

Journal of the Senate

THIRTY-THIRD DAY *CORRECTED*

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 23, 2023, 10:00 a.m.

The Senate was called to order by President Ty Masterson.

The roll was called with 40 senators present.

Invocation by Doug Henkle:

Loving Heavenly Father, thank You for the rest through the night. Thank You for the opportunity to meet the challenges of today. These challenges can appear overwhelming, the solutions elusive. Yet we know that You, oh Lord, the ultimate statesman, have the resolution to every obstacle. So we look forward with great anticipation to feeling, to seeing Your Holy Spirit move in this Senate as differences are resolved and satisfactory solutions are achieved to Your glory and for the benefit of our state.

As we work through the day, cause us to argue our positions, to present reasons for or against the matters at hand in an honorable way to the best of our ability.

I lift up President Masterson, Vice President Wilborn. Majority Leader Alley and Minority Leader Sykes to You. Bless them with Your wisdom, Your knowledge and Your understanding as they lead this chamber to a beneficial resolution of the matters before it.

At the end of the day, cause us to reflect not on what we gained or lost personally but by what was accomplished in this legislative body called the Kansas Senate, for the people of Kansas. In Jesus' Name, 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 280, AN ACT concerning crimes, punishment and criminal procedure; relating to use of force; modifying the initial aggressor standard; changing immunity from criminal prosecution and civil action to an affirmative defense; requiring reporting and publication of certain data by the Kansas bureau of investigation and the judicial administrator related to use of force cases; amending K.S.A. 2022 Supp. 21-5226 and 21-5231 and repealing the existing sections, by Committee on Federal and State Affairs.

SCR 1609—A CONCURRENT RESOLUTION making application to the Congress of the United States to call a limited national convention for the exclusive purpose of proposing an amendment to the Constitution of the United States establishing term limits for members of Congress, by Senators Claeyes, Alley, Baumgardner, Blasi, Bowers, Erickson, Fagg, Gossage, Kerschen, Kloos, Masterson, Peck, Steffen, Straub,

Thompson, Warren and Wilborn.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 276**.

Judiciary: **SB 279**.

Public Health and Welfare: **SB 277**.

Utilities: **SB 278**.

Ways and Means: **SB 275**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 3, AN ACT designating *Silvisaurus condrayi* as the official state land fossil, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

SB 5, AN ACT concerning health and healthcare; related to the Kansas telemedicine act; prohibiting the prescribing of medications intended to induce an abortion via telemedicine; restricting the power of the governor during a state of emergency to alter such abortion prohibitions; amending K.S.A. 40-2,215 and K.S.A. 2022 Supp. 48-925 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 1; Absent or Not Voting 0.

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

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

Present and Passing: Dietrich.

The bill passed.

EXPLANATION OF VOTE

Kansas was the first state to vote on abortion rights after *Roe v. Wade* was overturned in June 2022. On August 2nd, Kansans overwhelmingly voted to defeat a constitutional amendment that would have allowed anti-abortion politicians to ban abortion, with 59% voting no on the proposed amendment. Since then, legislators in both the House and Senate have introduced legislation aimed at restricting access, promoting predatory and manipulative practices, and outright banning abortion. They are ignoring the will of Kansas voters who said loudly and clearly that attempts by politicians to insert themselves into these decisions are an unwanted overreach by our government. **SB 5** is

yet another one of these attempts, and I stand with the overwhelming majority of Kansans – and 72% of my constituents – who want these power grabs to stop.—DINAH SYKES

Senators Francisco and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **SB 5**.

SB 6, AN ACT concerning infectious or contagious diseases; relating to the secretary of health and environment and local health officers; restricting the powers thereof; repealing authority of the secretary to order individuals to isolate or quarantine and impose associated penalties therefor; amending K.S.A. 65-116g, 65-118, 65-119, 65-128, 65-129b and 65-129d and K.S.A. 2022 Supp. 65-101, 65-202 and 72-5180 and repealing the existing sections; also repealing K.S.A. 65-126, 65-127, 65-129 and 65-129c, was considered on final action.

On roll call, the vote was: Yeas 22; Nays 18; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Blasi, Claeys, Erickson, Fagg, Gossage, Kerschen, Kloos, Masterson, Olson, Peck, Petersen, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Billinger, Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Longbine, McGinn, O'Shea, Pettey, Pittman, Reddi, Sykes, Ware.

The bill passed.

EXPLANATION OF VOTE

Over the past three years, this body has taken unprecedented and mind boggling steps to cast aside experts and give the Legislature power over decisions that, one, we have very little subject matter expertise on, and two, have a troubling pattern of using for political games as opposed to the best interests of our constituents. Just two years ago, we took steps to ensure elected officials have clear oversight on the orders of local health officers. Now we're reducing those same health officers to an advisory capacity and leaving the responsibility of stopping the spread of infectious diseases to a part-time citizen legislature, with far too many members who have shown themselves to be susceptible to conspiracy theories and misinformation in the face of public health crises. While most of the population is vaccinated against diseases such as measles, mumps, whooping cough, and more, some children are too young to receive standard immunizations. Outbreaks must be quickly stopped through infectious disease outbreak tools before children are hospitalized, end up with lifelong health complications, or die from these diseases. Our children cannot afford to wait around for politicians to come back to Topeka, and our state cannot trust that those politicians will even take the threat of these outbreaks seriously. I vote NO.—DINAH SYKES

SB 27, AN ACT concerning insurance; relating to the uniform insurance agents licensure act; public adjusters licensing act; authorizing the commissioner of insurance to set the amount of certain fees; requiring information obtained from background checks, fingerprinting and criminal history records checks be used solely for the purpose of verifying the identification of an applicant and the fitness of an applicant to be issued a license as an insurance agent; amending K.S.A. 40-4905, 40-4906 and 40-5505 and repealing the existing sections, was considered on final action.

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

Voting 0.

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

Nays: Pyle, Tyson.

The bill passed.

SB 28, 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 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Pyle.

The bill passed.

SB 34, AN ACT concerning housing; relating to the Kansas rural housing incentive district act; expanding the availability of such districts to certain cities and the use of bond proceeds; amending K.S.A. 12-5241, 12-5242 and 12-5249 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 6; Present and Passing 4; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Reddi, Ryckman, Shallenburger, Sykes, Ware, Wilborn.

Nays: Erickson, Peck, Steffen, Straub, Thompson, Tyson.

Present and Passing: Gossage, Holland, Pyle, Warren.

The bill passed.

SB 49, AN ACT concerning wind energy conversion systems; relating to aviation obstruction lighting; requiring new wind energy conversion systems to be constructed with light-mitigating technology systems prior to the commencement of operations; requiring existing wind energy conversion systems to install light-mitigating technology systems upon execution of a long-term power offtake agreement; authorizing any county to issue revenue bonds to finance some or all of the costs of the installation of a light-mitigating technology system; making all such installations subject to the approval of the federal aviation administration, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Steffen.

The bill passed, as amended.

SB 75, AN ACT concerning the legal rate of interest; relating to the percentage rate used to calculate interest; amending K.S.A. 16-201 and repealing the existing section, was considered on final action.

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

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

Present and Passing: Olson, Pyle.

The bill passed, as amended.

SB 113, AN ACT concerning health and healthcare; relating to naturopathic doctors; providing naturopathic doctors a certificate of authorization for a business entity to practice medicine; amending K.S.A. 17-2710 and K.S.A. 2022 Supp. 65-28,134 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Dietrich.

Present and Passing: Holscher.

The bill passed.

SB 119, AN ACT concerning insurance; relating to insurance law; updating certain obsolete statutory references contained therein; amending K.S.A. 40-201, 40-216, 40-241 and 40-955 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

SB 120, AN ACT concerning water; relating to water infrastructure projects; authorizing the secretary of health and environment to adopt rules and regulations for an annual certification program for the replacement of distributions systems segments;

increasing the amortization period on loans from the Kansas water pollution control revolving fund; amending K.S.A. 65-163 and 65-3326 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Pyle, Straub, Thompson.

The bill passed.

SB 123, AN ACT concerning postsecondary education; relating to residency determination of certain students; deeming veterans and dependents or spouses of such veterans who were stationed in the state for at least 11 months as residents for purposes of tuition and fees; amending K.S.A. 2022 Supp. 48-3601 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

EXPLANATION OF VOTE

I vote Aye on **SB 123** which would give in-state college tuition to military children who have been previously stationed in Kansas, but have since been deployed elsewhere. Military dependents make daily sacrifices, experiencing fears and distinct challenges as a result of their parents serving our country; they make relationships that are then broken as they move and often find themselves an island adrift from a geographic home. When they find Kansas to be the community they want to come back to, the community they love, the community that makes those sacrifices worthwhile, this small step is a way for Kansas to say Welcome Home.—JEFF PITTMAN

Senator Peck requests the record to show he concurs with the "Explanation of Vote" offered by Senator Pittman on **SB 123**.

SB 174, AN ACT concerning crimes, punishment and criminal procedure; relating to interference with law enforcement; increasing criminal penalties when the violation involves fleeing from a law enforcement officer; amending K.S.A. 2022 Supp. 21-5904 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 6; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Gossage, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Steffen, Straub, Sykes,

Thompson, Warren, Wilborn.

Nays: Faust-Goudeau, Haley, Holscher, Shallenburger, Tyson, Ware.

Present and Passing: Francisco, Holland.

The bill passed, as amended.

SB 180, AN ACT establishing the women's bill of rights; providing a meaning of biological sex for purposes of statutory construction, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 11; Present and Passing 3; Absent or Not Voting 0.

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

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

Present and Passing: Dietrich, Doll, McGinn.

The bill passed.

EXPLANATION OF VOTE

The “Women’s Bill of Rights” is an insulting reduction of women and men to their reproductive capacity. It is widely accepted that gender identity and expression are a product of complementary biological, personal, and cultural influences. Reducing humans to our ovaries and sperm is an alarming, dystopian view on the wide ranging spectrum of human experiences. This is an attempt to create a simple definition for something that is incredibly complex, and in doing so, politicians are trying to further divide us. I vote NO.—DINAH SYKES

SB 194, AN ACT concerning hospital districts; relating to the qualifications of hospital board members; removing the requirement that such members be qualified electors; amending K.S.A. 80-2506 and repealing the existing section, was considered on final action.

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

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

Nays: Pyle, Straub.

The bill passed, as amended.

SB 208, AN ACT concerning elections; relating to advance voting ballots; prohibiting the use of remote ballot boxes for the return of such ballots, was considered on final action.

On roll call, the vote was: Yeas 21; Nays 19; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Claeys, Erickson, Fagg, Gossage, Kerschen, Kloos, Masterson, Olson, Peck, Petersen, Pyle, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren.

Nays: Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Holland,

Holscher, Longbine, McGinn, O'Shea, Pettey, Pittman, Reddi, Ryckman, Sykes, Ware, Wilborn.

The bill passed, as amended.

SB 209, AN ACT concerning elections; relating to advance voting ballots; requiring the return of such ballots by 7 p.m. on the day of the election; amending K.S.A. 25-1132 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 23; Nays 17; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Blasi, Bowers, Claeys, Erickson, Fagg, Gossage, Kerschen, Kloos, Masterson, Olson, Peck, Petersen, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Billinger, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Longbine, McGinn, O'Shea, Pettey, Pittman, Reddi, Sykes, Ware.

The bill passed.

EXPLANATION OF VOTE

Just six sessions ago, the Kansas Legislature added the 3-day grace period in response to longer turnaround times for USPS first-class mail. That policy passed out of this chamber unanimously. If this body truly believed that there was a question of election integrity in our state, legislators would be sounding the alarm on whether or not they were legitimately elected to serve in the Legislature. The fact that they aren't just underscores the fact that these bills are responses to unsubstantiated – and often disproven – hysteria because it's more convenient than admitting that many legislators would prefer that many Kansans not have their votes counted. It is intellectually dishonest to argue in rapid succession that we must eliminate ballot box access while simultaneously making it harder for voters to vote by mail. These are transparent attempts to count fewer votes. I vote NO.—DINAH SYKES

SB 210, AN ACT concerning elections; relating to candidate names on ballots; allowing candidates for nonpartisan offices to have such candidate's political party affiliation provided on the ballot with such candidate's name; amending K.S.A. 25-613 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 16; Nays 24; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Blasi, Claeys, Erickson, Gossage, Kerschen, Kloos, Masterson, Peck, Petersen, Pyle, Steffen, Straub, Thompson, Warren.

Nays: Billinger, Bowers, Corson, Dietrich, Doll, Fagg, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Longbine, McGinn, O'Shea, Olson, Pettey, Pittman, Reddi, Ryckman, Shallenburger, Sykes, Tyson, Ware, Wilborn.

A constitutional majority having failed to vote in favor of the bill, **SB 210** did not pass.

EXPLANATION OF VOTE

Introducing partisanship into local elections is directly against the growing resentment in our electorate against current hyperpartisanship in our divided nation. Additionally my community has a large number of federal employees who serve in local positions, often with little to no pay, who add tremendous value and perspective,

that would no longer be able to perform this avenue of public service when we make these elections partisan with the choice of just one candidate placing their party affiliation on the ballot. I vote no on **SB 210**.—JEFF PITTMAN

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator Pittman on **SB 210**.

Local elections should stay nonpartisan. If anybody wants to declare their partisanship, they can always do so on their website, social media, campaign literature or with their party. We need to encourage more and more people to be engaged in governing and policymaking. It's difficult to recruit people to run for office already. Local elections have a very low voter turnout rate from 15% to at best, 20%. This bill would be discouraging people that already have a disinterest or are nauseated by what goes on in politics to run for office.—USHA REDDI

Senators Faust Goudeau, Francisco, McGinn and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Reddi on **SB 210**.

SB 217, AN ACT concerning the unlawful use of electronic tracking systems or tracking information; relating to stalking; providing criminal penalties for the conduct of utilizing any electronic tracking system or acquiring tracking information to determine the targeted person's location, movement or travel patterns when done as part of an unlawful course of conduct; authorizing orders to prohibit such conduct under the Kansas family law code, the revised Kansas code for care of children, the protection from abuse act and the protection from stalking, sexual assault or human trafficking act; amending K.S.A. 38-2243, 38-2244 and 38-2255 and K.S.A. 2022 Supp. 21-5427, 23-2224, 23-2707, 60-3107 and 60-31a06 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed, as amended.

SB 219, AN ACT concerning insurance; relating to the healthcare provider insurance availability act; 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 insurance coverage equivalent to that provided by the healthcare stabilization fund as a condition of licensure; amending K.S.A. 40-3401 and 40-3403a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 12; Present and Passing 2; Absent or Not Voting 0.

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

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

Present and Passing: Dietrich, Longbine.

The bill passed.

SB 221, AN ACT concerning elections; relating to write-in candidates; requiring affidavits of write-in candidacy for certain locally elected offices; providing requirements for counting write-in votes on ballots; amending K.S.A. 25-305, 25-2903 and 25-3002 and repealing the existing sections; also repealing K.S.A. 25-305b, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 7; Present and Passing 4; Absent or Not Voting 0.

Yeas: Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Erickson, Fagg, Faust-Goudeau, Gossage, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Peck, Petersen, Pettey, Pyle, Reddi, Ryckman, Steffen, Straub, Sykes, Thompson, Wilborn.

Nays: Doll, Holland, Olson, Pittman, Shallenburger, Tyson, Warren.

Present and Passing: Alley, Francisco, Haley, Ware.

The bill passed, as amended.

SB 229, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the city of Topeka license plate, was considered on final action.

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

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

Nays: Blasi, Peck.

The bill passed.

SB 233, AN ACT concerning gender identity medical care; 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; amending K.S.A. 2022 Supp. 65-2836 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 11; Present and Passing 3; Absent or Not Voting 0.

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

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

Present and Passing: Dietrich, Haley, McGinn.

The bill passed.

EXPLANATION OF VOTE

I support **SB 233**. The excision of healthy tissue and organs from children (mutilation) will go down in the annals of medicine along side lobotomies (ice pick into the brain) for depression and forced hysterectomies for "hysterical" women.—MARK STEFFEN

Evidence-based standards on gender-affirming care have existed for decades. They require medical professionals to carefully evaluate each patient and make individualized decisions in the patient's best interest, made in conjunction with the patients, their families, and a team of medical professionals. This bill effectively bans the only evidence-based healthcare options available to young Kansans experiencing gender dysphoria. And it would result in the forced medical detransition of young Kansans—some of whom have been safely relying on this medical care for years. Everyone should have the right to access the healthcare they need to survive and thrive without government interference. And we should want medical professionals to provide medically necessary care without fear of revocation of their medical license. Let's stop attacking the transgender community – including their support systems – just because we don't understand them. Let's show these kids that we love them, we support them, and we trust their families, faith leaders, and medical teams to make good, healthy decisions that result in radical self-love.—DINAH SYKES

Senators Francisco and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **SB 233**.

Today I vote to protect vulnerable children and young people in Kansas from surgical mutilation, chemical experimentation, and abuse at the hands of medical professionals who violate their oath to "do no harm." Just last night, on a national news broadcast, yet another courageous young man told his story of being coached and fast-tracked into taking cross-sex hormones which he now regrets. He was in college and had been fighting depression, and abusing drugs and was confused. He unwittingly went to an activist doctor for help and was told that he was really a woman and was immediately started on estrogen. The doctor did not consider the mood disorders and myriad other issues this young man was dealing with...but instead put this young man on a path to transition. This is the type of situation that **SB 233** will help prevent here in Kansas. We cannot bury our heads in the sand and pretend it is not happening. The future of this state is at risk if we do not protect our progeny. I hope and pray the House will pass this bill and the Governor will have the courage to sign it.—MIKE THOMPSON

Senators Masterson, Peck and Straub request the record to show they concur with the "Explanation of Vote" offered by Senator Thompson on **SB 233**.

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 Claeys in the chair.

SB 24 be passed.

SB 13, SB 205, SB 243 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 228 be amended by the adoption of the committee amendments, be further amended by motion of Senator Baumgardner; on page 1, following line 13, by inserting:

"New Section 1. (a) Whenever a person is in the custody of a sheriff and confined in a county jail awaiting examination, evaluation or treatment pursuant to K.S.A. 22 - 3219, 22 - 3302, 22 - 3303, 22 - 3428, 22 - 3429 or 22 - 3430, and amendments thereto, the county that maintains such county jail shall be reimbursed by the secretary

for aging and disability services for the costs related to such custody at the rate of \$100 per day. The county shall be compensated at such rate for each day that a person is in custody and confined as described in this subsection:

(1) If such person is awaiting examination or evaluation, from the date the request for examination or evaluation is made until the date the person is taken from confinement in the county jail for such examination or evaluation or the examination or evaluation is completed at the county jail; and

(2) if such person is awaiting treatment, from the date of return to confinement in the county jail from examination or evaluation or the examination or evaluation is completed at the county jail until the date the person is taken from confinement in the county jail for such treatment or treatment is completed at the county jail.

(b) On and after July 1, 2022, if a county has a claim for reimbursement of costs described in subsection (a), the county shall notify and provide documentation of such costs to the secretary for aging and disability services on a quarterly basis. The secretary for aging and disability services shall certify the amount of moneys attributable to such costs and shall transmit a copy of such certification to the director of accounts and reports. Upon receipt of such certification, the director of accounts and reports shall transfer an amount of moneys equal to such certified amount from the state general fund to the county competency expense fund. The secretary for aging and disability services shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

(c) The secretary for aging and disability services shall develop and implement a procedure to provide payments to counties pursuant to subsection (b) on a quarterly basis.

(d) If there are no moneys available in the county competency expense fund to pay any such reimbursements, the county may file a claim against the state pursuant to article 9 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto.

(e) There is hereby established in the state treasury the county competency expense fund that shall be administered by the secretary for aging and disability services. All expenditures from the county competency expense fund shall be for the purpose of reimbursing counties for the costs described in subsection (a). All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for aging and disability services or the secretary's designee.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after "concerning" by inserting "counties; requiring the secretary for aging and disability services to reimburse counties for certain costs when a person is confined in a county jail awaiting examination, evaluation or treatment for competency; relating to"

A ruling of the chair was requested as to the germaneness of the amendment. The chair ruled the amendment was germane to the bill.

and **SB 228** be passed as further amended.

A motion by Senator Corson to amend **SB 228** failed.

The committee report on **SB 232** recommending **Sub SB 232** be adopted, and the substitute bill be passed.

SB 112 be passed over and retain a place on the calendar.

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

AFTERNOON - EVENING SESSION

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

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5012**.

HCR 5012, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2023 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Alley, **HCR 5012** was adopted by voice vote.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for consideration of bills under the heading of General Orders with Senator Claeys in the chair.

On motion of Senator Claeys the report for the morning and the following afternoon session was adopted:

SB 96, **SB 169** be passed.

A motion by Senator Holland to amend **SB 169** failed.

SB 83 be amended by motion of Senator Steffen; on page 2, in line 4, after "been" by inserting "adopted,"

SB 83 be further amended by motion of Senator Straub; on page 4, in line 13, by striking "\$500,000" and inserting "\$100,000"

SB 83 be further amended by motion of Senator Steffen; on page 1, in line 27, by striking "250%" and inserting "400%"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 21; Nays 15; Present and Passing 2; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Blasi, Claeys, Erickson, Fagg, Gossage, Kerschen, Kloos, Masterson, O'Shea, Peck, Petersen, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

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

Present and Passing: Olson, Pyle.

Absent or Not Voting: Billinger, Longbine.

SB 83 be further amended by motion of Senator Sykes; on page 4, in line 7, by striking "100%" and inserting "75%"
and **SB 83** be passed as amended.

A motion by Senator Sykes to amend **SB 83** failed and the following amendment was rejected; on page 3, following line 19, by inserting:

"Sec. 3. K.S.A. 72-4355 is hereby amended to read as follows: 72-4355. On or before the first day of ~~the each~~ legislative session ~~in 2015, and each year thereafter~~, the state board shall prepare and submit a report to the legislature on the program. Annual reports shall include;

(a) Information reported to the state board under ~~subsection (f)~~ of K.S.A. 72-4354(g), and amendments thereto, and a summary of such information;

(b) the number of students who apply to the program;

(c) the number of students who apply who are determined to be eligible students;
and

(d) the number of at-risk students who received a scholarship from a scholarship granting organization.";

On page 4, in line 39, after "72-4353" by inserting ", 72-4355";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "72-4353" by inserting ", 72-4355"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 13; Nays 18; Present and Passing 7; Absent or Not Voting 2.

Yeas: Corson, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Petersen, Pettey, Pittman, Reddi, Shallenburger, Sykes, Ware.

Nays: Alley, Blasi, Claeys, Erickson, Fagg, Gossage, Kerschen, Kloos, Masterson, O'Shea, Olson, Peck, Ryckman, Steffen, Straub, Thompson, Tyson, Wilborn.

Present and Passing: Baumgardner, Bowers, Dietrich, Doll, Longbine, Pyle, Warren.

Absent or Not Voting: Billinger, McGinn.

EXPLANATION OF VOTE

Post Audit looked at this education scholarship program with a readout to the Ways and Means. This amendment simply gives the type of transparency and evidence of efficacy we as a body should expect from any such program. I vote aye on Senator Sykes amendment on **SB 83**.—JEFF PITTMAN

A motion by Senator Holscher to amend **SB 83** failed.

A motion by Senator Pettey to amend **SB 83** failed.

Three motions by Senator Straub to amend **SB 83** failed.

SB 248 be amended by motion of Senator Petersen; on page 1, in line 30, by striking "17%"; also in line 30, before "of" by inserting "18%";

On page 44, in line 6, by striking all after "of"; by striking all in lines 7 through 13; in line 14, by striking all before the period and inserting "food and food ingredients. The provisions of this subsection shall not apply to prepared food unless sold without eating utensils provided by the seller and described below:

(1) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries);

(2) (A) food sold in an unheated state by weight or volume as a single item; or

(B) only meat or seafood sold in an unheated state by weight or volume as a single item;

(3) bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies and tortillas; or

(4) food sold that ordinarily requires additional cooking, as opposed to just reheating, by the consumer prior to consumption";

Also on page 44, in line 36, by striking "17%" and inserting "18%";

On page 46, in line 20, by striking "17%"; in line 21, before "of" by inserting "18%";

On page 47, in line 12, by striking "17%" and inserting "18%";

On page 1, in the title, in line 2, by striking "healthy" and inserting "certain"; also in line 2, after "food" by inserting "and food ingredients"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 20; Nays 14; Present and Passing 4; Absent or Not Voting 2.

Yeas: Alley, Blasi, Claeys, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Kerschen, Kloos, Masterson, Olson, Peck, Petersen, Pittman, Pyle, Thompson, Tyson, Warren, Wilborn.

Nays: Bowers, Dietrich, Doll, Francisco, Holland, Holscher, Longbine, McGinn, O'Shea, Pettey, Reddi, Ryckman, Shallenburger, Sykes.

Present and Passing: Baumgardner, Corson, Steffen, Straub.

Absent or Not Voting: Billinger, Ware.

EXPLANATION OF VOTE

I vote Aye on Senator Petersen's amendment to **SB 248** to reduce the food sales tax to absolute zero quickly because food should not be taxed in our state. It is a basic necessity and food sales taxes affect on our most vulnerable. It affects our locals, so in combination, we should also be making our locals whole by returning the LAVTR tax to the counties and municipalities.—JEFF PITTMAN

Senator Haley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Pittman on **SB 248**.

SB 248 be further amended by motion of Senator Fagg; on page 7, in line 43, by striking "and";

On page 8, in line 2, after "Kansas" by inserting ", the Kansas state school for the blind and the Kansas state school for the deaf";

On page 1, in the title, in line 1, by striking "food" and inserting "exemptions"; in line 2, after "food" by inserting "and a sales tax exemption for purchases for the construction or repair of buildings used for human habitation by the Kansas state school for the blind and the Kansas state school for the deaf"

and **SB 248** be passed as amended.

A motion by Senator Holland to amend **SB 248** failed and the following amendment was rejected; on page 1, following line 8, by inserting:

"Section 1. K.S.A. 2022 Supp. 79-32,271 is hereby amended to read as follows: 79-32,271. (a) For any taxable year commencing after December 31, 2014, and ending prior to January 1, ~~2025~~ 2024, a credit shall be allowed against the tax imposed by the Kansas income tax act on the Kansas taxable income of an individual income taxpayer who purchased food in this state, had federal adjusted gross income for the tax year that did not exceed \$30,615, and meets the qualifications in subsections (b) and (c).

(b) During the entire tax year a taxpayer filing single, head of household, or married filing separate, or the taxpayer and the taxpayer's spouse if married filing jointly, must be domiciled in this state. For purposes of this credit, "domicile" shall not include any correctional facility, or portion thereof, as defined in K.S.A. 75-5202, and amendments thereto, any juvenile correctional facility, or portion thereof, as defined in K.S.A. 38-2302, and amendments thereto, any correctional facility of the federal bureau of prisons located in the state of Kansas, or any city or county jail facility in the state of Kansas.

(c) During the entire tax year a taxpayer filing single, head of household, or married filing separate, or the taxpayer or the taxpayer's spouse if married filing jointly, must be either: (1) A person having a disability, regardless of age; (2) a person without a disability who is 55 years of age or older; or (3) a person without a disability who is younger than 55 years of age who claims an exemption for one or more dependent children under 18 years of age.

(d) The amount of the credit shall be \$125 for every exemption claimed on the taxpayer's federal income tax return, except that no exemption shall be counted for a dependent unless the dependent is a child under 18 years of age.

(e) The credit allowed under this provision shall be applied against the taxpayer's income tax liability after all other credits allowed under the income tax act. It shall not be refundable and may not be carried forward.

(f) (1) Every taxpayer claiming the credit shall supply the division in support of a claim, reasonable proof of domicile, age and disability.

(2) A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability as defined in subsection (g).

(g) "Disability" means: (1) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, and an individual shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that the individual is not only unable to do the individual's previous work but cannot, considering age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the individual lives or whether a specific job vacancy exists for the individual, or whether the individual would be hired if application was made for work. For purposes of this paragraph, with respect to any individual, "work which exists in the national economy" means work which exists in significant numbers either in the region where the individual lives or in several regions of the country; and "physical or mental impairment" means an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques; or

(2) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity and over a substantial period of time. For purposes of this paragraph, "blindness" means central visual acuity of $^{20}/_{200}$ or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of $^{20}/_{200}$ or less.

(h) The secretary of revenue is hereby authorized to adopt such rules and regulations as may be necessary for the administration of the provisions of this section.

Sec. 2. K.S.A. 2022 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 6.5%. On

and after January 1, 2023, 17% and on and after ~~January 1, 2025~~ July 1, 2023, 18% of the tax rate imposed pursuant to this section and the rate provided in K.S.A. 2022 Supp. 79-3603d, and amendments thereto, shall be levied for the state highway fund, the state highway fund purposes and those purposes specified in K.S.A. 68-416, and amendments thereto, and all revenue collected and received from such tax levy shall be deposited in the state highway fund.

Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project.

Such tax shall be imposed upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

(b) the gross receipts from intrastate, interstate or international telecommunications services and any ancillary services sourced to this state in accordance with K.S.A. 79-3673, and amendments thereto, except that telecommunications service does not include: (1) Any interstate or international 800 or 900 service; (2) any interstate or international private communications service as defined in K.S.A. 79-3673, and amendments thereto; (3) any value-added nonvoice data service; (4) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (5) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, except that, on and after January 1, 2006, for sales of gas, electricity and heat delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises, and for agricultural use and also, for such use, all sales of propane gas, the state rate shall be 0%; and for all sales of propane gas, LP gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises, the state rate shall be 0%, but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or

providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501, and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto, but such tax shall not be levied and collected upon the gross receipts received from sales of such service to the federal government and any agency, officer or employee thereof in association with the performance of official government duties;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and waxing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) (1) except as otherwise provided by paragraph (2), the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to K.S.A. 79-201 *Ninth*, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs,

drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to K.S.A. 79-201 *Eighth* and *Ninth*, and amendments thereto; and (2) sales of memberships in a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation or limited liability company solely in exchange for stock securities or membership interest in such corporation or limited liability company; (2) the transfer of motor vehicles or trailers by one corporation or limited liability company to another when all of the assets of such corporation or limited liability company are transferred to such other corporation or limited liability company; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 et seq., and amendments thereto, by an immediate family member to another immediate family member. For the purposes of paragraph (3), immediate family member means lineal ascendants or descendants, and their spouses. Any amount of sales tax paid pursuant to the Kansas retailers sales tax act on the isolated or occasional sale of motor vehicles or trailers on and after July 1, 2004, which the base for computing the tax was the value pursuant to K.S.A. 79-5105(a), (b)(1) and (b)(2), and amendments thereto, when such amount was higher than the amount of sales tax which would have been paid under the law as it existed on June 30, 2004, shall be refunded to the taxpayer pursuant to the procedure prescribed by this section. Such refund shall be in an amount equal to the difference between the amount of sales tax paid by the taxpayer and the amount of sales tax which would have been paid by the taxpayer under the law as it existed on June 30, 2004. Each claim for a sales tax refund shall be verified and submitted not later than six months from the effective date of this act to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of tax paid as provided by this act. All such refunds shall be paid from the sales tax refund fund, upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation or the director's designee. No refund for an amount less than \$10 shall be paid pursuant to this act. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility, the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" means the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building, facility or utility structure damaged or destroyed by fire, flood, tornado, lightning, explosion, windstorm, ice loading and attendant winds, terrorism or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" means only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" means a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility;

(4) "residence" means only those enclosures within which individuals customarily live;

(5) "utility structure" means transmission and distribution lines owned by an independent transmission company or cooperative, the Kansas electric transmission authority or natural gas or electric public utility; and

(6) "windstorm" means straight line winds of at least 80 miles per hour as determined by a recognized meteorological reporting agency or organization;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) on and after January 1, 2005, the gross receipts received from the sale of prewritten computer software and the sale of the services of modifying, altering, updating or maintaining prewritten computer software, whether the prewritten computer software is installed or delivered electronically by tangible storage media physically transferred to the purchaser or by load and leave;

(t) the gross receipts received for telephone answering services;

(u) the gross receipts received from the sale of prepaid calling service and prepaid wireless calling service as defined in K.S.A. 79-3673, and amendments thereto;

(v) all sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 75-5171 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section;

(w) all sales of charitable raffle tickets in accordance with K.S.A. 75-5171 et seq.,

and amendments thereto, shall be exempt from taxes imposed pursuant to this section; and

(x) commencing on January 1, 2023, and thereafter, the state rate on the gross receipts from the sale of food and food ingredients shall be as set forth in K.S.A. 2022 Supp. 79-3603d, and amendments thereto.

Sec. 3. K.S.A. 2022 Supp. 79-3603d is hereby amended to read as follows: 79-3603d. (a) There is hereby levied and there shall be collected and paid a tax upon the gross receipts from the sale of food and food ingredients. The rate of tax shall be as follows:

(1) Commencing on January 1, 2023, at the rate of 4%; and

(2) ~~commencing on January 1, 2024, at the rate of 2%; and~~

(~~3~~) commencing on ~~January 1, 2025~~ July 1, 2023, and thereafter, at the rate of 0%.

(b) The provisions of this section shall not apply to prepared food unless sold without eating utensils provided by the seller and described below:

(1) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries);

(2) (A) food sold in an unheated state by weight or volume as a single item; or

(B) only meat or seafood sold in an unheated state by weight or volume as a single item;

(3) bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies and tortillas; or

(4) food sold that ordinarily requires additional cooking, as opposed to just reheating, by the consumer prior to consumption.

(c) The provisions of this section shall be a part of and supplemental to the Kansas retailers' sales tax act.

Sec. 4. K.S.A. 2022 Supp. 79-3620 is hereby amended to read as follows: 79-3620.

(a) All revenue collected or received by the director of taxation from the taxes imposed by this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsections (c), (d) and (e), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

(c) (1) On January 1, 2023, the state treasurer shall credit 17% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rates provided in K.S.A. 79-3603, and amendments thereto, and K.S.A. 2022 Supp. 79-3603d, and amendments thereto, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state

highway fund.

(2) On ~~January 1, 2025~~ July 1, 2023, and thereafter, the state treasurer shall credit 18% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rates provided in K.S.A. 79-3603, and amendments thereto, and K.S.A. 2022 Supp. 79-3603d, and amendments thereto, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a STAR bond project district occupied by a STAR bond project or taxpayers doing business with such entity financed by a STAR bond project as defined in K.S.A. 12-17,162, and amendments thereto, that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state or the project was designated as a STAR bond project as defined in K.S.A. 12-17,162, and amendments thereto, to the city bond finance fund, which fund is hereby created. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under K.S.A. 79-3710(d), and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such STAR bond project.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by K.S.A. 79-3603(c), and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to K.S.A. 79-3710(e), and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by K.S.A. 12-1770a(oo), and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

Sec. 5. K.S.A. 2022 Supp. 79-3703 is hereby amended to read as follows: 79-3703.

(a) There is hereby levied and there shall be collected from every person in this state a

tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of 6.5%.

(b) Commencing on January 1, 2023, and thereafter, the state rate on the amount equal to the consideration paid by the taxpayer from the sale of food and food ingredients as provided in K.S.A. 79-3603, and amendments thereto, shall be as set forth in K.S.A. 2022 Supp. 79-3603d, and amendments thereto.

(c) On and after January 1, 2023, 17% and on and after ~~January 1, 2025~~ July 1, 2023, 18% of the tax rate imposed pursuant to this section and the rate provided in K.S.A. 2022 Supp. 79-3603d, and amendments thereto, shall be levied for the state highway fund, the state highway fund purposes and those purposes specified in K.S.A. 68-416, and amendments thereto, and all revenue collected and received from such tax levy shall be deposited in the state highway fund.

(d) Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax of 2% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) the final scheduled maturity of the first series of bonds issued to finance the redevelopment project.

(e) All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.

Sec. 6. K.S.A. 2022 Supp. 79-3710 is hereby amended to read as follows: 79-3710.

(a) All revenue collected or received by the director under the provisions of this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts set apart as provided in subsection (b) and amounts credited as provided in subsection (c), (d) and (e), to the credit of the state general fund.

(b) A revolving fund, designated as "compensating tax refund fund" not to exceed \$10,000 shall be set apart and maintained by the director from compensating tax collections and estimated tax collections and held by the state treasurer for prompt payment of all compensating tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act.

(c) (1) On January 1, 2023, the state treasurer shall credit 17% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rates provided in K.S.A. 79-3703, and amendments thereto, and K.S.A. 2022 Supp. 79-3603d, and amendments thereto, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) On ~~January 1, 2025~~ July 1, 2023, and thereafter, the state treasurer shall credit 18% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rates provided in K.S.A. 79-3703, and amendments thereto, and K.S.A. 2022 Supp. 79-3603d, and amendments thereto, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in

the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund created by K.S.A. 79-3620(d), and amendments thereto. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under K.S.A. 79-3620(d), and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project.

This subsection shall not apply to a project designated as a special bond project as defined in K.S.A. 12-1770a(z), and amendments thereto.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by K.S.A. 79-3603(c), and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to K.S.A. 79-3620(e), and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by K.S.A. 12-1770a(oo), and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.";

Also on page 1, by striking all in lines 9 through 36;

By striking all on pages 2 through 47;

On page 48, by striking all in lines 1 through 26; in line 27, by striking "K.S.A. 12-189a and"; also in line 27, after "Supp." by inserting "79-32,271,"; in line 28, by striking "79-3606,"; in line 30, by striking all before "its";

On page 1, in the title, by striking all in lines 2 through 5; in line 6, by striking all before the period and inserting "accelerating the reduction of the state tax rate on sales

of food and food ingredients; discontinuing the food sales tax credit; amending K.S.A. 2022 Supp. 79-32,271, 79-3603, 79-3603d, 79-3620, 79-3703 and 79-3710 and repealing the existing sections"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 10; Nays 26; Present and Passing 0; Absent or Not Voting 4.

Yeas: Corson, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Pettey, Pittman, Reddi, Sykes.

Nays: Alley, Baumgardner, Blasi, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Absent or Not Voting: Billinger, McGinn, Pyle, Ware.

A motion by Senator Sykes to amend **SB 248** failed and the following amendment was rejected; on page 44, in line 5, by striking the second "and"; in line 14, after "food" by inserting ";

(qqqq) all sales of children's diapers. As used in this subsection:

(1) "Children's diapers" means diapers marketed to be worn by children; and

(2) "diaper" means an absorbent garment worn by humans who are incapable of, or have difficulty, controlling their bladder or bowel movements; and

(rrrr) all sales of feminine hygiene products. For purposes of this subsection, "feminine hygiene products" means tampons, panty liners, menstrual cups, sanitary napkins and other similar tangible personal property designed for feminine hygiene in connection with the human menstrual cycle";

On page 1, in the title, in line 1, by striking "food" and inserting "exemptions"; in line 2, after the semicolon by inserting "providing a sales tax exemption for children's diapers and feminine hygiene products;"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 16; Nays 20; Present and Passing 2; Absent or Not Voting 2.

Yeas: Corson, Faust-Goudeau, Francisco, Haley, Holland, Holscher, O'Shea, Olson, Petersen, Pettey, Pittman, Reddi, Shallenburger, Sykes, Ware, Wilborn.

Nays: Alley, Baumgardner, Blasi, Bowers, Dietrich, Doll, Erickson, Fagg, Gossage, Kerschen, Kloos, Longbine, Masterson, Peck, Ryckman, Steffen, Straub, Thompson, Tyson, Warren.

Present and Passing: Claeys, Pyle.

Absent or Not Voting: Billinger, McGinn.

A motion by Senator Holland to amend **SB 248** failed.

SB 8, SB 37, SB 98, be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 33 be amended by the adoption of the committee amendments, be further amended by motion of Senator Thompson; on page 10, following line 19, by inserting:

"(xxix) For all taxable years beginning after December 31, 2023, amounts received by retired individuals under all retirement plans to the extent included in federal adjusted gross income.";

On page 1, in the title, in line 3, after the semicolon by inserting "providing a subtraction modification for amounts received from retirement plans;"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 35; Nays 2; Present and Passing 1; Absent or Not Voting 2.

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

Nays: Doll, Francisco.

Present and Passing: Haley.

Absent or Not Voting: Billinger, Ware.

SB 33 be further amended by motion of Senator Tyson; on page 10, following line 32, by inserting:

"Sec. 2. K.S.A. 2022 Supp. 79-32,119 is hereby amended to read as follows: 79-32,119. (a) The Kansas standard deduction of an individual, including a husband and wife who are either both residents or who file a joint return as if both were residents, shall be equal to the sum of the standard deduction amount allowed pursuant to this section, and the additional standard deduction amount allowed pursuant to this section for each such deduction allowable to such individual or to such husband and wife under the federal internal revenue code.

(b) For tax year 1998, and all tax years thereafter, the additional standard deduction amount shall be as follows: Single individual and head of household filing status, \$850; and married filing status, \$700.

(c) (1) For tax year 2013 through tax year 2020, the standard deduction amount of an individual, including husband and wife who are either both residents or who file a joint return as if both were residents, shall be as follows: Single individual filing status, \$3,000; married filing status, \$7,500; and head of household filing status, \$5,500.

(2) (A) For tax year 2021, and all tax years thereafter, the standard deduction amount of an individual, including husband and wife who are either both residents or who file a joint return as if both were residents, shall be as follows: Single individual filing status, \$3,500; married filing status, \$8,000; and head of household filing status, \$6,000.

(B) In the case of tax year 2023, and all tax years thereafter, the amounts prescribed in this paragraph shall be increased by an amount equal to such amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.

(d) For purposes of this section, the federal standard deduction allowable to a husband and wife filing separate Kansas income tax returns shall be determined on the basis that separate federal returns were filed, and the federal standard deduction of a husband and wife filing a joint Kansas income tax return shall be determined on the basis that a joint federal income tax return was filed.";

Also on page 10, in line 33, by striking "is" and inserting "and 79-32,119 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "relating to deductions; increasing the Kansas standard deduction by a cost-of-living adjustment;"; in line 4, after "79-32,117" by inserting "and 79-32,119"; also in line 4, by striking "section" and inserting "sections"

SB 33 be further amended by motion of Senator Holland; on page 10, following line 32, by inserting:

"Sec. 2. K.S.A. 2022 Supp. 79-4508a is hereby amended to read as follows: 79-4508a. (a) For tax year 2022, and all tax years thereafter, the amount of any claim pursuant to this section shall be computed by deducting the claimant's base year ad valorem tax amount for the homestead from the claimant's homestead ad valorem tax amount for the tax year for which the refund is sought.

(b) As used in this section:

(1) "Base year" means the year in which an individual becomes an eligible claimant and who is also eligible for a claim for refund pursuant to this section. For any individual who would otherwise be an eligible claimant prior to 2021, such base year shall be deemed to be 2021 for the purposes of this act.

(2) "Claimant" means a person who has filed a claim under the provisions of this act and was, during the entire calendar year preceding the year in which such claim was filed for refund under this act, except as provided in K.S.A. 79-4503, and amendments thereto, both domiciled in this state and was: (A) A person who is 65 years of age or older; or (B) a disabled veteran. The surviving spouse of a person 65 years of age or older or a disabled veteran who was receiving benefits pursuant to this section at the time of the claimant's death shall be eligible to continue to receive benefits until such time the surviving spouse remarries.

(3) "Household income" means all income as defined in K.S.A. 79-4502(a), and amendments thereto, excluding all payments received under the federal social security act received by persons of a household in a calendar year while members of such household.

(c) A claimant shall only be eligible for a claim for refund under this section if:

(1) The claimant's household income for the year in which the claim is filed is \$50,000 or less; and

(2) the appraised value of the claimant's homestead for the base year is ~~\$350,000~~ \$595,000 or less.

The provisions of K.S.A. 79-4522, and amendments thereto, shall not apply to a claim pursuant to this section. In the case of all tax years commencing after December 31, 2022, the upper limit household income threshold amount prescribed in this subsection shall be increased by an amount equal to such threshold amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences. In the case of all base years commencing after December 31, 2021, the upper limit appraised value threshold amount prescribed in this subsection shall be increased each year to reflect the average percentage change in statewide residential valuation of existing residential real property for the preceding 10 years.

(d) A taxpayer shall not be eligible for a homestead property tax refund claim pursuant to this section if such taxpayer has received for such property for such tax year either: (1) A homestead property tax refund pursuant to K.S.A. 79-4508, and amendments thereto; or (2) the selective assistance for effective senior relief (SAFESR) credit pursuant to K.S.A. 79-32,263, and amendments thereto.

(e) The amount of any claim shall be computed to the nearest \$1.

(f) The household income and appraised value amendments made to this section by this act shall apply retroactively, and the deadline to file claims for tax year 2022 shall be extended to on or before April 15, 2024.

(g) The provisions of this section shall be a part of and supplemental to the

homestead property tax refund act.";

Also on page 10, in line 33, by striking "is" and inserting "and 79-4508a are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "relating to homestead property tax refund claims; excluding social security payments from household income for eligibility of seniors and disabled veterans related to increased property tax claims; increasing the appraised value threshold for eligibility;"; in line 4, after "79-32,117" by inserting "and 79-4508a"; also in line 4, by striking "section" and inserting "sections"

SB 33 be further amended by motion of Senator Tyson; on page 10, following line 19, by inserting:

"(xxix) For taxable years beginning after December 31, 2017, for an individual taxpayer who carried back federal net operating losses arising in a taxable year beginning after December 31, 2017, and before January 1, 2021, pursuant to section 172(b)(1) of the federal internal revenue code as amended by the coronavirus aid, relief, and economic security act (CARES act), the amount of such federal net operating loss carryback for each applicable year. If the amount of such federal net operating loss carryback exceeds the taxpayer's Kansas adjusted gross income for such taxable year, the amount thereof that exceeds such Kansas adjusted gross income may be carried forward as a subtraction modification in the following taxable year or years until the total amount of such federal net operating loss carryback has been deducted, except that no such unused amount shall be carried forward for deduction as a subtraction modification after the 20th taxable year following the taxable year of the net operating loss. Notwithstanding any other provision of law to the contrary, an extension of time shall be allowed for a claim for refund or amended return for tax years 2018, 2019 or 2020 limited to the application of the provisions of this paragraph and such claim for refund or amended return must be filed on or before April 15, 2025.";

On page 1, in the title, in line 3, after the semicolon by inserting "providing a subtraction modification to permit the carry forward of certain net operating losses for individuals;"

SB 33 be further amended by motion of Senator Tyson; on page 6, in line 41, after the second "credit" by inserting ", work opportunity tax credit and similar"; in line 42, after "280C." by inserting "For taxable years beginning after December 31, 2019, the provisions of this paragraph shall also apply to the employee retention credit disallowance. The subtraction modifications provided by this paragraph for the work opportunity tax credit and the employee retention credit disallowances shall be limited to 25% of the amount of such disallowances.";

On page 1, in the title, in line 3, after the semicolon by inserting "providing a subtraction modification for the federal work opportunity tax credit and the employee retention credit disallowances;"

and **SB 33** be passed as further amended.

A motion by Senator Francisco to amend **SB 33** failed and the following amendment was rejected; on page 8, in line 21, by striking "(1)" and inserting "(A)"; in line 22, by striking all before "amounts"; in line 26, by striking all after "jointly"; by striking all in lines 27 and 28; in line 29, by striking all before the period; following line 29, by inserting:

"(B) For all taxable years beginning after December 31, 2022, a portion of amounts

received as benefits under the federal social security act that are included in federal adjusted gross income of a taxpayer with federal adjusted gross income greater than \$75,000 and less than \$100,000, whether that taxpayer's filing status is single, head of household, married filing separate or married filing jointly, calculated as follows:

(1) Subtract an amount equal to the federal adjusted gross income of that taxpayer from 100,000 (the result must be greater than zero);

(2) divide the result of subparagraph (B)(1) by 25,000; and

(3) multiply the result of subparagraph (B)(2) by the amount in dollars received as benefits under the federal social security act that are included in federal adjusted gross income of that taxpayer to determine the modification pursuant to this subparagraph.";

On page 10, by striking all in lines 29 through 32;

On page 1, in the title, in line 2, by striking all after the semicolon; in line 3, by striking all before the semicolon and inserting "increasing the income limit to qualify for a subtraction modification for social security"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 12; Nays 26; Present and Passing 0; Absent or Not Voting 2.

Yeas: Corson, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Pettey, Pittman, Pyle, Reddi, Sykes, Ware.

Nays: Alley, Baumgardner, Blasi, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Absent or Not Voting: Billinger, McGinn.

EXPLANATION OF VOTE

Currently Kansas taxes Social Security benefits only if the federal adjusted income of a taxpayer is greater than \$75,000. **Senate Bill 33** would eliminate Kansas income tax on all Social Security benefits. Although that may sound good, I am concerned because this elimination would benefit only Kansas taxpayers with incomes greater than \$75,000 and, because Social Security benefits are based on the highest 35 years of earnings, this change would also give higher benefits to higher earners. In addition, because women receive Social Security benefits that are, on average, 80% of those men receive, this change would benefit men more than women. I vote "AYE" on this amendment to Senate Bill 33 that would eliminate the current Kansas Social Security "tax cliff" of \$75,000 federal adjusted gross income by giving a decreasing tax benefit up to a total federal adjusted income of \$100,000 and keep our Kansas income tax more, not less, progressive.—MARCI FRANCISCO

SB 91 be amended by the adoption of the committee amendments, be further amended by motion of Senator Baumgardner; on page 1, in line 12, by striking "6" and inserting "8";

On page 18, following line 30, by inserting:

"New Sec. 7. (a) The secretary of commerce is hereby authorized and empowered to award grants for educational purposes or programs to develop and support the Kansas film and digital media industry. The purpose of such grants is to develop, expand and improve Kansas educational programs directly relevant to development and support of the film and digital media industry in this state. The secretary is authorized to award

such grants to not-for-profit postsecondary educational institutions with a main campus or principal operations in Kansas, including public or private four-year universities or colleges, community colleges or technical colleges established under the laws of this state or the Washburn institute of technology. In awarding such grants, the secretary shall select such institutions that are engaged in or that seek to engage in educational programs or activities related to film, media, digital technology, gaming or other evolving areas of the film and digital media industry in Kansas. The secretary shall not award grants pursuant to this section on or after January 1, 2033.

(b) (1) There is hereby established in the state treasury the Kansas film and digital media production development act education fund to be administered by the secretary of commerce. All moneys credited to such fund shall be used to provide grants for the expansion of film and digital media production-related education in the state of Kansas and the administration of such fund. All expenditures from such fund shall be made in accordance with the provisions of appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce or the secretary's designee.

(2) The secretary shall remit any moneys received pursuant to any penalties or any repayment obligations imposed by the secretary pursuant to this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas film and digital media production development act education fund.

(c) (1) Grants made by the secretary of commerce from the Kansas film and digital media production development act education fund shall be used for educational purposes, including, but not limited to:

- (A) Internships and apprenticeship programs;
- (B) scholarships;
- (C) curriculum development and staffing; or
- (D) resources such as lab facilities or equipment.

(2) Such grants shall be awarded upon such terms and conditions as the secretary of commerce may deem appropriate. Such terms and conditions shall:

(A) Require that scholarship programs that receive grant funding require student scholarship recipients to agree to reside in Kansas and work primarily in Kansas or with a Kansas-based company, when possible, for at least two years following completion of an educational program;

(B) include specified objectives and milestones as agreed by the Kansas educational institution grant recipient and the secretary, including, but not limited to, graduate job placement goals; and

(C) require the Kansas educational institution to provide information as requested by the secretary for purposes of administering the grant program, monitoring the use of funds and the achievement of milestones and objectives and preparation of the report required by subsection (e).

(d) (1) Subject to appropriation acts, on July 1, 2023, and each July 1 thereafter through July 1, 2032, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the Kansas film and digital media production development act education fund. Any unexpended balance in such fund at the close of a fiscal year shall remain credited to the fund for use in the succeeding fiscal year.

(2) On January 1, 2033, the director of accounts and reports shall transfer all unencumbered moneys in the Kansas film and digital media production development act education fund to the state general fund. After such transfer and the disbursement of any encumbered funds pursuant to grant awards made prior to January 1, 2033, the Kansas film and digital media production development act education fund shall be abolished. Upon abolishment of such fund, all liabilities of the Kansas film and digital media production development act education fund shall be transferred to and imposed on the state general fund.

(e) On or before January 31, 2024, and each January 31 through January 31, 2033, the secretary of commerce shall submit an annual report to the house of representatives standing committee on commerce, labor and economic development and the senate standing committee on commerce on the administration of the Kansas film and digital media production development act education fund and all grants awarded from the fund. Such report shall contain specific and aggregate information regarding all expenditures from the fund, the Kansas educational institutions receiving grants, the amount of funds expended for each grant, the reason and purpose for which each grant was approved, including how it was intended to further the purposes of the fund, the actual use of such grant funds by the Kansas educational institution and the accomplishment or progress made by the educational institution toward agreed milestones and objectives.

New Sec. 8. (a) The secretary of commerce is hereby authorized and empowered to award grants or loans from the Kansas film and digital media production development act workforce training and business direct investment fund in connection with projects certified by the secretary pursuant to section 3, and amendments thereto. The secretary shall award such grants or loans for the purpose of facilitating and supporting certified projects and developing the Kansas film and digital media industry by funding workforce training and by investing directly in Kansas companies engaged in or seeking to engage in certified projects. The secretary shall not award grants or loans pursuant to this section on or after January 1, 2033.

(b) (1) There is hereby established in the state treasury the Kansas film and digital media production development act workforce training and business direct investment fund to be administered by the secretary of commerce. All moneys credited to such fund shall be used to provide grants or loans as provided by this section for the support of workforce training and direct investment in Kansas companies in relation to certified film or digital media production projects, the development of the Kansas film and digital media industry and the administration of such fund. All expenditures from such fund shall be made in accordance with the provisions of appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce or the secretary's designee.

(2) The secretary of commerce shall remit any moneys received pursuant to loan repayments, interest, any penalties or any other repayment obligations imposed by the secretary pursuant to this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas film and digital media production development act workforce training and business direct investment fund.

(c) (1) Grants made by the secretary of commerce from the Kansas film and digital media production development act workforce training and business direct investment

fund shall be used for workforce development purposes, including, but not limited to:

- (A) Apprenticeship programs for Kansas residents;
 - (B) crew training for Kansas residents, including:
 - (i) Training provided by not-for-profit postsecondary educational institutions with a main campus or principal operations in Kansas selected by the secretary, including four-year public or private educational institutions, public community colleges or public technical schools established under the laws of this state or the Washburn institute of technology; or
 - (ii) employee training provided by any production company or a Kansas company involved in the film and digital media industry and engaged in a certified project; or
 - (C) development of training models, in coordination and cooperation with the film and digital media production industry, for use by Kansas educational institutions.
- (2) Such grants shall be upon such terms and conditions as the secretary of commerce may deem appropriate. Such terms and conditions shall include an agreement by the grant recipient to provide information as requested by the secretary for purposes of administering the grant program, monitoring the use of funds and preparation of the report required by subsection (f).
- (d) (1) Direct investments made by the secretary of commerce from the Kansas film and digital media production development act workforce training and business direct investment fund shall be used for investing in Kansas film and digital media production industry companies that will or seek to be engaged in certified projects, including Kansas-based production companies or Kansas businesses that are offering personnel, services, facilities, leases or rentals or that are offering, engaged in or seeking to engage in other production or postproduction-related business activities. Investments may be made in Kansas start-ups, Kansas businesses seeking to expand into the film and digital media production industry or established Kansas businesses in such industry.
- (2) Direct investments shall be comprised of a loan component in the amount of 80% and a grant component in the amount of 20% of the total award of funds to the recipient. The investment shall be made upon such terms and conditions as the secretary of commerce may deem appropriate. Such terms and conditions shall:
- (A) Include specified objectives and milestones as required by the secretary and provisions for repayment of the grant or loan if conditions specified by the secretary are not met; and
 - (B) require the recipient to provide information as requested by the secretary for purposes of administering the direct investment program, monitoring the use of funds and achievement of milestones and objectives and preparation of the report required by subsection (f).
- (e) (1) Subject to appropriation acts, on July 1, 2024, and each July 1 thereafter through July 1, 2032, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the Kansas film and digital media production development act workforce training and business direct investment fund. Any unexpended balance in such fund at the close of a fiscal year shall remain credited to the fund for use in the succeeding fiscal year.

After such transfer and the disbursement of any encumbered funds pursuant to awards made prior to January 1, 2033, the Kansas film and digital media production development act workforce training and business direct investment fund shall be abolished. Upon abolishment of such fund, all liabilities of the Kansas film and digital media production development act workforce training and business direct investment fund shall be transferred to and imposed on the state general fund.

(f) On or before January 31, 2024, and each January 31 thereafter through January 31, 2033, the secretary of commerce shall submit an annual report to the house of representatives standing committee on commerce, labor and economic development and the senate standing committee on commerce on the administration of the Kansas film and digital media production development act workforce training and business direct investment fund and all grants or loans awarded from the fund. Such report shall contain specific and aggregate information regarding all expenditures from the fund, the businesses or Kansas postsecondary educational institutions receiving funds, the amount of funds expended for each grant or loan, the reason and purpose for which each grant or loan was approved, including how it was intended to further the purposes of the Kansas film and digital media production development act project workforce training and business direct investment fund, the actual use of the grant or loan funds by the recipient and the accomplishment of or progress made toward agreed milestones and objectives.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "and" and inserting a comma; also in line 3, before "program" by inserting "and loan and grant program"; in line 8, before "amending" by inserting "establishing the Kansas film and digital media production development act education fund and the Kansas film and digital media production development act workforce training and business direct investment fund;"

and **SB 91** be passed as further amended.

The committee report on **SB 131** recommending **Sub SB 131** be adopted, and the substitute bill be passed.

SB 63, SB 82, be passed over and retain a place on the calendar.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Alley an emergency was declared by a 2/3 constitutional majority, and **SB 8, SB 13, SB 24, SB 33, SB 37, SB 83, SB 91, SB 96, SB 98, SB 131, SB 169, SB 205, SB 228, SB 232, SB 243, SB 248** were advanced to Final Action and roll call.

SB 8, AN ACT concerning property taxation; relating to personal property; reducing penalties for the late filing of or the failure to file statements listing property for assessment and the discovery of escaped property; reporting changes after initial statement; amending K.S.A. 79-306, 79-332a, 79-1422 and 79-1427a and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Warren, Wilborn.

Absent or Not Voting: Billinger.

The bill passed, as amended.

SB 13, AN ACT concerning schools; relating to the state high school activities association; contracts for exclusive broadcast coverage of postseason activities; permitting certain local broadcasters to cover a school's postseason activities notwithstanding such exclusive contracts.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Billinger.

The bill passed, as amended.

SB 24, AN ACT concerning insurance; relating to coverage for autism spectrum disorder; changing the required number of employees contained in the definitions of "large employer" and "small employer"; amending K.S.A. 40-2,194 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Tyson.

Absent or Not Voting: Billinger.

The bill passed.

SB 33, AN ACT concerning income taxation; relating to Kansas adjusted gross income; eliminating the income limitation to receive the subtraction modification exempting social security benefits; providing a subtraction modification for amounts received from retirement plans; relating to deductions; increasing the Kansas standard deduction by a cost-of-living adjustment; relating to homestead property tax refund claims; excluding social security payments from household income for eligibility of seniors and disabled veterans related to increased property tax claims; increasing the appraised value threshold for eligibility; providing a subtraction modification to permit the carry forward of certain net operating losses for individuals; providing a subtraction modification for the federal work opportunity tax credit and the employee retention credit disallowances; amending K.S.A. 2022 Supp. 79-32,117, 79-32,119 and 79-4508a and repealing the existing sections.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 0; Absent or Not Voting 1.

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

Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson, Tyson, Warren, Wilborn.

Nays: Francisco, Haley, Ware.

Absent or Not Voting: Billinger.

The bill passed, as amended.

EXPLANATION OF VOTE

In politics nothing moves unless it is pushed. The push to remove social security income from Kansas State income tax has been a lot of work since January 26, 2019, when I offered the amendment on **SB 22** during floor debate. So glad others have come to see the necessity of this and the benefit to Kansans!—DENNIS PYLE

SB 37, AN ACT concerning taxation; relating to the Kansas housing investor tax credit act; expanding the transferability of income, privilege and premium tax credits issued under the act; amending K.S.A. 2022 Supp. 79-32,313 and repealing the existing section.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 1.

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

Nays: Peck, Steffen, Straub, Thompson.

Absent or Not Voting: Billinger.

The bill passed, as amended.

SB 83, AN ACT concerning education; relating to the tax credit for low income students scholarship program; providing for additional student eligibility; increasing the tax credit for contributions made pursuant to such program; amending K.S.A. 72-4353 and 72-4357 and K.S.A. 2022 Supp. 72-4352 and repealing the existing sections.

On roll call, the vote was: Yeas 22; Nays 16; Present and Passing 1; Absent or Not Voting 1.

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

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

Present and Passing: Pyle.

Absent or Not Voting: Billinger.

The bill passed, as amended.

EXPLANATION OF VOTE

During the 2021 legislative session, this chamber expanded the Tax Credit for Low Income Students Scholarship Program for the first time. When we debated that bill, I warned my colleagues: “The hits just keep on coming for Kansas families. So far, this body has stripped women of their constitutional rights, played political games with the vaccine, blown a \$1 billion hole in the budget, and now we are attacking public schools and expanding vouchers. Kansas families are asking: what’s next? This bill expands this scholarship program beyond its original intent of providing assistance to at-risk, low-

income Kansas students. We will be here next year, the year after, and the year after that, attempting to amend this program and expand its scope until it has become a full-blown voucher program and we have destroyed our public schools.” Here we are again: just last night, politicizing public health. Here we are again: passing multiple, large tax bills that will blow up our budget, this time to the tune of \$1.8 billion. Here we are again: amending this program, expanding its scope, and making it a full-blown voucher program, and leaving our public schools behind. I vote NO.—DINAH SYKES

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator Sykes on **SB 83**.

SB 91, AN ACT concerning economic development; enacting the Kansas film and digital media production development act; establishing an income tax credit, sales tax exemption and loan and grant program program to be administered by the secretary of commerce for the purpose of developing film, video or digital production in Kansas; establishing the Kansas film and digital media production development act education fund and the Kansas film and digital media production development act workforce training and business direct investment fund; amending K.S.A. 2022 Supp. 79-3606 and repealing the existing section.

On roll call, the vote was: Yeas 28; Nays 7; Present and Passing 4; Absent or Not Voting 1.

Yeas: Baumgardner, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, Olson, Petersen, Pettey, Pittman, Reddi, Ryckman, Shallenburger, Sykes, Ware, Wilborn.

Nays: Blasi, Peck, Pyle, Steffen, Straub, Thompson, Tyson.

Present and Passing: Alley, Gossage, O'Shea, Warren.

Absent or Not Voting: Billinger.

The bill passed, as amended.

EXPLANATION OF VOTE

I vote a hard NO on **SB 91**. To throw good money at an industry that has all the ability in the world to stand on its own two feet is playing reckless with taxpayer's money. This is simply big government, corporate welfare that is divisive. Our Kansas businesses want to keep their money not give it to Hollywood.—MARK STEFFEN

SB 96, AN ACT concerning taxation; relating to income, privilege and premium tax credits; establishing a tax credit for contributions to eligible charitable organizations operating pregnancy centers or residential maternity facilities.

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 0; Absent or Not Voting 1.

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

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

Absent or Not Voting: Billinger.

The bill passed.

EXPLANATION OF VOTE

This legislation encourages and indirectly subsidizes centers that present themselves as healthcare clinics but operate with the sole intention of persuading pregnant women against having abortions. These centers are unregulated, unethical, and employ harmful tactics to manipulate women – and sometimes deceive them into continuing their pregnancies until it is too late for a legal abortion that they have every right to choose for themselves. I do not believe the state has any business endorsing these manipulative, harmful practices. Kansans are sick and tired of the lies, deceptions, and fear-mongering around a nuanced, private decision. I will not support efforts to legitimize and subsidize these lies. I vote NO.—DINAH SYKES

SB 98, AN ACT concerning postsecondary and postgraduate medical programs; relating to financial assistance therefor; osteopathic medical service scholarships; medical student loan program and residency bridging program; encouraging the practice of obstetrics and gynecology; establishing the OBGYN medical loan repayment fund and the OBGYN medical residency bridging fund; amending K.S.A. 74-3265, 74-3268, 76-381, 76-383, 76-385, 76-386 and 76-387 and repealing the existing sections; also repealing K.S.A. 76-386a.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Billinger.

The bill passed, as amended.

Sub SB 131, AN ACT concerning certain healthcare providers; relating to the powers, duties and functions thereof; providing a sports waiver for certain out-of-state physicians to practice medicine on a limited basis in this state during certain sporting events; authorizing the state board of healing arts to adopt procedures to allow other licensed and regulated healthcare professionals to be issued a sports waiver; authorizing the state board of healing arts to adopt rules and regulations related thereto.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Billinger.

The bill passed.

SB 169, AN ACT concerning income taxation; relating to rates; providing a 4.75% tax rate for individuals; amending K.S.A. 2022 Supp. 79-32,110 and repealing the existing section.

On roll call, the vote was: Yeas 22; Nays 17; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Blasi, Claeys, Erickson, Fagg, Gossage, Kloos, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Kerschen, Longbine, McGinn, Pettey, Pittman, Reddi, Sykes, Ware.

Absent or Not Voting: Billinger.

The bill passed.

EXPLANATION OF VOTE

Under this policy, Kansans who make \$15,001 are subject to the same tax rate as a millionaire. The lowest 20% of Kansas income range residents would have an effective total tax rate of 10.7%, while the top 1% of Kansans would have an effective tax rate of just 7.4%. Proponents have argued that this tax rate will attract new residents. I believe that people will not move to Kansas because of a less than 1% tax cut – they'll move here for jobs and to raise their families. And they certainly won't do that if we can't fund our schools because we've destroyed our economy once again.—DINAH SYKES

SB 205, AN ACT concerning water; relating to water rights; authorizing certain water rights in a water bank to participate in multi-year flex accounts on a temporary basis; amending K.S.A. 82a-764 and K.S.A. 2022 Supp. 82a-736 and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Billinger.

The bill passed, as amended.

SB 228, AN ACT concerning counties; requiring the secretary for aging and disability services to reimburse counties for certain costs when a person is confined in a county jail awaiting examination, evaluation or treatment for competency; relating to county jails; removing the requirement that every county shall have a jail; modernizing requirements related to food, drink and medical care for prisoners and jail records; modifying procedures used when district courts commit prisoners to jail in another county and when counties contract with city jails or other county jails to keep prisoners; requiring a medical examination before certain United States prisoners or city prisoners are taken into custody of a county jail; amending K.S.A. 19-1901, 19-1903, 19-1904, 19-1905, 19-1910, 19-1911, 19-1916, 19-1917, 19-1927, 19-1929 and 19-1930 and repealing the existing sections; also repealing K.S.A. 19-1906, 19-1907, 19-1908, 19-1912, 19-1913, 19-1914 and 19-1915.

On roll call, the vote was: Yeas 34; Nays 3; Present and Passing 2; Absent or Not Voting 1.

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

Fagg, Faust-Goudeau, Gossage, Haley, Holland, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Holscher, Sykes, Ware.

Present and Passing: Francisco, Pettey.

Absent or Not Voting: Billinger.

The bill passed, as amended.

Sub SB 232, AN ACT concerning children and minors; establishing the office of the child advocate as an independent state agency and prescribing certain powers, duties and functions therefor; authorizing access to certain records; relating to children in need of care; making orders granting custody for adoption subject to the federal Indian child welfare act; directing the secretary for children and families to consider foster parents as prospective adoptive parents under certain circumstances; requiring the secretary to report certain data on adoptions; authorizing the appeal of any order of placement of a child; providing for retroactivity; amending K.S.A. 38-2203, 38-2213, 38-2270, 38-2273, 38-2309 and 38-2310 and K.S.A. 2022 Supp. 38-2211 and 38-2212 and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Billinger.

The substitute bill passed.

SB 243, AN ACT concerning minors; relating to settlement agreements; providing requirements and procedures for a person having legal custody of a minor to enter into a settlement agreement on behalf of the minor increasing certain related dollar amounts in the Kansas uniform transfers to minors act and the act for obtaining a guardian or a conservator, or both; amending K.S.A. 38-1707, 59-3053 and 59-3055 and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

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

Absent or Not Voting: Billinger.

The bill passed, as amended.

SB 248, AN ACT concerning sales and compensating use tax; relating to exemptions; providing a sales tax exemption for sales of certain food and food ingredients and a sales tax exemption for purchases for the construction or repair of buildings used for human habitation by the Kansas state school for the blind and the Kansas state school for the deaf; repealing the state rate reduction for sales of certain food and food ingredients; amending K.S.A. 12-189a and K.S.A. 2022 Supp. 79-3603, 79-3606, 79-

3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2022 Supp. 79-3603d.

On roll call, the vote was: Yeas 22; Nays 16; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Blasi, Claeys, Erickson, Fagg, Faust-Goudeau, Gossage, Haley, Kloos, Masterson, Olson, Peck, Petersen, Pittman, Pyle, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Bowers, Corson, Dietrich, Doll, Francisco, Holland, Holscher, Kerschen, Longbine, McGinn, O'Shea, Pettey, Reddi, Ryckman, Sykes, Ware.

Present and Passing: Baumgardner.

Absent or Not Voting: Billinger.

The bill passed, as amended.

EXPLANATION OF VOTE

I voted no **SB 248** because of the impact on our local communities. I'm in favor of eliminating the sales food tax, but not on local communities, I draw the line there. As local officials discuss their budgets, they are thinking about revenue sources. Most of them have revenues from their sales tax whether it's for Star Bond district, community improvement district, street maintenance or parks and recreation. Voters supported some of these initiatives by voting on a sales tax and we are removing that revenue from them. We are saying maintain what you have with less revenue, and I don't think that's our job to do. We need to have them make their own decisions without making it for them.—USHA REDDI

Senators Francisco and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Reddi on **SB 248**.

CHANGE OF REFERENCE

The President withdrew **SB 62** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 74**, **SB 244** from the Committee on **Judiciary**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 20**, **SB 103**, **SB 139**, **SB 234** from the Committee on **Public Health and Welfare**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 23**, **SB 63**, **SB 68**, **SB 104**, **SB 112**, **SB 114**, **SB 163**, **SB 166**, **SB 193**, **SB 204**, **SB 238** from the Calendar under the heading of **General Orders**, and referred the bills to the Committee on **Ways and Means**.

TRIBUTES

The Committee on Organization, Calendar, and Rules authorizes the following tributes for the week of February 20 through February 23, 2023:

Senator Bowers: celebrating Charlene Meistrell's 100th Birthday, congratulating Andrew Ochampaugh on receiving the 2022 Russell Area Chamber of Commerce Community Service Award;

Senator Faust Goudeau: commending the 12th Annual Art that Touches Your Heart event;

Senator Sykes: celebrating the Kansas Volunteer Commission's 30th Anniversary;
and

Senator Thompson: extending recognition to Moms for Liberty – Johnson County.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Wednesday, March 1, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

