

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 21, 2020, 8:00 a.m.

The Senate was called to order by Senator Dan Goddard.

The roll was called with 31 senators present.

Senators Bollier, Estes, Faust-Goudeau, Hensley, Hilderbrand, Longbine, Pettey, Taylor and Wagle were excused.

Invocation by Reverend Cecil T. Washington:

Help For This Day and Every Day!
Lamentations 3:22-23

Heavenly Father, we thank You for the upcoming weekend break. We're preparing to get out of here and we thank You in advance for safe travel to the various parts of our state. As we turn our attention toward concerns of home, please allow us times of rest, relaxation and refreshing. May we find things well upon our arrival and if there are things that are not well give us the wisdom and help to handle them.

In Lamentations 3:22-23, You share that Your love and mercies toward us are new every morning. So Lord, as we awaken, day after day, remind us afresh that we have what we need, for another 24 hours. And once the weekend is over, bring us back restored, renewed, and ready to face the challenges; ready to take on the responsibilities You've given us.

For the good of Your people and for the glory that's due Your name, may the fullness of this prayer be answered. In Jesus name, Amen.

The Pledge of Allegiance was led by Senator Goddard.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2432, HB 2451.**

Assessment and Taxation: **SB 460, SB 462, SB 466.**

Federal and State Affairs: **SB 461, SB 465.**

Financial Institutions and Insurance: **SB 464.**

Judiciary: **HB 2429, HB 2447, HB 2449.**

Public Health and Welfare: **SB 463.**

Transportation: **HB 2501.**

Ways and Means: **HB 2595.**

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 308** be amended on page 1, in line 8, by striking "ungraded" and inserting "unpasteurized"; in line 9, by striking "contains" and inserting "bears"; also in line 9, after "that" by inserting "is"; also in line 9, after "clearly" by inserting "visible and"; also in line 9, after "following" by inserting "or its equivalent"; in line 10, by striking "ungraded"; also in line 10, by striking "and, as a result, "; by striking all in lines 11 and 12; in line 13, by striking "immune systems"; also in line 13, by striking "This statement shall be in letters of a uniform size and"; by striking all in line 14; in line 16, by striking "milk-products if" and inserting "milk products. Any"; by striking all in lines 17 through 19; in line 20, by striking all before "If" and inserting "shall not be false or misleading and shall state that such milk or milk products are either raw or unpasteurized."; in line 21, by striking "in letters of"; by striking all in line 22; in line 23, by striking "advertisement" and inserting "clearly visible";

On page 2, in line 18, by striking all after "(g)"; by striking all in lines 19 through 22; in line 23, by striking "(h)";

On page 3, in line 25, by striking "(1)"; in line 26, by striking "cows" and inserting "mammals"; in line 27, by striking all before "in" and inserting "Except for on-farm retail sale of milk or milk products, milk sold"; also in line 27, by striking "final"; also in line 27, by striking all after "form"; in line 28, by striking "use"; also in line 28, by striking all after "ultrapasteurized"; by striking all in lines 29 through 31; also in line 32, by striking all before the second period; by striking all in lines 34 and 35;

On page 5, in line 29, by striking the first "ungraded" and inserting "unpasteurized"; also in line 29, by striking the second "ungraded" and inserting "unpasteurized";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 251** be amended on page 1, in line 32, by striking "annually" and inserting "biennially, as determined by the year that the business trust filed its formation documents. A business trust that filed formation documents in an even-numbered year shall file a report in each even-numbered year. A business trust that filed formation documents in an odd-numbered year shall file a report in each odd-numbered year. The report shall be filed after the close of the business trust's tax period but not later than"; in line 33, by striking ", unless the"; by striking all in lines 34 through 36;

On page 2, by striking all in lines 1 through 4; in line 5, by striking all before the period; in line 18, by striking "\$40" and inserting "\$80, plus the amount specified in rules and regulations of the secretary";

On page 3, in line 43, by striking "annually" and inserting "biennially, as determined by the year that the professional corporation filed its articles of formation documents. A professional corporation that filed formation documents in an even-numbered year shall file a report in each even-numbered year. A professional corporation that filed formation documents in an odd-numbered year shall file a report in each odd-numbered year. The report shall be filed after the close of the corporation's tax period but not later than";

On page 4, in line 1, by striking ", unless the"; by striking all in lines 2 through 8 ; in line 9, by striking all before the period; in line 43, by striking "annually" and inserting "biennially, as determined by the year that the electric cooperative filed its formation documents. An electric cooperative that filed formation documents in an even-

numbered year shall file a report in each even-numbered year. An electric cooperative that filed formation documents in an odd-numbered year shall file a report in each odd-numbered year. The report shall be filed after the close of the electric cooperative's tax period but not later than";

On page 5, in line 2, by striking all after "cooperative"; by striking all in lines 3 through 8; in line 9, by striking all before the period; in line 24, by striking "\$40" and inserting "\$80, plus the amount specified in rules and regulations of the secretary"; in line 35, by striking "annually" and inserting "biennially, as determined by the year that the renewable energy electric generation cooperative filed its articles of formation documents. A renewable energy electric generation cooperative that filed formation documents in an even-numbered year shall file a report in each even-numbered year. A renewable energy electric generation cooperative that filed formation documents in an odd-numbered year shall file a report in each odd-numbered year. The report shall be filed after the close of the electric cooperative's tax period but not later than"; in line 36, by striking the comma; by striking all in lines 37 through 43;

On page 6, in line 1, by striking all before the period; in line 16, by striking "\$40" and inserting "\$80, plus the amount specified in rules and regulations of the secretary";

On page 10, in line 25, after "reports" by inserting "for up to the five most recent reporting periods"; in line 28, by striking ", but shall" and inserting "and"; also in line 28, after "pay" by inserting "to the secretary of state an amount equal to";

On page 11, in line 37, by striking "annually" and inserting "biennially, as determined by the year that the domestic corporation filed its formation documents. A domestic corporation that filed formation documents in an even-numbered year shall file a report in each even-numbered year. A domestic corporation that filed formation documents in an odd-numbered year shall file a report in each odd-numbered year. The report shall be filed after the close of the corporation's tax period but not later than"; in line 39, by striking all after "return"; by striking all in lines 40 through 43;

On page 12, by striking all in lines 1 and 2; in line 3, by striking all before the period;

On page 13, in line 4, by striking "\$40" and inserting "\$80, plus the amount specified in rules and regulations of the secretary"; in line 14, by striking "annually" and inserting "biennially, as determined by the year that the corporation organized not for profit filed its formation documents. A corporation organized not for profit that filed formation documents in an even-numbered year shall file a report in each even-numbered year. A corporation organized not for profit that filed formation documents in an odd-numbered year shall file a report in each odd-numbered year. The report shall be filed after the close of the corporation's tax period but not later than"; in line 15, by striking all after "year"; by striking all in lines 16 through 21; in line 22, by striking all before the period;

On page 14, in line 21, by striking "\$40" and inserting "\$80, plus the amount specified in rules and regulations of the secretary"; in line 37, by striking "annually" and inserting "biennially, as determined by the year that the foreign corporation filed its foreign corporation application in Kansas. A foreign corporation that filed an application in an even-numbered year shall file a report in each even-numbered year. A foreign corporation that filed an application in an odd-numbered year shall file a report in each odd-numbered year. The report shall be filed after the close of the corporation's tax period but not later than"; in line 38, by striking ", unless the"; by striking all in lines 39 through 43;

On page 15, by striking all in lines 1 and 2; in line 3, by striking all before the period;

On page 16, in line 4, by striking "\$40" and inserting "\$80, plus the amount specified in rules and regulations of the secretary";

On page 17, by striking all in lines 12 through 17;

On page 19, in line 16, after "cancellation" by inserting ", and the fee shall be multiplied by the number of series of the limited liability company named in the certificate of cancellation"; in line 28, after "standing" by inserting ", including a certificate of good standing for a series of a limited liability company";

On page 20, in line 9, after "organized" by inserting ", and on and after July 1, 2022, each series thereof formed or in existence,"; in line 12, after "company" by inserting "or series, as applicable,"; in line 14, after "company's" by inserting "or series"; in line 18, by striking "annually" and inserting "biennially, as determined by the year that the limited liability company filed its formation documents. A limited liability company that filed formation documents in an even-numbered year shall file a report in each even-numbered year. A limited liability company that filed formation documents in an odd-numbered year shall file a report in each odd-numbered year. The report shall be filed after the close of the limited liability company's tax period but not later than"; in line 19, after "company's" by inserting "or series"; in line 20, by striking all after "return"; by striking all in lines 21 through 27; in line 28, by striking all before the period and inserting ", or if applicable law does not prescribe a time for filing an annual Kansas income tax return for a series, the report for the series shall be filed at, and for purposes of this section its tax period shall be deemed to be, the time prescribed by law for filing the annual Kansas income tax return for the limited liability company to which the series is associated"; in line 31, after "company" by inserting "or series, as applicable"; in line 33, after "company" by inserting "or series, as applicable"; in line 42, by striking "annually" and inserting "biennially, as determined by the year that the foreign limited liability company filed its foreign limited liability company application. A foreign limited liability company that filed its application in an even-numbered year shall file a report in each even-numbered year. A foreign limited liability company that filed its application in an odd-numbered year shall file a report in each odd-numbered year. The report shall be filed after the close of the foreign limited liability company's tax period but not later than";

On page 21, in line 1, by striking all after "return"; by striking all in lines 2 through 8; in line 9, by striking all before the period; in line 16, by striking "this" and inserting "the Kansas revised limited liability company"; in line 21, after "company" by inserting "or series"; in line 22, by striking "\$40" and inserting "\$80, plus the amount specified in rules and regulations of the secretary"; in line 31, after the first "company" by inserting ", or the certificate of designation of any series thereof,"; in line 37, after "company" by inserting ", or the certificate of designation of a series thereof,"; in line 38, after "forfeited" by inserting "or canceled"; in line 42, after the second "and" by inserting "the certificate of designation may be reinstated by filing a certificate of reinstatement, pursuant to K.S.A. 2019 Supp. 17-76,147, and amendments thereto, and in each case";

On page 22, in line 2, after "company" by inserting "or series"; in line 3, by striking "this" and inserting "the Kansas revised limited liability"; in line 5, after "authority" by inserting "or the certificate of designation of such series has been filed";

On page 23, in line 9, after "company" by inserting ", and all series thereof that have been formed and whose certificate of designation has not been canceled prior to the

cancellation of the articles of organization,";

On page 27, in line 7, after "17-7674a" by inserting "and 17-76,143"; in line 13, after "thereto" by inserting ", or K.S.A. 2019 Supp. 17-76,143a, and amendments thereto"; in line 21, after "mergers" by inserting "or consolidations"; also in line 21, after "thereto" by inserting ", or K.S.A. 2019 Supp. 17-76,143a, and amendments thereto"; in line 23, after "thereto" by inserting ", or K.S.A. 2019 Supp. 17-76,147, and amendments thereto"; in line 25, after "thereto" by inserting ", or K.S.A. 2019 Supp. 17-76,143, and amendments thereto";

On page 32, in line 9, by striking "annually" and inserting "biennially, as determined by the year that the limited partnership filed its formation documents. A limited partnership that filed formation documents in an even-numbered year shall file a report in each even-numbered year. A limited partnership that filed formation documents in an odd-numbered year shall file a report in each odd-numbered year. The report shall be filed after the close of the limited partnership's tax period but not later than"; in line 10, by striking the comma; by striking all in lines 11 through 17; in line 18, by striking all before the period; in line 40, by striking "\$40" and inserting "\$80, plus the amount specified in rules and regulations of the secretary";

On page 33, in line 29, by striking "annually" and inserting "biennially, as determined by the year that the foreign limited partnership filed its foreign limited partnership application. A foreign limited partnership that filed its application in an even-numbered year shall file a report in each even-numbered year. A foreign limited partnership that filed its application in an odd-numbered year shall file a report in each odd-numbered year. The report shall be filed after the close of the limited partnership's tax period but not later than"; in line 30, by striking the comma; by striking all in lines 31 through 38; in line 39, by striking all before the period;

On page 34, in line 16, by striking "\$40" and inserting "\$80, plus the amount specified in rules and regulations of the secretary";

On page 35, in line 7, by striking "annually" and inserting "biennially, as determined by the year that the limited liability partnership filed its limited liability partnership formation documents. A limited liability partnership that filed formation documents in an even-numbered year shall file a report in each even-numbered year. A limited liability partnership that filed formation documents in an odd-numbered year shall file a report in each odd-numbered year. The report shall be filed after the close of the limited liability partnership's tax period but not later than"; in line 9, by striking all after "return"; by striking all in lines 10 through 16; in line 17, by striking all before the period; in line 28, by striking "\$40" and inserting "\$80, plus the amount specified in rules and regulations of the secretary";

On page 36, in line 17, by striking "annually" and inserting "biennially, as determined by the year that the foreign limited liability partnership filed its foreign limited liability partnership application. A foreign limited liability partnership that filed its application in an even-numbered year shall file a report in each even-numbered year. A foreign limited liability partnership that filed its application in an odd-numbered year shall file a report in each odd-numbered year. The report shall be filed after the close of the foreign limited liability partnership's tax period but not later than"; in line 19, by striking all after "return"; by striking all in lines 20 through 26; in line 27, by striking all before the period; in line 36, by striking "\$40" and inserting "\$80, plus the amount specified in rules and regulations of the secretary";

On page 37, by striking all in lines 23 through 27; in line 31, after "17-76,136," by inserting "17-76,136, as amended by section 36 of chapter 47 of the 2019 Session Laws of Kansas,"; also in line 31, after "17-76,139," by inserting "17-76,139, as amended by section 38 of chapter 47 of the 2019 Session Laws of Kansas,"; in line 32, after "76-146," by inserting "17-76,146, as amended by section 41 of chapter 47 of the 2019 Session Laws of Kansas,"; also in line 32, after "17-7904," by inserting "17-7904, as amended by section 43 of chapter 47 of the 2019 Session Laws of Kansas,"; in line 33, by striking "and" and inserting ", 56a-1203,"; also in line 33, after "56a-1202" by inserting "and 75-447"; in line 34, after "after" by inserting "July 1, 2022, and";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking ", 17-7507"; also in line 3, by striking the sixth comma and inserting "and"; in line 4, by striking "75-447 and"; in line 8, after "sections" by inserting "; also repealing K.S.A. 17-7507, 17-76,136, as amended by section 36 of chapter 47 of the 2019 Session Laws of Kansas, 17-76,139, as amended by section 38 of chapter 47 of the 2019 Session Laws of Kansas, 17-76,146, as amended by section 41 of chapter 47 of the 2019 Session Laws of Kansas, 17-7904, as amended by section 43 of chapter 47 of the 2019 Session Laws of Kansas, 56a-1203 and 75-447"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **SB 338** be passed.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of February 17 through February 21, 2020:

Senator Baumgardner: commending Goodwill Industries on its service to Kansas;

Senator Bowers: congratulating Daniel Weigel on being named the 2019-20 Russell Teacher of the Year, congratulating Emily Fay Genereux on receiving the 2020 DAR Good Citizens Award, congratulating the Phillips County Arts Council on receiving the 2020 Community Service by an Organization Award;

Senator Braun: extending official recognition to Mary Schwartz for coaching the Leavenworth JROTC at the National Championship competition, extending official recognition to ISG (Ret.) Wayne Cogdill for coaching the Leavenworth JROTC at the National Championship Competition;

Senator Kerschen: congratulating Shay Peters on winning 2020 Keep It Clean Kansas Calendar Contest-Kindergarten Division; and

Senator Taylor: congratulating Mind Sculpt Games, LLC on receiving the FHSU Emerging Business of the Year Award.

POINT OF PERSONAL PRIVILEGE

Senator Braun rose on a Point of Personal Privilege on Monday, February 17, and submitted the following comments: Today I would like recognize recipients of three Senate Tributes that were prepared and presented in between the 2019 and 2020 sessions. With the recipients visiting the Senate today I would like the full Senate to recognize them.

The first Tribute was for the Leavenworth JROTC Pioneer Battalion "Raiders" who won their first National Raider Challenge Championship Title in 2019. This is simply an amazing accomplishment when you think of all the teams from across the entire

United States that competed. We congratulate them and wish them continued success in future years.

In addition to winning the National Championship the team also had two additional awards. JROTC Cadet “Raider” Konya Halle won the female division of the National Ultimate Raider Competition and JROTC Cadet “Raider” Joseph Purvis won the male division of the National Ultimate Raider Competition at the JROTC National Event. We wish each team member congratulations and continued success in future years. Please give them all warm Senate recognition.

As I do not regularly take Senate time for points of personal privilege I ask my fellow Senators indulgence as I recognize two additional extraordinary individuals with Senate Tributes. Without the leadership and motivation of these two individuals, the National Championship would not have been possible. The first is for Mary Schwartz on coaching the Leavenworth JROTC at the National Championship competition and the second is for 1SG (Ret.) Wayne Cogdill on coaching the Leavenworth JROTC at the National Championship competition. We wish them both many more years of continued success with the Leavenworth JROTC. Please join me in a round of applause to recognize these two Leavenworth JROTC coaches.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, February 24, 2020.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

