

# Journal of the Senate

## FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 14, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.  
The roll was called with 36 Senators present.  
Senators Baumgardner, Claeys, Estes and Faust-Goudeau were excused.

Invocation by Reverend Cecil T. Washington:

Listening To The Right Voice!  
James 4:6, 1Kings 19:12

Lord, with bowed heads and hearts of humility, we come today with gratefulness. We're grateful to You for the privilege we've been given to serve.

You've charged us to listen to the voice of the people; to represent them and to offer our voices on their behalf.

This is a tremendous responsibility that we cannot achieve apart from the effectiveness of Your grace. So, Lord, that we may flow in Your grace, give us the initiative to humble ourselves! So we won't have to experience, as it says in James 4:6, You resisting us and Sovereignly humbling us.

The task that You've given us requires that, in serving Your people, we listen to them; that we hear the concerns of their hearts and make decisions on their behalf.

But keep us mindful that the far greater obligation is to be serving You; to be listening for Your voice; to hear the concerns of Your heart; that our decisions will be expressions of Your will, which will ultimately be for the good of the people.

Above all, Lord, restrain us from self-serving and tune our ears to that still, small, quiet voice of Yours, described in 1Kings 19:12. Because, Lord, we really don't want You to have to raise Your voice and go to getting loud on us!

Our ears are therefore open, as we are listening and longing for Your direction.

Father, I come to You in the Name of Jesus, Who gave us the best example of listening to You. Amen and Amen.

The Pledge of Allegiance was led by Vice President Wilborn.

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

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

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 28**, AN ACT concerning insurance; relating to the reinsurance of risk; updating the national association of insurance commissioners credit for reinsurance model law; insurance holding company act; codifying the national association of insurance commissioners credit for insurance model regulation; amending K.S.A. 2020 Supp. 40-221a, 40-3302, 40-3304 and 40-3306 and repealing the existing sections, by Committee on Insurance.

**SB 29**, AN ACT concerning insurance; relating to risk-based capital requirements; updating the version of instructions in effect; amending K.S.A. 2020 Supp. 40-2c01 and repealing the existing section, by Committee on Insurance.

**SB 30**, AN ACT concerning the Kansas uniform securities act; relating to victims of securities violations; powers of the administrator; administrative proceedings; criminal penalties; establishing the securities act victim restitution program; securities act victim restitution fund; amending K.S.A. 75-3036 and 77-547 and K.S.A. 2020 Supp. 17-12a508, 17-12a601 and 17-12a609 and repealing the existing sections, by Committee on Insurance.

**SB 31**, AN ACT concerning education; relating to the school district capital improvements state aid determination; excluding U.S.D. No. 207, Fort Leavenworth and virtual school students therefrom; amending K.S.A. 2020 Supp. 72-5462 and repealing the existing section, by Committee on Education.

**SB 32**, AN ACT concerning education; relating to postsecondary education; concurrent and dual enrollment; authorizing school districts to pay tuition and fees; requiring tuition waiver for foster children; report to the legislature; amending K.S.A. 72-3220, 72-3221, 72-3222, 72-3223, 72-3224 and 75-53,112 and repealing the existing sections, by Committee on Education.

**SB 33**, AN ACT concerning motor vehicles; relating to the vehicle dealers and manufacturers licensing act; providing for a display show license; allowing for new vehicle dealers and manufacturers to participate in display shows; amending K.S.A. 2020 Supp. 8-2435 and repealing the existing section, by Committee on Transportation.

**SB 34**, AN ACT concerning administrative rules and regulations; relating to automatic sunset, exceptions thereto; renewal by legislature; certification by revisor of statutes; requirements for adoption of rules and regulations, by Committee on Federal and State Affairs.

**SB 35**, AN ACT concerning elections; relating to mailing of advance voting ballots; removing the option of additional time for receipt of ballots after the third day following the date of an election; amending K.S.A. 2020 Supp. 25-1132 and repealing the existing section, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 27**.

Assessment and Taxation: **SB 23**.

Transportation: **SB 25**, **SB 26**.

Utilities: **SB 24**.

## COMMITTEE OF THE WHOLE

On motion of Senator Suellentrop, the Senate resolved itself into Committee of the

Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Hilderbrand in the chair.

On motion of Senator Hilderbrand the following report was adopted:

**SB 14** be passed.

Citing Rule 51 Senator Pyle moved to strike the enacting clause on **SB 14**. A roll call was required.

On roll call, the vote was : Yeas 5; Nays 31; Present and Passing; 0; Absent or Not Voting 4

Yeas: Doll, Olson, Pyle, Thompson, Tyson

Nays: Alley, Billinger, Bowers, Corson, Dietrich, Erickson, Fagg, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Ware, Warren, Wilborn

Absent: Baumgardner, Claeys, Estes, Faust-Goudeau

The motion failed.

**SB 13** be amended by the adoption of the committee amendments and the bill be passed as amended.

A motion by Senator Doll to further amend **SB 13** failed and the following amendment was rejected: on page 8, following line 29, by inserting:

"Sec. 6. K.S.A. 2020 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts that in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years 2020 and 2021; and (2) the amount of the transfer on each such date shall be \$27,000,000 during fiscal year 2022 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be ~~revenue demand~~ transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) 65% of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201, and amendments thereto, on July 1 of the preceding year; and (2) 35% of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.";

Also on page 8, in line 30, after "79-2925c" by inserting "and K.S.A. 2020 Supp. 79-2959";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after the semicolon by inserting "relating to transfers

of moneys to the local ad valorem tax reduction fund;" in line 8, after "79-2925c" by inserting "and K.S.A. 2020 Supp. 79-2959"

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

On roll call, the vote was : Yeas 7; Nays 27; Present and Passing; 2; Absent or Not Voting 4

Yeas: Doll, Francisco, Haley, Pettey, Pittman, Sykes, Ware

Nays: Alley, Billinger, Bowers, Corson, Dietrich, Erickson, Fagg, Gossage, Hilderbrand, Holland, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Steffen, Straub, Suellentrop, Thompson, Tyson, Warren, Wilborn

Present an Passing: Hawk, Holscher

Absent: Baumgardner, Claeys, Estes, Faust-Goudeau

The amendment failed.

President Masterson assumed the chair.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Suellentrop an emergency was declared by a 2/3 constitutional majority, and **SB 13, SB 14** were advanced to Final Action and roll call.

**SB 13**, AN ACT concerning property taxation; relating to tax levy rates, establishing notice and public hearing requirements prior to approval by a governing body to exceed its revenue neutral rate and discontinuing the city and county tax lid; prohibiting valuation increase of real property solely as the result of normal repair, replacement or maintenance; establishment of a payment plan for the payment of delinquent or nondelinquent taxes; amending K.S.A. 79-1460, 79-1801, 79-2024 and 79-2925c and repealing the existing sections.

On roll call, the vote was : Yeas 34; Nays 1; Present and Passing; 1; Absent or Not Voting 4

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

Nays: Doll

Present an Passing: Francisco

Absent: Baumgardner, Claeys, Estes, Faust-Goudeau

The bill passed, as amended.

**EXPLANATION OF VOTE**

Mr. President: I vote "PASS" on **SB 13**. I appreciate that the bill eliminates the property tax lid, however I am concerned that the "revenue neutral rate" does not more appropriately take into consideration any increased valuation within a taxing subdivision for the current year.—MARCI FRANCISCO

Mr. President: The underlying policy of **SB 13**, government transparency, is something we all support for government in Kansas. I have heard from constituents that there is some room for improvement in this legislation and am concerned we have moved very quickly. Some of our colleagues have not even been in this body a week, and this non-emergency legislation has moved forward with stunning quickness.

Despite some trepidation, I vote “YES” on **SB 13**. I look forward to this legislation receiving additional scrutiny and coming back to us as the best possible product.—

DINAH SYKES

**SB 14**, AN ACT concerning governmental response to the COVID-19 pandemic in Kansas; providing certain relief related to health, welfare, property and economic security during this public health emergency; relating to the state of disaster emergency; powers of the governor and executive officers; providing certain limitations and restrictions; authorizing the temporary sale of alcoholic liquor for consumption off of certain licensed premises; authorizing the expanded use of telemedicine in response to the COVID-19 public health emergency and imposing requirements related thereto; suspending certain requirements related to medical care facilities and expiring such provisions; providing for temporary suspension of certain healthcare professional licensing and practice requirements; delegation and supervision requirements; conditions of licensure and renewal and reinstatement of licensure; relating to limitations on business liability associated with the COVID-19 public health emergency; amending K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas and 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas, as amended by section 4 of this act, and K.S.A. 2020 Supp. 41-2653, 48-924, 48-924b, 48-925a, 48-963, 48-965, 48-966 and 60-5504 and repealing the existing sections.

On roll call, the vote was : Yeas 34; Nays 1; Present and Passing; 1; Absent or Not Voting 4

Yeas: Alley, Billinger, Bowers, Corson, Dietrich, Doll, Erickson, Fagg, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O’Shea, Olson, Peck, Petersen, Pettey, Pittman, Steffen, Straub, Suellentrop, Sykes, Thompson, Ware, Warren, Wilborn

Nays: Tyson

Present an Passing: Pyle

Absent: Baumgardner, Claeys, Estes, Faust-Goudeau

The bill passed.

#### **COMMUNICATIONS FROM STATE OFFICERS**

The following reports were submitted to the Senate and are on file with the Secretary of the Senate:

Kansas Board of Regents Post Secondary Technical Education Authority (TEA) Annual Report (September 2020)

Kansas Board of Regents Kansas Training Information Program (K-TIP) Annual Report (December 2020)

Kansas Board of Regents Student Financial Aid Annual Report (January 2021)

Kansas Board of Regents KAN-ED Summary Report (January 2021)

Kansas Board of Regents Annual Report on State University Building Inventory, Space Utilization and Facilities Condition (January 11, 2021)

Kansas Board of EMS annual report (January 14, 2021)

On motion of Senator Suellentrop, the senate adjourned pro forma until 8:00 a.m. January 15, 2021.

JANUARY 14, 2021

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

