Jackson, Jewell, Kearny, Kingman, Kiowa, Labette, Lane, Lincoln, Linn, Logan, Marion, Marshall, Meade, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Republic, Rice, Rooks, Rush, Russell, Scott, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Trego, Thomas, Wabaunsee, Wallace, Washington, Wichita, Wilson or Woodson counties~~ a county with a population of 40,000 persons or less;

(c) "secretary" means the secretary of commerce; and

(d) "student loan" means a federal student loan program supported by the federal government and a nonfederal loan issued by a lender such as a bank, savings and loan or credit union to help students and parents pay school expenses for attendance at an

institution of higher education.";

On page 2, in line 6, by striking "2023" and inserting "2026"; in line 15, by striking "2023" and inserting "2026"; in line 23, by striking "2024" and inserting "2027"; in line 29, by striking "2024" and inserting "2027"; in line 33, after "(1)" by inserting "(A)"; in line 34, by striking "2023" and inserting "2026"; in line 37, by striking "(2)" and inserting "(B)"; in line 40, by striking "(3)" and inserting "(C)"; in line 41, after "claimed" by inserting "; or

(2) (A) establishes domicile in a rural opportunity zone on or after July 1, 2021, and prior to January 1, 2026, and was domiciled in a metropolitan county as defined in K.S.A. 74-50,211, and amendments thereto, immediately prior to establishing their domicile in a rural opportunity zone in this state; and

(B) was domiciled in a rural opportunity zone during the entire taxable year for which such credit is claimed";

On page 3, in line 15, after "K.S.A." by inserting "74-50,222,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "defining rural opportunity zone on the basis of population; expanding eligibility for the income tax credit,"; also in line 3, after "K.S.A." by inserting "74-50,222,"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 181** be amended on page 1, in line 14, by striking the colon; in line 15, by striking "(A)" and inserting a comma; in line 16, by striking all after "lift"; by striking all in lines 17 and 18; in line 19, by striking "materials"; in line 27, after "(D)" by inserting "a dumbwaiter, conveyor, chain or bucket hoist, construction hoist or similar device used for the primary purpose of elevating or lowering materials;

(E)";

Also on page 1, in line 29, after the third comma by inserting "chain hoists, climb assists,"; in line 30, after "in" by inserting "wind turbine towers,";

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

On page 2, in line 21, by striking all after "facility"; in line 22, by striking all before the period; in line 36, by striking "are more stringent than" and inserting "meet or exceed"; also in line 36, by striking "or" and inserting "and any"; in line 37, after the period by inserting "Any city or county that has adopted such requirements or standards shall notify the state fire marshal of such adoption on or before June 30, 2022, and on each June 30 thereafter."; in line 43, by striking all after the period;

On page 3, in line 1, by striking all before "An"; in line 9, after the period by inserting "This subsection shall not apply to any individual employed as an elevator inspector by a city or county who performs inspections only while engaged in the performance of such individual's duties as an employee of such city or county.";

On page 4, in line 11, by striking "once" and inserting "six times";

On page 5, following line 9, by inserting:

"(e) Any city or county that has adopted requirements and standards that meet or exceed the requirements and standards of this act and any rules and regulations adopted pursuant thereto may issue an elevator contractor's license or elevator mechanic's license in accordance with such requirements and standards. Any such license shall specify that it is issued by such city or county. No such license shall be issued in lieu of

any license issued by the state fire marshal or authorize the licensee to perform work as an elevator contractor or elevator mechanic outside the jurisdiction of the issuing city or county.";

On page 9, following line 13, by inserting:

"(e) This section shall not apply to any elevator to be erected, constructed, installed or altered in any city or county that has adopted requirements or standards that meet or exceed the requirements or standards of this act and any rules and regulations adopted pursuant thereto.";

On page 10, following line 29, by inserting:

"(g) This section shall not apply to any elevator located in a city or county that has adopted requirements and standards that meet or exceed the requirements and standards of this act and any rules and regulations adopted pursuant thereto.";

On page 11, following line 7, by inserting:

"(d) This section shall not apply to any elevator located in a city or county that has adopted requirements and standards that meet or exceed the requirements and standards of this act and any rules and regulations adopted pursuant thereto. Any such city or county shall establish and maintain a registry of elevators located in such city or county that are in operation. Such registry shall include that information described in subsection (b)(1) through (6)."; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2115**, as amended by House Committee of the Whole, be amended on page 3, in line 42, by striking "Kansas register" and inserting "statute book"; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2367** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **SB 154** be amended on page 1, in line 11, by striking all after "Section 1."; by striking all in lines 12 through 20; in line 21, by striking "(b)"; in line 36, by striking "2022" and inserting "2021";

On page 2, in line 1, by striking "\$12,379,000" and inserting "\$9,000,000"; in line 4, by striking "2022" and inserting "2021"; in line 5, by striking "2022" and inserting "2021"; also in line 5, by striking "7%" and inserting "5%"; in line 13, by striking "2023" and inserting "2022"; in line 14, by striking "\$11,353,000" and inserting "\$12,401,150"; in line 17, by striking "2023" and inserting "2022"; in line 18, by striking "2023" and inserting "2022"; also in line 18, by striking "6%" and inserting "2%"; by striking all in lines 22 through 36; in line 38, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "ending" by inserting "June 30, 2021, and"; also in line 4, by striking all after "2022,"; and the bill be passed as amended.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Thursday, March 25, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

MARCH 24, 2021

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