

Journal of the Senate

SIXTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 3, 2021, 10:00 a.m.

The Senate was called to order by Vice President Rick Wilborn.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

In Troubled Times, God's Answer For The Trouble
Romans 15:4, Jeremiah 2, 2 Chronicles. 7:14-15

Heavenly Father, according to the New Testament, in Romans 15:4, You gave us the earlier Old Testament writings for our instruction, to encourage us to have hope and determination in times of trouble. And Lord, that's what we need today! So, help us see the similarities, in Jeremiah 2 and be inspired. For You hold us responsible to turn away from the unGodliness in our midst.

In Jeremiah 2:7, You had brought Your people into a land of plenty, but they lost all that wealth and wound up bankrupt. In Jeremiah 2:16, even people that were not recognized for military strength, had become too hard for Your people to defend against. And in verse 18, neighboring peoples whom pretended to be friends had deceived and troubled Your people, all because of their transgressions and their disobedience. In verse 19, You conveyed to them the foolishness of forsaking You and that the problems they were suffering were only a taste of even more difficulties to come if they did not repent.

So, Lord, keep us from going the same way they did. As we observe the troubles in our day, disrupted families and chaos all around us, please hear our prayers. You said in 2 Chronicles. 7:14-15, Your eyes and ears would be attentive to the prayers of Your people if we would humble ourselves and repent of unGodly ways. So, by Your Holy Spirit, Lord, humble us, that You might revive us. We need Your touch to heal our land.

In the Precious Name of Jesus, I offer this prayer, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 313, AN ACT concerning roads and highways; designating a portion of United States highway 69 as the Senator Tom R Van Sickle memorial highway, by Committee on Federal and State Affairs.

MAY 3, 2021

1095

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2021**.
The House adopts the Conference Committee report on **HB 2064**.
The House adopts the Conference Committee report on **HB 2114**.
The House adopts the Conference Committee report on **HB 2208**.
The House adopts the Conference Committee report on **HB 2405**.
The House adopts the Conference Committee report on **HB 2196**.
The House adopts the Conference Committee report on **HB 2143**.
Announcing adoption of **SCR 1613**.

MESSAGES FROM THE GOVERNOR

SB 65, SB 66, SB 90, SB 124 approved on April 15, 2021
SB 16, SB 89 approved on April 16, 2021
SB 26, SB 36, SB 38, SB 67, SB 95, SB 103, SB 106, SB 107, SB 122, SB 142, SB 143, SB 178 approved on April 21, 2021
SB 86 approved on April 22, 2021
SB 127 approved on April 23, 2021

Enclosed is Executive Order 21-22 for your information. (April 27, 2021)

March 19, 2021

To the Senate of the State of Kansas

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY
Governor

Member (Industry Representative 2), Kansas Human Rights Commission: Nathan Spriggs, Bel Aire, (Unaffiliated), pursuant to the authority vested in me by K.S.A. 44-1003, and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed David Brant.

March 26, 2021

To The Senate of the State of Kansas

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY
Governor

Member (At-Large Banker), State Banking Board: Mary Berry, Goddard, (D), pursuant to the authority vested in me by K.S.A. 74-3004 and effective upon the date of confirmation by the Senate, to serve a three-year term, to succeed herself.

March 30, 2021

To the Senate of the State of Kansas

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY
Governor

Member (At-Large), Kansas Human Rights Commission: Alicia Sanchez, Wichita, (Unaffiliated) pursuant to the authority vested in me by K.S.A. 44-1003, and effective upon the date of confirmation by the Senate, to serve a term of four years to succeed James Terrones.

MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **SB 50**, AN ACT concerning taxation; relating to sales and compensating use tax; requiring the collection and remittance for sales, compensating use and transient guest taxes and prepaid wireless 911 fees made on marketplace facilitator platforms; removing click-through nexus provisions; relating to income tax; providing for addition and subtraction modifications for the treatment of global intangible low-taxed income, business interest, capital contributions, FDIC premiums and business meals; expanding the expensed education for income taxpayers and calculating the deduction amount; providing the ability to elect to itemize for individuals; exemption of unemployment compensation income attributable as a result of identity fraud; removing the line for reporting compensating use tax from individual tax returns; extending the dates when corporate tax returns are required to be filed; increasing the Kansas standard deduction; providing for an extension of the corporate net operating loss carry forward period; amending K.S.A. 79-3221, 79-3221o, 79-32,117, 79-32,119, 79-32,120, 79-32,138, 79-32,143, 79-32,143a and 79-3702 and repealing the existing sections

REGARDING VETO OF SENATE BILL 50

Last year, despite COVID-19, Kansas experienced a record-setting \$2.5 billion in new investment from businesses. These companies chose to make Kansas home in large part due to the state's recent investments in our economic development tools, prioritizing funding for infrastructure improvements, and reinvesting in our students.

As many of you with whom I served well remember, in order to provide sustainable funding for essential government services, we cannot return to the era of perennial, self-inflicted budget crises that undermine the very fabric and foundation of our state.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 50**.

Date: April 16, 2021
By The Governor
LAURA KELLY

MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **SB 55**, AN ACT concerning

education; relating to student athletes; creating the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations.

REGARDING VETO OF SENATE BILL 55

This legislation sends a devastating message that Kansas is not welcoming to all children and their families, including those who are transgender – who are already at a higher risk of bullying, discrimination, and suicide.

As Kansans, we should be focused on how to include all students in extracurricular activities rather than how to exclude those who may be different than us. Kansas is an inclusive state and our laws should reflect our values. This law does not do that.

This bill would also undoubtedly harm our ability to attract and retain businesses. It would send a signal to prospective companies that Kansas is more focused on unnecessary and divisive legislation, than strategic, pro-growth lawmaking. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 55**.

Date: April 22, 2021
By The Governor
LAURA KELLY

REFERENCE OF APPOINTMENTS

Under the authority of the President, the Vice President referred the following appointments, made by the Governor and submitted to the Senate for confirmation, to Committees as indicated:

Member - 8, State Banking Board:

Mary Berry, to serve Term ends March 15, 2024.

Committee on Financial Institutions and Insurance

Member - 1, Kansas Human Rights Commission:

Nathan Spriggs, to serve Term ends January 15, 2025.

Committee on Federal and State Affairs

Member - 6, Kansas Human Rights Commission:

Alicia Sanchez, to serve Term ends January 15, 2025.

Committee on Federal and State Affairs

COMMUNICATIONS FROM STATE OFFICERS

The Kansas Bureau of Investigation 2020 Civil Asset Forfeiture Report. (April 15, 2021)

ORIGINAL MOTION

On motion of Senator Alley, the Senate acceded to the request of the House for a conference on **HB 2138**.

The Vice President appointed Senators Alley, Hilderbrand and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Alley, the Senate recessed until 11:15 a.m.

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

ACTION ON VETO MESSAGE

A motion by Senator Tyson on **SB 50**, AN ACT concerning taxation; relating to sales and compensating use tax; requiring the collection and remittance for sales, compensating use and transient guest taxes and prepaid wireless 911 fees made on marketplace facilitator platforms; removing click-through nexus provisions; relating to income tax; providing for addition and subtraction modifications for the treatment of global intangible low-taxed income, business interest, capital contributions, FDIC premiums and business meals; expanding the expensed deduction for income taxpayers and calculating the deduction amount; providing the ability to elect to itemize for individuals; exemption of unemployment compensation income attributable as a result of identity fraud; removing the line for reporting compensating use tax from individual tax returns; extending the dates when corporate tax returns are required to be filed; increasing the Kansas standard deduction; providing for an extension of the corporate net operating loss carryforward period; amending K.S.A. 79-3221, 79-3221o, 79-32,117, 79-32,119, 79-32,120, 79-32,138, 79-32,143, 79-32,143a and 79-3702 and repealing the existing sections, be passed not withstanding the Governor's veto.

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

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

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

A two thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion passed and the veto was overridden.

ACTION ON VETO MESSAGE

A motion by Senator Erickson on **SB 55**, AN ACT concerning education; relating to student athletes; creating the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations, be passed not withstanding the Governor's veto.

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

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

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

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

Failing to achieve the necessary two-thirds constitutional majority, the Governor's veto was sustained.

The Call was lifted.

EXPLANATION OF VOTE

Mr. Vice President: I have always strongly supported female athletes as I was a Superintendent in our local schools for 14 years. When considering my vote on a piece of legislation, I always ask myself, "Is it necessary?" Rather than establishing more laws for the sake of passing laws, I support local control and have confidence our locally elected officials can address this appropriately. We have not heard about any issues with transgender students competing in Kansas. Locally, school boards, administrators, and KSHSAA have policies in place and work together to figure these things out. We have had no issue that I know of for the last 10 years because all of these situations are addressed in the local community. There are 5 transgender students in our public schools who are on teams and none are transgender girls competing at the high school level. If this is an issue for Kansas school districts and our universities, then we will deal with it. At this point in time I feel there is no need for a state statute. Today I vote for local control, for limited government and for kindness and compassion for those children who are trying to find their place in the world. I vote NO on the override for **SB 55**.—BRENDA DIETRICH

Mr. Vice President: As, currently, the longest tenured member of Kansas' Senate, this is one of the more difficult votes I ever had to make. Hearing from articulate, vocal constituents on both sides of the proposed ban on transgender youth in girl's/women's sports, by consistently voting to "Pass," I was reminded of the Civil War sympathizer who, understanding views of the Union wore a blue shirt and understanding views of the Confederacy wore grey trousers, ended up getting shot at by BOTH sides! I believe it should be borne in mind that David Haley has been a champion of LGBTQ inclusion and rights (marriage equality; hate crime coverage; "bathroom" repudiation even personal staff hire) for decades. And too, that David Haley has been a resident "feminist," ever pushing for fairness and equality for women in pay; freedom from harassment and other issues to level the gender-playing field. Accordingly, I found conflict in these histories of mine and "Pass." Now, compelled by a Call of the Senate to vote one way or the other, I vote NO on the potential to override the Governor's veto of **SB 55**; which will now sustain the Governor's veto and allow transgender women to participate in women's sports in Kansas. National organizations have looked for more open and inclusive venues to bring their tournaments and Kansas should continue to be on the radar for hosting these events and generating the revenue we need to insure the continued greatness of our population-depleting State.—DAVID HALEY

Mr. Vice President: I vote no on **SB 55**. I strongly support girls sports, as I played them when I was in high school. I also strongly support local control. Many in my community have strong feelings on this issue. This underscores my support for local communities to handle this in the manner that is supported by the parents and students in that community. This issue is currently being monitored by the Kansas High School Activities Association and Local School Boards. I trust them to do their job and will work with them in the future if they need the legislature's assistance. According to KSHAA there are only five transgender individuals in the state, none of them are males playing at the High School level.—CAROLYN MCGINN

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

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

MESSAGE FROM THE HOUSE

Announcing the House here with transmits the veto message from the Governor, together with the enrolled copy of **HB 2166**,

AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Braden's hope for childhood cancer, proud educator, delta sigma theta, Gadsden flag, love, Chloe foundation and alpha kappa alpha distinctive license plates; providing distinctive license plates for current and veteran members of the United States army, navy, marine corps, air force, coast guard and space force; modifying requirements to begin production on distinctive license plates; requiring reporting by sponsoring organizations of income and expenditures derived from certain distinctive license plate fees; establishing a fee for firefighter license plates; allowing certain license plates issued by the division of vehicles to be personalized license plates; amending K.S.A. 2020 Supp. 8-132, 8-1,141, 8-1,142, 8-1,147 and 8-1,155 and repealing the existing sections., which was received on April 23, 2021.

“As long as I’m governor, I will do everything in my power to ensure that Kansas remains welcoming and inclusive. The Gadsden flag has become, over time, a symbol of racism and divisiveness. By inserting the Gadsden provision into an otherwise positive piece of legislation, the Legislature ensured a veto.

Should the original bill be passed and sent to my desk, I will sign it.

Under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2166**. “

A motion was made that **HB 2166** be passed notwithstanding the Governor's veto. By vote of 86 Yeas and 37 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing the House here with transmits the veto message from the Governor, together with the enrolled copy of **HB 2332**,

AN ACT concerning elections; relating to the conduct of elections; providing for the appointment and duties of certain elected officials; amending K.S.A. 73-213, 73-214, 73-215, 73-218 and 73-219 and K.S.A. 2020 Supp. 25-1122 and 25-2423 and repealing the existing sections., which was received on April 23, 2021.

“Although Kansans have cast millions of ballots over the last decade, there remains no evidence of significant voter fraud in Kansas. This bill is a solution to a problem that doesn’t exist. It is designed to disenfranchise Kansans, making it difficult for them to participate in the democratic process, not to stop voter fraud.

We also know what happens when states enact restrictive voting legislation. Hundreds of major companies across the nation have made it abundantly clear that this kind of legislation is wrong. Antagonizing the very businesses Kansas is trying to recruit is not how we continue to grow our economy.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2332.**”

A motion was made that **HB 2332** be passed notwithstanding the Governor's veto. By vote of 86 Yeas and 37 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing the House here with transmits the veto message from the Governor, together with the enrolled copy of **HB 2183**,

AN ACT concerning elections; creating the transparency in revenues underwriting elections act; prohibiting the receipt and expenditure of private moneys by election officials; directing the secretary of state to publish certain registered voter totals; relating to advance voting ballots; requiring signed statements for delivery of such ballots on behalf of a voter; limiting the number of such ballots that can be delivered; prohibiting the altering or backdating of the mailing date on such ballots; requiring a matching signature on such ballots; removing the secretary of state's authority to provide additional time for receipt of such ballots; prohibiting candidates for office from engaging in certain conduct related to advance voting ballots; creating the crime of false representation of an election official; expanding the crime of electioneering; penalties for violations; amending K.S.A. 2020 Supp. 25-1124, 25-1128, 25-1132 and 25-2430 and repealing the existing sections; also repealing K.S.A. 25-608., which was received on April 23, 2021.

“Although Kansans have cast millions of ballots over the last decade, there remains no evidence of significant voter fraud in Kansas. This bill is a solution to a problem that doesn't exist. It is designed to disenfranchise Kansans, making it difficult for them to participate in the democratic process, not to stop voter fraud.

We also know what happens when states enact restrictive voting legislation. Hundreds of major companies across the nation have made it abundantly clear that this kind of legislation is wrong. Antagonizing the very businesses Kansas is trying to recruit is not how we continue to grow our economy.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Senate Substitute for **House Bill 2183.**”

A motion was made that **HB 2183** be passed notwithstanding the Governor's veto. By vote of 85 Yeas and 38 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

Announcing the House here with transmits the veto message from the Governor, together with the enrolled copy of **HB 2058**,

AN ACT concerning crimes, punishment and criminal procedure; relating to firearms; reducing the underlying felonies for the crime of criminal possession of a weapon by a convicted felon; restoration of the right to possess firearms upon expungement of convictions; recognition of licenses under the personal and family protection act issued by other jurisdictions; creating a provisional license for persons under the age of 21;

authorizing the issuance of alternative license during certain circumstances; amending K.S.A. 75-7c02, 75-7c03 , 75-7c04, 75-7c05, 75-7c08 and 75-7c21 and K.S.A. 2020 Supp. 21-5914, 21-6301, 21-6302, 21-6304, 21-6309, 21-6614 and 32-1002 and repealing the existing sections., which was received on April 23, 2021 and read on May 3, 2021.

“Throughout my time in public office, I have been a strong supporter of the Second Amendment and of Kansans' right to own firearms.

But we can respect and defend the rights of Kansas gun owners while also taking effective steps to keep our children and families safe. Legislation that allows more guns on campus is neither safe nor effective, and it will drive prospective students away from our schools.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2058.**“

A motion was made that **HB 2058** be passed notwithstanding the Governor's veto. By vote of 84 Yeas and 39 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

ACTION ON VETO MESSAGE

A motion by Senator Claeys on **Sub HB 2166**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Braden's hope for childhood cancer, proud educator, delta sigma theta, Gadsden flag, love, Chloe foundation and alpha kappa alpha distinctive license plates; providing distinctive license plates for current and veteran members of the United States army,navy, marine corps, air force, coast guard and space force; modifying requirements to begin production on distinctive license plates; requiring reporting by sponsoring organizations of income and expenditures derived from certain distinctive license plate fees; establishing a fee for firefighter license plates; allowing certain license plates issued by the division of vehicles to be personalized license plates; amending K.S.A. 2020 Supp. 8-132, 8-1,141, 8-1,142, 8-1,147 and 8-1,155 and repealing the existing sections, be passed notwithstanding the Governor's veto.

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

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

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

A two thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion passed and the veto was overridden.

ACTION ON VETO MESSAGE

A motion by Senator Hilderbrand on **HB 2332**, AN ACT concerning elections; relating to the conduct of elections; providing for the appointment and duties of certain elected officials; amending K.S.A. 73-213, 73-214,73-215, 73-218 and 73-219 and

K.S.A. 2020 Supp. 25-1122 and 25-2423 and repealing the existing sections, be passed not withstanding the Governor's veto.

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

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

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

A two thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion passed and the veto was overridden.

ACTION ON VETO MESSAGE

A motion by Senator Alley on **S Sub HB 2183**, AN ACT concerning elections; creating the transparency in revenues underwriting elections act; prohibiting the receipt and expenditure of private moneys by election officials; directing the secretary of state to publish certain registered voter totals; relating to advance voting ballots; requiring signed statements for delivery of such ballots on behalf of a voter; limiting the number of such ballots that can be delivered; prohibiting the altering or backdating of the mailing date on such ballots; requiring a matching signature on such ballots; removing the secretary of state's authority to provide additional time for receipt of such ballots; prohibiting candidates for office from engaging in certain conduct related to advance voting ballots; creating the crime of false representation of an election official; expanding the crime of electioneering; penalties for violations; amending K.S.A. 2020 Supp. 25-1124, 25-1128, 25-1132 and 25-2430 and repealing the existing sections; also repealing K.S.A. 25-608, be passed not withstanding the Governor's veto.

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

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

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

A two thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion passed and the veto was overridden.

ACTION ON VETO MESSAGE

A motion by Senator Hilderbrand on **HB 2058**, AN ACT concerning crimes, punishment and criminal procedure; relating to firearms; reducing the underlying felonies for the crime of criminal possession of a weapon by a convicted felon; restoration of the right to possess firearms upon expungement of convictions; recognition of licenses under the personal and family protection act issued by other jurisdictions; creating a provisional license for persons under the age of 21; authorizing the issuance of alternative license during certain circumstances; amending K.S.A. 75-7c02, 75-7c03, 75-7c04, 75-7c05, 75-7c08 and 75-7c21 and K.S.A. 2020 Supp. 21-

5914, 21-6301, 21-6302, 21-6304, 21-6309, 21-6614 and 32-1002 and repealing the existing sections, be passed not withstanding the Governor's veto.

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

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

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

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

Present and Passing: Holland.

A two thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion passed and the veto was overridden.

The Call was lifted.

MESSAGE FROM THE HOUSE

Announcing the House here with transmits certificate of action by the House of Representatives on **SB 50**,

AN ACT concerning taxation; relating to sales and compensating use tax; requiring the collection and remittance for sales, compensating use and transient guest taxes and prepaid wireless 911 fees made on marketplace facilitator platforms; removing click-through nexus provisions; relating to income tax; providing for addition and subtraction modifications for the treatment of global intangible low-taxed income, business interest, capital contributions, FDIC premiums and business meals; expanding the expense deduction for income taxpayers and calculating the deduction amount; providing the ability to elect to itemize for individuals; exemption of unemployment compensation income attributable as a result of identity fraud; removing the line for reporting compensating use tax from individual tax returns; extending the dates when corporate tax returns are required to be filed; increasing the Kansas standard deduction; providing for an extension of the corporate net operating loss carryforward period; amending K.S.A. 79-3221, 79-3221o, 79-32,117, 79-32,119, 79-32,120, 79-32,138, 79-32,143, 79-32,143a and 79-3702 and repealing the existing sections.

The veto message from the Governor having been received, a motion was made that not withstanding the Governor's objection to **SB 50**, the bill be passed. By a vote of 84 Yeas and 39 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

CHANGE OF CONFERENCE

Under the authority of the President, the Vice President appointed Senator Corson to replace Senator Haley as a member of the conference committee on **SB 58**.

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

The Senate pursuant to recess with Senator Suellentrop in the chair.

STANDING COMMITTEE REPORTS

Committee on **Assessment and Taxation** recommends **HB 2313** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2313," as follows:

"Senate Substitute for HOUSE BILL NO. 2313

By Committee on Assessment and Taxation

"AN ACT concerning taxation; relating to property taxation; establishing the COVID-19 retail storefront property tax relief act to provide partial refunds to certain businesses impacted by COVID-19-related shutdowns and restrictions; relating to the reimbursement of property taxes to certain property owners and operators resulting from a forced shutdown or capacity limitation by the state, county, city or other political subdivision of the state; allowing Kansas national guard and reservist members who are in good standing to receive a property tax exemption for up to two motor vehicles; authorizing continuation of the statewide levy for schools and the exemption of a portion of residential property from such levy; relating to the board of tax appeals and authorizing appointment by the governor of a member pro tempore when a vacancy on the board exists; directing a post audit study of taxation and exemption issues relating to non-profit and governmental entities competing against for-profit businesses; amending K.S.A. 74-2433, as amended by section 5 of 2021 House Bill No. 2104, 79-201x and 79-5107 and K.S.A. 2020 Supp. 72-5142 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **HB 2264** be passed.

Also, **SCR 1611** be amended on page 1, in line 35, by striking all after "until"; in line 36, by striking all before the semicolon and inserting "two years from the date this resolution is adopted or the date Congress calls a convention of the states for the purpose of proposing amendments to the Constitution of the United States, whichever occurs first"; following line 36, by inserting:

"Be it further resolved: That all concurrent resolutions making application to the Congress of the United States to call a convention of the states for the purpose of proposing amendments to the Constitution of the United States that have been previously adopted by the Legislature are hereby rescinded on and after such date that occurs two years from the date this concurrent resolution is adopted, unless Congress calls a convention of the states for the purpose of proposing amendments to the Constitution of the United States prior to such rescission date; and"; and the resolution be adopted as amended.

Committee on **Federal and State Affairs** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Member, Kansas Human Rights Commission: K.S.A. 44-1003

Nathan Spriggs, to fill a term expiring on January 15, 2025

Alicia Sanchez, to fill a term expiring on January 15, 2025

Committee on **Judiciary** recommends **SB 286** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 286," as follows:

"Substitute for SENATE BILL NO. 286

By Committee on Judiciary

"AN ACT enacting the COVID-19 business relief act; providing funds for impacted

businesses; making and concerning appropriations for the fiscal years ending June 30, 2021, and June 30, 2022; authorizing certain transfers and imposing certain limitations; creating the COVID-19 business relief fund and the COVID-19 business relief claims board; providing for administration of this act by the attorney general; requiring certain counties to establish and administer a county COVID-19 business relief fund and certain cities to establish and administer a city COVID-19 business relief fund; amending K.S.A. 48-933 and repealing the existing section.";

And the substitute bill be passed.

REPORT ON ENROLLED BILLS

SR 1720 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 13, 2021.

H Sub SB 26; SB 36, SB 38, SB 55, SB 67, SB 86, SB 95, SB 103, SB 106, SB 107, SB 122, SB 127, SB 142, SB 143, SB 178 reported correctly enrolled, properly signed and presented to the Governor on April 16, 2021.

SCR 1613 reported correctly enrolled, properly signed and presented to the Secretary of State on April 16, 2021.

On motion of Senator Suellentrop, the Senate adjourned until 10:00 a.m., Tuesday, May 4, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

