

# Journal of the Senate

TWENTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, February 15, 2022, 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 Cathleen Chittenden Bascom, Tenth Bishop of the Episcopal Diocese of Kansas, to deliver the invocation:

God of power, God of people, You are the life of all that lives, the energy that fills the earth, the vitality that brings to birth, the impetus in making whole whatever is broken. In You we grow to know the truth that sets all creation free. You are the song the whole earth sings, the promise liberation brings. Give courage, wisdom, and foresight to these Senate leaders that they may provide for the people, land, and communities of Kansas, 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 510**, AN ACT concerning real property; enacting the Kansas vacant property act; prohibiting municipalities from imposing certain fees and other requirements on vacant property, by Committee on Federal and State Affairs.

**SB 511**, AN ACT concerning public employee and professional employees' organizations; relating to dues; commencement and cessation of withholding of dues; procedure; providing certain rights to employees; amending K.S.A. 44-319, 72-2219, 72-2241, 75-4324, 75-4327 and 75-5501 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 512**, AN ACT concerning vehicles; relating to registration; eliminating the division of vehicles modernization surcharge; amending K.S.A. 2021 Supp. 8-145 and repealing the existing section; also repealing K.S.A. 75-5160, by Committee on Assessment and Taxation.

**SB 513**, AN ACT concerning property taxation; relating to exemptions; allowing certain property used as a thrift store to qualify for exemption; amending K.S.A. 79-201 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 514**, AN ACT concerning income taxation; establishing a checkoff for contributions to the Kansas historic site fund, by Committee on Assessment and Taxation.

**SB 515**, AN ACT concerning education; relating to nondiscrimination in classroom instruction; establishing penalties for violations thereof; requiring the state board of

education to review, identify and remove inherently divisive concepts from the board's policies, guidelines and other materials; requiring public access to learning materials, by Committee on Assessment and Taxation.

**SB 516**, AN ACT concerning taxation; relating to sales and compensating use tax; providing for sales tax exemption for hygiene products; amending K.S.A. 2021 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 503**, **SB 509**.

Commerce: **SB 504**, **SB 505**.

Judiciary: **SB 507**.

Transportation: **SB 506**.

Ways and Means: **SB 508**.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2480**, **HB 2564**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2480**, **HB 2564** were thereupon introduced and read by title.

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 Vice President Wilborn 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 McGinn in the chair.

On motion of Senator McGinn the following report was adopted:

**SB 331** be passed.

**SB 200**, **SB 377** be amended by the adoption of the committee amendments, and the bills be passed as amended.

**SB 343** be further amended by motion of Senator Francisco; on page 3, in line 25, before "language" by inserting "visual,";

On page 15, in line 3, before "language" by inserting "visual,"

and **SB 343** be passed as further amended.

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

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **SB 200**, **SB 331**, **SB 343** and **SB 377** were advanced to Final Action and roll call.

**SB 200**, AN ACT concerning pharmacists and pharmacy; relating to the state board of pharmacy; expanding the pharmacist's scope of practice to include point-of-care testing for and treatment of certain health conditions; amending K.S.A. 65-1626a and repealing the existing section.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 0; Absent or Not Voting 1.

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, Suellentrop, Sykes, Tyson, Ware, Warren, Wilborn.

Nays: Straub, Thompson.

Absent or Not Voting: Steffen.

The bill passed, as amended.

**SB 331**, AN ACT concerning insurance; relating to risk-based capital requirements; updating the version of instructions in effect; amending K.S.A. 40-2c01 and repealing the existing section.

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

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, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Steffen.

The bill passed.

**SB 343**, AN ACT concerning persons with hearing loss; relating to statutory terminology; updating the term "hearing impairment" to "hard of hearing" and other related terms concerning persons with hearing loss; amending K.S.A. 19-2698, 36-517, 39-1107, 65-3276, 65-6511, 72-3253, 72-3404, 75-3740, 75-5391, 75-5397c, 75-5399 and 76-1001b and K.S.A. 2021 Supp. 50-676 and repealing the existing sections.

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

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, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Steffen.

The bill passed, as amended.

**SB 377**, AN ACT concerning insurance; relating to the captive insurance act; authorizing technology-enabled fiduciary financial institution insurance companies; providing for the certificate of authority, requirements and operations thereof; amending K.S.A. 40-4301, 40-4302, 40-4303, 40-4310 and 40-4353 and repealing the existing sections.

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

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

Warren, Wilborn.

Nays: Holland, Sykes, Ware.

Absent or Not Voting: Steffen.

The bill passed, as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 345** be amended on page 1, in line 8, after "who" by inserting "intentionally or knowingly"; also in line 8, after "or" by inserting "intentionally or knowingly"; in line 9, by striking "A" and inserting "C"; in line 20, by striking all after "each"; by striking all in line 21; in line 22, by striking "violation" and inserting "shipment into the state"; following line 34, by inserting:

"(e) The animal health commissioner may require that any records related to animals and the suspected transportation of such animals into the state in violation of K.S.A. 47-607, and amendments thereto, the special permit requirements of K.S.A. 47-607a, and amendments thereto, or rules and regulations promulgated pursuant to K.S.A. 47-607d, and amendments thereto, in the possession of any person be submitted to the commissioner for review within a reasonable time. Failure to cooperate with any such request shall be considered a violation of this act."; and the bill be passed as amended.

Also, **SB 417** be amended on page 3, in line 10, after "(3)" by inserting "(A)"; in line 15, after the period by inserting:

"(B)";

Also on page 3, in line 16, after the period by inserting:

"(C)";

Also on page 3, in line 18, after the first "the" by inserting "total"; also in line 18, after "fee" by inserting "for the permit"; in line 20, after "facility" by inserting "subject to 40 C.F.R. 257 subpart D"; also in line 20, after "permit." by inserting:

"(D)";

Also on page 3, following line 21, by inserting:

"(E) If such solid waste disposal area or solid waste processing facility is operating under a federally issued coal combustion residuals (CCR) permit that includes all applicable requirements of 40 C.F.R. 257 subpart D, then the fees provided in this paragraph shall no longer apply and such disposal area or facility shall be subject to the fees provided in paragraph (2).

(F) Upon a determination by the department of health and environment that such solid waste disposal area or solid waste processing facility has met all applicable post-closure care requirements of 40 C.F.R. 257 subpart D, and article 29 of the Kansas administrative regulations, then such disposal area or facility shall no longer be subject to permitting under this paragraph."; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **SB 339** be amended on page 1, following line 8, by inserting:

"New Section 1. (a) Notwithstanding any provision of the law to the contrary, commencing on July 1, 2022, and ending prior to July 1, 2024, any retailer in this state that collects sales tax on the admission of viewing of movies or films shall be allowed to retain the state rate of any sales tax imposed pursuant to K.S.A. 79-3603, and amendments thereto, or compensating use tax imposed pursuant to K.S.A. 79-3703, and amendments thereto, from the sales of:

- (1) Tickets granting admission for a movie or film; and
- (2) concessions sold onsite at the retailer's place of business.
- (b) The retailer shall remit to the department of revenue that portion of sales and compensating use tax collected that is in excess of the state rate for sales tax pursuant to K.S.A. 79-3603, and amendments thereto, or the compensating use tax pursuant to K.S.A. 79-3703, and amendments thereto. The department shall remit the sales and compensating use taxes levied by the other taxing jurisdictions in the amount they would have received without taking into account subsection (a). The state's imposed sales tax levy shall encompass the full amount retained by the retailer pursuant to subsection (a).
- (c) The department shall provide forms accounting for the sales tax retained by the retailer that shall be filed with the department at the time the retailer files a return pursuant to K.S.A. 79-3607, and amendments thereto.
- (d) The provisions of this section shall be a part of and supplemental to the Kansas retailers' sales tax act.

New Sec. 2. On and after January 1, 2024, notwithstanding any provision of law to the contrary, the governing body of any city, the board of county commissioners of any county or the governing body of any other local authority levying a sales tax pursuant to law may exempt all sales of food and food ingredients that are subject to the 0% state rate pursuant to K.S.A. 79-3603 or 79-3703, and amendments thereto, from the sales and compensating use tax levied by such city, county or other authority by the adoption of an ordinance or resolution authorizing the exemption. A certified copy of the ordinance or resolution authorizing or repealing an exemption pursuant to this section shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. The director of taxation shall cause such exemption to be applied at the same time and in the same manner provided for the administration of the state retailers' sales tax. The director of taxation shall confirm that all provisions of law applicable to the authorization of the exemption have been followed prior to causing the exemption. Any repeal of an exemption authorized pursuant to this section may be accomplished by the adoption of an ordinance or resolution so providing.";

Also on page 1, in line 10, after the period by inserting "(a)"; in line 13, by striking "(a)" and inserting "(1)"; in line 18, after "subsection" by inserting ". The provisions of this paragraph shall expire on June 30, 2023"; in line 21, after "premises" by inserting ". The provisions of this paragraph shall expire on June 30, 2023";

(3) on and after July 1, 2023, all sales of natural gas, electricity and heat delivered through mains, lines or pipes to any premises for any use by the occupant of such premises and all sales of natural gas, electricity and heat delivered through mains, lines or pipes for agricultural use;

(4) on and after July 1, 2023, all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for any use of an occupant of any premises";

Also on page 1, following line 24, by inserting:

"(b) On and after July 1, 2023, the governing body of any city or the board of county commissioners of any county may exempt all sales subject to tax under the provisions of subsection (a)(3) or (a)(4), or both, from the taxes levied by such city or county under the provisions of K.S.A. 12-187 et seq., and amendments thereto, by the adoption of an ordinance or resolution authorizing the exemption. A certified copy of

the ordinance or resolution authorizing or repealing an exemption pursuant to this subsection shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. The director of taxation shall cause such exemption to be applied at the same time and in the same manner provided for the administration of the state retailers' sales tax. The director of taxation shall confirm that all provisions of law applicable to the authorization of the exemption have been followed prior to causing the exemption. Any repeal of an exemption authorized pursuant to this subsection may be accomplished by the adoption of an ordinance or resolution so providing.";

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

Also on page 1, also following line 24, by inserting:

"Sec. 4. K.S.A. 13-13a39 is hereby amended to read as follows: 13-13a39. ~~The following Sales subject to the countywide and city retailers' sales tax pursuant to K.S.A. 12-189a, and amendments thereto,~~ shall also be subject to the taxes levied by Washburn University of Topeka under the provisions of K.S.A. 13-13a38, and amendments thereto:

(a) ~~All sales of natural gas, electricity, heat and water delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises and all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes for agricultural use;~~

(b) ~~all sales of propane gas, LP gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises; and~~

(c) ~~all sales of intrastate telephone and telegraph services for noncommercial use."~~

Also on page 1, in line 27, by striking "2023" and inserting "2024";

On page 9, in line 31, after "charges" by inserting "that are not separately stated on the invoice, bill of sale or similar document given to the purchaser";

On page 10, in line 26, by striking "and"; in line 29, after "sale" by inserting "; and

(F) delivery charges that are separately stated on the invoice, bill of sale or similar document given to the purchaser";

On page 15, in line 22, after "(c)" by inserting "(1)"; in line 33, by striking "(1)" and inserting "(A)"; in line 34, by striking "(2)" and inserting "(B)"; in line 35, by striking "(3)" and inserting "(C)"; in line 36, after "supplier" by inserting ". The provisions of this paragraph shall expire on June 30, 2023; and

(2) on and after July 1, 2023, the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, except that for sales of gas, electricity and heat delivered through mains, lines or pipes to any premises for any use by the occupant of such premises, and for agricultural use and also, for such use, all sales of propane gas, the state rate shall be 0%; and for all sales of propane gas, LP gas, coal, wood and other fuel sources for the production of heat or lighting for any use of an occupant of any premises, the state rate shall be 0%, but such tax shall not be levied and collected upon the gross receipts from: (A) the sale of a rural water district benefit unit; (B) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (C) connection or reconnection fees collected by a water

supplier";

On page 19, in line 40, by striking "2023" and inserting "2024";

On page 20, in line 6, by striking "2023" and inserting "2024"; in line 27, after the first "K.S.A." by inserting "13-13a39 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "and" and inserting a comma; also in line 3, after "counties" by inserting "and Washburn university of Topeka; authorizing local exemption of sales of food and food ingredients; expanding the eligible uses for the 0% state rate for sales of certain utilities and providing for the levying of such tax by cities, counties and Washburn university of Topeka; authorizing cities and counties to exempt sales of such utilities from such city or county taxes; allowing for the retention of taxes by retailer on movie ticket and concession sales; excluding separately stated delivery charges from the sales or selling price"; in line 5, after the first "K.S.A." by inserting "13-13a39 and"; and the bill be passed as amended.

Also, **SB 463** 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 **Commerce** recommends **SB 382** be passed.

Committee on **Judiciary** recommends **SB 395** be amended on page 1, in line 6, after "(a)" by inserting "Except as provided in subsection (b),"; in line 9, by striking all after "a"; in line 10, by striking all before the second comma and inserting "lawfully issued warrant, court order or subpoena"; in line 15, after "(b)" by inserting "The provisions of subsection (a) shall not apply to any activities of:

(1) A wildlife biologist or a bio-technician when the primary purpose of the surveillance is to track wildlife movement or migration; or

(2) an employee of the Kansas department of wildlife and parks when the primary purpose of the surveillance is to locate and retrieve a missing person.

(c)";

Also on page 1, in line 16, by striking "either physical or electronic presence" and inserting "the installation and use of electronic equipment or devices"; in line 17, after "including" by inserting ", but not limited to,"; also in line 17, by striking "use or"; also in line 17, after "installation" by inserting "and use"; also in line 17, after "device" by inserting ", video camera or audio recording device";

Also on page 1, in the title, in line 2, by striking "access and"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 168** be amended on page 3, in line 9, by striking "and"; in line 10, after "code" by inserting ";

(16) the patient's species code; and

(17) the date the prescription was sold";

On page 4, in line 9, by striking all after the period; by striking all in lines 10 and 11 and inserting "Prior to the establishment or charge of any such fee, the board shall determine that any federal grants that may be expended for integration of program data in electronic health records or pharmacy management systems have been exhausted.";

On page 5, in line 8, after "recipients" by inserting "or practitioners"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 443** be passed.

On motion of Senator Alley, the senate adjourned pro forma until 2:30 p.m. February 16, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*  
COREY CARNAHAN, *Secretary of the Senate.*

