

Journal of the Senate

THIRTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 2, 2021, 10:00 a.m.

The Senate was called to order by Vice President Rick Wilborn.
The roll was called with 39 senators present.
Invocation by Reverend Cecil T. Washington:

To Have A GREAT Nation, Following A GREAT God!
Genesis 12:1-4; Exodus 20:1-17

Dear God of all creation, in Genesis 12:1-4, when there was only Abram and his wife Sarah, You promised to make him into a GREAT nation. But, to have a great NATION three components were required; a great people, a great land to call home and great laws to govern the people and regulate the land. You said that all peoples of the earth would then be blessed through what You were going to do for them; by giving them the people, the land and the great laws they were to follow.

Now Lord, You did that for them. And You've done the same for us. You've made us a great people and a great nation. And to govern us, You've given us the same great commandments to follow.

So, help us, individually and collectively as a nation, to realize that the extent to which we will continue to be blessed and able to bless others depends on the extent to which we will follow Your great commandments. And Lord, the first of Your Ten Commandments, found in Exodus 20, is the first principle for greatness, which is foundational to all the rest. It's to honor You and have no other so-called god's coming before You.

So Lord, make us a great people, in a great land, holding to Your great laws, while following and glorifying our great God.

I come to You in the great Name of Jesus, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

FINAL ACTION ON CONSENT CALENDAR

SB 19, SB 160 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 19, AN ACT concerning roads and highways; designating a portion of United States highway 77 as the CPL Allen E Oatney and SP4 Gene A Myers memorial highway; amending K.S.A. 68-1022 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll,

Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

SB 160, AN ACT concerning wildlife, parks and tourism; relating to the commercialization of wildlife; updating the reference to the guidelines of the American fisheries society; amending K.S.A. 2020 Supp. 32-1005 and repealing the existing section.

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

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

Nays: Tyson.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 51, AN ACT concerning the state department of education and the department for children and families; relating to students in foster care; requiring a Kansas foster care children annual academic report card, was considered on final action.

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

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

The bill passed.

SB 62, AN ACT concerning schools; relating to student vision screenings and the standards therefor; establishing the Kansas children's vision health and school readiness commission; amending K.S.A. 72-6241 and 72-6242 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Hilderbrand, Peck, Pyle, Tyson.

The bill passed.

SB 83, AN ACT concerning the state child death review board; relating to confidentiality of records; exceptions; amending K.S.A. 2020 Supp. 22a-243 and repealing the existing section, was considered on final action.

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

Voting 0.

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

The bill passed, as amended.

SB 86, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and retirement systems thereunder; conforming certain KPERS provisions with the federal CARES act; amending K.S.A. 74-49,123 and repealing the existing section, was considered on final action.

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

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

The bill passed.

SB 106, AN ACT enacting the revised uniform law on notarial acts; repealing the uniform law on notarial acts; amending K.S.A. 16-1611, 58-2209 and 58-2211 and K.S.A. 2020 Supp. 25-3602, 25-3902, 25-3902a, 25-3904, 25-3904a, 49-512, 58-652 and 58-4403 and repealing the existing sections; also repealing K.S.A. 53-101, 53-102, 53-103, 53-104, 53-105, 53-105a, 53-106, 53-107, 53-109, 53-113, 53-114, 53-115, 53-116, 53-117, 53-119, 53-120, 53-501, 53-502, 53-503, 53-504, 53-505, 53-506, 53-507, 53-508, 53-510 and 53-511 and K.S.A. 2020 Supp. 53-118, 53-121 and 53-509, was considered on final action.

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

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

The bill passed, as amended.

SB 120, AN ACT establishing the joint committee on child welfare system oversight; concerning the safety and well-being of children in the child welfare system in the state of Kansas; requiring an annual report to the legislature, was considered on final action.

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

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

Nays: Steffen, Tyson.

The bill passed.

SB 126, AN ACT concerning alcoholic beverages; relating to the club and drinking establishment act; authorizing the sale of alcoholic liquor by class A clubs at special events; amending K.S.A. 2020 Supp. 41-2601 and 41-2637 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 1; Present and Passing 2; Absent or Not Voting 0.

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

Nays: Peck.

Present and Passing: Francisco, Steffen.

The bill passed.

SB 142, AN ACT concerning wildlife, parks and recreation; relating to boating and water activities; requiring personal flotation devices as prescribed by the secretary of wildlife, parks and tourism in rules and regulations; amending K.S.A. 32-1129 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Hilderbrand, Pyle, Tyson.

The bill passed, as amended.

SB 143, AN ACT concerning agriculture; relating to grain warehouses; updating definitions; increasing maximum functional unit license and storage fees; amending K.S.A. 34-2,107 and 34-2,111 and K.S.A. 2020 Supp. 34-223, 34-228 and 34-2,112 and repealing the existing sections; also repealing K.S.A. 34-136, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Steffen, Suellentrop, Sykes, Tyson, Ware, Wilborn.

Nays: Erickson, Gossage, Hilderbrand, Peck, Pittman, Pyle, Straub, Thompson, Warren.

The bill passed, as amended.

SB 159, AN ACT concerning certain claims against the state; making appropriations; authorizing certain transfers; imposing certain restrictions and limitations; directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, was considered on final action.

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

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Corson, Dietrich, Doll,

Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

SB 172, AN ACT concerning crimes, punishment and criminal procedure; creating the crimes of trespassing on a critical infrastructure facility and criminal damage to a critical infrastructure facility; eliminating the crime of tampering with a pipeline; requiring payment of restitution; amending K.S.A. 2020 Supp. 21-5818, 21-6328 and 21-6604 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 9; Present and Passing 1; Absent or Not Voting 0.

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

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

Present and Passing: Francisco.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I am voting against this bill, which includes far-reaching criminal penalties for crimes which have been sensationalized at the national level, but have thus far not existed in Kansas. Of course we need to protect our critical infrastructure; but we also have an obligation to uphold our Constitution. This bill threatens first amendment rights. I have concerns about Kansans' freedom of assembly rights and the future litigation that will almost certainly arise from Kansans exercising their right to peacefully protest and assemble.—DINAH SYKES

Senators Haley, Holland, and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **SB 172**.

Mr. Vice President: The people of Kansas depend upon our critical infrastructure. There should be a bright red line in our laws which says tampering with it is unacceptable. This bill creates a tiered approach regarding penalties. That approach is appropriate. It sends a clear message not to cross that red line. In the debate in this chamber, we heard a lot about the right to protest. There are many ways to do so peacefully that are consistent with the law. My primary concern is with the people of Kansas who need to know our infrastructure will always be protected. I vote Yes on **SB 172**.—KELLIE WARREN

Senators Erickson, Gossage, Hilderbrand, Masterson, Petersen, Suellentrop and Thompson request the record to show they concur with the "Explanation of Vote" offered by Senator Warren on **SB 172**.

SB 175, AN ACT concerning health and healthcare; relating to hospitals and healthcare-related facilities; establishing rural emergency hospitals as a rural healthcare licensure category; requirements for licensure; enacting the rural emergency hospital

act; amending K.S.A. 65-425 and 65-431 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

SB 261, AN ACT concerning the Kansas asbestos control program; establishing the asbestos remediation fund; specifying the expenditure of moneys therefrom; crediting certain fees and penalties therein; amending K.S.A. 65-5309 and 65-5314 and repealing the existing sections, was considered on final action.

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

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

Nays: Tyson.

The bill passed, as amended.

HB 2022, AN ACT concerning oil and gas wells; relating to the state corporation commission; investigation and determination of responsibility for abandoned wells; plugging abandoned wells; abolishing the well plugging assurance fund and transferring all assets and liabilities to the abandoned oil and gas well fund; amending K.S.A. 55-150, 55-161, 55-168, 55-178, 55-179, 55-180, 55-192 and 75-3036 and K.S.A. 2020 Supp. 55-155 and repealing the existing sections; also repealing K.S.A. 55-163, 55-166 and 55-167 and K.S.A. 2020 Supp. 55-193, was considered on final action.

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

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

The bill passed, as amended.

COMMITTEE OF THE WHOLE

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

SB 122, SB 131, SB 170 be passed.

SB 78, SB 101, SB 116, SB 178 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 167 be amended by the adoption of the committee amendments, be further

amended by motion of Senator Claeys; on page 1, in line 18, by striking the third comma and inserting "; motor vehicles operated by a provider, as defined in K.S.A. 17-1902, and amendments thereto, or a wireless infrastructure provider or a wireless services provider, as defined in K.S.A. 66-2019, and amendments thereto";

On page 2, in line 15, by striking "and"; in line 21, after "safety" by inserting "; and (5) motor vehicles operated by a provider, as defined in K.S.A. 17-1902, and amendments thereto, or a wireless infrastructure provider or a wireless services provider, as defined in K.S.A. 66-2019, and amendments thereto";

On page 1, in the title, in line 2, after the second "vehicles" by inserting "and telecommunications vehicles"; and **SB 167** be passed as further amended.

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

On motion of Senator Suellentrop, the Senate recessed until 2:00 p.m.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Suellentrop, Alley, Baumgardner, Erickson, Fagg, Faust-Goudeau, Hilderbrand, Kerschen, Masterson, McGinn, Petersen, Ware, Warren and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1713—

A RESOLUTION supporting the Future Vertical Lift program
as a part of United States Army modernization.

WHEREAS, The United States of America faces a growing multi-faceted national security threat from near-peer challengers around the world; and

WHEREAS, The national security of the United States requires multiple critical modernization efforts across all branches of the United States military; and

WHEREAS, Kansas is home to five military installations, major members of the United States defense industrial base, world-class academic institutions and strategic assets essential to our national defense; and

WHEREAS, Our servicemen and women require vertical lift aircraft with greater reach, speed, agility, lethality and survivability to compete in the critical anti-access, anti-denial environments around the world; and

WHEREAS, The United States Army modernization plan involves six mutually supporting priorities, including Future Vertical Lift, to enable the joint force to counter evolving threats; and

WHEREAS, The Future Vertical Lift program involves a next-generation family of aircraft, enabling the United States Department of Defense to successfully meet these emerging and rapidly evolving threats; and

WHEREAS, Within the Future Vertical Lift program, the Future Long-Range Assault Aircraft program seeks to modernize the vertical lift fleet by delivering the most modern, versatile and lethal weapons systems in the world in order to win on the modern battlefield; and

WHEREAS, Future Long-Range Assault Aircraft will serve as the primary air assault, aerial medical evacuation and medium utility aircraft for the United States Army; and

WHEREAS, The United States Marine Corps is likewise assessing the platform for its future utility and attack requirements; and

WHEREAS, Future Long-Range Assault Aircraft would enhance the capability of the United States Army National Guard to execute national security missions and respond to domestic contingencies, such as natural disasters, as well as position the Guard as an operational strategic reserve; and

WHEREAS, The Future Vertical Lift program generally, and the Future Long-Range Assault Aircraft program in particular, will help drive innovation and create research, development and employment opportunities in the Kansas aerospace and defense ecosystem; and

WHEREAS, The Future Long-Range Assault Aircraft program can deliver significant economic benefits and advance Kansas' objective to grow and diversify the state's economy while supporting national security efforts; and

WHEREAS, The Future Vertical Lift and Future Long-Range Assault Aircraft programs will require full funding and support from the federal government: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the state of Kansas supports the United States Army's Future Vertical Lift program, including the Future Long-Range Assault Aircraft program as part of United States Army modernization plan; and

Be it further resolved: The state of Kansas requests the full support of the Kansas congressional delegation to ensure full funding for the Future Vertical Lift program, including the Future Long-Range Assault Aircraft program, in the President's federal budget and subsequent authorization and appropriations legislation; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to each member of the United States Senate and the United States House of Representatives serving Kansas.

On emergency motion of Senator Suellentrop **SR 1713** was adopted by voice vote.

COMMITTEE OF THE WHOLE

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

On motion of Senator McGinn the report for the morning and the following afternoon session was adopted.

SB 23, SB 91, SB 102, SB 104, SB 235 be passed.

SB 90 be amended by motion of Senator Holland; on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2020 Supp. 12-5242 is hereby amended to read as follows: 12-5242. Except as otherwise provided, as used in K.S.A. 12-5241 through 12-5251 and K.S.A. 2020 Supp. 12-5252 through 12-5258, and amendments thereto, the following words and phrases shall have the following meanings unless a different meaning clearly appears from the context:

(a) "City" means any city incorporated in accordance with Kansas law with a population of less than 60,000 ~~in a county with a population of less than 80,000~~, as certified to the secretary of state by the director of the division of the budget on the

previous July 1 in accordance with K.S.A 11-201, and amendments thereto.

(b) "City housing authority" means any agency of a city created pursuant to the municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto.

(c) "Corporation" means the Kansas housing resources corporation.

(d) "County" means any county organized in accordance with K.S.A. 18-101 et seq., and amendments thereto, with a population of less than 60,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1st in accordance with K.S.A 11-201, and amendments thereto.

(e) "Developer" means the person, firm or corporation responsible under an agreement with the governing body to develop housing or related public facilities in a district.

(f) "District" means a rural housing incentive district established in accordance with this act.

(g) "Governing body" means the board of county commissioners of any county or the mayor and council, mayor and commissioners or board of commissioners, as the laws affecting the organization and status of cities affected may provide.

(h) "Housing development activities" means the construction or rehabilitation of infrastructure necessary to support construction of new residential dwellings and the actual construction of such residential dwellings, if such construction is conducted by a city housing authority.

(i) "Secretary" means the secretary of commerce of the state of Kansas.

(j) "Real property taxes" means and includes all taxes levied on an ad valorem basis upon land and improvements thereon.

(k) "Taxing subdivision" means the county, the city, the unified school district, and any other taxing subdivision levying real property taxes, the territory or jurisdiction of which includes any currently existing or subsequently created rural housing incentive district.";

On page 2, in line 7, by striking "is" and inserting "and K.S.A. 2020 Supp. 12-5242 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1 after the semicolon, by inserting "amending the definition of "city"; in line 3, after "12-5249" by inserting " and K.S.A. 2020 Supp. 12-5242"; in line 4, by striking "section" and inserting "sections"

And the bill be passed as amended.

SB 124 be amended by motion of Senator Baumgardner; on page 1, following line 9, by inserting:

"New Section 1. (a) No state or local government official shall benefit financially, either directly or indirectly, from any STAR bond project.

(b) For the purposes of this section, "state or local government official" means a member of the legislature, an appointed or elected official or officer of any state agency, office, board, commission, authority or institution and an appointed or elected official, officer or member of the government authority of any government subdivision, including any city, county, township, school district, special district, board or commission.

(c) This section shall be a part of and supplemental to the STAR bonds financing act.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after the semicolon by inserting "prohibiting public officials from benefiting from STAR bond projects;"

And the bill be passed as amended.

A motion by Senator Holland to amend **SB 124** failed and the following amendment was rejected; on page 10, in line 40, after the period by inserting "For a city proposing to finance any major multi-sport athletic complex, the secretary, upon approving the project, may approve such financing in an amount not to exceed 35% of the total project costs, including all project costs and any other costs related to the project."

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

On roll call, the vote was: Yeas 12; Nays 22; Present and Passing 3; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Erickson, Francisco, Gossage, Haley, Hawk, Holland, McGinn, Steffen, Straub, Tyson.

Nays: Bowers, Corson, Dietrich, Doll, Fagg, Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Sykes, Thompson, Ware, Wilborn.

Present and Passing: Faust-Goudeau, Suellentrop, Warren.

Absent or Not Voting: Billinger, Claeys.

A motion by Senator Fagg to amend **SB 124** failed and the following amendment was rejected; on page 5, in line 35, by striking "by the secretary of commerce";

On page 6, following line 39, by inserting:

"Sec. 2. K.S.A. 2020 Supp. 12-17,164 is hereby amended to read as follows: 12-17,164. (a) The governing body of a city may establish one or more STAR bond projects in any area within such city or wholly outside the boundaries of such city. A STAR bond project wholly outside the boundaries of such city must be approved by the board of county commissioners by the passage of a county resolution.

The governing body of a county may establish one or more STAR bond projects in any unincorporated area of the county.

The projects shall be eligible for financing by special obligation bonds payable from revenues described by K.S.A. 2020 Supp. 12-17,169(a)(1), and amendments thereto.

(b) Each STAR bond project shall first be approved by the state treasurer, secretary of revenue and secretary, if the state treasurer, secretary of revenue and secretary ~~determines~~ determine that the proposed project or complex sufficiently promotes, stimulates and develops the general and economic welfare of the state as described in K.S.A. 2020 Supp. 12-17,160, and amendments thereto. The secretary, ~~upon approving the after the project has been approved,~~ may approve such financing in an amount not to exceed 50% of the total costs including all project costs and any other costs related to the project. The proceeds of such STAR bond financing may only be used to pay for incurred project costs.

(c) For a city proposing to finance a major motorsports complex pursuant to K.S.A. 2020 Supp. 12-17,169(a)(1)(C) or (a)(1)(E), and amendments thereto, the secretary, upon approving the project, may approve such financing in an amount not to exceed 50% of the STAR bond project costs.

(d) The state treasurer, secretary of revenue and secretary may approve a STAR bond project located in a STAR bond project district established by a city prior to May 1, 2003.

(e) A project shall not be granted to any business that proposes to relocate its

business from another area of the state into such city or county, for the purpose of consideration for a STAR bond project provided by K.S.A. 2020 Supp. 12-17,160 et seq., and amendments thereto.

(f) A project shall not be approved by the state treasurer, secretary of revenue and secretary if the market study required by K.S.A. 2020 Supp. 12-17,166, and amendments thereto, indicates a substantial negative impact upon businesses in the project or complex market area or the granting of such project or complex would cause a default in the payment of any outstanding special obligation bond payable from revenues authorized pursuant to K.S.A. 2020 Supp. 12-17,169(a)(1), and amendments thereto.

(g) The maximum maturity of special obligation bonds payable primarily from revenues described by K.S.A. 2020 Supp. 12-17,169(a)(1), and amendments thereto, to finance STAR bond projects pursuant to this section shall not exceed 20 years.

(h) The state treasurer, secretary of revenue and secretary shall not approve any application for STAR bond project financing which is submitted by a city or county more than one year after the STAR bond project district in which the STAR bond project is located has been established.

(i) For the purpose of recovering the costs of the secretary and the department arising from fulfilling administrative, review, approval, oversight and other responsibilities under the STAR bonds financing act and from providing assistance to cities, counties and private businesses in relation to STAR bond projects, the secretary may assess an administrative fee of up to 1%, not to exceed \$200,000, of the amount of the special obligation bonds payable from revenues described by K.S.A. 2020 Supp. 12-17,169(a)(1), and amendments thereto, issued or reissued for STAR bond projects. The secretary may also recover any actual costs incurred by the secretary in excess of the fee. The fee, and any actual costs incurred by the secretary in excess of the fee, shall be paid to the secretary from the proceeds of such bonds. All such moneys received by the secretary shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the STAR bond administrative fee fund, which is hereby created in the state treasury. All expenditures from the STAR bond administrative fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or a person or persons designated by the secretary.";

On page 10, in line 30, after the first "the" by inserting "state treasurer, secretary of revenue and"; also in line 30, after "and" by inserting "one year to appeal to the secretary for";

On page 11, in line 33, by striking "by the secretary";

On page 17, in line 2, after "12-17,162" by inserting "12-17,164,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first semicolon by inserting "requiring approval of STAR bond projects by the state treasurer, secretary of revenue and secretary of commerce;"; in line 6, after "12-17,162" by inserting "12-17,164,".

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

On roll call, the vote was: Yeas 16; Nays 19; Present and Passing 1; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Bowers, Erickson, Fagg, Francisco, Gossage, Kloos, Masterson, O'Shea, Peck, Steffen, Straub, Thompson, Tyson, Warren.

Nays: Corson, Dietrich, Faust-Goudeau, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Longbine, McGinn, Olson, Petersen, Pettey, Pittman, Pyle, Suellentrop, Sykes, Ware, Wilborn.

Present and Passing: Haley.

Absent or Not Voting: Billinger, Claeyes, Doll.

A motion by Senator Tyson to amend **SB 124** failed.

Three motions by Senator Baumgardner to amend **SB 124** failed.

A motion by Senator Sykes to amend **SB 235** failed and the following amendment was rejected; on page 1, in line 5, by striking "this"; also in line 5, after "section" by inserting "3"; following line 8, by inserting:

"Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2021, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

COVID-19 hazard pay for teachers fundNo limit

Provided, That, notwithstanding the provisions of any other statute, during the fiscal year ending June 30, 2021, the director of the budget shall determine the amount of moneys received by the state from the federal consolidated appropriations act, 2021, public law 116-260, and any other federal law that appropriates moneys to the state for aid for coronavirus relief, that are identified as moneys that may be expended at the discretion of the state: *Provided further*, That the director of the budget shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of legislative research: *And provided further*, That, upon receipt of each such certification, if the total certified amount is greater than \$5,000,000, the director of accounts and reports shall transfer \$5,000,000 of the amount certified from the identified federal funds in the state treasury to the COVID-19 hazard pay for teachers fund: *And provided further*, That such funds shall be distributed to eligible teachers as determined by the above agency.

Sec. 2.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

COVID-19 hazard pay for teachers fundNo limit

Provided, That, notwithstanding the provisions of any other statute, during the fiscal year ending June 30, 2022, the director of the budget shall determine the amount of moneys received by the state from the federal consolidated appropriations act, 2021, public law 116-260, and any other federal law that appropriates moneys to the state for aid for coronavirus relief, that are identified as moneys that may be expended at the discretion of the state: *Provided further*, That the director of the budget shall certify the amount so determined to the director of accounts and reports and, at the same time as

such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of legislative research: *And provided further*; That, upon receipt of each such certification, if the total certified amount is greater than \$5,000,000, the director of accounts and reports shall transfer \$5,000,000 of the amount certified from the identified federal funds in the state treasury to the COVID-19 hazard pay for teachers fund: *And provided further*; That such funds shall be distributed to eligible teachers as determined by the above agency.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "student attendance" and inserting "school districts; providing for COVID-19 hazard pay for teachers; making and concerning appropriations for the fiscal years ending June 30, 2021, and June 30, 2022, for the department of education"; in line 2, by striking "school districts to provide for".

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

On roll call, the vote was: Yeas 11; Nays 25; Present and Passing 1; Absent or Not Voting 2.

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

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

Present and Passing: Pyle

Absent or Not Voting: Billinger, Ware

SB 63 be amended by the adoption of the committee amendments, and the bill be passed as amended.

SB 127 be amended by the adoption of the committee amendments, be further amended by motion of Senator Faust-Goudeau; on page 13, in line 27, by striking all after "privileges"; by striking all in lines 28 through 32; in line 33, by striking all before the period; in line 37, by striking all after "privileges"; by striking all in lines 38 through 43;

On page 14, in line 1, by striking all before the period and **SB 127** be passed as further amended.

SB 37, SB 46, Sub SB 238 be passed over and retain a place on the calendar.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 284, AN ACT concerning the Kansas emergency management act; authorizing a state of disaster emergency to continue for not longer than 21 days unless ratified by concurrent resolution of the legislature; providing for extensions for specified periods not to exceed 30 days each; amending K.S.A. 2019 Supp. 48-925, as amended by section 5 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021 Senate Bill No. 14, and repealing the existing sections, by Committee on Federal and State Affairs.

SB 285, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the alpha kappa alpha license plate, by Committee on Federal and State Affairs.

SB 286, AN ACT concerning economic development; relating to the COVID-19 pandemic in Kansas; creating the COVID-19 governmental use claims fund; providing funds for impacted businesses; providing for income tax credits for impacted businesses; providing for the reimbursement to certain property owners of property taxes resulting from a forced shutdown or capacity limitation; providing for a business loan forgiveness program, by Committee on Assessment and Taxation.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2137, HB 2145, HB 2162, HB 2201, HB 2203, HB 2212, HB 2214, HB 2238, HB 2252, HB 2264, HB 2270, HB 2275, HB 2292, HB 2297, HB 2298, HB 2321, HB 2367, HB 2374, HB 2387, HB 2390.**

Announcing passage of **SB 33.**

Announcing passage of **HB 2128; Sub HB 2166, HB 2247, HB 2259, HB 2391.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2128, HB 2137, HB 2145, HB 2162; Sub HB 2166; HB 2201, HB 2203, HB 2212, HB 2214, HB 2238, HB 2247, HB 2252, HB 2259, HB 2264, HB 2270, HB 2275, HB 2292, HB 2297, HB 2298, HB 2321, HB 2367, HB 2374, HB 2387, HB 2390, HB 2391 were thereupon introduced and read by title.

CHANGE OF REFERENCE

The President withdrew **SB 100** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Federal and State Affairs**.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 283** be amended on page 1, in line 13, before "Notwithstanding" by inserting "(a)"; following line 19, by inserting:

"(b) The provisions of this section shall expire on March 31, 2022."; by striking all in lines 20 through 28; in line 30, by striking "and 60-5508 are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "modifying" and inserting "extending"; in line 3, by striking all after "claims"; by striking all in line 4; in line 5, by striking all before the semicolon and inserting "until March 31, 2022"; in line 7, by striking "and 60-5508"; in line 8, by striking "sections" and inserting "section"; and the bill be passed as amended.

On motion of Senator Suellentrop, the Senate adjourned until 10:00 a.m., Tuesday, March 3, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

