

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 23, 2022, 10:00 a.m.

The Senate was called to order by President Ty Masterson.

The roll was called with 39 senators present.

Senator McGinn was excused.

Invocation by Reverend Cecil T. Washington:

Paying Honor, Praise, Tribute To God!
1 Corinthians 10:31

Lord, Your Word says, in 1 Corinthians 10:31, that we should give glory to You in everything we do. In keeping with this, Andre Crouch wrote the song "My Tribute."

"My Tribute"

How can I say thanks for the things You have done for me
Things so undeserved, yet You gave to prove Your love for me
The voices of a million angels could not express my gratitude
All that I am or ever hope to be I owe to Thee
To God be the glory for the things He has done
With His blood He has saved me, with his power He has raised me
To God be the glory for the things He has done
Just let me live my life, let it be pleasing Lord to Thee
And if I gain any praise let it go to Calvary
With His blood He has saved me, with his power he has raised me
To God be the glory for the things He has done.
Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **HB 2644**.

Judiciary: **Sub HB 2447**.

Public Health and Welfare: **HB 2632, HB 2734**.

Redistricting: **SB 576, SB 577**.

Ways and Means: **HB 2600**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Thompson the Senate nonconcurrent in the House amendments

to **H Sub SB 19** and requested a conference committee be appointed.

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

On motion of Senator Olson the Senate nonconcurrent in the House amendments to **SB 479** and requested a conference committee be appointed.

The Vice President appointed Senators Olson, Hilderbrand and Faust-Goudeau as a conference committee on the part of the Senate.

CONSIDERATION OF APPOINTMENTS

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

Senator Alley moved the following appointment be confirmed.

By the Governor

On the appointment to the:

State Corporation Commission:

Dwight Keen, Term ends March 15, 2026

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Holland, McGinn.

The appointment was confirmed.

COMMITTEE OF THE WHOLE

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

HB 2712 be passed.

HB 2537 be amended be amended by motion of Senator Warren; on page 2, in line 12, by striking "statute book" and inserting "Kansas register" and the bill be passed as amended.

The committee report on **HB 2597** recommending **S Sub HB 2597** be adopted, and the substitute bill be passed.

HB 2299, **HB 2386** be amended by the adoption of the committee amendments and the bills be passed as amended.

An amendment offered by Senator Haley on **HB 2299** was ruled not germane.

SB 489 be amended by the adoption of the committee amendments, be further amended by motion of Senator Thompson; on page 3, in line 1, by striking all after "diseases"; in line 2, by striking all before the period

SB 489 be further amended by motion of Senator Thompson; on page 4, in line 37, by striking "known" and inserting "medically necessary and reasonable" and the bill be passed as further amended.

The Committee rose and reported progress. (See Committee of the Whole afternoon

and evening session.)

On motion of Senator Alley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

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

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for consideration of bills under the heading of General Orders with Senator Claeys in the Chair.

Sub HB 2466, be amended by the adoption of the committee amendments, and the bill be passed as amended.

HCR 5014 be adopted.

A motion offered by Senator Francisco on **HCR 5014** failed and the following amendment was rejected; on page 1, in line 36, after "regulations" by inserting "other than to supersede such rules and regulations by enacting legislation"

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

On roll call, the vote was: Yeas 11; Nays 27; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, 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: Erickson, McGinn.

The committee report on **HB 2056** recommending **S Sub HB 2056** be adopted, be amended by motion of Senator Hilderbrand; on page 1, in line 15, after "(b)" by inserting "(1)"; in line 16, after "be" by inserting "

(A)";

Also on page 1, in line 17, by striking all after "office"; in line 18, by striking all before the period and inserting ";

(B) located inside a state or municipal building where employees of the state or such municipality are physically present; or

(C) located inside any other building and continuously observed by two authorized poll agents who shall not be registered with the same political party";

Also on page 1, also in line 18, after the period by inserting:

"(2)";

Also on page 1, in line 33, by striking all after "(d)"; by striking all in lines 34 through 36;

On page 2, by striking all in lines 1 through 5; in line 6, by striking "(e)"; in line 11, by striking the comma and inserting ";

(1)";

Also on page 2, in line 15, after "site" by inserting ";

(2) "state or municipal building" means a building owned or leased by the state or a municipality. "State or municipal building" does not include a building owned by the state or a municipality that is leased by a private entity whether for profit or not-for-profit or a building held in title by the state or a municipality solely for reasons of

revenue bond financing";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

and **S Sub HB 2056** be passed as amended.

A motion by Senator Francisco to rerefer **S Sub HB 2056** to the Committee on **Federal and State Affairs** failed.

A motion by Senator Holscher to amend **S Sub HB 2056** was ruled not germane.

HB 2456 be amended by the adoption of the committee amendments, be further amended by motion of Senator Peck; on page 1, in line 7, after "(a)" by inserting "(1)"; in line 9, by striking all after "is"; in line 10, by striking all before "a"; in line 11, after the comma by inserting "and:

(A) Five years of age or younger,";

Also on page 1, in line 12, by striking all before "may" and inserting "; or

(B) at least six years of age but not more than 12 years of age, upon payment of a license fee that shall not exceed \$400.

(2) Such license fee";

Also on page 1, also in line 12, after the period by inserting:

"(3)";

Also on page 1, in line 14, by striking "fee shall not exceed \$400" and inserting "fees may be increased up to an additional \$100"

and **HB 2456** be passed as further amended.

The committee report on **HB 2239** recommending **S Sub HB 2239** as amended be adopted, be further amended by motion of Senator Tyson; on page 11, in line 36, by striking all after the third comma; in line 37, by striking all before "electing"; in line 39, by striking "Resident"; in line 41, by striking "section 21" and inserting "K.S.A. 79-32,110";

On page 12, in line 6, by striking all after "act"; in line 7, by striking all before the third comma;

On page 26, in line 1, after the stricken material, by inserting "and"; in line 4, by striking all after "1986"; by striking all in lines 5 through 7; in line 8, by striking all before the period; in line 42, after the stricken material, by inserting "and";

On page 27, in line 2, by striking the semicolon; by striking all in lines 3 through 6; in line 7, by striking all before the period

S Sub HB 2239 be further amended by motion of Senator Tyson; on page 20, in line 13, after "credit" by inserting ", work opportunity tax credit and similar"; also in line 13, after the fourth period by inserting "For taxable years beginning after December 31, 2019, the provisions of this paragraph shall also apply to the employee retention credit.";

On page 1, in the title, in line 11, after the semicolon by inserting "providing a subtraction modification for the federal work opportunity tax credit and the employee retention credit disallowance;"

S Sub HB 2239 be further amended by motion of Senator Baumgardner; on page 29, following line 14, by inserting:

"Sec. 31. K.S.A. 79-32,261 is hereby amended to read as follows: 79-32,261. (a) ~~(1)~~ On and after July 1, 2008, any taxpayer who contributes in the manner prescribed by this ~~section~~ paragraph to a community college located in Kansas for capital improvements, to a technical college for deferred maintenance or the purchase of

technology or equipment or to a postsecondary educational institution located in Kansas for deferred maintenance, shall be allowed a credit against the tax imposed by the Kansas income tax act, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. The tax credit allowed by this ~~section paragraph~~ is applicable for the tax year 2008 for any contributions made on and after July 1, 2008, and for the tax years 2009, 2010, 2011 and 2012 for any contributions made during the entire tax year. The amount of the credit allowed by this ~~section paragraph~~ shall not exceed 60% of the total amount contributed during the taxable year by the taxpayer to a community college or a technical college located in Kansas for such purposes. The amount of the credit allowed by this ~~section paragraph~~ shall not exceed 50% of the total amount contributed during the taxable year by the taxpayer to a postsecondary educational institution for such purposes. If the amount of the credit allowed by this ~~section paragraph~~ for a taxpayer who contributes to a community college or a technical college exceeds the taxpayer's income tax liability imposed by the Kansas income tax act, such excess amount shall be refunded to the taxpayer. If the amount of the tax credit for a taxpayer who contributes to a postsecondary educational institution exceeds the taxpayer's income tax liability for the taxable year, the amount which exceeds the tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the third taxable year succeeding the taxable year in which the contribution is made. Prior to the issuance of any tax credits pursuant to this ~~section paragraph~~, the structure of the process in which contributions received by a community college, a technical college or a postsecondary educational institution qualify as tax credits allowed and issued pursuant to this ~~section paragraph~~ shall be developed by a community college, a technical college and a postsecondary educational institution in consultation with the secretary of revenue and the foundation or endowment association of any such community college, technical college or postsecondary educational institution in a manner that complies with requirements specified in the federal internal revenue code of 1986, as amended, so that contributions qualify as charitable contributions allowable as deductions from federal adjusted gross income.

(2) On and after July 1, 2022, any taxpayer who contributes in the manner prescribed by this paragraph to a community college or technical college located in Kansas for capital improvements, deferred maintenance or the purchase of technology or equipment shall be allowed a credit against the tax imposed by the Kansas income tax act, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. The tax credit allowed by this paragraph is applicable for the tax year 2022 for any contributions made on and after July 1, 2022, and for the tax years 2023, 2024, 2025 and 2026 for any contributions made during the entire tax year. The amount of the credit allowed by this paragraph shall equal 60% of the total amount contributed during the taxable year by the taxpayer to a community college or a technical college located in Kansas for such purposes. If the amount of the credit allowed by this paragraph for a taxpayer who contributes to a community college

or technical college exceeds the taxpayer's income tax liability imposed by the Kansas income tax act, such excess amount shall not be refunded to the taxpayer. Prior to the issuance of any tax credits pursuant to this paragraph, the structure of the process in which contributions received by a community college or technical college qualify as tax credits allowed and issued pursuant to this paragraph shall be developed by a community college and technical college in consultation with the secretary of revenue and the foundation or endowment association of any such community college or technical college in a manner that complies with requirements specified in the federal internal revenue code of 1986, as amended, so that contributions qualify as charitable contributions allowable as deductions from federal adjusted gross income.

(b) (1) Upon receipt of any ~~such~~ contributions to a community college made pursuant to the provisions of ~~this section subsection (a)(1)~~, the treasurer of the community college shall deposit such contributions to the credit of the capital outlay fund of such community college established as provided by K.S.A. 71-501a, and amendments thereto. Expenditures from such fund shall be made for the purposes described in ~~subsection (a) of K.S.A. 71-501(a)~~, and amendments thereto, except that expenditures shall not be made from such fund for new construction or the acquisition of real property for use as building sites or for educational programs.

(2) Upon receipt of any ~~such~~ contributions to a technical college made pursuant to the provisions of ~~this section subsection (a)(1)~~, such contributions shall be deposited to the credit of a deferred maintenance fund or a technology and equipment fund established by the technical college which received the contribution. Expenditures from such fund shall be made only for the purpose as provided in ~~this subsection (b)(1)~~.

(3) Upon receipt of any such contributions to a postsecondary educational institution made pursuant to the provisions of ~~this section subsection (a)(1)~~, such contributions shall be deposited to the credit of the appropriate deferred maintenance support fund of the postsecondary educational institution ~~which that~~ received the contribution. Expenditures from such fund shall be made only for the purposes designated for such fund pursuant to law.

(4) Upon receipt of any such contributions to a community college or technical college made pursuant to the provisions of subsection (a)(2), the treasurer of the community college or technical college shall deposit such contributions to the credit of the capital outlay fund of such community college or technical college established as provided by K.S.A. 71-501a, and amendments thereto. Expenditures from such fund shall be made for the purposes designated for such fund pursuant to law.

(c) (1) In no event shall the total amount of credits allowed under ~~this section subsection (a)(1)~~ for taxpayers who contribute to any one such community college or technical college exceed the following amounts: For the tax year 2008, an amount not to exceed \$78,125; for the tax year 2009, an amount not to exceed \$156,250; and for the tax years 2010, 2011 and 2012, an amount not to exceed \$208,233.33.

(2) In no event shall the total of credits allowed under ~~this section subsection (a)(1)~~ for taxpayers who contribute to postsecondary educational institutions exceed the following amounts: For the tax year 2008, an amount not to exceed \$5,625,000; for the tax year 2009, an amount not to exceed \$11,250,000; and for the tax years 2010, 2011 and 2012, an amount not to exceed \$15,000,000. Except as otherwise provided, the allocation of such tax credits for each individual state educational institution shall be determined by the state board of regents in consultation with the secretary of revenue

and the university foundation or endowment association of each postsecondary educational institution, and such determination shall be completed prior to the issuance of any tax credits pursuant to ~~this section~~ subsection (a)(1). Not more than 40% of the total of credits allowed under ~~this section~~ subsection (a)(1) shall be allocated to any one postsecondary educational institution unless all such postsecondary educational institutions approve an allocation to any one such postsecondary educational institution which exceeds 40% of the total of such credits allowed under ~~this section~~ subsection (a)(1).

(3) For the tax years 2022 through 2026, the amount of such credit awarded under subsection (a)(2) for each taxpayer shall not exceed \$500,000 per tax year.

(4) In no event shall the total of credits allowed under subsection (a)(2) for contributions to any one community college or technical college exceed \$1,000,000 per tax year.

(5) In no event shall the total of credits allowed under subsection (a)(2) exceed \$7,000,000 for each tax year that the credit remains in effect.

(d) As used in this section: (1) "Community college" means a community college established under the provisions of the community college act;

(2) "deferred maintenance" means the maintenance, repair, reconstruction or rehabilitation of a building located at a technical college or a postsecondary educational institution which has been deferred, any utility systems relating to such building, any life-safety upgrades to such building and any improvements necessary to be made to such building in order to comply with the requirements of the Americans with disabilities act or other federal or state law, except that for taxable years commencing after December 31, 2013, deferred maintenance shall not include any maintenance, repair, reconstruction or rehabilitation of any building in which any abortion, as defined in K.S.A. 65-6701, and amendments thereto, is performed;

(3) "postsecondary educational institution" means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university, Fort Hays state university and Washburn university of Topeka; and

(4) "technical college" means a technical college as designated pursuant to K.S.A. 74-32,458, 74-32,460, 74-32,461, 74-32,462 ~~and~~, 74-32,464, ~~and~~ 74-32,465, and amendments thereto, ~~and the institute of technology at Washburn university.~~

(e) Any taxpayer not subject to Kansas income, privilege or premiums tax who contributes to a community college, technical college or postsecondary educational institution, hereinafter designated the transferor, may sell, assign, convey or otherwise transfer tax credits allowed and earned pursuant to this section. The sale price of a tax credit shall be at least 50% of the full value of the credit. Such credit shall be deemed to be allowed and earned by any such taxpayer which is only disqualified therefrom by reason of not being subject to such Kansas taxes. The taxpayer acquiring earned credits, hereinafter designated the transferee, may use the amount of the acquired credits to offset up to 100% of the taxpayer's income, privilege or premiums tax liability for the taxable year in which such acquisition was made. Such credits may be sold or transferred only one time and, if sold or transferred, shall be transferred in the tax year such credit is earned or the two successive tax years. A transferred credit shall be claimed in the year purchased. The transferor shall enter into a written agreement with the transferee establishing the terms and conditions of the sale or transfer and shall

perfect such transfer by notifying the secretary of revenue in writing within 30 calendar days following the effective date of the transfer, subject to the review and approval or denial of such transfer by the secretary of revenue. The transferor and transferee shall provide any information pertaining to the sale or transfer as may be required by the secretary of revenue to administer and carry out the provisions of this section. The amount received by the transferor of such tax credit shall be taxable as income of the transferor, and the excess of the value of such credit over the amount paid by the transferee for such credit shall be taxable as income of the transferee.

(f) The secretary of revenue shall submit an annual report to the legislature to assist the legislature in the evaluation of the utilization of any credits claimed pursuant to this act, including information specific as to each community college, technical college or postsecondary educational institution. Such report shall be due on or before the first day of the legislative session following the tax year in which the credits were claimed.

(g) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this section.";

Also on page 29, in line 15, by striking the first "and"; also in line 15, after "79-32,111" by inserting "and 79-32,261";

And by renumbering sections accordingly;

On page 1, in the title, in line 11, after the semicolon by inserting "providing a credit for contributions to community colleges and technical colleges;"; in line 12, by striking the first "and" and inserting a comma; also in line 12, after "79-32,111" by inserting "and 79-32,261";

And adjusting the title and repealer accordingly if multiple amendments are adopted and the substitute bill be passed as amended.

S Sub HB 2239 be further amended by motion of Senator Francisco, on page 12, following line 17, by inserting:

"New Sec. 25. (a) For all tax years commencing after December 31, 2022, each Kansas state individual income tax return form shall contain a designation as follows:

Kansas Historic Site Fund. Check if you wish to donate, in addition to your tax liability, or designate from your refund, ___\$1, ___\$5, ___\$10 or \$_____ to historic site number _____.

(b) For purposes of administration of this section, the director of taxation of the department of revenue shall assign a historic site number to all state-owned historic sites administered by the Kansas state historical society in order for a taxpayer to choose the historic site that will receive the donation. The instructions accompanying the individual income tax return shall include a brief description of all state-owned historic sites administered by the Kansas state historical society and identify each historic site number assigned for purposes of a contribution pursuant to this section.

(c) The director of taxation of the department of revenue shall determine annually the total amount designated for contribution to the Kansas historic site fund pursuant to subsection (a) and shall report such amount to the state treasurer, who shall credit the entire amount thereof to the Kansas historic site fund. Such fund is hereby established in the state treasury and shall be administered by the department of revenue. In the case where donations are made pursuant to subsection (a), the director shall remit the entire amount thereof 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 Kansas historic

site fund. All moneys deposited in such fund shall be distributed to the historic sites in accordance with the selections of taxpayers and shall be used for the purpose of the operation, maintenance and preservation of such sites. All expenditures from such 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 secretary of revenue or the secretary's designee.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "establishing a checkoff for contributions to the Kansas historic site fund;"

and **S Sub HB 2239** be passed as amended.

An amendment offered by Senator Holland was ruled not germane.

Senator Holland challenged the ruling of the chair.

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

On roll call, the vote was: Yeas 26; Nays 9; Present and Passing 4; Absent or Not Voting 1.

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

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

Present and Passing: Corson, Pittman, Pyle, Straub.

Absent or Not Voting: McGinn.

The ruling was sustained.

The Committee rose and reported progress. (See Committee of the Whole morning and evening session.)

On motion of Senator Alley, the Senate recessed until 7:45 p.m.

EVENING SESSION

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

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for consideration of bills under the heading of General Orders with Senator Claeys in the Chair.

On motion of Senator Claeys, the report for the morning, afternoon and the following evening session was adopted.

SB 155, HB 2541, HB 2608, be passed.

HB 2607 be amended by motion of Senator Warren; on page 2, in line 41, by striking "Kansas register" and inserting "statute book"

HB 2607 be further amended by motion of Senator Wilborn; on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2021 Supp. 59-29a02 is hereby amended to read as follows: 59-29a02. As used in this act:

(a) "Sexually violent predator" means any person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in repeat acts of sexual

violence and who has serious difficulty in controlling such person's dangerous behavior.

(b) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others.

(c) "Likely to engage in repeat acts of sexual violence" means the person's propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others.

(d) "Sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) "Sexually violent offense" means:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2021 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or K.S.A. 2021 Supp. 21-5506(a), and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or K.S.A. 2021 Supp. 21-5506(b), and amendments thereto;

(4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) and (a)(3), prior to its repeal, or K.S.A. 2021 Supp. 21-5504(a)(3) and (a)(4), and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2021 Supp. 21-5504(b), and amendments thereto;

(6) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or K.S.A. 2021 Supp. 21-5508(a), and amendments thereto;

(7) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or K.S.A. 2021 Supp. 21-5508(b), and amendments thereto;

(8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2021 Supp. 21-5510, and amendments thereto;

(9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2021 Supp. 21-5505(b), and amendments thereto;

(10) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2021 Supp. 21-5604(b), and amendments thereto;

(11) any conviction for a felony offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent offense as defined in paragraphs (1) through (11) or any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this section;

(12) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 and 21-3303, prior to their repeal, or K.S.A. 2021 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent offense as defined in this subsection; or

(13) any act which either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this act, has been determined beyond a reasonable doubt to have been sexually motivated.

(f) "Agency with jurisdiction" means ~~that agency which~~ an agency that releases upon lawful order or authority, a person confined or serving a sentence ~~or term of confinement~~ and includes the department of corrections, the Kansas department for aging and disability services and the prisoner review board.

(g) "Person" means an individual who is a potential or actual subject of proceedings

under this act.

(h) "Treatment staff" means the persons, agencies or firms employed by or contracted with the secretary to provide treatment, supervision or other services at the sexually violent predator facility.

(i) "Transitional release" means any halfway house, work release, sexually violent predator treatment facility or other placement designed to assist the person's adjustment and reintegration into the community.

(j) "Secretary" means the secretary for aging and disability services.

(k) "Conditional release" means approved placement in the community for a minimum of five years while under the supervision of the person's court of original commitment and monitored by the secretary for aging and disability services.

(l) "Conditional release monitor" means an individual appointed by the court to monitor the person's compliance with the treatment plan while placed on conditional release and who reports to the court. Such monitor shall not be a court services officer.

(m) "Progress review panel" means individuals appointed by the secretary for aging and disability services to evaluate a person's progress in the sexually violent predator treatment program.

Sec. 2. K.S.A. 2021 Supp. 59-29a03 is hereby amended to read as follows: 59-29a03. (a) (1) Prior to July 1, 2023, when it appears that a person may meet the criteria of a sexually violent predator as defined in K.S.A. 59-29a02, and amendments thereto, the agency with jurisdiction shall give written notice of such to the attorney general and the multidisciplinary team established in subsection (f); Such notice shall be given 90 days prior to the anticipated release of a person and includes, but is not limited to:

~~(+)(A)~~ The anticipated release from total confinement of a person who has been convicted of a sexually violent offense, except that in the case of ~~persons who are a person who is~~ returned to prison for no more than 90 days as a result of revocation of postrelease supervision, written notice shall be given as soon as practicable following the person's readmission to prison;

~~(±)(B)~~ release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to K.S.A. 22-3305, and amendments thereto;

~~(±)(C)~~ release of a person who has been found not guilty ~~by reason of insanity~~ of a sexually violent offense pursuant to K.S.A. 22-3428, and amendments thereto; or

~~(+)(D)~~ release of a person who has been found not guilty of a sexually violent offense pursuant to K.S.A. 22-3428, and amendments thereto, and the jury who returned the verdict of not guilty answers in the affirmative to the special question asked pursuant to K.S.A. 22-3221, and amendments thereto.

(2) On and after July 1, 2023, and prior to July 1, 2024, when it appears that a person may meet the criteria of a sexually violent predator as defined in K.S.A. 59-29a02, and amendments thereto, the agency with jurisdiction shall give written notice of such to the attorney general and the multidisciplinary team established in subsection (f). Such notice shall be given 90 days to two years prior to the anticipated release of a person and includes, but is not limited to:

(A) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense, except that in the case of a person who is returned to prison for no more than 90 days as a result of revocation of postrelease supervision, written notice shall be given as soon as practicable following the person's

readmission to prison:

(B) release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to K.S.A. 22-3305, and amendments thereto;

(C) release of a person who has been found guilty of a sexually violent offense pursuant to K.S.A. 22-3428, and amendments thereto; or

(D) release of a person who has been found not guilty of a sexually violent offense pursuant to K.S.A. 22-3428, and amendments thereto, and the jury who returned the verdict of not guilty answers in the affirmative to the special question asked pursuant to K.S.A. 22-3221, and amendments thereto.

(3) On and after July 1, 2024, when it appears that a person may meet the criteria of a sexually violent predator as defined in K.S.A. 59-29a02, and amendments thereto, the agency with jurisdiction shall give written notice of such to the attorney general and the multidisciplinary team established in subsection (f). Such notice shall be given two years prior to the anticipated release of a person and includes, but is not limited to:

(A) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense, except that in the case of a person who is returned to prison for no more than 90 days as a result of revocation of postrelease supervision, written notice shall be given as soon as practicable following the person's readmission to prison;

(B) release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to K.S.A. 22-3305, and amendments thereto;

(C) release of a person who has been found not guilty of a sexually violent offense pursuant to K.S.A. 22-3428, and amendments thereto; or

(D) release of a person who has been found not guilty of a sexually violent offense pursuant to K.S.A. 22-3428, and amendments thereto, and the jury who returned the verdict of not guilty answers in the affirmative to the special question asked pursuant to K.S.A. 22-3221, and amendments thereto.

(b) The agency with jurisdiction shall inform the attorney general and the multidisciplinary team established in subsection (f) of the following:

(1) The person's name, identifying factors, anticipated future residence and offense history; and

(2) documentation of institutional adjustment and any treatment received.

(c) Any reports of evaluations prepared or provided pursuant to subsection (b) shall demonstrate that the person evaluated was informed of the following:

(1) The nature and purpose of the evaluation; and

(2) that the evaluation will not be confidential and that any statements made by the person and any conclusions drawn by the evaluator may be disclosed to a court, the detained person's attorney, the prosecutor and the trier of fact at any proceeding conducted under the Kansas sexually violent predator act.

(d) The permitted disclosures required to be submitted to the attorney general under this section shall be deemed to be in response to the attorney general's civil demand for relevant and material information to investigate whether a petition shall be filed. The information provided shall be specific to the purposes of the Kansas sexually violent predator act and as limited in scope as reasonably practicable.

(e) The agency with jurisdiction, its employees, officials, members of the

multidisciplinary team established in subsection (f), members of the prosecutor's review committee appointed as provided in subsection (g) and individuals contracting, appointed or volunteering to perform services hereunder shall be immune from liability for any good-faith conduct under this section.

(f) The secretary of corrections shall establish a multidisciplinary team which may include individuals from other state agencies to review available records of each person referred to such team pursuant to subsection (a). The team shall include the mental health professional who prepared any evaluation, interviewed the person or made any recommendation to the attorney general. The team shall assess whether or not the person meets the definition of a sexually violent predator, as established in K.S.A. 59-29a02, and amendments thereto. The team shall notify the attorney general of its assessment.

(g) The attorney general shall appoint a prosecutor's review committee to review the records of each person referred to the attorney general pursuant to subsection (a). The prosecutor's review committee shall assist the attorney general in the determination of whether or not the person meets the definition of a sexually violent predator. The assessment of the multidisciplinary team shall be made available to the attorney general and the prosecutor's review committee.

(h) The provisions of this section are not jurisdictional and failure to comply with such provisions not affecting constitutional rights in no way prevents the attorney general from proceeding against a person otherwise subject to the provisions of the Kansas sexually violent predator act.

Sec. 3. K.S.A. 2021 Supp. 59-29a05 is hereby amended to read as follows: 59-29a05. (a) Upon filing of a petition under K.S.A. 59-29a04, and amendments thereto, the ~~judge~~ court shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If such determination is made, the ~~judge~~ court shall:

(1) Direct that ~~the~~ the person be taken into custody and detained in the county jail until such time as a determination is made that the person is a sexually violent predator subject to commitment under the Kansas sexually violent predator act, unless the person is subject to secure confinement at a correctional facility operated by the secretary of corrections. When the person is no longer subject to secure confinement at a correctional facility operated by the secretary of corrections, the court shall direct that the sheriff of the county where the petition is filed, or the sheriff's lawful designee, transport the person to the county jail and detain the person in the county jail until such time as a determination is made that the person is a sexually violent predator subject to commitment under the Kansas sexually violent predator act; and

(2) file a protective order permitting disclosures of protected health information to the parties, their counsel, evaluators, experts and others necessary to the litigation during the course of the proceedings subject to the Kansas sexually violent predator act.

(b) ~~Within 72 hours after a person is taken into custody pursuant to subsection (a), or~~ As soon as reasonably practicable or agreed upon by the parties, such person shall after the filing of a petition under K.S.A. 59-29a04, and amendments thereto, the court shall order that the person named in the petition be provided with notice of, and an opportunity to appear in person at, a hearing to contest probable cause as to whether the ~~detained~~ person is a sexually violent predator. At this hearing the court shall:

(1) Verify the ~~detainer's~~ person's identity; and

(2) determine whether probable cause exists to believe that the person is a sexually violent predator. The state may rely upon the petition and supplement the petition with additional documentary evidence or live testimony.

(c) At the probable cause hearing as provided in subsection (b), the ~~detained~~ person shall have the following rights in addition to the rights previously specified:

- (1) To be represented by counsel;
- (2) to present evidence on such person's behalf;
- (3) to cross-examine witnesses who testify against such person; and
- (4) to view and copy all petitions and reports in the court file.

(d) If the probable cause determination is made, the court shall order that the person be transferred to an appropriate secure facility, including, but not limited to, a county jail, for an evaluation as to whether the person is a sexually violent predator. The evaluation ordered by the court shall be conducted by a person deemed to be professionally qualified to conduct such an examination.

(e) The person conducting the evaluation ordered by the court pursuant to this section shall notify the ~~detained~~ person being evaluated of the following:

- (1) The nature and purpose of the evaluation; and
- (2) that the evaluation will not be confidential and that any statements made by the ~~detained~~ person and any conclusions drawn by the evaluator, will be disclosed to the court, the ~~detained~~ person's attorney, the prosecutor and the trier of fact at any proceeding conducted under the Kansas sexually violent predator act.

(f) When a proceeding under the Kansas sexually violent predator act is required to be conducted by the court and the person involved in the proceeding remains subject to secure confinement at a correctional facility operated by the secretary of corrections, the court may secure the person's attendance at the proceeding by directing the sheriff of the county where the proceeding will be held, or the sheriff's lawful designee, to take the person into the sheriff's physical custody. The sheriff may detain such person in the county jail for such time deemed reasonable by the sheriff and the secretary of corrections to secure the person's attendance at the proceeding.

(g) Nothing in this section shall be construed to give a person:

(1) The right to appear at a proceeding under the Kansas sexually violent predator act absent a court order; or

(2) any right whatsoever in the amount of time the person is detained in the county jail to secure the person's attendance at a proceeding under the Kansas sexually violent predator act.";

On page 2, in line 39, after "Supp." by inserting "59-29a02, 59-29a03, 59-29a05 and"; also in line 39, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "civil commitment pursuant to the Kansas sexually violent predator act; requiring notice of release of a person who may be a sexually violent predator to the attorney general and multidisciplinary team; time; providing for detention during proceedings; relating to"; in line 2, after "Supp." by inserting "59-29a02, 59-29a03, 59-29a05 and"; in line 3, by striking "section" and inserting "sections"

and **HB 2607** be passed as amended.

HB 2228, HB 2377 be amended by the adoption of the committee amendments, and the bills be passed as amended.

An amendment on **HB 2228** offered by Senator Holscher was ruled not germane.

A motion was offered by Senator Faust-Goudeau to amend **HB 2377**. 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.

The committee report on **HB 2448** recommending **S Sub HB 2448** be adopted, and the substitute bill be passed.

The committee report on **HB 2280** recommending **S Sub HB 2280**, as amended be adopted, and **S Sub HB 2280** be passed as amended.

S Sub HB 2416 (See previous action as noted in the March 22, 2022 Senate Journal) be amended by motion of Senator Warren; on page 1, in line 10, by striking all after "(a)"; by striking all in lines 11 through 22; in line 23, by striking "(b)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

S Sub HB 2416 be further amended by motion of Senator Baumgardner; as amended pursuant to a motion to divide the question in accordance with Senate Rule 27 adopted by the Senate Committee of the Whole as reported in the Journal of the Senate on March 22, 2022, on page 1, in line 14, after "disease" by inserting "in humans"; in line 26, after "(c)" by inserting "(1)"; following line 30, by inserting:

"(2) A claimant shall not be eligible for compensation if such claimant knew or should have known of a dangerous condition and such claimant failed to respond in a reasonable manner to address such dangerous condition that resulted in the use, restriction on use, damage, loss or destruction of property, including, but not limited to, sanitization or food safety.";

On page 2, in line 16, after "disease" by inserting "in humans";

On page 4, following line 6, by inserting:

"Sec. 2. K.S.A. 2021 Supp. 79-1614 is hereby amended to read as follows: 79-1614. (a) (1) The owner of any building listed and assessed for property taxation purposes as real property that maintains a business on the property that was shut down or restricted because of any action taken by the state, county, city or other political subdivision of the state pursuant to an executive order issued by the governor pursuant to K.S.A. 48-925, and amendments thereto, or any action taken by a county, city or other political subdivision of the state related to a state of disaster emergency declared pursuant to K.S.A. 48-924, and amendments thereto, or a state of local disaster emergency declared pursuant to K.S.A. 48-932, and amendments thereto, or any action taken by a county, city or other political subdivision of the state related to a contagious or infectious disease in humans pursuant to chapter 65 of the Kansas Statutes Annotated, and amendments thereto, may make application to the board of county commissioners of the county in which such property is located for the reimbursement of the property taxes levied upon such property during the shutdown or restriction.

(2) An owner shall not be eligible for reimbursement if such owner knew or should have known of a dangerous condition and such owner failed to respond in a reasonable manner to address such dangerous condition that resulted in the shutdown or restriction, including, but not limited to, sanitization or food safety.

(3) The county treasurer shall reimburse from the county general fund any owner who makes an application or operator that joins in an application that is determined to be valid for the period of time that the shutdown or restriction remained in effect. For ordered shutdowns, the reimbursement shall be calculated as a $\frac{1}{365}$ amount of the total

ad valorem real property taxes levied by the state, county and all other taxing subdivisions due for the property for the year multiplied by the number of calendar days the ordered shutdown was in effect. For ordered restrictions, the reimbursement shall be calculated as a $\frac{1}{365}$ amount of the total ad valorem real property taxes levied by the state, county and all other taxing subdivisions due for the property for the year multiplied by the percentage of the ordered restrictions and further multiplied by the number of calendar days the ordered restriction was in effect.

(b) If the owner is the operator of the business on the property that was shut down or restricted, the owner shall be entitled to 100% of such reimbursement amount. If the owner is not the operator of such business that was shut down or restricted from conducting operations:

(1) The owner shall disclose and attest to the identity of the operator of such business on the application form;

(2) the owner shall be entitled to 50% of such reimbursement amount;

(3) the operator of such business shall be entitled to 50% of such reimbursement amount if such operator joins in the owner's application; and

(4) such operator that joins in the owner's application may elect to assign such operator's share of the reimbursement amount to the owner to be credited against any delinquent rent due to the owner.

(c) If the state, a city or other political subdivision of the state was the governmental entity that shut down or restricted the business resulting in a reimbursement to an owner or operator pursuant to this section, such governmental entity that shut down or restricted the business shall reimburse the county for the cost of such reimbursement.

(d) For purposes of this section, "restriction" or "restricted" means any occupancy limitation, limitation on periods of operation or the exertion by any governmental entity of other significant control on business resources or functionality.

~~(e) The provisions of this section shall be applicable on and after January 1, 2022.~~

Sec. 3. K.S.A. 2021 Supp. 79-1614 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, before the period by inserting "; authorizing reimbursement of property taxes levied upon businesses shut down or restricted as a result of certain governmental actions related to contagious or infectious disease in humans; amending K.S.A. 2021 Supp. 79-1614 and repealing the existing section"

A ruling of the chair was requested as to the germaneness of the amendment. The chair ruled the amendment was germane to the bill.

S Sub HB 2416 be further amended by motion of Senator Tyson; as amended pursuant to a motion to divide the question in accordance with Senate Rule 27 adopted by the Senate Committee of the Whole as reported in the Journal of the Senate on March 22, 2022, on page 1, following line 9, by inserting:

"Section 1. The provisions of sections 1 through 14, and amendments thereto, shall be known and may be cited as the COVID-19 retail storefront property tax relief act. The purpose of this act shall be to provide refunds to certain businesses impacted by COVID-19 related shutdowns and restrictions during tax years 2020 and 2021 based on a portion of property taxes accrued on retail storefront property.

Sec. 2. As used in this act:

(a) "Act" means the COVID-19 retail storefront property tax relief act.

(b) (1) "Claimant" means a for-profit business, regardless of legal structure, who has filed a claim under the provisions of this act and who:

(A) Conducts a majority of its retail sales through customers' physical, on-site presence at a retail storefront property;

(B) was in operation on or prior to July 1, 2019, and filed a 2019 tax return;

(C) had at least \$10,000 but less than \$2,500,000 in annual revenues, including gross sales and receipts, in 2019;

(D) received less gross revenue in 2020 or 2021, as applicable, compared to 2019;

(E) was in active operations as of March 1, 2020; and

(F) has not received more than a total of \$150,000 in prior COVID-19-related local, state or federal funding or any combination thereof.

(2) "Claimant" shall not include:

(A) Grocery stores and pharmacies;

(B) hardware stores and home improvement businesses;

(C) retail liquor stores;

(D) manufacturers and food processors;

(E) schools, such as pre-kindergarten, kindergarten through grade 12, post-secondary, higher education, technical education and training;

(F) hospitals and healthcare providers, including, but not limited to, physicians, surgeons, psychologists and psychoanalysts, but not including personal services providers such as massage therapists and chiropractors;

(G) property management and real estate services, including owners or operators of short-term rental properties;

(H) professional services, including, but not limited to, accounting, insurance, legal, financial services and firms, information technology, engineering and architecture;

(I) agriculture and aquaculture producers, including farms, ranches and fisheries, but not including their retail storefronts used to conduct retail sales to customers;

(J) hosts or operators of a vacation or short-term rental unit;

(K) passive businesses, investment companies and investors who file a schedule E on their individual tax returns;

(L) financial businesses primarily engaged in the business of lending, such as banks, finance companies and factoring companies;

(M) cable companies, telephone companies, utilities and other similar businesses; and

(N) energy production, generation and distribution companies.

(3) When a retail storefront is occupied by two or more businesses and more than one of the businesses is able to qualify as a claimant, the businesses may determine between them as to whom the claimant will be. If they are unable to agree, the matter shall be referred to the secretary of revenue whose decision shall be final.

(c) "Gross rent" means the rental paid at arm's length solely for the right of occupancy of a retail storefront paid to a landlord, as expressly set out in the rental agreement, exclusive of charges for any utilities, services, furniture and furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. Whenever the director of taxation finds that the landlord and tenant have not dealt with each other at arm's length and that the gross rent charge was excessive, the director may adjust the gross rent to a

reasonable amount for the purpose of the claim.

(d) "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on a claimant's retail storefront in 2020 or 2021, as applicable, by the state of Kansas and the political and taxing subdivisions of the state. When a retail storefront is owned by two or more persons or entities as joint tenants or tenants in common and one or more of the persons or entities is not a part of claimant's business, "property taxes accrued" is that part of property taxes levied on the retail storefront that reflects the ownership percentage of the claimant's business. For purposes of this act, property taxes are "levied" when the tax roll is delivered to the local treasurer with the treasurer's warrant for collection. When a claimant owns its retail storefront part of a calendar year, "property taxes accrued" means only taxes levied on the retail storefront when both owned and occupied as a retail storefront by the claimant's business at the time of the levy, multiplied by the percentage of 12 months that the property was owned and occupied by the business as its retail storefront in the year. When a business owns and occupies two or more different retail storefronts in the same calendar year, property taxes accrued shall be the sum of the taxes allocable to those several properties while occupied by the business as its retail storefront during the year. Whenever a retail storefront is an integral part of a larger unit such as a multi-purpose or multi-retail storefront building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the retail storefront is of the total value. For the purpose of this act, the word "unit" refers to that parcel of property covered by a single tax statement of which the retail storefront is a part.

(e) "Rent constituting property taxes accrued" means 15% of the gross rent actually paid in cash or its equivalent in 2020 or 2021, as applicable, by a claimant solely for the right of occupancy of a retail storefront on which ad valorem property taxes were levied in full for that year. When a claimant occupies two or more different retail storefronts in the same calendar year, rent constituting property taxes accrued shall be computed by adding the rent constituting property taxes accrued for each property rented by the claimant while occupied by the claimant as its retail storefront during the year.

(f) "Retail storefront" means the real property in this state, whether owned or rented, that is occupied by the claimant's business and where the claimant conducts retail sales through customers' physical, on-site presence. "Retail storefront" may consist of a part of a multi-purpose or multi-retail storefront building. "Owned" includes a vendee in possession under a land contract, a life tenant, a beneficiary under a trust and one or more joint tenants or tenants in common.

Sec. 3. (a) For tax years 2020 and 2021, a claimant shall be eligible for a claim for refund under this act if the claimant's eligible business operated at the retail storefront was operationally shut down or restricted by a COVID-19-related order or action imposed by the state, a local unit of government or a local health officer, including, but not limited to, by an executive order issued by the governor pursuant to K.S.A. 48-925, and amendments thereto, or any action taken by a local unit of government related to a state of disaster emergency declared pursuant to K.S.A. 48-924, and amendments thereto, or a state of local disaster emergency declared pursuant to K.S.A. 48-932, and amendments thereto.

(b) The amount of refund under this act shall be equal to 33% of the COVID-19 qualifying sum. The COVID-19 qualifying sum shall be the sum of the COVID-19

ordered shutdown days gross rebate amount calculated pursuant to subsection (c) and the COVID-19 ordered restricted operations days gross rebate amount calculated pursuant to subsection (d).

(c) The COVID-19 ordered shutdown days gross rebate amount shall be the amount of the claimant's property taxes accrued or rent constituting property taxes accrued for the tax year divided by the applicable factor set forth in the following schedule:

Number of ordered shutdown days	Divide property taxes accrued or rent constituting property taxes accrued by:
91 or more	3
61 to 90	4
31 to 60	6
1 to 30	12

(d) The COVID-19 ordered restricted operations days gross rebate amount shall be the amount of the claimant's property taxes accrued or rent constituting property taxes accrued for the tax year divided by the applicable factor set forth in the following schedule:

Number of ordered restricted operations days	Divide property taxes accrued or rent constituting property taxes accrued by:
211 or more	2
181 to 210	2.289
151 to 180	2.667
121 to 150	3.2
91 to 120	4
61 to 90	5.333
31 to 60	8
1 to 30	16

(e) For purposes of subsections (c) and (d), an eligible calendar day may be counted only once as either an ordered shutdown day or an ordered restricted operations day.

(f) A claimant with a qualifying business at a retail storefront that ceased operations after March 1, 2020, and before January 1, 2021, is eligible for a rebate only for tax year 2020.

(g) The maximum amount of a refund that may be claimed by a claimant in any single tax year pursuant to this act shall be \$7,500.

Sec. 4. A claimant may claim property tax relief under this act with respect to property taxes accrued or rent constituting property taxes accrued and, after audit by the director of taxation with respect to this act, the allowable amount of such claim shall be paid, except as otherwise provided in section 9, and amendments thereto, to the claimant from the income tax refund fund. Such payment shall be made upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation or by any person designated by the claimant, but no warrant issued shall be

drawn in an amount of less than \$5. No interest shall be allowed on any payment made to a claimant pursuant to this act.

Sec. 5. Only one claimant per retail storefront per year shall be entitled to relief under this act.

Sec. 6. For tax years 2020 and 2021, no claim shall be paid or allowed unless such claim is filed with and in the possession of the department of revenue on or before April 15, 2023, except that the director of taxation may extend the time for filing any claim or accept a claim filed after the filing deadline when good cause exists, if the claim has been filed within four years of the deadline.

Sec. 7. (a) In administering this act, the director of taxation shall make available suitable forms with instructions for claimants.

(b) The secretary of revenue is hereby authorized to adopt such rules and regulations as may be necessary for the administration of the provisions of this act.

Sec. 8. (a) Every claimant under this act shall provide to the director of taxation, in support of a claim, reasonable proof of eligibility for the refund.

(b) Every claimant who is a retail storefront owner, or whose claim is based wholly or partly upon retail storefront ownership at some time during the calendar year, shall supply to the director of taxation, in support of a claim, the amount of property taxes levied upon the property claimed as a retail storefront and a statement that the property taxes accrued used for purposes of this act have been or will be paid by the claimant. Upon request by the director, such claimant shall provide a copy of the statement of property taxes levied upon the property claimed as a retail storefront.

(c) Every claimant who is a retail storefront renter, or whose claim is based wholly or partly upon retail storefront rental at some time during the calendar year, shall supply to the division, in support of a claim, a statement prescribed by the director certifying the amount of gross rent paid and that ad valorem property taxes were levied in full for that year on the property, all or a part of which was rented by the claimant.

(d) The information required to be furnished under subsection (b) or (c) shall be in addition to that required under subsection (a).

Sec. 9. (a) The amount of any claim otherwise payable under this act may be applied by the director of taxation against any liability outstanding on the books of the department of revenue against the claimant in the year that the claim relates.

(b) If there are delinquent property taxes for tax year 2020 or 2021 on a retail storefront owned by the claimant, the refund shall be paid to the county treasurer of the county in which such retail storefront is located and applied to such delinquent property taxes.

Sec. 10. If there are delinquent property taxes for a tax year commencing prior to January 1, 2020, on a retail storefront owned by the claimant, the claimant shall not be eligible for the refund pursuant to this act for such retail storefront.

Sec. 11. In any case in which it is determined that a claim is or was excessive and was filed with fraudulent intent, the claim shall be disallowed in full, and, if the claim has been paid, the amount paid may be recovered by assessment as income taxes are assessed, and such assessment shall bear interest from the date of payment or credit of the claim, until recovered, at the rate of 1% per month. The claimant in such case and any person who assisted in the preparation or filing of such excessive claim or supplied information upon which such excessive claim was prepared, with fraudulent intent, shall be guilty of a class B misdemeanor. In any case in which it is determined that a

claim is or was excessive and was negligently prepared, 10% of the corrected claim shall be disallowed, and, if the claim has been paid, the proper portion of any amount paid shall be similarly recovered by assessment as income taxes are assessed, and such assessment shall bear interest at the rate of 1% per month from the date of payment until recovered. In any case in which it is determined that a claim is or was excessive due to the fact that the claimant neglected to include certain income received during the year, the claim shall be corrected and the excess disallowed, and, if the claim has been paid, the proper portion of any amount paid shall be similarly recovered by assessment as income taxes are assessed.

Sec. 12. A claim shall be disallowed if the director of taxation finds that the claimant received title to such claimant's retail storefront primarily for the purpose of receiving benefits under this act.

Sec. 13. Each county shall pay to the state an amount equal to 33% of the refund claims paid pursuant to this act for eligible property located in such county. A county may expend moneys from the county general fund to pay the state pursuant to this section.

Sec. 14. To the extent applicable, the provisions of K.S.A. 79-3226, and amendments thereto, shall apply to claims for refunds allowable pursuant to this act that may become in dispute.";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, before the period, by inserting "; establishing the COVID-19 retail storefront property tax relief act to provide partial refunds to certain businesses impacted by COVID-19-related shutdowns and restrictions";

And by adjusting the title and repealer accordingly if multiple amendments are adopted

and **S Sub HB 2416** be passed as amended.

S Sub for HB 2062, HB 2151 be passed over and retain a place on the calendar.

President Masterson assumed the chair.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **SB 155, SB 489; S Sub HB 2056, HB 2228; S Sub HB 2239; S Sub HB 2280, HB 2299, HB 2377, HB 2386; S Sub HB 2416; S Sub HB 2448, HB 2541, HB 2456; Sub HB 2466, HB 2537; S Sub HB 2597; HB 2607, HB 2608, HB 2712; HCR 5014** were advanced to Final Action and roll call.

SB 155, AN ACT concerning health and healthcare; relating to newborn screening; establishing an advance universal newborn screening program; providing for reimbursement of treatment services; authorizing the secretary of health and environment to specify conditions included in screenings; increasing transfers of moneys to the Kansas newborn screening fund; amending K.S.A. 65-181 and 65-183 and K.S.A. 2020 Supp. 65-180 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, O'Shea, Olson, Peck,

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

Absent or Not Voting: McGinn.

The bill passed.

SB 351, AN ACT concerning elections; relating to defining and using electronic poll books; approval of electronic poll books by the secretary of state; granting the secretary of state authority to adopt rules and regulations governing their use; prohibiting election systems from having the capability of being connected to the internet or other computer or communications networks; requiring that candidates be allowed to review such systems to ensure such systems are not so connected; providing that post-election equipment testing must occur within five days of the county vote canvass and that notice of such testing be provided on county websites; expanding the crime of electronic or electromechanical voting system fraud to include fraudulent use of or unauthorized possession of electronic poll books; transfer of ballots by election workers; requiring the secretary of state and county election officers to develop an affidavit to be signed by such workers listing certain information; amending K.S.A. 25-4401, 25-4402, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4408, 25-4409, 25-4411, 25-4414, 25-4415, 25-4610 and 25-4613 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 0; Absent or Not Voting 1.

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

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

Absent or Not Voting: McGinn.

The bill passed, as amended.

SB 438, AN ACT concerning elections; relating to election audits; concerning election procedures; amending K.S.A. 25-3009 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; 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, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Holland.

Absent or Not Voting: McGinn.

The bill passed, as amended.

SB 489, AN ACT concerning infectious or contagious diseases; relating to the secretary of health and environment and local health officers; restricting the powers thereof; amending K.S.A. 65-119, 65-128 and 65-129b and K.S.A. 2021 Supp. 65-101 and 65-202 and repealing the existing sections; also repealing K.S.A. 65-126.

On roll call, the vote was: Yeas 24; Nays 15; Present and Passing 0; Absent or Not

Voting 1.

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

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

Absent or Not Voting: McGinn.

The bill passed, as amended.

SB 541, AN ACT concerning governmental action; relating to public health; prohibiting a governmental entity or public official from ordering or otherwise requiring a person to wear a face mask as a response to a contagious or infectious disease; prohibiting a governmental entity or public official from restricting worship services or activities; providing that orders and similar actions by public officials relating to gathering limitations and business restrictions shall not exceed 30 days in duration at a time before being renewed or allowed to expire; requiring court petitions challenging such orders and actions to be ruled on without unreasonable delay; prohibiting school officials from issuing or requiring use of a COVID-19 vaccination passport or discriminating against a student based upon COVID-19 vaccination status; requiring schools to recognize exemptions from vaccination requirements; modifying judicial review provisions related to certain executive orders issued during a state of disaster emergency and certain actions taken by a local unit of government during a state of local disaster emergency; limiting powers of the governor and other governmental entities under the Kansas emergency management act related to the exercise of religion; prescribing powers, duties and functions of the board of education of each school district, the governing body of each community college and the governing body of each technical college related to contagious or infectious disease and modifying judicial review provisions related thereto; removing the sunset provision in the COVID-19 contact tracing privacy act; prohibiting schools and child care facilities from denying access to facilities unless there are reasonable grounds to believe that the person is actually infected with a disease suspected of being infectious or contagious; amending K.S.A. 65-119, 65-122 and 72-6262 and K.S.A. 2021 Supp. 48-925, 48-925c, 48-925d, 48-932, 48-961, 65-101, 65-201 and 65-202 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 14; Present and Passing 1; Absent or Not Voting 1.

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

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

Present and Passing: O'Shea.

Absent or Not Voting: McGinn.

The bill passed, as amended.

SB 546, AN ACT concerning motor vehicles; relating to autonomous motor vehicles; providing for the use and regulation thereof; establishing the autonomous vehicle advisory committee; amending K.S.A. 2021 Supp. 8-2106 and 8-2204 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 12; Present and Passing 3; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hawk, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Petersen, Ryckman, Straub, Suellentrop, Thompson, Warren, Wilborn.

Nays: Corson, Holland, Holscher, Olson, Peck, Pettey, Pittman, Pyle, Steffen, Sykes, Tyson, Ware.

Present and Passing: Faust-Goudeau, Francisco, Haley.

Absent or Not Voting: McGinn.

The bill passed, as amended.

S Sub HB 2056, AN ACT concerning elections; relating to advance voting ballots; regulating the use of remote ballot boxes for the return of such ballots; extending the time for transmittal of such ballots to 23 days prior to an election; requiring the return of such ballots by 7:00 p.m. on the day of the election; amending K.S.A. 25-1122, 25-1123, 25-1128, 25-1132 and 25-2311 and repealing the existing sections.

On roll call, the vote was: Yeas 22; Nays 17; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Billinger, Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Longbine, Pettey, Pittman, Steffen, Sykes, Ware.

Absent or Not Voting: McGinn.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. President: I vote "aye" on **S Sub for HB 2056**. The American public demands election security, and their confidence in our election procedures and laws is paramount. While this bill doesn't solve every election security issue, it is a good place to start. We still have much work to do on auditing voter rolls. Without voter confidence in our elections, every law the legislature passes can and should be called into question. Secure elections will quite literally determine the future of our State and Nation.—

ALICIA STRAUB

HB 2110, AN ACT concerning insurance; relating to the state employees health care commission; mandating coverage for pediatric acute-onset neuropsychiatric syndrome (PANS) and pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS); requiring submission of an impact report to the legislature, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 4; Present and Passing 3; Absent or Not Voting 1.

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

Nays: Holland, Peck, Steffen, Tyson.

Present and Passing: Gossage, Straub, Thompson.

Absent or Not Voting: McGinn.
The bill passed.

EXPLANATION OF VOTE

Mr. President: I am choosing to pass on **HB 2110** because the advocates are following the process set in statute which would give us a better sense, beyond the preliminary estimated cost, of what adding this mandate will cost Kansas families, employers and taxpayers (cities, counties and school districts) and I commend them for following that process. I have utmost respect and sympathy for the parents of children who have struggled and suffered with this condition and celebrate with those whose children have recovered. Yet, I will continue to be concerned about government dictating increased costs on those struggling to afford health insurance, including our state employees—**BEVERLY GOSSAGE**

HB 2228, AN ACT concerning sexual assault evidence kits; relating to submission of kits by law enforcement agencies; conducting evidence collection at child advocacy centers; amending K.S.A. 38-2227 and 65-448 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, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: McGinn.
The bill passed, as amended.

S Sub HB 2239, AN ACT concerning income taxation; establishing the golden years homestead property tax freeze act, providing residential property tax refunds; collectively renaming homestead property relief as the golden years homestead property tax freeze program; establishing a checkoff for contributions to the Kansas historic site fund; relating to deductions; establishing the salt parity act to allow pass-through entities to elect to pay state income tax at the entity level; increasing the Kansas standard deduction; relating to certain net operating losses; providing a subtraction modification to allow the carryforward of certain net operating losses for individuals; allowing a carryback on loss from sale of certain historic hotels; providing a subtraction modification for the federal work opportunity tax credit and the employee retention credit disallowance; providing a credit for contributions to community colleges and technical colleges; amending K.S.A. 79-3220, 79-32,111 and 79-32,261 and K.S.A. 2021 Supp. 79-32,117, 79-32,119, 79-32,138 and 79-32,143 and repealing the existing sections; also repealing K.S.A. 2021 Supp. 79-32,117q.

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

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

Wilborn.

Nays: Doll, Sykes.

Present and Passing: Pettey.

Absent or Not Voting: McGinn.

The substitute bill passed, as amended.

S Sub HB 2280, AN ACT concerning health and healthcare; relating to prescription medications; authorizing the prescribing and dispensing of drugs for off-label use to prevent and treat COVID-19 infections; prohibiting pharmacists from using professional discretion to refuse to fill prescriptions for such drugs; relating to childhood vaccinations; requiring a child care facility or school to grant religious exemptions from vaccination requirements without inquiring into the sincerity of such religious beliefs; amending K.S.A. 65-508 and 72-6262 and K.S.A. 2021 Supp. 65-1637 and repealing the existing sections.

On roll call, the vote was: Yeas 21; Nays 16; Present and Passing 2; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Claeys, Erickson, Fagg, Gossage, Hilderbrand, Kloos, Masterson, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Longbine, O'Shea, Pettey, Pittman, Sykes, Ware.

Present and Passing: Kerschen, Suellentrop.

Absent or Not Voting: McGinn.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. President: The COVID pandemic posed so many new challenges for our families, for our businesses and for this legislature. In fact, the reason I ran for the Senate was to make sure small businesses – like my own - were not harmed by the future management of pandemics. But, our duty to wisely govern through future pandemics should not be used as a vehicle to undo the proven medical advances that generations before us have invested in. Through careful research and the sacrifices of our parents and grandparents, these medical advances allow our children and grandchildren the chance to grow up without knowing the debilitating effects of serious diseases like polio and meningitis. The last-minute amendment that was tacked onto this bill regarding school-aged immunizations is troubling. As a new mother, I cannot support creating blanket exemptions that will take our state backwards and likely allow for the return of dangerous diseases that have nearly been eradicated in our country by safe, effective immunizations.—KRISTEN O'SHEA

Mr. President: Kansas children need our help and protection. Making it harder to mitigate the spread of disease in our schools and child care settings puts kids and the people the kids come in contact with at risk. Ninety-five percent of Kansans believe vaccines are very important to monitoring good health. These vaccine requirements that have been in place since 1979 have served our families and communities well. I vote "no" on **S Sub SB 2280**.—PAT PETTEY

Senator Sykes requests the record to show she concurs with the "Explanation of Vote" offered by Senator Pettey on **S Sub SB 2280**.

Mr. President: I voted YES on **S Sub HB 2280** solely because it has the ability to prevent suffering and death through the promotion of the early treatment of COVID. Thousands of Kansans and hundreds of thousands of Americans have died needlessly because of mainstream, academic medicine's shutdown of effective treatment protocols that utilize FDA approved medications such as HCQ and Ivermectin. This fear based, greedy, political and incompetent shutdown of early treatment will be deemed a national tragedy.—MARK STEFFEN

Senators Baumgardner, Straub and Thompson request the record to show they concur with the "Explanation of Vote" offered by Senator Steffen on **S Sub HB 2280**.

HB 2299, AN ACT concerning crimes, punishment and criminal procedure; relating to search and seizure; extending the time within which a search warrant may be executed; amending K.S.A. {2021} Supp. 22-2506 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, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: McGinn.

The bill passed, as amended.

HB 2363, AN ACT concerning the board of indigents' defense services; relating to appointed counsel; increasing the maximum rate paid to appointed counsel; amending K.S.A. 22-4507 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 3; 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, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Hilderbrand, Peck, Tyson.

Present and Passing: Pyle.

Absent or Not Voting: McGinn.

The bill passed, as amended.

HB 2377, AN ACT concerning driving; relating to driving under the influence; authorizing reinstatement of a driver's license for certain persons with an ignition interlock device restriction; removing the motorized bicycle license option for persons whose driving privileges are suspended for a DUI-related offense; relating to commercial drivers' licenses; increasing the period of disqualification for certain offenses and allowing certain persons disqualified from driving a commercial motor vehicle to have commercial driving privileges restored; prohibiting prosecuting attorneys from concealing certain traffic violations from the CDLIS driver report; modifying the criminal penalties for driving a commercial motor vehicle under the influence and driving under the influence, authorizing courts to waive certain fines and clarifying that amendment or dismissal of certain charges is permitted; allowing persons with suspended driving privileges to seek driving privileges restricted to driving only a

motor vehicle equipped with an ignition interlock device earlier in the suspension period; requiring persons with an ignition interlock device restriction to complete the ignition interlock device program before driving privileges are fully reinstated; providing that the highway patrol has oversight of state certification of ignition interlock manufacturers and their service providers; requiring the secretary of revenue to adopt certain rules and regulations related to ignition interlock device program costs; providing for reduced ignition interlock device program costs for certain persons; reducing the restricted driving privileges period for certain persons less than 21 years of age; clarifying that a city attorney or a county or district attorney shall not enter into a diversion agreement for certain traffic violations if the defendant is a commercial driver's license holder; amending K.S.A. 8-1016 and K.S.A. 2021 Supp. 8-235, 8-241, 8-2,142, 8-2,144, 8-2,150, 8-1014, 8-1015, 8-1567, 8-1567a, 12-4415, 21-6604, 21-6804 and 22-2908 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 1; 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, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Steffen.

Absent or Not Voting: McGinn.

The bill passed.

HB 2386, AN ACT concerning insurance; relating to dental benefits; dental benefit plans and related coverage; establishing requirements and restrictions for the payment and reimbursement of dental services thereby.

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

Absent or Not Voting: McGinn.

The bill passed, as amended.

S Sub for HB 2416, AN ACT concerning public health; requiring compensation for the use, restriction on use, damage, loss or destruction of property as a result of certain governmental actions; authorizing reimbursement of property taxes levied upon businesses shut down or restricted as a result of certain governmental actions related to contagious or infectious disease in humans; amending K.S.A. 2021 Supp. 79-1614 and repealing the existing section; establishing the COVID-19 retail storefront property tax relief act to provide partial refunds to certain businesses impacted by COVID-19-related shutdowns and restrictions.

On roll call, the vote was: Yeas 26; Nays 11; Present and Passing 2; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Masterson, O'Shea, Olson, Peck, Petersen,

Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

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

Present and Passing: Francisco, Holland.

Absent or Not Voting: McGinn.

The substitute bill passed, as amended.

S Sub HB 2448, AN ACT concerning public assistance; requiring able-bodied adults without dependents to complete an employment and training program in order to receive food assistance; amending K.S.A. 39-709 and repealing the existing section.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 0; Absent or Not Voting 1.

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

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

Absent or Not Voting: McGinn.

The bill passed.

HB 2456, AN ACT concerning wildlife; relating to hunting; establishing the Kansas kids lifetime combination hunting and fishing license; requiring an annual report from the secretary of wildlife and parks to certain legislative committees on the number of such licenses issued.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 1; Absent or Not Voting 1.

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

Present and Passing: Francisco.

Absent or Not Voting: McGinn.

The bill passed, as amended.

S Sub HB 2458, AN ACT concerning driver's licenses; relating to vision requirements; limiting the liability of optometrists and ophthalmologists who provide information to the division of vehicles; amending K.S.A. 8-295 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; 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, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Steffen.

Absent or Not Voting: McGinn.

The substitute bill passed.

HB 2462, AN ACT concerning the joint committee on state-tribal relations; removing the requirement that members be selected from the membership of certain standing committees; amending K.S.A. 46-2303 and repealing the existing section, was considered on final action.

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

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

Absent or Not Voting: McGinn.

The bill passed.

Sub HB 2466, AN ACT concerning education; enacting the promoting advancement in computing knowledge act; relating to computer science courses of instruction in secondary schools; establishing the computer science educator program; authorizing scholarship awards to licensed and preservice teachers taking computer science courses.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claey's, Dietrich, Erickson, Fagg, Faust-Goudeau, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Steffen, Sykes, Ware.

Present and Passing: Francisco.

Absent or Not Voting: McGinn.

The substitute bill passed, as amended.

HB 2476, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the silver star medal and bronze star medal distinctive license plates; providing for four distinctive license plates for the Kansas department of wildlife and parks; amending K.S.A. 32-901 and K.S.A. 2021 Supp. 8-1,141 and 8-1,147 and repealing the existing sections, was considered on final action.

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

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

Absent or Not Voting: McGinn.

The bill passed, as amended.

HB 2481, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; authorizing the purchase of participating service credit for certain in-state nonfederal governmental employment; providing certain terms and conditions, was considered on final action.

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

Absent or Not Voting: McGinn.

The bill passed.

HB 2489, AN ACT concerning financial institutions; relating to technology-enabled fiduciary financial institutions; out-of-state financial institutions; imposing certain fiduciary duties and charitable distribution requirements on financial institutions engaging in fiduciary financial institution business; requiring banks to conduct fidfin transactions through a separate department; exempting financial institutions from certain provisions of the technology-enabled fiduciary financial institutions act; establishing fees and assessments; examinations; disclosures to consumers; mandatory reporting of elder abuse; amending K.S.A. 39-1401 and K.S.A. 2021 Supp. 9-2301, 9-2302, 9-2303, 9-2304, 9-2306, 9-2307, 9-2310, 9-2311, 9-2312, 9-2317 and 9-2318 and repealing the existing sections, was considered on final action.

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

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

Present and Passing: Hawk, Holland.

Absent or Not Voting: McGinn.

The bill passed, as amended.

HB 2490, AN ACT concerning persons with disabilities; relating to income taxation, ABLE savings accounts; authorizing the state treasurer to determine account owners and designated beneficiaries; adopting the federal definition for an eligible individual; adding persons who may open an account; requiring additional compliance with the federal internal revenue code; amending K.S.A. 75-651, 75-652, 75-653 and 75-655 and repealing the existing sections, was considered on final action.

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

Absent or Not Voting: McGinn.

The bill passed.

HB 2537, AN ACT concerning the insurance department; relating to the Kansas administrative procedure act; requiring a hearing at the request of any person subject to an order; amending K.S.A. 40-281 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, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: McGinn.

The bill passed, as amended.

HB 2541, AN ACT concerning the judicial branch; relating to docket fees, marriage license fees and drivers' license reinstatement fees; crediting the fees to the state general fund; amending K.S.A. 28-177 and 28-178 and K.S.A. 2021 Supp. 8-2110, 20-1a04, 20-362 and 23-2510 and repealing the existing sections; also repealing K.S.A. 2021 Supp. 8-2110c.

On roll call, the vote was: Yeas 34; Nays 5; 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, O'Shea, Petersen, Pettey, Pittman, Ryckman, Steffen, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Olson, Peck, Pyle, Straub, Tyson.

Absent or Not Voting: McGinn.

The bill passed.

HB 2547, 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, was considered on final action.

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

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

Nays: Sykes.

Present and Passing: Hawk, Holland.

Absent or Not Voting: McGinn.

The bill passed.

HB 2559, AN ACT concerning agriculture; creating the Kansas cotton boll weevil program; relating to the powers and duties thereof; requiring the program to levy an assessment upon Kansas-produced cotton in order to monitor and mitigate the risk of boll weevils, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 6; 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, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Petersen, Pettey, Pittman, Ryckman, Suellentrop, Sykes, Ware, Warren, Wilborn.

Nays: Hilderbrand, Peck, Steffen, Straub, Thompson, Tyson.

Present and Passing: Pyle.

Absent or Not Voting: McGinn.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. President: I vote no on **HB 2559**. As a supporter of limited government, this additional layer of bureaucracy undermines Kansas Farmers. A voluntary Cotton Boll Weevil monitoring program like the current one that is successfully operating through non-governmental associations, better serves our Kansas Farmers. Please protect their First Amendment rights, and allow our Kansas Farmers the freedom to grow their crops without overreaching government mandates.—ALICIA STRAUB

Senator Steffen requests the record to show he concurs with the "Explanation of Vote" offered by Senator Straub on **HB 2559**.

S Sub HB 2567, AN ACT concerning education; relating to state aid; removing federal impact aid from the determination of local foundation aid; excluding Fort Leavenworth school district and virtual school students from the capital improvement state aid determination; extending the general obligation bond limitation; amending K.S.A. 72-5135 and 72-5461 and K.S.A. 2021 Supp. 72-5132 and 72-5462 and repealing the existing sections, was considered on final action.

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

Absent or Not Voting: McGinn.

The substitute bill passed.

HB 2568, AN ACT concerning financial institutions; relating to the Kansas mortgage business act; authorizing certain mortgage business to be conducted at remote locations; establishing procedures and requirements for license and registration renewal or reinstatement; adjusting surety bond requirements; providing for evidence of solvency and net worth; requiring notice to commissioner when adding or closing any branch office; amending K.S.A. 9-2215 and K.S.A. 2021 Supp. 9-2201, 9-2203, 9-2204, 9-2205, 9-2208 and 9-2211 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; 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, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Steffen.

Absent or Not Voting: McGinn.

The bill passed.

HB 2595, AN ACT concerning motor vehicles; relating to antique vehicles; making certain antique vehicle titling procedures applicable to vehicles having a model year newer than 50 years; amending K.S.A. 2021 Supp. 8-170 and repealing the existing section, was considered on final action.

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

Absent or Not Voting: McGinn.

The bill passed, as amended.

S Sub HB 2597, AN ACT concerning property taxation; relating to tax levy rates; establishing a revenue neutral rate complaint process; authorizing the county clerk to limit the amount of ad valorem taxes to be levied in certain circumstances; establishing a deadline for budgets to be filed with the director of accounts and reports; requiring roll call vote and publication of information; relating to classification and valuation; land devoted to agricultural use; definition; agritourism activity and zoos; classifying such land that is subject to the federal grassland conservation reserve program as grassland; relating to exemptions; establishing a property tax exemption for antique utility trailers; relating to assessment; allowing for the proration of value when certain personal property is acquired or sold prior to September 1 of any tax year; amending K.S.A. 79-1476 and 79-2930 and K.S.A. 2021 Supp. 79-2988 and repealing the existing sections.

On roll call, the vote was: Yeas 32; Nays 6; Present and Passing 1; Absent or Not Voting 1.

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

Nays: Doll, Holscher, Pettey, Pittman, Sykes, Ware.

Present and Passing: Francisco.

Absent or Not Voting: McGinn.

The substitute bill passed.

HB 2605, AN ACT concerning animal care; relating to the veterinary training program for rural Kansas; establishing an advisory committee; increasing the rural population requirement maximum; creating a food animal percentage requirement in lieu of such rural population requirement; amending K.S.A. 76-4,112 and repealing the existing section, was considered on final action.

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, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes,

Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: McGinn.

The bill passed, as amended.

HB 2607, AN ACT concerning civil actions; relating to civil commitment pursuant to the Kansas sexually violent predator act; requiring notice of release of a person who may be a sexually violent predator to the attorney general and multidisciplinary team; time; providing for detention during proceedings; relating to habeas corpus; clarifying time limitations for filing; amending K.S.A. 2021 Supp. 59-29a02, 59-29a03, 59-29a05 and 60-1507 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, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: McGinn.

The bill passed, as amended.

HB 2608, AN ACT concerning judgments; relating to criminal restitution; removing civil enforcement provisions; authorizing contracts for collection services for restitution; wage garnishment; providing that undisputed payments are not subject to refund or recoupment; amending K.S.A. 2021 Supp. 20-169, 21-6604, 22-3424, 60-2310 and 60-2403 and repealing the existing sections; also repealing K.S.A. 60-4301, 60-4302, 60-4303 and 60-4304 and K.S.A. 2021 Supp. 60-4305.

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

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

Nays: Doll, Faust-Goudeau, Haley, Hilderbrand, Tyson.

Absent or Not Voting: McGinn.

The bill passed.

HB 2703, AN ACT concerning employment security law; relating to the employment security fund; employer contribution rates; revising the definition of employment for conformity with federal law; making changes to the my reemployment plan program including making the program mandatory; providing that the secretary of labor is to request that claimants create resumes in the Kansasworks system and that the secretary of commerce shall provide assistance to claimants through Kansasworks and may require claimants to participate in reemployment services; providing claimants with additional time to respond; providing the educational institution providing work skills training shall monitor compliance and report to the secretary of commerce and secretary of labor; amending K.S.A. 44-703, 44-710a and 44-775 and repealing the existing sections, was considered on final action.

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

Absent or Not Voting: McGinn.

The bill passed, as amended.

HB 2712, AN ACT establishing the Kansas commission for the United States semiquincentennial as part of the department of commerce; prescribing commission membership, responsibilities, meetings and expiration; creating the Kansas commission for the United State semiquincentennial gifts and donations fund.

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

Absent or Not Voting: McGinn.

The bill passed.

SCR 1619, A CONCURRENT RESOLUTION urging the Legislature to adopt the conclusions and recommendations of the 2021 Special Committee on Taxation regarding the fiscal future of Kansas, was considered on final action.

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, Faust-Goudeau, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Francisco, Haley, Hawk, Holland, Holscher, Pettey, Pittman, Sykes, Ware.

Absent or Not Voting: McGinn.

The resolution was adopted.

SCR 1620, A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto; requiring a supermajority for passage of certain bills for new or increased state taxes, was considered on final action.

On roll call, the vote was: Yeas 25; Nays 14; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Longbine, O'Shea, Pettey, Sykes, Ware.

Absent or Not Voting: McGinn.

The resolution was not adopted.

EXPLANATION OF VOTE

Mr. President: **SCR 1620** presents us a very simple question: Should we give

Kansans the ability to vote on an amendment to the Kansas Constitution requiring super majority of the legislature to raise taxes? Or, put more simply, should it be harder for the legislature to take more of the people's hard-earned money? With prices continually rising and this stifling inflation projected to continue for the remainder of the Biden administration, families are feeling the squeeze. Now, more than ever, it is time for this issue to put before the people of Kansas and let them decide. I vote "Yes."—TY MASTERTSON

Mr. President: I vote aye on **SR 1620**. I understand some legislators don't like making it more difficult for the Kansas Legislature to increase taxes. I, for one, really like the idea of incentivizing the Legislature to look at efficiencies in government and in government spending before considering tax increases. However, SCR 1620 is not about what members of the Legislature want – it is about allowing Kansans the opportunity to vote on a constitutional amendment that will require a two-thirds majority vote to increase taxes on Kansas families and businesses. To put it another way. A yes vote says, "I trust Kansas voters," while a no vote says, "I know better for Kansas voters." Sadly, the reduce, raise, reduce, raise, etc., decisions related to taxes in Kansas have created hesitancy and uncertainty for job creators (business and industry) to come to or expand in Kansas. If the Legislature allows voters to vote and decide to amend the State Constitution, it will provide consistency in our tax code. Certainty of the tax code will be good for all Kansans – including legislators and, more importantly, Kansas families and job creators. Let's do the right thing for Kansas. I vote, "aye."—VIRGIL PECK

Senators Masterson and Thompson request the record to show they concur with the "Explanation of Vote" offered by Senator Peck on **SCR 1620**.

Mr. President: The majority party holds 29 of the 40 seats in the Kansas Senate—a super majority. They have held a comfortable majority in the Senate for over two decades. The majority party holds 86 of the 125 seats in the Kansas House—a super majority. Their majority has been comfortable for nearly as long. The majority party does not need a constitutional amendment to advance their agenda, but is advocating for this constitutional amendment to ensure they retain total control no matter where the political winds blow. If a super majority of the Legislature is required to raise taxes – but not cut them – the state will eventually be forced to cut spending in a variety of areas, making it harder to fund schools, repair our roads, ensure our state is safe to live in, and invest in state agencies in order to serve Kansans efficiently and effectively. The impact will disproportionately fall on low- and moderate-income Kansans. Kansas knows better than any state in the country what happens when we try to score easy political points by destroying our state government. Common sense prevailed last time we played this game; fixing the mess this constitutional amendment would create will be much more difficult.—DINAH SYKES

SCR 1621, A PROPOSITION to amend sections 5 and 15 of article 3 of the constitution of the state of Kansas; relating to the selection of supreme court justices; providing for senate confirmation; abolishing the supreme court nominating commission, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 13; Present and Passing 0; Absent or Not Voting 1.

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

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

Absent or Not Voting: McGinn.

The resolution was not adopted.

EXPLANATION OF VOTE

Mr. President: Our current model for selecting Kansas Supreme Court justices, in which attorneys selected by other attorneys control the process, is an outlier among the states, provides the public no meaningful input on who leads the highest court in our state, and is void of any real checks and balances. **SCR 1621** will allow Kansans to vote on whether they should have a voice, through both the governor and Senate Confirmation, via a process they are accustomed to at the federal level and with the Court of Appeals here in Kansas, where it has worked very well. In fact, we are witnessing this confirmation process work regarding a SCOTUS nominee at this very moment. I have confidence it would produce a philosophically balanced court that the people of Kansans can have confidence in, while providing the requisite checks and balances that are so essential to our system of government. After 64 years of using the current undemocratic and unusual method, it is time for the people of Kansas to weigh in on this critical topic.—TY MASTERTSON

Mr. President: Recent efforts to politicize judicial retention elections have been unsuccessful, because Kansans recognize the importance of an impartial judiciary that is independent from the political games played in this building. Advocates for this proposal aren't winning under the current system, so they're trying to change the rules. They have provided no evidence that the democratic process is not working and have not demonstrated the need to change the system that has served us well for over half a century. The U.S. Senate is in the middle of deliberating on the historic nomination of Judge Ketanji Brown Jackson to the U.S. Supreme Court. She would be the first Black woman to serve as a Supreme Court Justice, and thus far, the resistance she's faced has had nothing to do with her jurisprudence and everything to do with politically-expedient attacks. We should not change our constitution and invite that dysfunction to Kansas. I vote no.—DINAH SYKES

HCR 5014, A PROPOSITION to amend article 1 of the constitution of the state of Kansas by adding a new section thereto, concerning oversight by the legislature of certain executive branch actions.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 0; Absent or Not Voting 1.

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

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

Absent or Not Voting: McGinn.
The resolution was adopted.

EXPLANATION OF VOTE

Mr. President: In Kansas, we empower the Legislature to enact policy through an open process where Kansans can weigh in and ultimately hold legislators accountable at the ballot box. While we do provide administrative agencies the ability to implement those policies through reasonable rules and regulations, Kansans have increasingly become frustrated with unelected bureaucrats crossing the line from implementing our laws to making law. **HCR 5014** provides Kansans the opportunity to enact a constitutional amendment that would empower the legislature to revoke rules and regulations that run afoul of the legislation that enabled them in the first place. To preserve the principle of limited and accountable government, I vote Yes.—KELLIE WARREN

HCR 5022, A PROPOSITION to amend sections 2 and 5 of article 9 of the constitution of the state of Kansas to require that a sheriff be elected in each county for a term of four years, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 2; 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, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Hawk, Holscher.

Present and Passing: Holland.

Absent or Not Voting: McGinn.

The resolution was adopted, as amended.

HCR 5030, A CONCURRENT RESOLUTION recognizing the growing problem of antisemitism in the United States and calling for the adoption of the International Holocaust Remembrance Alliance Working Definition of Antisemitism as an important tool to address the problem, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; 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, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Present and Passing: Holland.

Absent or Not Voting: McGinn.

The resolution was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **HB 2253**, as amended by House Committee, be amended on page 9, in line 5, by striking "Kansas register" and

inserting "statute book"; and the bill be passed as amended.

Also, **HB 2582**, As Further Amended by House Committee, be amended on page 7, in line 42, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 367**.

Announcing passage of **SB 434, SB 506; Sub SB 450**.

Announcing adoption of **HCR 5035**.

HCR 5035, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2022 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Alley, **HCR 5035** was adopted by voice vote.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes:

Senator Bowers: congratulating the City of Mankato on its 150th Anniversary Celebration, congratulating Alsop Sand Company on their 75th Year in Business, congratulating Jude Stecklein on his well-deserved retirement;

Senator Faust-Goudeau: congratulating Rev. Dr. T. LaMont Holder on his second term as President of the Missionary Baptist State Convention of Kansas;

Senator Kerschen: congratulating Shawny Montgomery on receiving The National Art Education Association's 2022 Kansas Art Educator Award; and

Senator Pittman: commending LTC Frank Obermeyer on his military service.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Monday, March 28, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

