

Journal of the Senate

FIFTY-FOURTH DAY - *CORRECTED*

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 29, 2023, 10:00 a.m.

The Senate was called to order by President Ty Masterson.
The roll was called with 40 senators present.
Invocation by Cecil T. Washington:

Death and Life; Both Are In The Tongue
Proverbs 18:21, Ephesians 4:29, 2 Timothy 3:12-13, James 3:1-12

Lord, Your Word tells us, in Proverbs 18:21, that “death and life are in the power of the tongue.” You tell us in Ephesians 4:29, not to let any unwholesome talk come out of our mouths but only what is helpful for improving and strengthening others. You emphasize that our concern should be for the well-being, for the benefit of those who hear or even read our words. But Lord, it looks like our mouths did not get the message. And what You predicted would happen, is coming to pass.

You said in 2 Timothy 3:12-13 that all who desire to live godly lives would be persecuted and those moral, life-giving qualities in people would deteriorate. Lord, the things that come out of our mouths today, not only in private but in public media, are just like You said, going from bad to worse!

You illustrate the power of the tongue in James 3:1-12, where You liken it to a bit controlling a horse or a rudder turning a ship or a spark igniting a blaze. As we formulate our words today, tomorrow and on into the future, it will take You to control, to put a bridle, a check on our tongues. When we interact with others, rather than being poisonous, destructive and deadly let the things that we communicate up in here be life-giving. Let our interactions be healthy and life-giving. Bless us as we move to bless others.

In the Name of Jesus, I pray Amen!

The Pledge of Allegiance was led by President Masterson.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ways and Means: **HB 2418, HB 2449, HB 2452.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Erickson introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1719—

A RESOLUTION commemorating May 2023 as Jewish American Heritage Month and honoring the contributions of the Jewish people to the United States of America and the State of Kansas.

WHEREAS, Ever since Jewish immigrants first arrived to our shores in the 16th century, the Jewish people have played a central role in the creation, growth, freedom, prosperity and strength of the United States; and

WHEREAS, The biblical and contemporary history of the Jewish people and the enduring values of the Jewish faith were vital sources of inspiration for the founding of the United States, the Civil Rights movement, the United States' global leadership in the cause of freedom, the United States' commitment to social justice and many of the United States' most central tenets; and

WHEREAS, The Jewish community has helped define the character and values of the United States through core Jewish beliefs, such as the creation of man in the image of God, the infinite value of every human life, the need for a weekly Sabbath and the importance of education in the lives of children; and

WHEREAS, Following the rebirth of Zionism and the miraculous return of the Jewish people to the Jewish homeland, the United States was the first country in the world to recognize the State of Israel in 1948; and

WHEREAS, The State of Israel is now celebrating the 75th anniversary of its modern founding; and

WHEREAS, Since 1948, the State of Israel has emerged as a beacon of freedom, prosperity and world leader in technology, agriculture, water conservation and medicine; and

WHEREAS, The United States has developed a deep friendship and unbreakable alliance with the State of Israel based upon shared values and mutual interests; and

WHEREAS, Since the Jewish people first settled in Kansas after the Kansas territory was established in 1854, the Jewish people have played an integral role in Kansas history; and

WHEREAS, The Jewish people serve in the United States Armed Forces and the Kansas National Guard; and

WHEREAS, Kansas unequivocally engages in trade and other relations with the State of Israel; and

WHEREAS, For 42 years, every United States President has declared a period of time to celebrate the Jewish people's contributions to the United States and the Jewish community's history, heritage and culture; and

WHEREAS, In February 2006, the United States Congress adopted a concurrent resolution, with bipartisan support, urging the President of the United States to issue a Jewish American Heritage Month Proclamation every May; and

WHEREAS, Since 2006, the President of the United States has declared the month of May as Jewish American Heritage Month: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate May 2023 as Jewish American Heritage Month and honor the contributions of Jewish Americans to the United States of America and the State of Kansas; and

Be it further resolved: That we urge all schools in Kansas to commemorate Jewish American Heritage Month through appropriate announcements and programming; and

Be it further resolved: That we further urge all Kansas museums and historical

societies to host relevant programs commemorating Jewish American Heritage Month; and

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

On emergency motion of Senator Erickson **SR 1719** was adopted by voice vote.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 40, AN ACT concerning income taxation; relating to Kansas adjusted gross income; providing a subtraction modification to permit the carryforward of certain net operating losses for individuals; relating to homestead refund claims; excluding social security payments from household income for eligibility of seniors and disabled veterans related to increased property tax claims; increasing the appraised value and household income thresholds for eligibility; amending K.S.A. 2022 Supp. 79-32,117 and 79-4508a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

SB 287, AN ACT concerning the Kansas silver alert plan; expanding such plan to include persons 18 years of age or older who have dementia, a developmental disability or a cognitive impairment; amending K.S.A. 75-754 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

SB 297, AN ACT concerning abortion; revising the definition of abortion; excluding certain procedures from the definition; amending K.S.A. 40-2,190, 65-4a01, 65-6701, 65-6723 and 65-6742 and repealing the existing sections, was considered on final action.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

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

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

The bill passed.
The Call was lifted

EXPLANATION OF VOTE

Last August, nearly 60% of Kansans - Democrats, Republicans, and Independents - voted no on giving “elected state representatives and state senators” more power to “pass laws regarding abortion.” Yet here we are again, politicians inserting ourselves in the healthcare of others by deciding when we think a D and C counts as an abortion and when it doesn’t; by deciding when a woman can be trusted to make decisions for herself and when she can’t; by crafting definitions for future court cases, future amendments, future attempts to take away fundamental rights. In August, voters upheld the status quo, because they know that abortion is personal. It can be complex. It doesn’t fit neatly into right or wrong, because life’s circumstances can’t be neatly qualified as right or wrong. They said loudly and clearly: stop messing with this right. We trust our neighbors to make the decisions that make sense for their morals, for their faiths, for their families. Just yesterday, Attorney General Kris Kobach’s office argued in front of the Kansas Supreme Court and suggested that another constitutional amendment on abortion is possible. Kansans should listen to Kris Kobach and the legislators in this chamber who are making clear that they want to control these private decisions, no matter what the voters say.—DINAH SYKES

SB 301, AN ACT concerning governmental ethics; relating to statements of substantial interests; requiring annual filing of such statements by local governmental officers and employees; exempting elected or appointed officers of townships or school districts from such annual filing requirements absent a change in substantial interests of such officers; amending K.S.A. 46-252 and 75-4302a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

SB 307, AN ACT concerning the Kansas fights addiction act; relating to definitions; adding for-profit private entities to the definition of “qualified applicant”; amending K.S.A. 2022 Supp. 75-776 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

SB 314, AN ACT concerning public health; relating to immunizations; prohibiting the secretary of health and environment from requiring a COVID-19 vaccination to attend at a child care facility or school; amending K.S.A. 65-508 and 72-6262 and repealing the existing sections, was considered on final action.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

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

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

The bill passed.

The Call was lifted.

SB 315, AN ACT concerning public health; relating to vaccinations; requirements to attend child care facilities and elementary, secondary and public or private postsecondary educational institutions; prohibiting an inquiry into the sincerity of a request for an exemption from vaccine requirements; repealing the meningitis vaccine requirement to live in student housing; amending K.S.A. 65-508 and 72-6262 and K.S.A. 2022 Supp. 44-663 and repealing the existing sections; also repealing K.S.A. 76-761a, was considered on final action.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 22; Nays 18; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Blasi, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Longbine, McGinn, O'Shea, Pettey, Pittman, Reddi, Ryckman, Sykes, Ware.

The bill passed, as amended.

The Call was lifted.

EXPLANATION OF VOTE

"One person's freedom ends where another's begins." I have fought hard to protect life since my election to the Kansas Senate. **SB 315** is an attack on those efforts to protect the innocent. Vaccines, particularly for children, are essential to protect them from ravaging fever, blistering sores, paralysis and death. Childhood vaccinations work like a boat, all of our children are in it together or we negligently put them out in a craft that's taking on water. Efforts by some in the Kansas Senate this year would remove the protection for our children and drill holes in the very vessel keeping them safe. I opposed efforts by those who would wipe out innocent life through abortion and I stand opposed to those who would allow innocent children to suffer and possibly die when life saving vaccines that have been safely used for decades remain available. Real conservative Republicans stand up to protect children and protect life at all times.—

KRISTEN O'SHEA

Senator Haley requests the record to show he concur with the "Explanation of Vote" offered by Senator O'Shea on **SB 315**.

I vote "YES" on **SB 315** because it follows science as it regards vaccines and the reality that they each involve a risk benefit analysis. Also, the Constitution guarantees freedom of the individual, particularly as it pertains to religion. **SB 315** codifies our religious freedom.—MARK STEFFEN

There is over a century of case law at all levels of the judicial system demonstrating that governmental vaccine mandates are constitutional. In *Prince v. Massachusetts*, the Supreme Court held that “the right to practice religion freely does not include liberty to expose the community or the child to communicable disease or the latter to ill health or death.” Our current state policies are much more flexible than what is constitutionally permissible. We allow families the latitude to have sincerely-held religious exemptions, and it is KDHE’s practice not to inquire into the sincerity of the request. But blanket exemptions undermine the efficacy of public health interventions that rely on herd immunity. This policy also insults my faith. Being religious and having a belief does not make such a belief a religious one, and we shouldn’t legislate otherwise just because it’s politically expedient.—PAT PETTEY

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Pettey on **SB 315**.

S Sub HB 2016, AN ACT concerning civil actions and civil procedure; enacting the act against abusive access litigation; creating a civil action for determining whether litigation that alleges any access violation under the Americans with disabilities act or similar law constitutes abusive litigation and authorizing penalties for such abusive litigation, was considered on final action.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Kerschen, Kloos, Longbine, Masterson, McGinn, O’Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Doll, Holscher, Reddi, Sykes, Ware.

The substitute bill passed, as amended.

The Call was lifted.

HB 2027, AN ACT concerning the Kansas probate code; relating to probate procedures; persons arrested or charged with felonious killing of the decedent; creating a procedure to prevent distribution of assets until resolution of criminal proceedings; amending K.S.A. 59-513 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

S Sub HB 2053, AN ACT concerning elections; providing for a presidential preference primary election; establishing voter registration and voting procedures for such election; amending K.S.A. 25-1122, 25-2311, 25-4501a, 25-4502, 25-4503, 25-4505, 25-4506 and 25-4507 and K.S.A. 2022 Supp. 25-3009 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Blasi, Claeys, Corson, Dietrich, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, Petersen, Pettey, Pittman, Reddi, Ryckman, Shallenburger, Sykes, Thompson, Ware, Warren.

Nays: Billinger, Bowers, Doll, McGinn, O'Shea, Olson, Peck, Pyle, Steffen, Straub, Tyson, Wilborn.

The substitute bill passed.

S Sub HB 2070, AN ACT concerning children and minors; establishing the office of the child advocate as an independent state agency and prescribing certain powers, duties and functions therefor; authorizing access to certain records; relating to children in need of care; making orders granting custody for adoption subject to the federal Indian child welfare act; directing the secretary for children and families to consider foster parents as prospective adoptive parents under certain circumstances; requiring the secretary to report certain data on adoptions; authorizing the appeal of any order of placement of a child; providing for retroactivity; amending K.S.A. 38-2203, 38-2213, 38-2270, 38-2273, 38-2309 and 38-2310 and K.S.A. 2022 Supp. 38-2211 and 38-2212 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The substitute bill passed.

HB 2087, AN ACT concerning elections; relating to selection of presidential electors; directing political parties to have procedures for the selection of presidential electors; amending K.S.A. 25-301, 25-801, 25-802, 25-804 and 25-1435 and repealing the existing sections; also repealing K.S.A. 25-803, was considered on final action.

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

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

Nays: Doll.

The bill passed.

HB 2114, AN ACT concerning the joint committee on corrections and juvenile justice oversight; renaming the committee in honor of Representative J. Russell (Russ) Jennings; requiring the committee to monitor the implementation of juvenile justice reform and the work of the juvenile justice oversight committee; amending K.S.A. 46-2801, 65-536 and 74-9101 and repealing the existing sections; also repealing K.S.A. 46-2802, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

S Sub HB 2138, AN ACT concerning education; relating to school districts; requiring separate overnight accommodations for students of each biological sex during school district sponsored travel; providing for administrative review of resolutions to permanently close a school building; amending K.S.A. 72-1431 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

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

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

The substitute bill passed.

EXPLANATION OF VOTE

Instead of allowing Kansas school districts to identify and implement the policies that are best for their students and communities, this bill forces districts to adopt outdated and rigid policies that will make activities extremely burdensome to plan, from a district perspective, and much harder to access for families. It also takes an issue that can be – and currently is – solved at the level closest to the student to a level that inherently cannot include nuance and grace that our kids deserve. Not only that, but the individuals pushing for this legislation have demonstrated an obvious ambivalence to understanding trans Kansans and their families. It is mind-boggling the number of bills we've seen this session that deeply impact wide swaths of our communities, all for the purpose of targeting a small population of Kansans who want nothing more than to live their lives. It's gross, it's exhausting, and it's wrong. I vote "NO."—DINAH SYKES

HB 2141, AN ACT concerning food assistance; requiring cooperation with child support to determine food assistance eligibility for custodial and non-custodial parents; identifying when the secretary for children and families shall review cooperation with child support; disqualifying such parents from food assistance when delinquent in child support payments; adding disqualification exemptions; amending K.S.A. 2022 Supp.

39-709 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 20; Nays 20; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Billinger, Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Kloos, Longbine, McGinn, Petersen, Pettey, Pittman, Reddi, Shallenburger, Sykes, Ware.

A constitutional majority having failed to vote in favor of the bill, **HB 2141** did not pass.

EXPLANATION OF VOTE

This bill would make it less likely that parents can support their children and more likely that children and their parents go hungry. Reducing access to food for Kansans already struggling financially is unnecessarily harsh and ineffective. Non-custodial parents working hard to find higher-paying employment opportunities will have those efforts undermined if they do not know where their family's next meal is coming from or cannot focus at their jobs. Mr. President, I vote "NO" on **HB 2141**.—OLETHA FAUST-GOUDEAU

Senators Francisco, Haley, Holland, Pettey, Reddi and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Faust-Goudeau on **SB 2141**.

My colleague from Sedgwick County said it best: Find another way to get people to pay child support – don't starve them. This bill holds access to food hostage in order to force people into parenting the way legislators in this building think they ought to, regardless of the impact on the children involved. And that impact is significant. 1 in 7 Kansas kids is food insecure. Some of those kids live with parents who are also non-custodial parents of other children. This bill will harm those children, and will disturb families' existing support systems that they have determined are in their children's best interests. Keeping Kansans hungry will not lead to behaviors deemed acceptable by some in this chamber. It'll just lead to more hungry Kansans. I vote "NO."—DINAH SYKES

Senators Francisco, Haley, Pettey, Reddi and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **HB 2141**.

HB 2147, AN ACT concerning motor vehicles; relating to abandoned or towed vehicles; requiring a person providing wrecker or towing service or agency to provide a certification of compliance to a purchaser upon the sale and transfer of an abandoned or towed vehicle; amending K.S.A. 8-1102 and 8-1103 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey,

Pittman, Pyle, Reddi, Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed, as amended.

HB 2160, AN ACT concerning traffic regulations; relating to the secured loading of vehicles; exempting the transport of cotton bales from the secured load requirements under certain conditions; amending K.S.A. 8-1906 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

S Sub HB 2170, AN ACT concerning philanthropic gifts; relating to judicial enforcement of donor-imposed restrictions on gifts of endowment funds or to endowment funds; enacting the donor intent protection act, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Kerschen, Kloos, Masterson, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson, Ware, Warren.

Nays: Billinger, Holland, Holscher, Longbine, McGinn, Reddi, Tyson, Wilborn.

Present and Passing: Francisco.

The substitute bill passed.

HB 2225, AN ACT concerning utilities; relating to electric utilities; including cost recovery of transmission-related costs for transmission facilities constructed as a result of a directive from the regional transmission organization; authorizing cost recovery for transmission facilities constructed as a result of internal or local planning under certain circumstances; requiring the commission to adjust the authorized return on equity for such internal or local transmission projects recovered through a transmission delivery charge; requiring public utilities to evaluate the regional rate competitiveness and impact to economic development in rate proceedings; amending K.S.A. 66-117 and 66-1237 and repealing the existing sections, was considered on final action.

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

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

Nays: Doll, Peck.

Present and Passing: Blasi.

The bill passed.

HB 2279, AN ACT concerning water; relating to groundwater management districts; requiring groundwater management districts to submit annual reports to the legislature; directing groundwater management districts to submit conservation and stabilization plans to the chief engineer; prohibiting groundwater management district board members from farming land owned by the district unless a request for proposal for farming such land is issued, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Sykes, Thompson, Ware, Warren, Wilborn.

Nays: Baumgardner, Holland, Steffen, Straub, Tyson.

The bill passed, as amended.

HB 2290, AN ACT concerning higher education; authorizing the affiliation of northwest Kansas technical college and north central Kansas technical college with Fort Hays state university; amending K.S.A. 74-32,452, 74-32,461, 74-32,464 and 76-6a13 and repealing the existing sections, was considered on final action.

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

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

Present and Passing: Straub

The bill passed.

S Sub HB 2302, AN ACT concerning water; relating to funding for the state water plan and water infrastructure projects; making and concerning appropriations for the fiscal year ending June 30, 2023, and June 30, 2024, for the state treasurer; providing for a transfer of moneys from the state general fund to the state water plan fund; creating the water technical assistance fund and water projects grant fund; authorizing the Kansas water office to provide grants from such funds and adopt rules and regulations to establish the criteria for grants from such funds; amending K.S.A. 82a-951 and repealing the existing section, was considered on final action.

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

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

Nays: Holland.

The substitute bill passed.

HB 2304, AN ACT concerning education; relating to firearms; standardizing firearm safety education training programs in school districts, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 1; Absent or Not

Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Haley, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Francisco, Holland, Holscher, Pettey, Reddi, Sykes, Ware.

Present and Passing: Faust-Goudeau.

The bill passed.

EXPLANATION OF VOTE

I vote "NO" on **HB 2304**. The American Academy of Pediatrics has done studies about the effectiveness of gun safety programs, including Eddie Eagle by the NRA and found the programs to be ineffective. The website eddieeagle.com repeats who the characters are in the video, the song is heard over and over, there are coloring pages with the characters from the video and a few short stories with scenarios with those bird characters finding a gun. I hope that an educational curriculum development committee will create activities that are age appropriate, involve role play, and have higher level thinking activities for each grade level and will also include generalization of information and behaviors learned rather than rote memorization of what the cartoon birds sing in a park where a gun is found. The legislature should not be making decisions about school curriculum. The legislature should be adopting legislation with requirements for secure storage to make gun ownership safer.—MARCI FRANCISCO

Senators Pettey and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **HB 2304**.

HB 2313, AN ACT concerning health and healthcare; creating the born-alive infants protection act; providing legal protections for infants born alive; requiring certain standards of care by healthcare providers for infants who are born alive; providing criminal penalties and civil liability for violations of the act; amending K.S.A. 65-445 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Haley, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Holland, Holscher, Pettey, Reddi, Sykes, Ware.

The bill passed, as amended.

HB 2325, AN ACT concerning insurance; relating to the healthcare provider insurance availability act; adding maternity center to the definition of "healthcare provider" contained therein; 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 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, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Dietrich, Doll, Holland, Longbine, McGinn, Reddi.

Present and Passing: Francisco.

The bill passed, as amended.

HB 2326, AN ACT concerning consumer protection; relating to the scrap metal theft reduction act; clarifying that catalytic converters are regulated scrap metal; providing that certain purchases of catalytic converters and by-products or dust are unlawful under the act; extending the expiration date of the act; amending K.S.A. 2022 Supp. 50-6,109, 50-6,111 and 50-6,112d and repealing the existing sections, was considered on final action.

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

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

Nays: Tyson.

The bill passed, as amended.

HB 2346, AN ACT concerning motor vehicles; relating to license plates; providing for the back the blue license plate and the city of Topeka distinctive license plate; allowing distinctive license plates to be personalized license plates; requiring certain license plates to have the county of registration for the motor vehicle identified on the plate; amending K.S.A. 8-1,141 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

HB 2350, AN ACT concerning crimes, punishment and criminal procedure; relating to crimes against persons; creating the crimes of human smuggling and aggravated human smuggling; providing criminal penalties therefor, was considered on final action.

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

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

Wilborn.

Nays: Ware.

Present and Passing: Francisco.

The bill passed, as amended.

S Sub HB 2390, AN ACT concerning the secretary of health and environment; relating to drug overdoses; requiring the secretary of health and environment to study overdose deaths; providing for the confidentiality of acquired and compiled records; restricting the powers of the secretary of health and environment and local health officers to control the introduction and spread of infectious or contagious diseases; repealing the authority of the secretary to order individuals to isolate or quarantine and impose penalties for violations thereof; amending K.S.A. 65-116g, 65-118, 65-119, 65-128, 65-129b and 65-129d and K.S.A. 2022 Supp. 65-101, 65-202 and 72-5180 and repealing the existing sections; also repealing K.S.A. 65-126, 65-127, 65-129 and 65-129c, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

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

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

The substitute bill passed.

EXPLANATION OF VOTE

While I support portions of **S Sub HB 2390** – I have worries about the bill due to questions from our agricultural community and Ag Secretary. While KDA is the lead on tracking and taking actions against the spread of the disease in animals, it is the state health department which tracks and acts if there is any infection in humans among the ranchers, growers, and staff. If this bill passes, KDHE would no longer be able to track or take action to prevent highly infectious zoonotic diseases such as avian bird flu and hoof and mouth disease if they spread to humans or from humans back to livestock. The contents added to **S Sub HB 2390** (language of **SB 6**) would still inhibit the KDHE's ability to collaborate with the Kansas Department of Agriculture to act against infectious diseases.—ELAINE BOWERS

S Sub HB 2390 passed the House of Representatives with 121 votes because there was bi-partisan support to decrease the number of Kansas lives lost to fentanyl. Unfortunately, the Senate committee opted to utilize this critical, unanimously supported bill as a vehicle for an unrelated, controversial topic, compromising the lives of Kansans in the process. Rather than looking to the pandemic of the past, we need to focus our collective attention on the plague affecting our future and support efforts to reduce the impact of counterfeit drugs laced with fentanyl poisoning our people. **S Sub HB 2390**, as passed unanimously by the House, is good policy. Because it has been paired with policy that is likely to encumber its advancement. I vote "NO."—KRISTEN O'SHEA

Senators Francisco, Haley, Pettey and Pittman request the record to show they concur with the "Explanation of Vote" offered by Senator O'Shea on **S Sub HB 2390**.

HB 2395, AN ACT concerning the open records act; relating to public records; continuing in existence certain exceptions to the disclosure thereof; amending K.S.A. 9-512, 40-4308, 40-4350, 45-229, 65-177, 65-28b08, 74-5611a, 75-7240 and 75-7242 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

MESSAGE FROM THE HOUSE

Announcing rejection of **SB 194**.

The House nonconcur in Senate amendments to **HB 2014**, requests a conference and has appointed Representatives Francis, Neelly and Ballard as conferees on the part of the House.

Announcing passage of **HB 2438**, **HB 2401**, **HB 2443**, **HB 2446**; **Sub HB 2414**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2438, **HB 2401**, **HB 2443**, **HB 2446**; **Sub HB 2414** were thereupon introduced and read by title.

On motion of Senator Alley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

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

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Bowers moved the Senate concur in House amendments to **H Sub SB 208**.

H Sub SB 208, AN ACT concerning campaign finance; relating to the governmental ethics commission; modifying the investigatory and enforcement powers thereof and the schedule of registration fees for political committees; expanding the list of allowable expenditures from contributions; amending K.S.A. 25-4143, 25-4145, 25-4153a, 25-4157a, 25-4158, 25-4161, 25-4163, 25-4165, 25-4181 and 25-4182 and repealing the existing sections.

Senator Pyle made a substitute motion to nonconcur and appoint a conference.

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

On roll call, the vote was: Yeas 10; Nays 30; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Francisco, Haley, Holland, Holscher, Pittman, Pyle, Steffen, Straub, Ware.

Nays: Alley, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Reddi, Ryckman, Shallenburger, Sykes, Thompson,

Tyson, Warren, Wilborn.

The substitute motion failed.

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

Yeas: Alley, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Ryckman, Shallenburger, Sykes, Thompson, Warren, Wilborn.

Nays: Baumgardner, Haley, Holland, Holscher, Peck, Pittman, Pyle, Reddi, Steffen, Straub, Tyson, Ware.

Present and Passing: Francisco.

The Senate concurred.

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 Erickson in the chair.

On motion of Senator Erickson the following report was adopted:

HB 2083 be amended by motion of Senator McGinn, on page 1, in line 26, after the second "property" by inserting ", except that if a municipality requires registration of vacant property, a municipality may charge a fine in an amount not to exceed:

(A) \$100 as a penalty for failure to register a building as vacant property within 60 days after receiving written notice from the municipality that such building must be registered; and

(B) \$300 as a penalty for failure to register a building as vacant property if such building is not registered as vacant property within 30 days after receipt of written notice of failure to register, which notice shall be mailed by certified mail"

Senator Francisco motioned to amend **HB 2083**.

Senator Olson moved a substitute motion on **HB 2083** be rereferred to the Committee on Local Government. The motion carried.

SCR 1610 be amended by motion of Senator Tyson; on page 1, in line 35, by striking "or"; on page 2, in line 3, after "3%" by inserting "; or

(6) title to the property is transferred, changed or conveyed to another person";

On page 3, in line 35, by striking the second "or" and inserting a comma; in line 36, after "changes" by inserting "or title to the property is transferred, changed or conveyed to another person"; in line 42, by striking the second "or" and inserting a comma; in line 43, after "changes" by inserting "or title to the property is transferred, changed or conveyed to another person"

and the resolution be adopted as amended.

SB 112; HB 2021, HB 2024, HB 2172, HB 2216, HB 2264, HB 2323, HB 2336 be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2002 be amended by the adoption of the committee amendments, be further amended by motion of Senator Tyson; on page 5, following line 15, by inserting:

"Sec. 4. K.S.A. 2022 Supp. 79-2005 is hereby amended to read as follows: 79-2005. (a) Any taxpayer, before protesting the payment of such taxpayer's taxes, shall be required, either at the time of paying such taxes, or, if the whole or part of the taxes are paid prior to December 20, no later than December 20, or, with respect to taxes paid in

whole or in part in an amount equal to at least $\frac{1}{2}$ of such taxes on or before December 20 by an escrow or tax service agent, no later than January 31 of the next year, to file a written statement with the county treasurer, on forms approved by the state board of tax appeals and provided by the county treasurer, clearly stating the grounds on which the whole or any part of such taxes are protested and citing any law, statute or facts on which such taxpayer relies in protesting the whole or any part of such taxes. When the grounds of such protest is an assessment of taxes made pursuant to K.S.A. 79-332a and 79-1427a, and amendments thereto, the county treasurer may not distribute the taxes paid under protest until such time as the appeal is final. When the grounds of such protest is that the valuation or assessment of the property upon which the taxes are levied is illegal or void, the county treasurer shall forward a copy of the written statement of protest to the county appraiser who shall within 15 days of the receipt thereof, schedule an informal meeting with the taxpayer or such taxpayer's agent or attorney with reference to the property in question. At the informal meeting, it shall be the duty of the county appraiser or the county appraiser's designee to initiate production of evidence to substantiate the valuation of such property, including a summary of the reasons that the valuation of the property has been increased over the preceding year, any assumptions used by the county appraiser to determine the value of the property and a description of the individual property characteristics, property specific valuation records and conclusions. The taxpayer shall be provided with the opportunity to review the data sheets applicable to the valuation approach utilized for the subject property. The county appraiser shall take into account any evidence provided by the taxpayer which relates to the amount of deferred maintenance and depreciation of the property. The county appraiser shall review the appraisal of the taxpayer's property with the taxpayer or such taxpayer's agent or attorney and may change the valuation of the taxpayer's property, if in the county appraiser's opinion a change in the valuation of the taxpayer's property is required to assure that the taxpayer's property is valued according to law, and shall, within 15 business days thereof, notify the taxpayer in the event the valuation of the taxpayer's property is changed, in writing of the results of the meeting. The county appraiser shall not increase the appraised valuation of the property as a result of the informal meeting. In the event the valuation of the taxpayer's property is changed and such change requires a refund of taxes and interest thereon, the county treasurer shall process the refund in the manner provided by subsection (l).

(b) ~~No protest appealing the valuation or assessment of property shall be filed pertaining to any year's valuation or assessment when an appeal of such valuation or assessment was commenced pursuant to K.S.A. 79-1448, and amendments thereto, nor shall~~ The second half payment of taxes shall not be protested when the first half payment of taxes has been protested. Notwithstanding the foregoing, this provision shall not prevent any subsequent owner from protesting taxes levied for the year in which such property was acquired, nor shall it prevent any taxpayer from protesting taxes when the valuation or assessment of such taxpayer's property has been changed pursuant to an order of the director of property valuation.

(c) A protest shall not be necessary to protect the right to a refund of taxes in the event a refund is required because the final resolution of an appeal commenced pursuant to K.S.A. 79-1448, and amendments thereto, occurs after the final date prescribed for the protest of taxes.

(d) If the grounds of such protest shall be that the valuation or assessment of the

property upon which the taxes so protested are levied is illegal or void, such statement shall further state the exact amount of valuation or assessment which the taxpayer admits to be valid and the exact portion of such taxes which is being protested.

(e) If the grounds of such protest shall be that any tax levy, or any part thereof, is illegal, such statement shall further state the exact portion of such tax which is being protested.

(f) Upon the filing of a written statement of protest, the grounds of which shall be that any tax levied, or any part thereof, is illegal, the county treasurer shall mail a copy of such written statement of protest to the state board of tax appeals and the governing body of the taxing district making the levy being protested.

(g) Within 30 days after notification of the results of the informal meeting with the county appraiser pursuant to subsection (a), the protesting taxpayer may, if aggrieved by the results of the informal meeting with the county appraiser, appeal such results to the state board of tax appeals.

(h) After examination of the copy of the written statement of protest and a copy of the written notification of the results of the informal meeting with the county appraiser in cases where the grounds of such protest is that the valuation or assessment of the property upon which the taxes are levied is illegal or void, the board shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act, unless waived by the interested parties in writing. If the grounds of such protest is that the valuation or assessment of the property is illegal or void the board shall notify the county appraiser thereof.

(i) In the event of a hearing, the same shall be originally set not later than 90 days after the filing of the copy of the written statement of protest and a copy, when applicable, of the written notification of the results of the informal meeting with the county appraiser with the board. With regard to any matter properly submitted to the board relating to the determination of valuation of residential property or real property used for commercial and industrial purposes for taxation purposes, it shall be the duty of the county appraiser to initiate the production of evidence to demonstrate, by a preponderance of the evidence, the validity and correctness of such determination except that no such duty shall accrue to the county or district appraiser with regard to leased commercial and industrial property unless the property owner has furnished to the county or district appraiser a complete income and expense statement for the property for the three years next preceding the year of appeal. No presumption shall exist in favor of the county appraiser with respect to the validity and correctness of such determination. In all instances where the board sets a request for hearing and requires the representation of the county by its attorney or counselor at such hearing, the county shall be represented by its county attorney or counselor. The board shall take into account any evidence provided by the taxpayer which relates to the amount of deferred maintenance and depreciation for the property. In any appeal from the reclassification of property that was classified as land devoted to agricultural use for the preceding year, the taxpayer's classification of the property as land devoted to agricultural use shall be presumed to be valid and correct if the taxpayer provides an executed lease agreement or other documentation demonstrating a commitment to use the property for agricultural use, if no other actual use is evident. With regard to any matter properly submitted to the board relating to the determination of valuation of property for taxation purposes, the board shall not increase the appraised valuation of the property to an amount greater

than the appraised value reflected in the notification of the results of the informal meeting with the county appraiser from which the taxpayer appealed.

(j) When a determination is made as to the merits of the tax protest, the board shall render and serve its order thereon. The county treasurer shall notify all affected taxing districts of the amount by which tax revenues will be reduced as a result of a refund.

(k) If a protesting taxpayer fails to file a copy of the written statement of protest and a copy, when applicable, of the written notification of the results of the informal meeting with the county appraiser with the board within the time limit prescribed, such protest shall become null and void and of no effect whatsoever.

(l) (1) In the event the board orders that a refund be made pursuant to this section or the provisions of K.S.A. 79-1609, and amendments thereto, or a court of competent jurisdiction orders that a refund be made, and no appeal is taken from such order, or in the event a change in valuation which results in a refund pursuant to subsection (a), the county treasurer shall, as soon thereafter as reasonably practicable, refund to the taxpayer such protested taxes and, with respect to protests or appeals commenced after the effective date of this act, interest computed at the rate prescribed by K.S.A. 79-2968, and amendments thereto, minus two percentage points, per annum from the date of payment of such taxes from tax moneys collected but not distributed. Upon making such refund, the county treasurer shall charge the fund or funds having received such protested taxes, except that, with respect to that portion of any such refund attributable to interest the county treasurer shall charge the county general fund. In the event that the state board of tax appeals or a court of competent jurisdiction finds that any time delay in making its decision is unreasonable and is attributable to the taxpayer, it may order that no interest or only a portion thereof be added to such refund of taxes.

(2) No interest shall be allowed pursuant to paragraph (1) in any case where the tax paid under protest was inclusive of delinquent taxes.

(m) Whenever, by reason of the refund of taxes previously received or the reduction of taxes levied but not received as a result of decreases in assessed valuation, it will be impossible to pay for imperative functions for the current budget year, the governing body of the taxing district affected may issue no-fund warrants in the amount necessary. Such warrants shall conform to the requirements prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by such section and may be issued without the approval of the state board of tax appeals. The governing body of such taxing district shall make a tax levy at the time fixed for the certification of tax levies to the county clerk next following the issuance of such warrants sufficient to pay such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized by law.

(n) Whenever a taxpayer appeals to the board of tax appeals pursuant to the provisions of K.S.A. 79-1609, and amendments thereto, or pays taxes under protest related to one property whereby the assessed valuation of such property exceeds 5% of the total county assessed valuation of all property located within such county and the taxpayer receives a refund of such taxes paid under protest or a refund made pursuant to the provisions of K.S.A. 79-1609, and amendments thereto, the county treasurer or the governing body of any taxing subdivision within a county may request the pooled money investment board to make a loan to such county or taxing subdivision as provided in this section. The pooled money investment board is authorized and directed to loan to such county or taxing subdivision sufficient funds to enable the county or

taxing subdivision to refund such taxes to the taxpayer. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for such loan. Each loan shall bear interest at a rate equal to the net earnings rate of the pooled money investment portfolio at the time of the making of such loan. The total aggregate amount of loans under this program shall not exceed \$50,000,000 of unencumbered funds pursuant to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification to the pooled money investment board by the county treasurer or governing body of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the county treasurer or governing body from the state bank account or accounts prescribed in this subsection to the county treasurer who shall deposit such amount in the county treasury. Any such loan authorized pursuant to this subsection shall be repaid within four years. The county or taxing subdivision shall make not more than four equal annual tax levies at the time fixed for the certification of tax levies to the county clerk following the making of such loan sufficient to pay such loan within the time period required under such loan. All such tax levies shall be in addition to all other levies authorized by law.

(o) The county treasurer shall disburse to the proper funds all portions of taxes paid under protest and shall maintain a record of all portions of such taxes which are so protested and shall notify the governing body of the taxing district levying such taxes thereof and the director of accounts and reports if any tax protested was levied by the state.

(p) This statute shall not apply to the valuation and assessment of property assessed by the director of property valuation and it shall not be necessary for any owner of state assessed property, who has an appeal pending before the state board of tax appeals, to protest the payment of taxes under this statute solely for the purpose of protecting the right to a refund of taxes paid under protest should that owner be successful in that appeal.";

On page 11, in line 3, after the comma by inserting "79-2005,";

And by renumbering sections accordingly;

On page 1, in the title, in line 9, after the semicolon by inserting "discontinuing the prohibition of paying taxes under protest after a valuation notice appeal,"; in line 11, after the comma by inserting "79-2005,"

and **HB 2002** be passed as further amended.

A motion by Senator Faust-Goudeau to amend **HB 2216** was withdrawn.

A motion by Senator Peck to amend **HB 2336** failed.

The committee report on **HB 2060** recommending **S Sub HB 2060** be adopted, and the substitute bill be passed.

The committee report on **HB 2127** recommending **S Sub HB 2127** be adopted, and the substitute bill be passed.

SB 23, SB 303; S Sub HB 2069 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 **SCR 1610; SB 112; HB 2002, HB 2021, HB 2024; S Sub HB 2060, S Sub HB 2127; HB 2172, HB 2216, HB 2264, HB 2323, HB 2336** and were advanced to Final Action and roll call.

SCR 1610, 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 real property.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Erickson, Gossage, Haley, Kerschen, Kloos, Masterson, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Holland, Holscher, Longbine, McGinn, Pettey, Reddi, Sykes, Ware.

The resolution was not adopted.

SB 112, AN ACT concerning health professions and practices; relating to the regulation of nursing; registered nurse anesthetists; authorizing independent practice and the prescribing of drugs; prohibiting the performance or prescribing of drugs for an abortion; amending K.S.A. 65-1158 and repealing the existing section.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Doll, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Holland, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Straub, Sykes, Ware, Warren.

Nays: Dietrich, Francisco, Holscher, Thompson, Tyson, Wilborn.

Present and Passing: Steffen.

The bill passed, as amended.

The Call was lifted.

HB 2002, AN ACT concerning property taxation; relating to the revenue neutral rate; extending reimbursement from the taxpayer notification costs fund for printing and postage costs for county clerks for calendar year 2024; modifying and prescribing the contents of the revenue neutral rate public hearing notice; relating to valuation and appeals; providing two prior years' values on the annual valuation notice; allowing for filing of an appraisal by a certified residential real property appraiser for appeal purposes; {discontinuing the prohibition of paying taxes under protest after a valuation notice appeal;} accounting for adverse influences in the valuation of agricultural land; amending K.S.A. 79-1496 and K.S.A. 2022 Supp. 79-1460, {79-2005, }79-2988 and 79-2989 and repealing the existing sections.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Reddi, Ryckman,

Shallenburger, Straub, Thompson, Tyson, Warren, Wilborn.

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

The bill passed, as amended.

The Call was lifted.

HB 2021, AN ACT concerning children and minors; requiring agencies to collaborate when providing services to juvenile offenders and children in need of care; increasing use of evidence-based programs account money; amending K.S.A. 38-2203, 38-2304 and 75-52,164 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

HB 2024, AN ACT concerning children and minors; relating to the newborn infant protection act; allowing the surrender of physical custody of an infant to a newborn safety device; requiring inquiries and reporting of Indian child status; adding the requirement of great bodily harm to the crime of child abandonment to qualify for immunity; amending K.S.A. 38-2203 and 38-2282 and K.S.A. 2022 Supp. 21-5605 and repealing the existing sections.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Francisco, Holland, Steffen, Sykes, Tyson.

The bill passed, as amended.

The Call was lifted.

S Sub HB 2060, AN ACT concerning education; relating to postsecondary educational institutions; authorizing payments from the state safety fund to community colleges for the provision of driver's education; authorizing the provision of tools, supplies and examinations for participants in an AO-K career pathway program; including high school equivalency credentials in performance-based payments for postsecondary educational institutions; amending K.S.A. 8-272 and 74-32,434 and K.S.A. 2022 Supp. 74-32,267 and repealing the existing sections.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Francisco, Holland, Shallenburger, Sykes, Thompson.

The substitute bill passed.
The Call was lifted.

EXPLANATION OF VOTE

Two of the policies included in this bill did not go through the committee process, did not receive hearings, and did not receive input from the public. We should respect the committee process. I vote “NO.”—DINAH SYKES

S Sub HB 2127, AN ACT concerning childhood sexual abuse; permitting a prosecution for childhood sexual abuse to be commenced at any time; providing exceptions in the Kansas tort claims act for claims arising from childhood sexual abuse; extending the time to file civil actions for recovery of damages caused by childhood sexual abuse; amending K.S.A. 12-105b, 75-6104 and 75-6105 and K.S.A. 2022 Supp. 21-5107 and 60-523 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The substitute bill passed.

EXPLANATION OF VOTE

I would like to thank the Senate for supporting **S Sub HB 2127**. We made a big difference today in the lives of many children that are now adults. This is a meaningful and very important legislation. It’s not easy to talk about a horrific, terrifying, and heinous crime of sex abuse, but those difficult conversations led us to working on the statute of limitations. The bipartisan support for the bill shows unity. **S Sub HB 2127** gives some solace to victims/survivors who want to seek accountability and an option forward they did not have before. I appreciate Senate President Masterson, Senator Holscher, survivors and legislators work on this issue. I feel emotional and privileged to be part of a moment that I thought would never happen. Thank you for seeing and hearing survivors and holding predators accountable.—USHA REDDI

Senator Ware requests the record to show she concurs with the "Explanation of Vote" offered by Senator Reddi on **S Sub HB 2127**.

HB 2172, AN ACT concerning trusts; enacting the uniform trust decanting act; relating to the power of an authorized fiduciary to distribute property of a first trust to one or more second trusts or to modify the terms of the first trust; authorizing modification of a noncharitable irrevocable trust to provide that the rule against perpetuities is inapplicable; providing that the Kansas uniform statutory rule against perpetuities is inapplicable to trusts under certain circumstances; modifying the definition of resident trust in the Kansas income tax act; amending K.S.A. 59-3404 and K.S.A. 2022 Supp. 58a-411 and 79-32,109 and repealing the existing sections.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Reddi, Ryckman, Shallenburger, Sykes, Tyson, Ware, Warren, Wilborn.

Nays: Pyle, Steffen, Straub, Thompson.

The bill passed, as amended.

HB 2216, AN ACT concerning motor vehicles; relating to driving with a license that is canceled, suspended or revoked; removing the mandatory imprisonment term for a first offense in certain circumstances; amending K.S.A. 8-262 and repealing the existing section.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Reddi, Ryckman, Sykes, Ware, Warren, Wilborn.

Nays: Pyle, Shallenburger, Steffen, Straub, Thompson, Tyson.

The bill passed, as amended.

HB 2264, AN ACT concerning health and healthcare; enacting the no patient left alone act; relating to hospitals, adult care homes and hospice facilities; requiring such facilities to allow in-person visitation in certain circumstances; requiring such facilities to adopt visitation policies and procedures; establishing a patient's bill of rights.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Haley, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Ware, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Holland, Holscher, Pettey, Pittman, Reddi, Sykes.

The bill passed, as amended.

EXPLANATION OF VOTE

I vote "YES" on **HB 2264** in honor of all the Kansas citizens who needlessly died alone during the COVID response.—MARK STEFFEN

HB 2323, AN ACT concerning fire districts; relating to fire districts located in Johnson county; providing for the detachment and transfer of property thereof annexed by a city; amending K.S.A. 2022 Supp. 19-3623f and repealing the existing section.

Upon the showing of five hands a Call of the Senate was requested.

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

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

Nays: Shallenburger, Straub.

The bill passed, as amended.

The Call was lifted.

HB 2336, AN ACT concerning the surplus property and public airport authority act; relating to bonding authority; providing for increased bonding authority up to \$10,000,000; permitting bonding authority of more than \$10,000,000 or in excess of the 1.85% statutory limitation based on assessed value of property within the county upon approval by the board of county commissioners; amending K.S.A. 27-334 and repealing the existing section.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Reddi, Ryckman, Sykes, Ware, Wilborn.

Nays: Alley, Baumgardner, Peck, Pyle, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren.

The bill passed, as amended.

The Call was lifted.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 49**.

Announcing passage of **SB 8**, as amended; **SB 174**, as amended; **SB 180**, as amended; **SB 209**, as amended; **SB 221**, as amended.

Announcing passage of **SB 42**, as amended by **H Sub SB 42**; **SB 73**, as amended by **H Sub SB 73**; **SB 169**, as amended by **H Sub SB 169**.

Announcing adoption of **SCR 1603**, as amended.

Announcing passage of **HB 2232**, **HB 2412**, **HB 2439**, **HB 2465**.

Announcing adoption of **HCR 5015**.

Announcing adoption of **HCR 5013**.

Announcing passage of **SB 144**.

Announcing passage of **SB 132**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2232, **HB 2412**, **HB 2439**, **HB 2465**; **HCR 5013** were thereupon introduced and read by title.

HCR 5015, A CONCURRENT RESOLUTION relating to the adjournment of the House of Representatives for a period of time during the 2023 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Alley, **HCR 5015** was adopted by voice vote.

CHANGE OF CONFERENCE

The President appointed Senator Kloos to replace Senator Dietrich as a member of the conference committee on **HB 2298**.

On motion of Senator Alley, the Senate adjourned pro forma until 9:00 a.m., Thursday, March 30, 2023.

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

