

Journal of the Senate

FIFTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 23, 2023, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.
The roll was called with 38 senators present.
Senators Kerschen and Shallenburger were excused.
Invocation by Reverend Cecil T. Washington:

Avoiding The Frog In The Pan Predicament Proverbs 29:18

Heavenly Father, the prayer today rises from a heart that's saddened by the rise of widespread evil, a prevailing resistance to Your will and Your way. In Proverbs 29:18, You warn that "where there is no vision no ability to see from Your perspective, the people perish."

I'm reminded of the frog in a pan of boiling water. Had he realized what was coming, had he seen his pending destruction, he could have escaped. He could've gotten out of there before it was too late. Lord, are we like that frog, becoming more and more comfortable with sin and not really seeing the predicament we're in? Is there among us, a growing tolerance with attitudes and actions that are not acceptable to You?

I think of how my Grandmother would react if she was to see what we allow today. A wise person once said, "What we tolerate in moderation, those coming behind us will allow in excess." It's been well said that evil increases when good people see it but do nothing about it.

So, Lord, give us more wisdom than that frog. For the sake of our families and all the people we serve help us, particularly those of us in responsible positions, to not only see the predicament we are in but to sound the alarm and not back down from taking a stand.

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

The Pledge of Allegiance was led by Vice President Wilborn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 322, AN ACT concerning gaming; relating to sports wagering; authorizing any compact with a federally recognized Indian tribe to include provisions governing sports wagering outside the boundaries of Indian lands; amending K.S.A. 2022 Supp. 46-2305 and repealing the existing section, by Committee on Federal and State Affairs.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize her guests Azeb Telele and Kouassi Kesse.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Faust-Goudeau and Blasi introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1717—

A RESOLUTION recognizing Storytime Village, Inc., for its work
in giving young Kansas children the opportunity
for a better future through its literacy programs.

WHEREAS, According to the Annie E. Casey Foundation, children who are proficient in reading by the end of third grade are more likely to graduate from high school and be economically successful in adulthood; and

WHEREAS, A 2022 study conducted by the Annie E. Casey Kids Count Data Center revealed that 64% of White, 83% of Hispanic and 85% of Black fourth graders in Kansas scored below the "proficient" reading level; and

WHEREAS, Many underserved populations in Kansas are lacking the quality literacy skills essential for future success in school and life; and

WHEREAS, Storytime Village, Inc., under the leadership of founder and CEO Prisca Barnes, has been working since 2009 to help Kansas children, beginning at birth through age eight, thrive through partnerships that provide early childhood development, family engagement involving reading, access to books, advocacy and awareness; and

WHEREAS, With the support of parents and the help of many dedicated volunteers, Storytime Village, Inc., inspires children to read, regardless of their socio-economic background, race or gender, by providing them free books and literacy resources; and

WHEREAS, In 2016, Storytime Village, Inc., launched their Literacy Champions program, a high school leadership program that empowers and inspires students to volunteer and gain leadership skills as they impact the literacy issue in their communities; and

WHEREAS, March 23, 2023, is designated as the 6th Annual Literacy Day at the Capitol, which will address the literacy achievement gap in Kansas by focusing on early literacy and mobilizing high school students to raise their voices through meetings with legislators, panel discussions and an advocacy workshop, with the theme: "Right from the Start: Helping our Youngest Thrive through Literacy": Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize Storytime Village, Inc., for its work in giving young Kansas children the opportunity for a better future through its literacy programs; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Prisca Barnes and Senator Faust Goudeau.

On emergency motion of Senator Faust Goudeau **SR 1717** was adopted by voice vote.

Special guests present were: Prisca Barnes, Alexis Scott, Tasha Hayes, Chartell Hayes, Amya Williams, Malaki Coleman and Paris Cunningham.

Senators Bowers and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1718—

A RESOLUTION honoring the lives lost during the construction of the Kansas State Capitol.

WHEREAS, The Kansas State Capitol was constructed between 1866 and 1903; and WHEREAS, When the Kansas State Capitol was built, the construction field lacked basic safety standards; and

WHEREAS, Construction workers in the late 19th and early 20th centuries worked in one of the most challenging and dangerous employment fields; and

WHEREAS, The construction of the Kansas State Capitol and, in particular, the Capitol's dome came at a tragic and fatal cost; and

WHEREAS, The Kansas State Capitol construction workers completed tasks from dizzying heights with heavy machinery and little to no safety precautions; and

WHEREAS, At least seven construction workers lost their lives building the Kansas State Capitol; and

WHEREAS, According to information on the Capitol provided by the Kansas State Historical Society and the Kansas State Library, Young Campbell was a 58-year-old stone mason from Topeka and married with seven children. Campbell was attempting to move a large stone with a wheelbarrow around a corner scaffolding. Unfortunately, the wheelbarrow tipped, causing Campbell to tragically fall from the scaffolding. He passed away on August 16, 1886; and

WHEREAS, Major Hiram W. Jones was a 67-year-old timekeeper from Lawrence and married with three children. Jones was working when a horse-drawn block, tackle and derrick system, which was constructed to hoist heavy stone and ironworks, collapsed. A falling stone and broken cable then hit Jones, and consequently, he passed away on October 6, 1887. Jones is buried at Oak Hill Cemetery in Lawrence; and

WHEREAS, William "Billy" Cullins was a 24-year-old machinist from Vermont and was to be married had tragedy not struck five days before his wedding date. Cullins passed away from a collapsed scaffolding on November 20, 1888. Cullins is buried at the Historic Topeka Cemetery; and

WHEREAS, Charles Ewing Howell was a 23-year-old iron worker from Leavenworth. Howell passed away after falling from the South Wing roof on September 21, 1889. Howell is buried at Mount Muncie Cemetery in Lansing; and

WHEREAS, Jack Williams was a 21-year-old electric motor operator from Topeka. Williams operated the new electric winch motor installed at the uppermost level of the dome to hoist heavy stone and ironworks. Williams fell to his death while attempting to climb down at the end of his workday on May 24, 1890; and

WHEREAS, John Cave was a 24-year-old iron worker from Scottsville and married with children. Cave was sitting astride the outer rim of the dome and tightening a bolt with a wrench so large that it required the use of both hands and all of his weight behind it. The wrench slipped, causing Cave to fall over the outside of the dome, through a skylight and into the North Wing below. Cave passed away on July 26, 1890; and

WHEREAS, Myrtie Deegan was a 48-year-old iron worker from Topeka and married with two children. Deegan was working inside the dome when he stepped on a loose, round piece of iron and fell to the rotunda, thus meeting an untimely death on

December 9, 1890; and

WHEREAS, During the construction of the Kansas State Capitol, newspapers had reported another unidentifiable death that likely occurred in 1890; and

WHEREAS, Brave construction workers continued their honest and admirable work to ensure that the Kansas State Capitol was built, even after witnessing the horrific and devastating deaths of their fellow tradesmen and knowing that their work posed serious risks and some assignments were fraught with peril; and

WHEREAS, The selfless tradesmen who gave their lives to build the Kansas State Capitol have been forgotten for too long: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the lives lost during the construction of the Kansas State Capitol; and

Be it further resolved: That we never forget the sacrifices that these construction workers made in constructing one of the most historic buildings in the State of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send 10 enrolled copies of this resolution to Senator Bowers.

On emergency motion of Senator Bowers **SR 1718** was adopted by voice vote.

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

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

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointments submitted to the Senate for confirmation were considered:

Senator Alley moved the following appointments be confirmed as recommended by the Governor.

By the Governor

On the appointment to the:

Kansas Air National Guard:

Jason Knobbe, None

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

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

Absent or Not Voting: Kerschen, Shallenburger.

The appointment was confirmed.

By the Governor

On the appointment to the:

Department of Administration:

Adam Proffitt, at the pleasure of the governor

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

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kloos,

Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

Absent or Not Voting: Kerschen, Shallenburger.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Historical Society:

Patrick Zollner, at the pleasure of the governor

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

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

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

Nays: Baumgardner, Tyson.

Absent or Not Voting: Kerschen, Shallenburger.

The appointment was confirmed.

The Call was lifted.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2042, AN ACT concerning self-service storage facilities; authorizing the towing by operators of such facilities of motor vehicles, watercraft or trailers if the occupant is in default for more than 60 days; granting operators protection from liability for damages; extinguishing an operator's lien on such property upon towing; providing for notice to the occupant and opportunity for redemption prior to towing; adding self-service storage facility operators to those persons who are specifically authorized to direct a wrecker or towing service to tow a motor vehicle for purposes of the creation of a lien in favor of a wrecker or towing service; amending K.S.A. 8-1103 and K.S.A. 2022 Supp. 58-817 and repealing the existing sections, was considered on final action.

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

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

Absent or Not Voting: Kerschen, Shallenburger.

The bill passed, as amended.

HB 2092, AN ACT concerning municipal universities; relating to the membership of the Washburn university board of regents; reapportioning the districts of certain members thereof; amending K.S.A. 13-13a04 and 13-13a05 and repealing the existing sections, was considered on final action.

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

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

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

Absent or Not Voting: Kerschen, Shallenburger.

The bill passed.

HB 2093, AN ACT concerning insurance; relating to certain group-funded insurance pools; discontinuing payments paid to the group-funded pools fee fund and the group-funded workers' compensation fee fund; transferring such balances and abolishing such funds; establishing the group-funded pools refund fund; refunding the balance thereof and abolishing such fund on July 1, 2024; amending K.S.A. 44-588 and repealing the existing section; also repealing K.S.A. 12-2623 and 44-587, was considered on final action.

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

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

Absent or Not Voting: Kerschen, Shallenburger.

The bill passed, as amended.

HB 2094, AN ACT concerning insurance; relating to health maintenance organizations and medicare provider organizations; applications for certificates of authority; specifying certain requirements necessary to demonstrate fiscal soundness; amending K.S.A. 40-3203 and repealing the existing section, was considered on final action.

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

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

Absent or Not Voting: Kerschen, Shallenburger.

The bill passed, as amended.

HB 2130, AN ACT concerning the Kansas probate code; increasing certain dollar amounts; relating to allowance to spouse and minor children; supplemental elective share amount; transfers within two years of death; homestead or homestead allowance; payment of benefits to certain relatives; small estates affidavit for personal property; remission of court costs for small estates; exhibition of demands and allowance without a hearing; refusal to grant letters of administration; appealable orders and bond; requests for transfer from magistrate to district judge; adjusting time requirements linked to notice by publication and mailing; relating to hearing dates; sales at public auction; clarifying how property held under a transfer-on-death deed is distributed when one beneficiary predeceases the grantor; amending K.S.A. 59-6a202, 59-6a205, 59-1507a, 59-2209, 59-2215, 59-2237 and 59-2308 and K.S.A. 2022 Supp. 59-403, 59-6a215, 59-1507b, 59-2287, 59-2401, 59-2402a and 59-3504 and repealing the existing sections, was considered on final action.

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

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

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

Absent or Not Voting: Kerschen, Shallenburger.

The bill passed, as amended.

HB 2131, AN ACT concerning the judicial council; relating to duties and mission; amending K.S.A. 20-2203 and repealing the existing section, was considered on final action.

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

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

Absent or Not Voting: Kerschen, Shallenburger.

The bill passed, as amended.

S Sub HB 2344, AN ACT concerning the department of health and environment; relating to licensure of child care facilities; day care homes and child care centers; establishing license capacity and staff-to-child ratios; lowering license fees and training requirements; creating a process for day care facility licensees to apply for a temporary waiver of certain statutory requirements; authorizing the secretary to develop and operate pilot programs to increase child care facility availability and capacity; amending K.S.A. 65-503, 65-505 and 65-508 and K.S.A. 2022 Supp. 48-3406 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 21; Nays 17; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Billinger, Blasi, Bowers, Claeys, Erickson, Fagg, Gossage, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Ryckman, Straub, Thompson, Tyson, Warren, Wilborn.

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

Absent or Not Voting: Kerschen, Shallenburger.

The substitute bill passed, as amended.

The Call was lifted.

EXPLANATION OF VOTE

I vote "NO" on **S Sub HB 2344**. Packing more babies into cribs, decreasing square footage requirements and reducing supervisory overhead will only insure more physical and emotional trauma and sexual abuse of Kansas kids in child care settings. Let's allow ALL stakeholders to weigh in and put the appropriate and necessary policies in place so that this critical issue gets addressed properly the first time. Kansas kids are our legacy – for their sakes, let's get this right!—TOM HOLLAND

I passed on the vote and then voted "NO" because it's not daycare issues that mire our state in dysfunction. It is the degradation of our traditional family and its inherent value system. Our focus, as is so common in our government, is on the wrong issue.

With God and family, our society thrives.—MARK STEFFEN

I don't think a single person in this body would argue against the assertion that childcare is out of reach for too many Kansas families. This bill is not the solution, because it doesn't even begin to touch the problem. By removing safety regulations, increasing ratios, and adding legislative barriers, this bill has the potential to create more childcare slots. But the issue is not the number of slots – in fact, our state has a surplus of over 11,000 slots. The biggest barrier to childcare for Kansas families is affordability, and this bill does absolutely nothing to address that, and instead will make these facilities less safe for those who are able to access them. Our kids deserve better. I vote "NO."—DINAH SYKES

Senators Francisco and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **S Sub HB 2344**.

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 Billinger in the chair.

On motion of Senator Billinger the following report was adopted:

The committee report on **SB 55** recommending **Sub SB 55** be adopted, and the substitute bill be passed.

HB 2096, HB 2097, HB 2098, HB 2100, HB 2214, HB 2285, HB 2298 be amended by the adoption of the committee amendments, and the bills be passed as amended.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 15**, as amended; **SB 18**, as amended; **SB 28**, as amended; **SB 106**, as amended.

Also, announcing passage of **SB 208, as amended by H Sub SB 208**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Longbine the Senate nonconcurrred in the House amendments to **SB 15** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Fagg and Holscher as a conference committee on the part of the Senate.

On motion of Senator Longbine the Senate nonconcurrred in the House amendments to **SB 18** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Fagg and Holscher as a conference committee on the part of the Senate.

On motion of Senator Longbine the Senate nonconcurrred in the House amendments to **SB 28** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Fagg and Holscher as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 106** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Kloos and Corson as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2302** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2302," as follows:

"Senate Substitute for HOUSE BILL NO. 2302

By Committee on Agriculture and Natural Resources

"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.";

And the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **SB 303**; **HB 2269** be passed.

Also, **SB 291**, As Amended by Senate Committee, be amended by adoption of the amendments recommended by Senate Committee on Federal and State Affairs as reported in the journal of the Senate on March 15, 2023, and the bill, as printed As Amended by Senate Committee be further amended on page 1, in line 24, by striking "7" and inserting "6";

On page 3, in line 26, after the period by inserting ""System" does not include participant-directed individual account plans.";

On page 5, by striking all in lines 20 through 43;

On page 6, by striking all in lines 1 through 30;

And by renumbering sections accordingly;

On page 1, in the title, in line 11, by striking all after the semicolon; in line 12, by striking "advisers to"; by striking all in lines 15 and 16; in line 17, by striking all before "providing"; and the bill be passed as amended.

HB 2059, As Amended by House Committee, be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 41-306 is hereby amended to read as follows: 41-306. A spirits distributor's license, shall allow:

(a) The wholesale purchase, importation and storage of spirits, but all such spirits so purchased or imported which are manufactured in the United States shall be purchased from the primary American source of supply or from another licensed spirits distributor, except that a licensed spirits distributor may purchase confiscated spirits at a sheriff's sale.

(b) The sale of spirits to:

(1) Spirits distributors licensed in this state;

(2) retailers licensed in this state, except that such distributor shall sell a brand of spirits only to those retailers whose licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by law.

(c) The purchase of spirits in barrels, casks or other bulk containers and the bottling thereof before resale, but all bottles or containers filled with such spirits shall be sealed, labeled and otherwise made to comply with all laws and rules and regulations governing the preparation and bottling of spirits by manufacturers and with all federal rules, regulations and laws.

(d) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(e) The storage and delivery to a public venue licensed under the club and drinking establishment act of alcoholic liquor purchased by the public venue licensee from a retailer authorized by law to sell such alcoholic liquor to such public venue licensee.

(f) The withdrawal of spirits from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees or to persons licensed under the club and drinking establishment act and such persons' employees. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, ~~provided except that~~ no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment act licensee within the previous 12 months may be provided for sampling pursuant to this subsection. No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of spirits shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes of ~~providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees,~~ the term "sample" shall have the same meaning as that term is defined in ~~K.S.A. 41-2601, and amendments thereto~~ this subsection, "sample" means not more than three liters of distilled spirits.

Sec. 2. K.S.A. 41-306a is hereby amended to read as follows: 41-306a. A wine distributor's license shall allow:

(a) The wholesale purchase, importation and storage of wine, but all wine so purchased or imported which is manufactured in the United States shall be purchased from the primary American source of supply or from another licensed wine distributor, except that a licensed wine distributor may purchase confiscated wine at a sheriff's sale.

(b) The sale of wine to:

(1) Wine distributors licensed in this state;

(2) retailers licensed in this state, except that such distributor shall sell a brand of wine only to those retailers whose licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by

law.

(c) The sale of wine, but only in barrels, casks and other bulk containers, to:

(1) Licensed caterers; and

(2) public venues, clubs and drinking establishments licensed in this state, except that such distributor shall sell a brand of wine only to such public venues, clubs and drinking establishments the licensed premises of which are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto.

(d) The purchase of wine in barrels, casks or other bulk containers and the bottling thereof before resale, but all bottles or containers filled with such wine shall be sealed, labeled and otherwise made to comply with all laws and rules and regulations governing the preparation and bottling of wine by manufacturers and with all federal rules, regulations and laws.

(e) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(f) The withdrawal of wine from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees, or to persons licensed under the club and drinking establishment act, and such person's employees. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, provided no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Samples may be served on the premises of a licensee holding a license issued under the club and drinking establishment act, provided no sample shall be served on that portion of the premises that is open to the public and where sales of alcoholic liquor are made. Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment licensee within the previous 12 months may be provided for sampling pursuant to this subsection. No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of wine shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes ~~of providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees, the term of this subsection, "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto means not more than three liters of any brand of wine.~~

(g) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 3. K.S.A. 41-307 is hereby amended to read as follows: 41-307. A beer distributor's license shall allow:

(a) The wholesale purchase, importation and storage of beer.

(b) The sale of beer to:

(1) Licensed caterers;
(2) beer distributors licensed in this state;
(3) retailers, public venues, clubs and drinking establishments, licensed in this state, except that such distributor shall sell a brand of beer only to those retailers, public venues, clubs and drinking establishments of which the licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(4) such persons located outside such territory or outside this state as permitted by law.

(c) The sale of cereal malt beverage to:

(1) Beer distributors licensed in this state;
(2) clubs and drinking establishments, licensed in this state, and retailers licensed under K.S.A. 41-2702, and amendments thereto, except that such distributor shall sell a brand of cereal malt beverage only to those such clubs, drinking establishments and retailers of which the licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto;

(3) retailers; and

(4) such persons located outside such territory or outside this state as permitted by law.

(d) The sale of beer containing not more than 6% alcohol by volume to cereal malt beverage retailers licensed pursuant to K.S.A. 41-2702, and amendments thereto.

(e) The purchase of cereal malt beverage in kegs or other bulk containers and the bottling or canning thereof in accordance with law.

(f) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(g) The storage and delivery, with proper invoicing in accordance with rules and regulations adopted by the secretary, on the premises of a public venue licensee, of beer sold to or available for purchase by the public venue during an event.

(h) The withdrawal of beer or cereal malt beverage from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees, or to persons licensed under the club and drinking establishment act, and such person's employees. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, provided no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Samples may be served on the premises of a licensee holding a license issued under the club and drinking establishment act, provided no sample shall be served on that portion of the premises that is open to the public and where sales of alcoholic liquor are made. Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment act licensee within the previous 12 months may be

provided for sampling pursuant to this subsection. No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of beer or cereal malt beverage shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes of ~~providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees, the term this subsection, "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto~~ means not more than three gallons of any brand of beer or cereal malt beverage.";

Also on page 1, in line 7, before "K.S.A" by inserting "On and after July 1, 2023,";

On page 3, following line 12, by inserting:

"Sec. 5. K.S.A. 41-306, 41-306a and 41-307 are hereby repealed.";

Also on page 3, in line 13, before "K.S.A" by inserting "On and after July 1, 2023,"; in line 15, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to spirits, wine and beer distributors; regulating samples;"; in line 3, after "K.S.A." by inserting "41-306, 41-306a, 41-307 and"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 265** be passed.

Also, **HB 2010** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2010," as follows:

"Senate Substitute for HOUSE BILL NO. 2010

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to trials; updating a statutory cross reference related to persons found not guilty by reason of mental disease or defect; pertaining to housing, jury instructions and annual hearings on continued commitment; relating to criminal discharge of a firearm; increasing the penalty for violations when a person was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm; enacting the reduce armed violence act; increasing criminal penalties for certain violations of criminal possession of a weapon by a convicted felon that involve firearms; relating to sentencing; allowing certain nondrug offenders to participate in a certified drug abuse treatment program; relating to postrelease supervision; providing that such term does not toll except as provided by law; amending K.S.A. 12-736 and K.S.A. 2022 Supp. 21-6308, 21-6804, 21-6824, 22-3428, 22-3428a and 22-3722 and repealing the existing sections.";

And the substitute bill be passed.

HB 2293, As Amended by House Committee, be amended on page 1, in line 6, after "of" by inserting "section 1 of"; in line 10, before "Section" by inserting "New"; on page 3, in line 3, by striking all after "shall"; by striking all in line 4 and inserting "not be subject to expiration or review"; in line 5, by striking ", prior to July 1, 2028"; following line 28, by inserting:

"Sec. 2. K.S.A. 45-229 is hereby amended to read as follows: 45-229. (a) It is the intent of the legislature that exceptions to disclosure under the open records act shall be created or maintained only if:

- (1) The public record is of a sensitive or personal nature concerning individuals;
- (2) the public record is necessary for the effective and efficient administration of a

governmental program; or

(3) the public record affects confidential information.

The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds that the public has a right to have access to public records unless the criteria in this section for restricting such access to a public record are met and the criteria are considered during legislative review in connection with the particular exception to disclosure to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the legislature shall consider the criteria in this section before enacting an exception to disclosure.

(b) Subject to the provisions of subsections (g) and (h), any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment of the new exception or substantial amendment, unless the legislature acts to continue the exception. A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires at the end of five years and that the exception shall be reviewed by the legislature before the scheduled date.

(c) For purposes of this section, an exception is substantially amended if the amendment expands the scope of the exception to include more records or information. An exception is not substantially amended if the amendment narrows the scope of the exception.

(d) This section is not intended to repeal an exception that has been amended following legislative review before the scheduled repeal of the exception if the exception is not substantially amended as a result of the review.

(e) In the year before the expiration of an exception, the revisor of statutes shall certify to the president of the senate and the speaker of the house of representatives, by July 15, the language and statutory citation of each exception that will expire in the following year that meets the criteria of an exception as defined in this section. Any exception that is not identified and certified to the president of the senate and the speaker of the house of representatives is not subject to legislative review and shall not expire. If the revisor of statutes fails to certify an exception that the revisor subsequently determines should have been certified, the revisor shall include the exception in the following year's certification after that determination.

(f) "Exception" means any provision of law that creates an exception to disclosure or limits disclosure under the open records act pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any other provision of law.

(g) A provision of law that creates or amends an exception to disclosure under the open records law shall not be subject to review and expiration under this act if such provision:

- (1) Is required by federal law;
- (2) applies solely to the legislature or to the state court system;
- (3) has been reviewed and continued in existence twice by the legislature; ~~or~~
- (4) has been reviewed and continued in existence by the legislature during the 2013 legislative session and thereafter; or

(5) is contained in the following statute: section 1(b).

(h) (1) The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

- (A) What specific records are affected by the exception;
- (B) whom does the exception uniquely affect, as opposed to the general public;
- (C) what is the identifiable public purpose or goal of the exception;
- (D) whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;

(2) an exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exception and if the exception:

(A) Allows the effective and efficient administration of a governmental program that would be significantly impaired without the exception;

(B) protects information of a sensitive personal nature concerning individuals, the release of such information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. Only information that would identify the individuals may be excepted under this paragraph; or

(C) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information that is used to protect or further a business advantage over those who do not know or use it, if the disclosure of such information would injure the affected entity in the marketplace.

(3) Records made before the date of the expiration of an exception shall be subject to disclosure as otherwise provided by law. In deciding whether the records shall be made public, the legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exception of the type specified in paragraph (2)(B) or (2)(C) would occur if the records were made public.

(i) (1) Exceptions contained in the following statutes as continued in existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas and that have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 12-189, 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-1312e, 17-2227, 17-5832, 17-7511, 17-76,139, 19-4321, 21-2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312, 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934, 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21, 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b, 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635, 44-714, 44-817, 44-1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427, 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a, 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922, 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203, 66-1220a, 66-2010, 72-2232, 72-3438, 72-6116, 72-6267, 72-9934, 73-1228, 74-2424, 74-2433f, 74-32,419, 74-4905, 74-4909, 74-

50,131, 74-5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11, 76-12c03, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2015 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-4616, 60-3351, 72-3415, 74-50,217 and 75-53,105.

(j) (1) Exceptions contained in the following statutes as continued in existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas and that have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and 74-7508.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2015 and that have been reviewed during the 2016 legislative session are hereby continued in existence: 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05, 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

(k) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2014 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48), 50-6a11, 65-1,243, 65-16,104, 65-3239, 74-50,184, 74-8134, 74-99b06, 77-503a and 82a-2210.

(l) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2016 and that have been reviewed during the 2017 legislative session are hereby continued in existence: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)(51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

(m) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2012 and that have been reviewed during the 2013 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a, 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-8268, 75-712 and 75-5366.

(n) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2018 legislative session are hereby continued in existence: 9-513c(c)(2), 39-709, 45-221(a)(26), (53)

and (54), 65-6832, 65-6834, 75-7c06 and 75-7c20.

(o) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been reviewed during the 2019 legislative session are hereby continued in existence: 21-2511(h)(2), 21-5905(a)(7), 22-2302(b) and (c), 22-2502(d) and (e), 40-222(k)(7), 44-714(e), 45-221(a)(55), 46-1106(g) regarding 46-1106(i), 65-2836(i), 65-2839a(c), 65-2842(d), 65-28a05(n), article 6(d) of 65-6230, 72-6314(a) and 74-7047(b).

(p) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been reviewed during the 2020 legislative session are hereby continued in existence: 38-2310(c), 40-409(j)(2), 40-6007(a), 45-221(a)(52), 46-1129, 59-29a22(b)(10) and 65-6747.

(q) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been reviewed during the 2021 legislative session are hereby continued in existence: 22-2302(c)(4)(J) and (c)(6)(B), 22-2502(e)(4)(J) and (e)(6)(B) and 65-6111(d)(4).

Sec. 3. K.S.A. 45-229 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "investigation" by inserting "; providing for confidentiality of such information; amending K.S.A. 45-229 and repealing the existing section"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2083**, As Amended by House Committee, be passed.

Committee on **Public Health and Welfare** recommends **SB 314; HB 2240**, be passed.

Also, **HB 2263**, As Amended by House Committee, be amended on page 1, following line 5, by inserting:

"New Section 1. (a) An individual who had a childhood gender reassignment service performed on such individual as a child may bring a civil cause of action against the physician who performed the childhood gender reassignment service.

(1) An action against a physician pursuant to this section may be commenced not more than three years after the date the individual attains 18 years of age.

(b) As used in this section:

(1) "Childhood gender reassignment service" means performing, or causing to be performed, acts including, but not limited to, any of the following performed upon a child under 18 years of age for the purpose of attempting to affirm the child's perception of the child's sex or gender, if that perception is inconsistent with the child's sex:

(A) A surgery that sterilizes or is intended to result in sterilization, including, but not limited to, castration, vasectomy, hysterectomy, oophorectomy, orchiectomy and penectomy;

(B) a surgery that artificially constructs tissue with the appearance of genitalia, including, but not limited to, metoidioplasty, phalloplasty and vaginoplasty;

(C) a mastectomy;

(D) prescribing, dispensing, administering or otherwise supplying the following medications:

- (i) Puberty-blocking medication to delay, hinder, stop or reverse normal puberty;
- (ii) supraphysiologic doses of testosterone to females; or
- (iii) supraphysiologic doses of estrogen to males; or
- (E) removing any body part or tissue.
- (2) "Physician" means a person licensed by the board of healing arts to practice medicine and surgery.
- (3) "Sex" means the biological state of being female or male based on the individual's sex organs, chromosomes and endogenous hormone profiles.
- (4) "Supraphysiologic doses" means a pharmacologic dosage regimen that produces blood concentrations greater than the accepted range for a child's age and sex.
- (c) The provisions of this section shall not apply if the child was born with a medically verifiable disorder of sex development, including, but not limited to:
 - (1) A child with external biological sex characteristics that are irresolvably ambiguous, such as a child born having 46,XX chromosomes with virilization, 46,XY chromosomes with undervirilization or both ovarian and testicular tissue; or
 - (2) when a physician has otherwise diagnosed a disorder of sexual development, in which the physician has determined through genetic or biochemical testing that the child does not have the normal sex chromosome structure, sex steroid hormone production or sex steroid hormone action for a male or female of the child's age.
- (d) (1) An individual who brings an action under this section may seek actual damages, exemplary or punitive damages, injunctive relief and other appropriate relief.
- (2) In an action brought under this section, the court shall award a prevailing plaintiff the cost of the suit including reasonable attorney fees.
- (e) This section shall be applicable to:
 - (1) Any action commenced on or after July 1, 2023, including any action that would be barred by the period of limitation applicable prior to July 1, 2023; and
 - (2) any action commenced prior to July 1, 2023, and pending on July 1, 2023.
- (f) This section shall be known and may be cited as the Kansas child mutilation prevention act.";

On page 2, following line 13, by inserting:

"Sec. 3. K.S.A. 2022 Supp. 65-2836 is hereby amended to read as follows: 65-2836. (a) A licensee's license may be revoked, suspended or limited, or the licensee may be publicly censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

~~(a)~~(1) The licensee has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license.

~~(b)~~(2) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency, except that the board may take appropriate disciplinary action or enter into a non-disciplinary resolution when a licensee has engaged in any conduct or professional practice on a single occasion that, if continued, would reasonably be expected to constitute an inability to practice the healing arts with reasonable skill and safety to patients or unprofessional conduct as defined in K.S.A. 65-2837, and amendments thereto.

~~(c)~~(3) The licensee has been convicted of a felony or class A misdemeanor, or substantially similar offense in another jurisdiction, whether or not related to the practice of the healing arts, or the licensee has been convicted in a special or general

court-martial, whether or not related to the practice of the healing arts. The board shall revoke a licensee's license following conviction of a felony or substantially similar offense in another jurisdiction, or following conviction in a general court-martial occurring after July 1, 2000, unless a $\frac{2}{3}$ majority of the board members present and voting determine by clear and convincing evidence that such licensee will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust. In the case of a person who has been convicted of a felony or convicted in a general court-martial and who applies for an original license or to reinstate a canceled license, the application for a license shall be denied unless a $\frac{2}{3}$ majority of the board members present and voting on such application determine by clear and convincing evidence that such person will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust.

~~(4)~~(4) The licensee has used fraudulent or false advertisements.

~~(5)~~(5) The licensee is addicted to or has distributed intoxicating liquors or drugs for any other than lawful purposes.

~~(6)~~(6) The licensee has willfully or repeatedly violated this act, the pharmacy act of the state of Kansas or the uniform controlled substances act, or any rules and regulations adopted pursuant thereto, or any rules and regulations of the secretary of health and environment that are relevant to the practice of the healing arts.

~~(7)~~(7) The licensee has unlawfully invaded the field of practice of any branch of the healing arts in which the licensee is not licensed to practice.

~~(8)~~(8) The licensee has engaged in the practice of the healing arts under a false or assumed name, or the impersonation of another practitioner. The provisions of this subsection relating to an assumed name shall not apply to licensees practicing under a professional corporation, under a business entity that holds a certificate of authorization pursuant to K.S.A. 2022 Supp. 65-28,134, and amendments thereto, or under any other legal entity duly authorized to provide such professional services in the state of Kansas.

~~(9)~~(9) The licensee's ability to practice the healing arts with reasonable skill and safety to patients is impaired by reason of physical or mental illness, or condition or use of alcohol, drugs or controlled substances. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery by or release to any person or entity outside of a board proceeding.

~~(10)~~(10) The licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country.

~~(11)~~(11) The licensee has violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board.

~~(12)~~(12) The licensee has failed to report or reveal the knowledge required to be reported or revealed under K.S.A. 65-28,122, and amendments thereto.

~~(13)~~(13) The licensee, if licensed to practice medicine and surgery, has failed to inform in writing a patient suffering from any form of abnormality of the breast tissue for which surgery is a recommended form of treatment, of alternative methods of treatment recognized by licensees of the same profession in the same or similar communities as being acceptable under like conditions and circumstances.

~~(n)~~(14) The licensee has cheated on or attempted to subvert the validity of the examination for a license.

~~(o)~~(15) The licensee has been found to be mentally ill, disabled, not guilty by reason of insanity, not guilty because the licensee suffers from a mental disease or defect or incompetent to stand trial by a court of competent jurisdiction.

~~(p)~~(16) The licensee has prescribed, sold, administered, distributed or given a controlled substance to any person for other than medically accepted or lawful purposes.

~~(q)~~(17) The licensee has violated a federal law or regulation relating to controlled substances.

~~(r)~~(18) The licensee has failed to furnish the board, or its investigators or representatives, any information legally requested by the board.

~~(s)~~(19) Sanctions or disciplinary actions have been taken against the licensee by a peer review committee, healthcare facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

~~(t)~~(20) The licensee has failed to report to the board any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a healthcare facility, a professional association or society, a governmental agency, by a law enforcement agency or a court for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

~~(u)~~(21) The licensee has surrendered a license or authorization to practice the healing arts in another state or jurisdiction, has surrendered the authority to utilize controlled substances issued by any state or federal agency, has agreed to a limitation to or restriction of privileges at any medical care facility or has surrendered the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

~~(v)~~(22) The licensee has failed to report to the board surrender of the licensee's license or authorization to practice the healing arts in another state or jurisdiction or surrender of the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

~~(w)~~(23) The licensee has an adverse judgment, award or settlement against the licensee resulting from a medical liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

~~(x)~~(24) The licensee has failed to report to the board any adverse judgment, settlement or award against the licensee resulting from a medical malpractice liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

~~(y)~~(25) The licensee has failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a, and amendments thereto.

~~(z)~~(26) The licensee has failed to pay the premium surcharges as required by K.S.A. 40-3404, and amendments thereto.

~~(aa)~~(27) The licensee has knowingly submitted any misleading, deceptive, untrue or fraudulent representation on a claim form, bill or statement.

~~(ab)~~(28) The licensee as the supervising physician for a physician assistant has

failed to adequately direct and supervise the physician assistant in accordance with the physician assistant licensure act or rules and regulations adopted under such act.

~~(ee)~~(29) The licensee has assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2022 Supp. 21-5407, and amendments thereto, as established by any of the following:

~~(+)~~(A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2022 Supp. 21-5407, and amendments thereto.

~~(2)~~(B) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 60-4404, and amendments thereto.

~~(3)~~(C) A copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto.

~~(dd)~~(30) The licensee has given a worthless check or stopped payment on a debit or credit card for fees or moneys legally due to the board.

~~(ee)~~(31) The licensee has knowingly or negligently abandoned medical records.

(b) A physician's license shall be revoked upon a finding that the physician has performed a childhood gender reassignment service, as defined in section 1, and amendments thereto.";

Also on page 2, in line 14, by striking "is" and inserting "and K.S.A. 2022 Supp. 65-2836 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "and healthcare" and inserting "professions and practices"; in line 2, after the semicolon by inserting "relating to physicians; creating a civil cause of action against a physician who performs childhood gender reassignment service; requiring revocation of a physician's license if such physician performs childhood gender reassignment service;"; in line 3, after "and" by inserting "K.S.A. 2022 Supp. 65-2836 and"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

HB 2325, As Amended by House Committee, be amended on page 3, in line 13, by striking "or"; in line 18, after "thereto" by inserting "; or

(l) any facility where elective abortions, as defined in K.S.A. 65-4a01, and amendments thereto, are performed";

On page 5, following line 30, by inserting:

"Sec. 2. K.S.A. 40-3403a is hereby amended to read as follows: 40-3403a. Any ~~health care~~ healthcare provider whose fund coverage has been terminated under ~~subsection (i) of K.S.A. 40-3403(i)~~, and amendments thereto, and any facility described under K.S.A. 40-4301(f)(2)(l), and amendments thereto, shall, as a condition of licensure, maintain continuous professional liability insurance coverage equivalent to that provided by the fund and shall submit to the board of governors satisfactory proof of such coverage, as required by the board.";

Also on page 5, in line 31, by striking "is" and inserting "and 40-3403a are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "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;"; also in line 3, after "40-3401" by

inserting "and 40-3403a"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2225**, As Amended by House Committee, be passed.

Committee on **Ways and Means** recommends **SB 295**, **SB 307**, **SB 308** be passed.

Also, **SB 309** be amended on page 1, in line 23, by striking "and" and inserting a comma; also in line 23, after "counties" by inserting "and Washburn university of Topeka"; in line 28, by striking "or" and inserting a comma; in line 29, after "county's" by inserting "or Washburn university of Topeka's"; in line 31, after "seq." by inserting "or 13-13a38 and 13-13a39"; in line 33, by striking "or" and inserting a comma; in line 34, after "county" by inserting "or Washburn university of Topeka"; in line 36, by striking "or" and inserting a comma; also in line 36, after "county" by inserting "or Washburn university of Topeka";

On page 2, in line 4, by striking "or" and inserting a comma; also in line 4, after "county" by inserting "or Washburn university of Topeka"; in line 10, by striking "or" and inserting a comma; also in line 10, after "county" by inserting "or Washburn university of Topeka"; in line 18, by striking "or" and inserting a comma; in line 19, after "county" by inserting "or Washburn university of Topeka";

On page 1, in the title, in line 2, after "revenues" by inserting "to cities, counties or a municipal university with the authority to impose a countywide retailers' sales tax"; and the bill be passed as amended.

On motion of Senator Alley, the Senate adjourned pro forma until 2:30 p.m., Friday, March 24, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

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