

# Journal of the Senate

TWENTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 8, 2023, 2:30 p.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 40 senators present.  
Invocation was delivered by Reverend Cecil T. Washington.  
The President introduced Haylie Bagwell, Southeast Kansas native and guest of Senator Peck, who sang the National Anthem.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 204**, AN ACT concerning financial institutions; relating to the technology-enabled fiduciary financial institutions act; replacing the definition of "charitable beneficiaries" with "qualified charities" therein; amending K.S.A. 9-2301 and repealing the existing section, by Joint Committee on Fiduciary Financial Institutions Oversight.

**SB 205**, AN ACT concerning water; relating to water rights; authorizing certain water rights in a water bank to participate in multi-year flex accounts on a temporary basis; amending K.S.A. 82a-764 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**SB 206**, AN ACT concerning abortion; enacting the medical autonomy/accessibility and truth act; relating to the no taxpayer funding for abortion act and the woman's-right-to-know act; removing certain provisions thereof to allow for insurance coverage for abortions, provide tax benefits for abortion-related services and remove inaccurate statements regarding the risks of abortion; repealing the pain-capable unborn child act; amending K.S.A. 40-2,103, 40-19c09, 40-2246, 65-6709, 65-6733, 65-6734, 65-6737, 76-3308 and 79-32,195 and K.S.A. 2022 Supp. 79-32,117, 79-32,138, 79-32,182b and 79-32,261 and repealing the existing sections; also repealing K.S.A. 40-2,190, 40-2,191, 65-6722, 65-6723, 65-6724 and 65-6725, by Senators Holland and Francisco.

**SB 207**, AN ACT concerning education; relating to school districts and employees thereof; requiring parental consent for use of a student's pronouns; prohibiting schools from requiring use of an individual's pronouns over moral or religious objections; requiring school districts to adopt policies thereon, by Committee on Education.

**SB 208**, AN ACT concerning elections; relating to advance voting ballots; restricting the number of remote ballot boxes that may be used for the return of such ballots; providing monitoring requirements for the use of such ballot boxes, by Committee on Federal and State Affairs.

**SB 209**, AN ACT concerning elections; relating to advance voting ballots; requiring the return of such ballots by 7 p.m. on the day of the election; amending K.S.A. 25-

1132 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 210**, AN ACT concerning elections; relating to candidate names on ballots; allowing candidates for nonpartisan offices to have such candidate's political party affiliation provided on the ballot with such candidate's name; amending K.S.A. 25-613 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 211**, AN ACT concerning crimes, punishment and criminal procedure; abolishing the death penalty; creating the crime of aggravated murder; requiring a sentence of imprisonment for life without the possibility of parole therefor; clarifying laws related to sentences of imprisonment for life without the possibility of parole; amending K.S.A. 38-2255, 38-2271, 38-2303, 38-2312, 38-2365, 39-970, 39-2009, 65-5117, 72-2165 and 75-52,148 and K.S.A. 2022 Supp. 21-5301, 21-5402, 21-5419, 21-6328, 21-6614, 21-6618, 21-6620, 21-6622, 21-6628, 21-6629, 21-6806, 22-2512, 22-3717, 22-4902, 22-4906 and 23-3222 and repealing the existing sections; also repealing K.S.A. 2022 Supp. 21-5401, 21-6614i, 21-6617 and 21-6619, by Senators McGinn, Bowers, Dietrich, Doll, Faust Goudeau, Francisco, Haley, Holscher, Longbine, Pettey, Pittman, Reddi, Sykes and Ware.

**SB 212**, AN ACT concerning health and healthcare; relating to emergency medical services; staffing of ambulances; permitting an ambulance to operate with one emergency medical service provider in rural counties; amending K.S.A. 2022 Supp. 65-6135 and repealing the existing section, by Senator Straub.

**SB 213**, AN ACT concerning public health and welfare; relating to healthcare data; requiring healthcare providers to charge the same amount for medical records requests related to a patient's social security disability, workers compensation, medical malpractice or personal injury claims whether requested by a patient or a patient's legal representative; amending K.S.A. 65-6821 and 65-6836 and repealing the existing sections, by Senator Francisco.

**SB 214**, AN ACT concerning public utilities; relating to electric, natural gas and water utilities; prohibiting recovery of dues, donations or contributions made to charitable and social organizations in customer rates; requiring the state corporation commission to disallow such expenditures in rate proceedings; amending K.S.A. 66-101f, 66-1,206 and 66-1,236 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 215**, AN ACT concerning railroads; establishing the Kansas rail safety improvement act; providing for safety requirements for railroad operations and crossings; allowing for the transfer of title for abandoned railroad tracks to municipalities, by Committee on Ways and Means.

**SB 216**, AN ACT concerning crimes, punishment and criminal procedure; relating to crimes against the public safety; adding possessing or using a firearm during the commission of certain drug crimes to the crime of criminal use of weapons; creating a special sentencing rule of presumptive imprisonment for violations thereof; amending K.S.A. 2022 Supp. 21-6301 and 21-6804 and repealing the existing sections, by Committee on Judiciary.

**SB 217**, AN ACT concerning the unlawful use of electronic tracking systems or tracking information; relating to stalking; providing criminal penalties for the conduct of utilizing any electronic tracking system or acquiring tracking information to determine the targeted person's location, movement or travel patterns when done as part of an unlawful course of conduct; authorizing orders to prohibit such conduct under the

Kansas family law code, the revised Kansas code for care of children, the protection from abuse act and the protection from stalking, sexual assault or human trafficking act; amending K.S.A. 38-2243, 38-2244 and 38-2255 and K.S.A. 2022 Supp. 21-5427, 23-2707, 60-3107 and 60-31a06 and repealing the existing sections, by Committee on Judiciary.

**SB 218**, AN ACT concerning elections; relating to voter registration; requiring the assignment of registered voters whose residence has no corresponding mailing address to the voting precinct where such voter resides; amending K.S.A. 25-2305a and repealing the existing section, by Committee on Federal and State Affairs.

**SB 219**, AN ACT concerning insurance; relating to the healthcare provider insurance availability act; designating certain healthcare providers as being ineligible to purchase professional liability insurance from the healthcare stabilization fund; requiring such healthcare providers to maintain continuous professional liability insurance coverage equivalent to that provided by the healthcare stabilization fund as a condition of licensure; amending K.S.A. 40-3401 and 40-3403a and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 220**, AN ACT concerning elections; relating to advance voting ballots; establishing uniform requirements for envelopes for returning such ballots; amending K.S.A. 25-1120 and 25-1121 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 221**, AN ACT concerning elections; relating to write-in candidates; requiring affidavits of write-in candidacy for certain locally elected offices; providing requirements for counting write-in votes on ballots; amending K.S.A. 25-305, 25-2116, 25-2903 and 25-3002 and repealing the existing sections; also repealing K.S.A. 25-305b, by Committee on Federal and State Affairs.

**SB 222**, AN ACT concerning information technology; relating to online platforms and removal of liability protections therefor; requiring wireless communication device vendors to provide parental notification of application downloads by a minor, by Committee on Federal and State Affairs.

SENATE CONCURRENT RESOLUTION No. SCR 1604—

By Senator Pittman

A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas; relating to property taxation; limiting valuation increases for residential property.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

**"§ 1. System of taxation; classification; exemption.** (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, ~~2013~~ 2024, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all

property subject to taxation. The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles and watercraft, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain.

*The valuation of any parcel of real property used for residential purposes and any mobile home used for residential purposes shall not increase by more than 5% in any taxable year except when substantial additions, improvements or renovations have been made to the property. The legislature may provide by law additional uniform conditions or circumstances or emergency conditions under which this valuation limitation does not apply. The legislature may define substantial additions, improvements or renovations by law and enact such other legislation as is necessary to administer this provision.*

Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located.....11½%
- (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution.....30%
- (3) Vacant lots.....12%
- (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law.....12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed.....33%
- (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use.....25%
- (7) All other urban and rural real property not otherwise specifically subclassified.....30%

Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Mobile homes used for residential purposes .....11½%
- (2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25%.....30%
- (3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed.....33%
- (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985.....30%
- (5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property.....25%
- (6) All other tangible personal property not otherwise specifically classified.....30%
- (b) All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, merchants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, livestock, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* This amendment would limit annual valuation increases to 5% for residential real property (real estate) and personal property mobile homes except when substantial additions, improvements or renovations have been made to the property. The amendment would also authorize the legislature to provide additional uniform conditions or circumstances or emergency conditions under which the valuation limitation would not apply.

"A vote for this proposition would limit annual valuation increases to 5% for any parcel of real property used for residential purposes and any mobile home used for residential purposes except when substantial additions, improvements or renovations have been made to the property. The amendment would also authorize the legislature to provide additional uniform conditions or circumstances or emergency conditions under which this limitation provision would not apply, to define substantial additions, improvements or renovations and to enact such other legislation as is necessary to administer the provision.

"A vote against this proposition would provide no change to the Kansas constitution."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at a special election, which is hereby called on November 7, 2023, pursuant to section 1 of article 11 of the constitution of the state of Kansas, to be held in conjunction with the general election held on such date.

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

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 169, SB 178, SB 179, SB 196.**

Education: **SB 184, SB 185.**

Federal and State Affairs: **SB 171, SB 177, SB 197, SB 200, SB 202.**

Financial Institutions and Insurance: **SB 199.**

Judiciary: **SB 170, SB 174, SB 182, SB 183, SB 186, SB 187, SB 188, SB 189, SB 190, SB 192, SB 193, SB 201.**

Local Government: **SB 194.**

Public Health and Welfare: **SB 173, SB 175, SB 176, SB 180, SB 181, SB 191.**

Ways and Means: **SB 172, SB 195, SB 198, SB 203.**

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senator Alley introduced the following Senate resolution, which was read:  
SENATE RESOLUTION No. 1708—

A RESOLUTION designating February 8, 2023, as JAG-K Day at the Capitol.

WHEREAS, Jobs for America's Graduates-Kansas (JAG-K) is a 501(c)(3) not-for-profit organization that partners with public schools, communities and employers to help students overcome challenges and prepare for successful futures; and

WHEREAS, There are 104 traditional school-to-career JAG-K programs located in 48 school districts across Kansas in the current school year, 2022-2023; and

WHEREAS, JAG-K is an evidence-based program with objective performance measures; and

WHEREAS, JAG-K has a 95% graduation rate statewide, and 86% of JAG-K graduates are full-time participants in post-secondary education, military service or the workforce; and

WHEREAS, JAG-K works with students in foster care, and their graduation rate is more than 20% higher than the state average for students in foster care who do not participate in a JAG-K program; and

WHEREAS, In a small group classroom setting, students explore career opportunities and learn the skills necessary to successfully transition to post-secondary education, military service or the workforce following their graduation; and

WHEREAS, Nationally, JAG graduates are 230% more likely to be employed than peers who are not in a JAG program: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we designate February 8, 2023, as JAG-K Day at the Capitol; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Alley.

On emergency motion of Senator Alley **SR 1708** was adopted by voice vote.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **SB 30, SB 33, SB 40, SB 60, SB 94** be passed.

Also, **SB 53** be amended on page 12, in line 39, after "after" by inserting "January 1, 2024, and"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 73** be passed.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Thursday, February 9, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

