

Journal of the Senate

TWENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 6, 2024, 2:30 p.m.

The Senate was called to order by President Ty Masterson.
The roll was called with 37 senators present.
Senators Claeys, Ryckman and Ware were excused.
Invocation by Reverend Cecil T. Washington:

How To Know The Way To Go
Proverbs 3:5-7

Heavenly Father, You daily continue to bless us and protect us. When we look at the works of service You've assigned to us, we need the confidence of knowing that You oversee and manage everything we do.

Lord, You cautioned us in Proverbs 3:5-7 that when it comes to decision making, we should always be asking for Your guidance. You counseled us to trust You that You'd help us in making sense of things. And Lord, that's really what we need because a lot of things are not making sense. Please deliver us from being impressed with self, feeling that personal independent thinking should be sufficient. You've created us with a need for one another. Even when others oppose us, You want us to listen to them.

So Lord, help us to trust You for the answers we need. When we do that, You said You'd step in and make clear the path we're to travel. And when the work in these halls is done, let it be obvious that it was Your blessed influence that prevailed. I'm thanking You Lord for what You enable us to do.

In the Name of Him Who Loved us to death, Amen.

The Pledge of Allegiance was led by President Masterson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 455, AN ACT concerning electric public utilities; relating to the state corporation commission; authorizing electric public utilities to retain certain electric generating facilities in the utility's rate base; amending K.S.A. 2023 Supp. 66-1239 and repealing the existing section, by Committee on Utilities.

SB 456, AN ACT concerning public utilities; relating to the state corporation commission; extending the timelines for the state corporation commission to make a determination regarding rate-making treatment for electric generating or transmission facilities; establishing a rebuttable presumption that a fossil fuel-fired electric generating unit shall not be retired; prohibiting the commission from authorizing the

retirement of such an electric generating unit unless the utility overcomes such presumption with sufficient evidence; requiring the commission to report annually on requests to retire such units; amending K.S.A. 2023 Supp. 66-1239 and repealing the existing section, by Committee on Utilities.

SB 457, AN ACT concerning public utilities; relating to eminent domain; prohibiting public utilities from exercising eminent domain for the siting or placement of solar facilities; amending K.S.A. 2023 Supp. 66-104 and repealing the existing section, by Committee on Utilities.

SB 458, AN ACT concerning seizure and forfeiture of property; relating to the Kansas standard asset seizure and forfeiture act; specifying that certain drug offenses do not give rise to forfeiture under the act; requiring courts to make a finding that forfeiture is not excessive; restricting actions prior to commencement of forfeiture proceedings; requiring probable cause affidavit filing and review to commence forfeiture proceedings; increasing the burden of proof required to forfeit property to clear and convincing evidence; providing persons involved in forfeiture proceedings the ability to request a jury trial; authorizing courts to order payment of attorney fees and costs for certain claimants; requiring the Kansas bureau of investigation to submit forfeiture fund financial reports to the legislature; amending K.S.A. 2023 Supp. 60-4104, 60-4106, 60-4107, 60-4109, 60-4111, 60-4112, 60-4113, 60-4114, 60-4116, 60-4117 and 60-4127 and repealing the existing sections, by Committee on Judiciary.

SB 459, AN ACT concerning motor carriers; relating to the Kansas uniform commercial drivers' license act; authorizing the director of vehicles to adopt rules and regulations for participation in the federal motor carrier safety administration's drug and alcohol clearinghouse program; disqualifying a person's commercial driving privileges when such person has violated or is in noncompliance with the requirements of the clearinghouse, by Committee on Transportation.

SB 460, AN ACT concerning public health; relating to anaphylaxis; requiring the secretary of health and environment to adopt anaphylaxis prevention and response policies for schools and day care facilities; setting guidelines and procedures therefor, by Committee on Public Health and Welfare.

SB 461, AN ACT concerning health and healthcare; relating to laser hair removal; creating the laser hair removal act; restricting the practice thereof to certain medical professionals, by Committee on Public Health and Welfare.

SB 462, AN ACT concerning motor carriers; relating to the Kansas uniform commercial drivers' license act; authorizing the director of vehicles to waive the knowledge and skills test for driving a commercial vehicle for an applicant that provides evidence that such applicant qualifies for the military even exchange program for a commercial driver's license; amending K.S.A. 8-2,133 and repealing the existing section, by Committee on Transportation.

SB 463, AN ACT concerning the judicial council; changing the membership from four resident lawyers without regard to congressional district residency to one resident lawyer from each congressional district; exempting members appointed prior to July 1, 2024; amending K.S.A. 20-2201 and repealing the existing section, by Committee on Judiciary.

SB 464, AN ACT creating the Kansas minority, woman, disadvantaged and service-disabled veteran small business enterprise development act; providing for development of such business enterprises through a program to facilitate and increase participation

by such business enterprises in providing goods and services to state agencies and postsecondary educational institutions; establishing the office of minority and women business development within the department of commerce to develop such program and assist state agencies and postsecondary educational institutions to establish plans and goals for such participation; providing for an advisory committee on certified small business enterprises that may be established by the assistant director of such office; authorizing the adoption of rules and regulations; providing for penalties for violations of the provisions of the act or rules and regulations adopted pursuant to the act, by Senator Faust-Goudeau.

SB 465, AN ACT concerning education; relating to school districts; authorizing school districts to levy an annual levy of up to two mills for the purposes of school building safety, security and compliance with the Americans with disabilities act; including such levy in the capital outlay state aid determination for school districts; amending K.S.A. 12-1770a and 72-53,126 and repealing the existing sections, by Committee on Education.

SB 466, AN ACT concerning sales taxation; relating to collection of tax; permitting purchasers to pay the tax on sales of trailers to the director of taxation or county treasurer instead of being collected by retailers; amending K.S.A. 79-3604 and repealing the existing section, by Committee on Assessment and Taxation.

SB 467, AN ACT concerning economic development; relating to tourism; increasing the membership of the council on travel and tourism appointed by the governor and updating the house committee assignment required for house members from the committee on agriculture and natural resources to the committee on commerce, labor and economic development; reducing the required allocation of funds from the department of commerce's matching grant program for the promotion of tourism to public and nonprofit entities and removing the restriction on the percentage of such funds granted to a single entity; amending K.S.A. 2023 Supp. 32-1410 and 32-1420 and repealing the existing sections, by Committee on Commerce.

SB 468, AN ACT concerning property tax; relating to tax levy rates; prohibiting cities and counties that grant or approve certain property tax exemptions or tax increment financing from exceeding their revenue neutral rates; amending K.S.A. 2023 Supp. 79-2988 and repealing the existing section, by Committee on Assessment and Taxation.

SB 469, AN ACT concerning education; establishing the sunflower education equity act; providing savings accounts for students; establishing the sunflower education equity scholarship fund; amending K.S.A. 2023 Supp. 72-3120 and repealing the existing section, by Committee on Education.

SB 470, AN ACT concerning postsecondary education; relating to the Kansas promise scholarship act; including Wichita technical institute as an eligible postsecondary educational institution in such act; amending K.S.A. 2023 Supp. 74-32,271 and 74-32,274 and repealing the existing sections, by Committee on Education.

SB 471, AN ACT concerning motor vehicles; prohibiting any state agency, city or county from regulating or restricting the use or sale of motor vehicles based on the energy source used; allowing the state agency, city or county to establish motor vehicle purchase policies for such state agency, city or county, by Committee on Federal and State Affairs.

SB 472, AN ACT concerning crimes, punishment and criminal procedure; creating the crime of unlawful sexual communication and providing criminal penalties therefor, by Committee on Federal and State Affairs.

SB 473, AN ACT concerning crimes, punishment and criminal procedure; relating to the Kansas code of criminal procedure; authorizing a notice to appear that meets certain requirements to serve as a lawful complaint; amending K.S.A. 22-2202 and 22-2408 and repealing the existing sections, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 451, SB 452, SB 453, SB 454.**

Financial Institutions and Insurance: **SB 447.**

Judiciary: **SB 448.**

Public Health and Welfare: **SB 449, SB 450.**

INTRODUCTION AND CONSIDERATION OF SENATE RESOLUTIONS

Senators Bowers, Alley, Baumgardner, Billinger, Blasi, Dietrich, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holscher, Kerschen, Kloos, Masterson, McGinn, Petersen, Pettey, Reddi, Ryckman, Straub, Sykes, Thompson and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1736—

A RESOLUTION congratulating and commending the National Conference of State Legislatures on its 50th anniversary in 2025.

WHEREAS, The National Conference of State Legislatures (NCSL) was founded in 1975 and has evolved during the past half-century to become the premier organization solely dedicated to serving state and territorial legislators and legislative staff; and

WHEREAS, NCSL was created from the merger of three organizations that served or represented state legislatures and shared the belief that legislative service is one of democracy's worthiest pursuits; and

WHEREAS, NCSL is a bipartisan organization with three objectives, namely, to advance the effectiveness, independence and integrity of state legislatures, to foster interstate communication and cooperation and to ensure that states have a strong, cohesive voice in the federal system; and

WHEREAS, Our nation's state legislatures are America's laboratories of democracy and have continually shown that they are the bodies to tackle emerging challenges and state legislatures are where people from diverse backgrounds, representing diverse communities, can come together and find a common ground; and

WHEREAS, NCSL has facilitated the exchange of ideas, provided critical research and information and encouraged a rigorous review of complex issues confronting our communities, states and nation; and

WHEREAS, NCSL strives to strengthen the bonds between America's state legislatures and the international community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the National Conference of State Legislatures on its 50th anniversary in 2025; and

Be it further resolved: That we recognize and commend the National Conference of State Legislatures for their superb leadership and commitment to the legislative

institution; and

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

On emergency motion of Senator Bowers **SR 1736** was adopted by voice vote.

MESSAGES FROM THE HOUSE

Announcing passage of **HB 2545**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2545 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Your Committee on **Education** begs leave to submit the following report: The following appointment was referred to and considered by the committee, and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, Kansas Board of Regents: K.S.A. 74-3202a

Jonathan Rolph, to fill a term expiring on June 30, 2027.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Wednesday, February 7, 2024.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

