

Journal of the Senate

THIRTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 26, 2021, 2:30 p.m.

The Senate was called to order pro forma by Senator Molly Baumgardner.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 282**.

Commerce: **SB 281**.

Financial Institutions and Insurance: **HB 2136, HB 2243**.

Judiciary: **HB 2078, HB 2093, HB 2192**.

Local Government: **HB 2175**.

Transparency and Ethics: **HB 2052**.

Ways and Means: **SB 280**.

MESSAGES FROM THE GOVERNOR

Enclosed are Executive Orders 21-05 and 21-06 for your information. (February 23, 2021)

Senate Bill No. 15 has been signed. (February 25, 2021)

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2101, HB 2244, HB 2277**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2101, HB 2244, HB 2277 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 72** be passed.

Also, **SB 46** be amended on page 9, in line 30, by striking "employer-sponsored"; in line 31, by striking all before "retirement" and inserting "all"; also in line 31, by striking all after the first "plans"; in line 32, by striking all before "to";

On page 1, in the title, in line 3, by striking "employer-sponsored"; and the bill be passed as amended.

SB 50 be amended on page 1, in line 30, by striking "lodging"; in line 31, by striking "establishment" and inserting "hotel"; in line 32, by striking "lodging establishment" and inserting "hotel"; in line 34, by striking "lodging"; in line 35, by striking "establishment" and inserting "hotel";

On page 3, in line 21, by striking "January" and inserting "April"; in line 27, by

striking "January" and inserting "April"; and the bill be passed as amended.

Assessment and Taxation begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee reports, without recommendation, to the Senate such appointment:

By the Governor:

Member, State Board of Tax Appeals: K.S.A. 74-2433

Robert E. Marx, to fill a term expiring on January 15, 2024

Committee on **Education** recommends **SB 31, SB 93, SB 235** be passed.

Also, **SB 63** be amended on page 1, in line 18, after "education" by inserting "and each school district"; also in line 18, by striking all after "annually"; by striking all in lines 19 and 20; in line 21, by striking all before the first "the" and inserting "publish on their websites"; in line 23, after "Kansas" by inserting "and information for students on how to register for such exams or assessments.

(c) Participation in the pre-ACT college entrance exam, the ACT college entrance exam or the ACT workkeys assessment shall be optional. Nothing in this section shall be construed to require any student to participate in such exams or assessments"; And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 102, SB 104** be passed.

SB 273 be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 273," as follows:

"Substitute for SENATE BILL NO. 273

By Committee on Judiciary

"AN ACT concerning governmental response to certain emergencies; relating to the Kansas emergency management act; modifying the procedure for the declaration and extension of a state of disaster emergency; limiting powers granted to the governor during a state of disaster emergency; defining public health disasters and establishing special provisions therefor; creating the joint committee on emergency management and prescribing powers and duties; prescribing powers, duties and functions of the secretary of health and environment, city and county government, the board of education of each school district, the governing body of each community college and the governing body of each technical college to control the spread of disease; establishing judicial review thereof; prescribing certain reporting requirements for the board of education of each school district, the state board of education and the Kansas state department of education; limiting powers of city health officers and local health officers; amending K.S.A. 48-904, 48-923, 48-933, 65-101, 65-119 and 65-126 and K.S.A. 2019 Supp. 48-925, as amended by section 4 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021 Senate Bill No. 14, 48-939, 48-949, 65-201 and 65-202 and repealing the existing sections; also repealing K.S.A. 2019 Supp. 48-925, as amended by section 5 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-925b.";

And the substitute bill be passed.

Also, **SB 105** be amended on page 5, by striking all in line 25; in line 26, by striking all before "notwithstanding" and inserting "the expunged case file"; in line 34, by striking all after the second "the"; in line 35, by striking "information" and inserting "expunged case file";

On page 13, by striking all in line 43;

On page 14, in line 1, by striking all before "notwithstanding" and inserting "the

expunged case file"; in line 9, by striking all after the second "the"; in line 10, by striking "information" and inserting "expunged case file"; and the bill be passed as amended.

The Committee on **Transportation** recommends **SB 101** be amended on page 9, in line 21, by striking "and" and inserting a comma; also in line 21, before the period by inserting ", trails or trail networks"; in line 22, by striking all after "(2)"; by striking all in lines 23 through 25; in line 26, by striking all before the period and inserting "This subsection shall not be construed to prevent a city, through the exercise of its home rule powers, from adopting an ordinance governing the operation of electric-assisted bicycles on streets, highways, roadways, sidewalks or sidewalk areas under the city's jurisdiction or to prevent a municipality, county or agency of the state having jurisdiction over a bicycle or multi-use path, trail or trail network from restricting or prohibiting the operation of an electric-assisted bicycle or a specific class of electric-assisted bicycle on a bicycle or multi-use path, trail or trail network"; in line 27, by striking all after "(3)"; by striking all in lines 28 and 29; in line 30, by striking all before "shall" and inserting "Subsection (g)(1)"; and the bill be passed as amended.

Also, **SB 127** be amended on page 5, in line 20, after "license" by inserting "or any class of commercial driver's license"; in line 30, by striking "or"; also in line 30, by striking "has" and inserting "a person issued"; in line 32, after "withdrawn" by inserting "; or

(E) a person issued a commercial driver's license that has a hazardous materials endorsement";

On page 6, following line 16, by inserting:

"(5) Any person seeking to renew a commercial driver's license pursuant to this subsection shall be required to provide the division with a valid medical examiner's certificate and proof of completion of the truckers against trafficking training.";

On page 7, in line 23, after "(2)" by inserting "and (3)";

On page 8, following line 11, by inserting:

"(3) Any licensee, whose driver's license has expired after March 12, 2020, and before March 31, 2021, shall have until June 30, 2021, to renew such licensee's driver's license.";

On page 11, following line 1, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 8-1325 is hereby amended to read as follows: 8-1325.

(a) Every identification card shall expire, unless earlier canceled or subsection (c) of K.S.A. 8-1324, and amendments thereto, applies, on the sixth birthday of the applicant following the date of original issue, except as otherwise provided by K.S.A. 8-1329, and amendments thereto. Renewal of any identification card shall be made for a term of six years and shall expire in a like manner as the originally issued identification card, unless surrendered earlier or subsection (c) of K.S.A. 8-1324, and amendments thereto, applies. For any person who has been issued an identification card, the division shall mail a notice of expiration or renewal at least 30 days prior to the expiration of such person's identification card at the address shown on such identification card. The division shall include with such notice, written information required under subsection (b). Any application for renewal received later than 90 days after expiration of the identification card shall be considered to be an application for an original identification card. The division shall require payment of a fee of \$14 for each identification card renewal, except that persons who are 65 or more years of age or who are persons with a

disability, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of ~~only~~ \$10. Any identification card holder, whose identification card has expired after March 12, 2020, and before March 31, 2021, shall have until June 30, 2021, to renew such identification card.

(b) The division shall reference the website of the agency in a person's notice of expiration or renewal under subsection (a). The division shall provide the following information on the website of the agency:

(1) Information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-1328, and amendments thereto, and the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto;

(2) information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

(3) information giving the applicant the opportunity to be placed on the organ donation registry described in paragraph (2);

(4) inform the applicant that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in paragraph (2), the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by paragraph (6);

(5) the division may fulfill the requirements of paragraph (4) by one or more of the following methods:

(A) Providing such information on the website of the agency; or

(B) providing printed material to an applicant who personally applies for an identification card; and

(6) if an applicant indicates a willingness under this subsection to have such applicant's name placed on the organ donor registry described, the division shall within 10 days forward the applicant's name, gender, date of birth and address to the organ donor registry maintained by the Kansas federally designated organ procurement organization. The division may forward information under this subsection by mail or by electronic means. The division shall not maintain a record of the name or address of an individual who indicates a willingness to have such person's name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and forwarded under this paragraph shall be confidential and not disclosed.";

On page 14, in line 12, after the second comma by inserting "8-1325,"; 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 "of" by inserting "commercial driver's licenses and"; in line 4, after the semicolon by inserting "renewal of expired licenses and identification cards,"; also in line 4, after "8-247" by inserting ", 8-1325"; and the bill be passed as amended.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of February 22 through February 26, 2021:

Senator Bowers: celebrating Kermit Jeffery's 90th Birthday, congratulating Ethan Wirth on winning the Jewell County Spelling Bee, congratulating Ayres Insurance Agency on being named a 2021 Farmers Alliance Advantage Agent, congratulating Kermit and Loyce Jeffery on their 70th Wedding Anniversary, congratulating Phillip Kirchoff on his retirement, congratulating Steve Hoesli on his retirement, congratulating Bill Schick on his induction into the KMEA Hall of Fame, congratulating Chas Hauck on being named the 3-2-1A Region Two Wrestling Coach of the Year;

Senator Kloos: congratulating Joseph Havens on achieving the rank of Eagle Scout, congratulating Harlan Watson on achieving the rank of Eagle Scout, congratulating Nicholas Calvin on achieving the rank of Eagle Scout;

Senator O'Shea: congratulating Duane and Eva Brunkow on their 70th Wedding Anniversary;

Senator Pettey: recognizing the dedication and leadership of CleanAirNow; and Senator Masterson and Senator Sykes: recognizing February 24, 2021 as JAG-K Day at the Capitol.

On motion of Senator Erickson, the Senate adjourned until 10:00 a.m., Monday, March 1, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

