

Journal of the Senate

FIFTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, April 4, 2023, 10:00 a.m.

The Senate was called to order by Vice President Rick Wilborn.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Strength For The Weary
1 Kings 19:4-7, Isaiah 40:28-31

Lord, as we run life's race, and as we encounter all the obstacles, there are times when we get tired. When we look around and don't see some that should be running with us it can be discouraging. Even after a win and enjoying the high of a victory, we can experience emotional lows.

In 1 Kings 19:4-7, after enjoying a significant win Your Prophet Elijah was so physically and emotionally drained that he said to You, "I have had enough...I have had enough, LORD" He said, "Take my life!" He was ready to leave here. Oh, but Lord, You were nowhere near being finished with using him.

Lord, I'm also reminded of the encouraging Words You gave us through Your Prophet Isaiah for times when we feel empty or worn out. In Isaiah, 40:28-31, You bless us with these Words: 30) "Though the youth grow weary and tired, And vigorous young men stumble badly," 31) "Those who wait upon the LORD shall gain new strength, They will mount up with wings like eagles ... will run and not get tired ... will walk and not faint, not lose hope."

So, Lord, thanks for the reminders that You have much more for us to do.
In Your precious Name we offer this prayer, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2036, HB 2254, HB 2317, HB 2416.**

Commerce: **HB 2275.**

Education: **HB 2132.**

Public Health and Welfare: **HB 2140, HB 2179, HB 2194.**

MESSAGE FROM THE HOUSE

The House announces the appointment of Representatives Owens, Eric Smith and

Highberger to replace Representatives Patton, Schreiber and Carmichael as conferees on **S Sub HB 2010**.

The House announces the appointment of Representatives Hoheisel, Clifford and Xu to replace Representatives Sutton, Penn and Neighbor as conferees on **HB 2100**

The House concurs in Senate amendments to **S Sub HB 2016**, **S Sub HB 2127** and **HB 2323**.

The House nonconcurs in Senate amendments to **HB 2027**, requests a conference and has appointed Representatives Patton, Schreiber and Carmichael as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2172**, requests a conference and has appointed Representatives Patton, Schreiber and Carmichael as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2216**, requests a conference and has appointed Representatives Patton, Schreiber and Carmichael as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2002**, requests a conference and has appointed Representatives Smith, A., Bergkamp and Sawyer as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2021**, requests a conference and has appointed Representatives Owens, Smith, E. and Highberger as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2350**, requests a conference and has appointed Representatives Owens, Smith, E. and Highberger as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2024**, requests a conference and has appointed Representatives Concannon, Johnson and Ousley as conferees on the part of the House.

The House nonconcurs in Senate amendments to **S Sub HB 2070**, requests a conference and has appointed Representatives Concannon, Johnson and Ousley as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2147**, requests a conference and has appointed Representatives Francis, Neelly and Ballard as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2346**, requests a conference and has appointed Representatives Francis, Neelly and Ballard as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2279**, requests a conference and has appointed Representatives Minnix, Howerton and Vaughn as conferees on the part of the House.

The House nonconcurs in Senate amendments to **S Sub HB 2302**, requests a conference and has appointed Representatives Minnix, Howerton and Vaughn as conferees on the part of the House.

The House nonconcurs in Senate amendments to **S Sub HB 2170**, requests a conference and has appointed Representatives W. Carpenter, Kessler and Hoyer as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2336**, requests a conference and

has appointed Representatives Tarwater, Borjon and Probst as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2325**, requests a conference and has appointed Representatives Landwehr, Eplee and Ruiz, S. as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2264**, requests a conference and has appointed Representatives Landwehr, Eplee and Ruiz, S. as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2390**, requests a conference and has appointed Representatives Landwehr, Eplee and Ruiz, S. as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2138**, requests a conference and has appointed Representatives Thomas, Estes and Stogsdill as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 8** and has appointed Representatives Smith, A., Bergkamp and Sawyer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 25** and has appointed Representatives Sutton, Penn and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 42** and has appointed Representatives Waymaster, Hoffman and Helgerson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 73** and has appointed Representatives Owens, Smith, E. and Highberger as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 113** and has appointed Representatives Williams, K., Landwehr and Winn as conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2020**, and has appointed Representatives Francis, Neelly and Ballard as second conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 116** and has appointed Representatives W. Carpenter, Kessler and Hoye as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 169** and has appointed Representatives Smith, A., Bergkamp and Sawyer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 174** and has appointed Representatives Owens, Smith, E. and Highberger as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 209** and has appointed Representatives Proctor, Waggoner and Woodard as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 221** and has appointed **Representatives Proctor, Waggoner and Woodard** as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 244** and has appointed Representatives F. Patton, Schreiber and Carmichael as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Warren, the Senate acceded to the request of the House for a conference on **HB 2021**.

The Vice President appointed Senators Warren, Wilborn and Corson as conferees on the part of the Senate.

On motion of Senator Gossage, the Senate acceded to the request of the House for a conference on **HB 2024**.

The Vice President appointed Senators Gossage, Erickson and Pettey as conferees on the part of the Senate.

On motion of Senator Warren, the Senate acceded to the request of the House for a conference on **HB 2027**.

The Vice President appointed Senators Warren, Wilborn and Corson as conferees on the part of the Senate.

On motion of Senator Warren, the Senate acceded to the request of the House for a conference on **S Sub HB 2070**.

The Vice President appointed Senators Warren, Wilborn and Corson as conferees on the part of the Senate.

On motion of Senator Baumgardner, the Senate acceded to the request of the House for a conference on **S Sub HB 2138**.

The Vice President appointed Senators Baumgardner, Erickson and Sykes as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2147**.

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

On motion of Senator Thompson, the Senate acceded to the request of the House for a conference on **S Sub HB 2170**.

The Vice President appointed Senators Thompson, Kloos and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Warren, the Senate acceded to the request of the House for a conference on **HB 2172**.

The Vice President appointed Senators Warren, Wilborn and Corson as conferees on the part of the Senate.

On motion of Senator Warren, the Senate acceded to the request of the House for a conference on **HB 2216**.

The Vice President appointed Senators Warren, Wilborn and Corson as conferees on the part of the Senate.

On motion of Senator Gossage, the Senate acceded to the request of the House for a conference on **HB 2264**.

The Vice President appointed Senators Gossage, Erickson and Pettey as conferees on the part of the Senate.

On motion of Senator Kerschen, the Senate acceded to the request of the House for a conference on **HB 2279**.

The Vice President appointed Senators Kerschen, Ryckman and Ware as conferees on the part of the Senate.

On motion of Senator Kerschen, the Senate acceded to the request of the House for a conference on **S Sub HB 2302**.

The Vice President appointed Senators Kerschen, Fagg and Ware as conferees on the part of the Senate.

On motion of Senator Gossage, the Senate acceded to the request of the House for a conference on **HB 2325**.

The Vice President appointed Senators Gossage, Erickson and Pettey as conferees on the part of the Senate.

On motion of Senator Erickson, the Senate acceded to the request of the House for a conference on **HB 2336**.

The Vice President appointed Senators Erickson, Dietrich and Holland as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2346**.

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

On motion of Senator Warren, the Senate acceded to the request of the House for a conference on **HB 2350**.

The Vice President appointed Senators Warren, Wilborn and Corson as conferees on the part of the Senate.

On motion of Senator Gossage, the Senate acceded to the request of the House for a conference on **S Sub HB 2390**.

The Vice President appointed Senators Gossage, Erickson and Pettey as conferees on the part of the Senate.

CHANGE OF REFERENCE

Under the authority of the President the Vice President withdrew **SB 51, SB 204** from the Calendar under the heading of **General Orders**, and rereferred the bills to the Committee on **Financial Institutions and Insurance**.

CHANGE OF CONFERENCE

Senators Thompson, Kloos, and Faust Goudeau are appointed to replace Senators Longbine, Fagg, and Holscher as members of the conference committee on **HB 2100**.

On motion of Senator Alley, the Senate recessed until 2:00 p.m.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. **SCR 1611**—

By Committee on Assessment and Taxation

A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas; relating to property taxation; limiting valuation increases for real property.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 1. System of taxation; classification; exemption. (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, ~~2013~~ 2025, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles and watercraft, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain.

The valuation of any real property shall not increase by more than 4% in any taxable year except when:

- (1) The property includes new construction or improvements have been made to the property;*
- (2) the class or subclass of the property changes for assessment rate purposes;*
- (3) the property becomes disqualified from exemption;*
- (4) the property is first listed as escaped or omitted property;*
- (5) the legal description of the land, lot or parcel changes, except that the total valuation of all property affected by a legal description change shall not exceed the total valuation of the affected property for the previous year by more than 4%; or*
- (6) title to the property is transferred, changed or conveyed to another person.*

The legislature may define new construction or improvements by law and enact such other legislation as is necessary to administer this provision.

Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a

- residential community of mobile or manufactured homes including the real property upon which such homes are located.....11½%
- (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution.....30%
- (3) Vacant lots.....12%
- (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law.....12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed.....33%
- (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use.....25%
- (7) All other urban and rural real property not otherwise specifically subclassified.....30%

Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Mobile homes used for residential purposes.....11½%
- (2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25%.....30%
- (3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed.....33%
- (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985.....30%
- (5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property.....25%
- (6) All other tangible personal property not otherwise specifically classified.....30%
- (b) All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, merchants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, livestock,

and all household goods and personal effects not used for the production of income, shall be exempted from property taxation."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. This amendment would limit annual valuation increases to 4% for real property for purposes of property taxation except when the property includes new construction or improvements have been made to the property, the class or subclass of the property changes, the property becomes disqualified from exemption, the property is first listed as escaped or omitted property, the legal description of the property changes or title to the property is transferred, changed or conveyed to another person.

"A vote for this proposition would limit annual valuation increases to 4% for real property except when the property includes new construction or improvements have been made to the property, the class or subclass of the property changes, the property becomes disqualified from exemption, the property is first listed as escaped or omitted property, the legal description of the property changes or title to the property is transferred, changed or conveyed to another person. The amendment would also authorize the legislature to define new construction or improvements and to enact such other legislation as is necessary to administer the provision.

"A vote against this proposition would provide no change to the Kansas constitution."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2024, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case such proposed amendment shall be submitted to the electors of the state at the special election.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **S Sub HB 2053; HB 2160, HB 2313, HB 2326.**

The House nonconcurrs in Senate amendments to **S Sub HB 2060**, requests a conference and has appointed Representatives Williams, K., Landwehr and Winn as conferees on the part of the House.

The House announced the appointment of Representative Winn to replace Representative Poskin as a conferee on **H Sub SB 83.**

ORIGINAL MOTION

On motion of Senator Baumgardner, the Senate acceded to the request of the House for a conference on **S Sub HB 2060.**

The President appointed Senators Baumgardner, Erickson and Sykes as conferees on the part of the Senate.

CHANGE OF CONFERENCE

Senator Holscher is appointed to replace Senator Faust Goudeau as a member of the conference committee on **HB 2100**.

ORIGINAL MOTION

Senator Thompson motioned to advance **S Sub HB 2058** to Emergency Final Action, subject to amendment, debate and roll call. Motion carried.

Senator Thompson moved the committee report on **HB 2058** recommending **S Sub HB 2058** be adopted, be amended by motion of Senator Shallenburger; on page 1, following line 9, by inserting:

"Section 1. K.S.A. 2022 Supp. 21-6109 is hereby amended to read as follows: 21-6109. As used in K.S.A. 2022 Supp. 21-6109 through 21-6116, and amendments thereto:

(a) "Access point" means the area within a ten foot radius outside of any doorway, open window or air intake leading into a building or facility that is not exempted pursuant to K.S.A. 2022 Supp. 21-6110(d), and amendments thereto.

(b) "Bar" means any indoor area that is operated and licensed for the sale and service of alcoholic beverages, including alcoholic liquor as defined in K.S.A. 41-102, and amendments thereto, or cereal malt beverages as defined in K.S.A. 41-2701, and amendments thereto, for on-premises consumption.

(c) "Employee" means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit and any person who volunteers their services for a nonprofit entity.

(d) "Employer" means any person, partnership, corporation, association or organization, including municipal or nonprofit entities, that employs one or more individual persons.

(e) "Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by solid walls, windows or doorways that extend from the floor to the ceiling, including all space therein screened by partitions that do not extend to the ceiling or are not solid or similar structures. For purposes of this section, the following shall not be considered an "enclosed area": (1) Rooms or areas, enclosed by walls, windows or doorways, having neither a ceiling nor a roof and that are completely open to the elements and weather at all times; and (2) rooms or areas, enclosed by walls, fences, windows or doorways and a roof or ceiling, having openings that are permanently open to the elements and weather and that comprise an area that is at least 30% of the total perimeter wall area of such room or area.

(f) "Food service establishment" means any place in which food is served or is prepared for sale or service on the premises. Such term shall include, but not be limited to, fixed or mobile restaurants, coffee shops, cafeterias, short-order cafes, luncheonettes, grills, tea rooms, sandwich shops, soda fountains, taverns, private clubs, roadside kitchens, commissaries and any other private, public or nonprofit organization or institution routinely serving food and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(g) ~~"Gaming floor" means the area of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto, where patrons engage in Class III gaming. The gaming floor shall not include any areas used for accounting, maintenance, surveillance, security, administrative offices, storage, cash~~

~~or cash counting, records, food service, lodging or entertainment, except that the gaming floor may include a bar where alcoholic beverages are served so long as the bar is located entirely within the area where Class III gaming is conducted.~~

~~(h)~~—"Medical care facility" means a physician's office, general hospital, special hospital, ambulatory surgery center or recuperation center, as defined by K.S.A. 65-425, and amendments thereto, and any psychiatric hospital licensed under K.S.A. 39-2001 et seq., and amendments thereto.

~~(h)~~~~(h)~~ "Outdoor recreational facility" means a hunting, fishing, shooting or golf club, business or enterprise operated primarily for the benefit of its owners, members and their guests and not normally open to the general public.

~~(i)~~~~(i)~~ "Place of employment" means any enclosed area under the control of a public or private employer, including, but not limited to, work areas, auditoriums, elevators, private offices, employee lounges and restrooms, conference and meeting rooms, classrooms, employee cafeterias, stairwells and hallways, that is used by employees during the course of employment. For purposes of this section, a private residence shall not be considered a "place of employment" unless such residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto.

~~(j)~~~~(j)~~ "Private club" means an outdoor recreational facility operated primarily for the use of its owners, members and their guests that in its ordinary course of business is not open to the general public for which use of its facilities has substantial dues or membership fee requirements for its members.

~~(k)~~~~(k)~~ "Public building" means any building owned or operated by: (1) The state, including any branch, department, agency, bureau, commission, authority or other instrumentality thereof; (2) any county, city, township, other political subdivision, including any commission, authority, agency or instrumentality thereof; or (3) any other separate corporate instrumentality or unit of the state or any municipality.

~~(l)~~~~(l)~~ "Public meeting" means any meeting open to the public pursuant to K.S.A. 75-4317 et seq., and amendments thereto, or any other law of this state.

~~(m)~~~~(m)~~ "Public place" means any enclosed areas open to the public or used by the general public including, but not limited to: Banks, bars, food service establishments, retail service establishments, retail stores, public means of mass transportation, passenger elevators, health care institutions or any other place where health care services are provided to the public, medical care facilities, educational facilities, libraries, courtrooms, public buildings, restrooms, grocery stores, school buses, museums, theaters, auditoriums, arenas and recreational facilities. For purposes of this section, a private residence shall not be considered a "public place" unless such residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto.

~~(n)~~~~(n)~~ "Smoking" means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.

~~(o)~~~~(o)~~ "Tobacco shop" means any indoor area operated primarily for the retail sale of tobacco, tobacco products or smoking devices or accessories, and that derives not less than 65% of its gross receipts from the sale of tobacco.

~~(p)~~~~(p)~~ "Substantial dues or membership fee requirements" means initiation costs, dues or fees proportional to the cost of membership in similarly-situated outdoor recreational facilities that are not considered nominal and implemented to otherwise avoid or evade restrictions of a statewide ban on smoking.

Sec. 2. K.S.A. 2022 Supp. 21-6110 is hereby amended to read as follows: 21-6110.

(a) It shall be unlawful, with no requirement of a culpable mental state, to smoke in an enclosed area or at a public meeting including, but not limited to:

- (1) Public places;
- (2) taxicabs and limousines;
- (3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
- (4) restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;
- (5) access points of all buildings and facilities not exempted pursuant to subsection (d); and
- (6) any place of employment.

(b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.

(c) Notwithstanding any other provision of this section, K.S.A. 2022 Supp. 21-6111 or 21-6112, and amendments thereto, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.

(d) The provisions of this section shall not apply to:

(1) The outdoor areas of any building or facility beyond the access points of such building or facility;

(2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto;

(3) a hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;

~~(4) the gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto;~~

~~(5)~~ that portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;

~~(6)~~~~(5)~~ that portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;

~~(7)~~~~(6)~~ tobacco shops;

~~(8)~~~~(7)~~ a class A or class B club defined in K.S.A. 41-2601, and amendments thereto, which: (A) Held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to

continue to allow smoking on its premises;

~~(9)~~(8) a private club in designated areas where minors are prohibited;

~~(10)~~(9) any benefit cigar dinner or other cigar dinner of a substantially similar nature that:

(A) Is conducted specifically and exclusively for charitable purposes by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(B) is conducted no more than once per calendar year by such organization; and

(C) has been held during each of the previous three years prior to January 1, 2011; and

~~(H)~~(10) that portion of a medical or clinical research facility constituting a separately ventilated, secure smoking room dedicated and used solely and exclusively for clinical research activities conducted in accordance with regulatory authority of the United States or the state of Kansas, as determined by the director of alcoholic beverage control of the department of revenue.";

On page 2, in line 37, after "Supp." by inserting "21-6109, 21-6110,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the first semicolon by inserting "removing the exemption in the Kansas indoor clean air act for gaming floors;"; in line 6, after "Supp." by inserting "21-6109, 21-6110,"

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

On roll call, the vote was: Yeas 21; Nays 8; Present and Passing 9; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Billinger, Blasi, Claeys, Dietrich, Erickson, Fagg, Francisco, Gossage, Haley, Holscher, Kloos, O'Shea, Peck, Petersen, Shallenburger, Thompson, Tyson, Ware, Wilborn.

Nays: Doll, Holland, Kerschen, Longbine, McGinn, Olson, Pittman, Ryckman.

Present and Passing: Corson, Faust-Goudeau, Masterson, Pettey, Pyle, Reddi, Steffen, Straub, Sykes.

Absent or Not Voting: Bowers, Warren.

and **S Sub HB 2058** be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

S Sub HB 2058, AN ACT concerning gaming; removing the exemption in the Kansas indoor clean air act for gaming floors; relating to sports wagering; authorizing any compact with a federally recognized Indian tribe to include provisions governing sports wagering outside the boundaries of Indian lands; crediting tax revenue generated by wagers on historical horse races to the horse breeding development fund and the horse fair racing benefit fund; amending K.S.A. 2022 Supp. 21-6109, 21-6110, 46-2305 and 74-8823 and repealing the existing sections.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kloos, Masterson, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Shallenburger, Sykes, Thompson, Ware, Wilborn.

Nays: Baumgardner, Doll, Kerschen, Longbine, McGinn, O'Shea, Ryckman, Steffen,

Straub, Tyson.

Present and Passing: Warren.

The substitute bill passed, as amended.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Petersen moved the Senate concur in House amendments to **SB 132**.

SB 132, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the buffalo soldier license plate.

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 Senate concurred.

Senator Erickson moved the Senate concur in House amendments to **SB 180**.

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

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Dietrich, 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.

The Senate concurred.

Senator Kerschen moved the Senate concur in House amendments to **SB 205**.

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. 2022 Supp. 82a-736 and repealing the existing section.

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 Senate concurred.

Senator Fagg moved the Senate concur in House amendments to **SCR 1603**.

SCR 1603, A CONCURRENT RESOLUTION urging the President of the United States to consider current geopolitical tensions and support policies to ensure America's long-term energy affordability, security, leadership and progress.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, 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, Haley, Holland, Holscher, Pettey, Pittman, Reddi, Sykes, Ware.

Present and Passing: Francisco.

The Senate concurred.

REPORT ON ENROLLED BILLS

SB 49, SB 144; H Sub SB 208 reported correctly enrolled, properly signed and presented to the Governor on April 4, 2023.

SR 1720 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 4, 2023.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Wednesday, April 5, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

