

Journal of the Senate

TWENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 21, 2022, 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:

“Prayer For Our Authorities And All of Us”
Proverbs 29:2, 1Timothy 2:1-7

Heavenly Father, after a weekend get away, we’re back in these halls to be guided by You, for the betterment of our people. Lord, this day, Monday, February, 22, has been designated a federal holiday; President’s Day. And we’ve had forty six men elevated to that prominent and critical office.

You have emphasized how important, how critical this office is when You said in Proverbs 29:2, “When the righteous are ruling, the people rejoice. But when wickedness is in power, the people will suffer.” So Lord, as You stated in 1Timothy 2:1-7, we should make it a priority, to pray to You on behalf of others, offering thanksgiving and particularly praying for those in positions of high authority, so that we can live in peaceful, quiet, Godly decency.

You said that kind of praying is good, acceptable and pleasing in Your sight because You desire all of us to be saved and to come into the knowledge and appreciation of Divine Truth. Therefore Lord, this prayer, on this Presidents Day is being offered for the benefit of us all. Because we are all impacted positively or negatively, by the authorities over us, and their decisions. So Lord, by Your Holy Spirit, guide them.

Let this prayer be pleasing in Your sight and in Your ear. It’s being offered, in the precious Name of Jesus, 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 528, AN ACT concerning school districts; relating to teachers; requiring school districts to reimburse teachers for classroom supplies, by Committee on Assessment and Taxation.

SB 529, AN ACT concerning nondriver’s identification cards; providing for the electronic renewal thereof; amending K.S.A. 2021 Supp. 8-1324 and repealing the existing section, by Committee on Federal and State Affairs.

SB 530, AN ACT concerning railroads; establishing the Kansas rail safety

improvement act; providing for safety requirements for railroad operations and crossings, by Committee on Ways and Means.

COMMUNICATIONS FROM STATE OFFICERS

The following report was submitted to the Senate and is on file with the Secretary of the Senate:

2021 Juvenile Justice Report (February 21, 2022)

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5014**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5014 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 519** be passed.

Also, **SB 520** be amended on page 1, in line 5, by striking "2021" and inserting "2022"; in line 10, by striking all after the period; by striking all in line 11; in line 12, by striking all before "As"; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 493** be passed.

Committee on **Education** recommends **SB 215** be amended on page 1, in line 10, by striking "2020" and inserting "2021"; in line 14, after "training" by inserting "and any student 19 years of age or under attending a community college conducting an approved course in driver training"; in line 17, after "school" by inserting "and community college"; in line 19, by striking "or" and inserting a comma; also in line 19, after the second "school" by inserting "or community college"; in line 22, after "school" by inserting "or community college"; in line 25, after "school" by inserting "or community college"; in line 27, by striking "and" and inserting a comma; also in line 27, after "schools" by inserting "and community colleges"; in line 29, after the second "school" by inserting "or community college"; in line 32, after "schools" by inserting "and community colleges"; in line 33, after "school" by inserting "or community college";

On page 7, in line 4, by striking "2021" and inserting "2022"; in line 9, by striking "2021" and inserting "2022";

On page 8, in line 9, by striking "2020" and inserting "2021";

On page 1, in the title, in line 7, by striking "2020" and inserting "2021"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 457**, **SB 483** be passed.

Also, **SB 141** be amended on page 2, in line 20, by striking "2021" and inserting "2022"; in line 21, by striking "2021" and inserting "2022"; in line 23, by striking "2021" and inserting "2022"; in line 24, by striking "2021" and inserting "2022";

On page 3, in line 15, by striking "2021" and inserting "2022"; in line 35, by striking "2021" and inserting "2022";

On page 6, by striking all in lines 28 through 43;

By striking all on page 7;

On page 8, by striking all in lines 1 through 24 and inserting:

"Sec. 19. K.S.A. 2021 Supp. 58a-103 is hereby amended to read as follows: 58a-103. As used in this code:

- (1) "Action," with respect to an act of a trustee, includes a failure to act.
- (2) "Beneficiary" means a person that:
 - (A) Has a present or future beneficial interest in a trust, vested or contingent; or
 - (B) in a capacity other than that of trustee, holds a power of appointment over trust property.
- (3) "Charitable trust" means a trust, or portion of a trust, created for a charitable purpose described in K.S.A. 58a-405(a), and amendments thereto.
- (4) "Conservator" means a person appointed by the court pursuant to K.S.A. 59-3001 et seq., and amendments thereto, to administer the estate of a minor or adult individual.
- (5) "Environmental law" means a federal, state, or local law, rule, regulation, or ordinance relating to protection of the environment.
- (6) "Guardian" means a person appointed by the court pursuant to K.S.A. 59-3001 et seq., and amendments thereto, to make decisions regarding the support, care, education, health, and welfare of a minor or adult individual. The term does not include a guardian ad litem.
- (7) "Interests of the beneficiaries" means the beneficial interests provided in the terms of the trust.
- (8) "Jurisdiction," with respect to a geographic area, includes a state or country.
- (9) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity.
- (10) "Power of withdrawal" means a presently exercisable general power of appointment other than a power:
 - (A) Exercisable by a trustee and limited by an ascertainable standard relating to an individual's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the internal revenue code of 1986, as in effect on July 1, ~~2006~~ 2022; or
 - (B) exercisable by another person only upon consent of the trustee or a person holding an adverse interest.
- (11) "Property" means anything that may be the subject of ownership, whether real or personal, legal or equitable, or any interest therein.
- (12) (A) "Qualified beneficiary" means a beneficiary who, as of the date in question, either is eligible to receive mandatory or discretionary distributions of trust income or principal, or would be so eligible if the trust terminated on that date.
 - (B) For the purpose of trustee determining "qualified beneficiaries" of a trust in which a beneficial interest is subject to a power of appointment of any nature, the trustee may conclusively presume such power of appointment has not been exercised unless the trustee has been furnished by the powerholder or the legal representative of the powerholder or the powerholder's estate with the original or a copy of an instrument validly exercising such power of appointment, in which event the qualified beneficiaries shall be subsequently determined by giving due consideration to such exercise unless and until the trustee has been given notification in a similar manner of an instrument which validly revokes or modifies such exercise.
- (13) "Revocable," as applied to a trust, means revocable by the settlor without the consent of the trustee or a person holding an adverse interest.

(14) "Settlor" means a person, including a testator, who creates, or contributes property to, a trust. If more than one person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that portion.

(15) "Spendthrift provision" means a term of a trust which restrains either voluntary or involuntary transfer of a beneficiary's interest.

(16) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band recognized by federal law or formally acknowledged by a state.

(17) "Terms of a trust" means:

(A) Except as otherwise provided in subparagraph (B), the manifestation of the settlor's intent regarding a trust's provisions as:

(+) (i) Expressed in the trust instrument; or

(-) (ii) established by other evidence that would be admissible in a judicial proceeding; or

(B) the trust's provisions as established, determined, or amended by:

(+) (i) A trustee or person holding a power to direct under K.S.A. 58a-808, and amendments thereto, in accordance with applicable law;

(-) (ii) court order; or

(-) (iii) a nonjudicial settlement agreement under K.S.A. 58a-111, and amendments thereto.

(18) "Trust instrument" means an instrument executed by the settlor that contains terms of the trust, including any amendments thereto.

(19) "Trustee" includes an original, additional, and successor trustee, and a cotrustee.:";

Also on page 8, in line 25, by striking "2020" and inserting "2021";

On page 9, in line 19, by striking "2020" and inserting "2021";

On page 10, in line 38, by striking "2020" and inserting "2021";

On page 1, in the title, in line 4, by striking "2020" and inserting "2021"; and the bill be passed as amended.

SB 497 be amended on page 1, in line 31, by striking all after "all"; by striking all in lines 32 through 34; in line 35, by striking all before the semicolon and inserting "individuals who are licensed, registered, certified or otherwise authorized to practice by the behavioral sciences regulatory board"; in line 36, by striking "school"; also in line 36, by striking "educational";

On page 2, in line 1, by striking "institutions" and inserting "any public or nonpublic elementary or secondary school or any postsecondary educational institution, as defined in K.S.A. 74-32,194, and amendments thereto, who, in the course of employment, have regular contact with children who are less than 18 years of age"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 440**, **SB 441** be passed.

Also, **SB 373** be amended on page 1, in line 18, by striking all after "center"; by striking all in line 19; in line 20, by striking all before the period; following line 20, by inserting:

"Sec. 2.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) Any unencumbered balance in the midwest stem cell therapy center account (683-00-1000-0800) in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided*, That during the fiscal year ending June 30, 2023, expenditures may be made from the midwest stem cell therapy account in an amount not to exceed \$500,000 for the purpose of conducting clinical trials to treat COVID-19 patients using MSCTC-0010 cells developed at the midwest stem cell therapy center: *Provided further*, That such expenditures shall be made solely under the direction and control of the director of the midwest stem cell therapy center.;

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "year" and inserting "years"; in line 2, after the second comma by inserting "and June 30, 2023,,"; and the bill be passed as amended.

Committee on **Transparency and Ethics** recommends **SB 428** be passed.

Also, **SB 427** be amended on page 1, in line 23, by striking "eighth" and inserting "8th"; in line 26, after "(3)" by inserting "the Tuesday following the second Monday in"; also in line 26, by striking "10"; in line 30, after "next" by inserting "Tuesday following the second Monday in"; also in line 30, by striking "10"; and the bill be passed as amended.

SB 429 be amended on page 1, in line 10, before "Reports" by inserting:

"(1) Before January 1, 2026, reports filed by treasurers for candidates for state office, other than officers elected on a statewide basis, shall be filed with the office of the secretary of state.;"

Also on page 1, in line 11, by striking "state" and inserting "statewide"; in line 12, by striking all after the period; by striking all in line 13; in line 14, by striking all before "Reports" and inserting:

"(2) On and after January 1, 2026, reports filed by treasurers for all candidates for state office shall be filed electronically with the secretary of state in a form as prescribed by the secretary of state. Any candidate for state office may request an exemption from the electronic filing requirement, and the governmental ethics commission executive director may grant an exemption for cause.

(3)";

Also on page 1, in line 17, after the period by inserting:

"(b)";

Also on page 1, also in line 17, by striking "(h)" and inserting "(i)"; in line 18, after "reports" by inserting "as provided by subsection (a)"; in line 20, by striking "eighth" and inserting "8th"; in line 24, by striking "eighth" and inserting "8th"; in line 27, after "(3)" by inserting "the Tuesday following the second Monday in"; also in line 27, by striking "10"; in line 31, after "next" by inserting "Tuesday following the second Monday in"; also in line 31, by striking "10"; in line 35, by striking "(b)" and inserting "(c)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 337 reported correctly enrolled, properly signed and presented to the Governor on February 18, 2022.

SR 1729 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 18, 2022.

On motion of Senator Alley, the Senate adjourned until 9:30 a.m., Tuesday, February 22, 2022.

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

