

# Journal of the Senate

FORTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, March 13, 2020, 8:00 a.m.

The Senate was called to order by Senator Kevin Braun.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 500; HB 2490.**

Federal and State Affairs: **HB 2571, HB 2596.**

## REPORTS OF STANDING COMMITTEES

Committee on **Ethics, Elections and Local Government** recommends **SB 454** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2019 Supp. 45-217 is hereby amended to read as follows: 45-217. As used in the open records act, unless the context otherwise requires:

(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this state or by the respective political subdivision of this state.

(b) "Clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person, including information that may pose a risk to a person or property and is not of legitimate concern to the public.

(c) "Criminal investigation records" means: (1) Every audio or video recording made and retained by law enforcement using a body camera or vehicle camera as defined by K.S.A. 2019 Supp. 45-254, and amendments thereto; and (2) records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701, and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2019 Supp. 21-5406, and amendments thereto.

(d) "Custodian" means the official custodian or any person designated by the official custodian to carry out the duties of custodian of this act.

(e) "Cybersecurity assessment" means an investigation undertaken by a person, governmental body or other entity to identify vulnerabilities in cybersecurity plans.

(f) "Cybersecurity plan" means information about a person's information systems, network security, encryption, network mapping, access control, passwords,

authentication practices, computer hardware or software or response to cybersecurity incidents.

(g) "Cybersecurity vulnerability" means a deficiency within computer hardware or software, or within a computer network or information system, that could be exploited by unauthorized parties for use against an individual computer user or a computer network or information system.

(h) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

(i) (1) "Public agency" means the state or any political or taxing subdivision of the state or any office, agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" shall does not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; or (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court.

(j) (1) "Public record" means any recorded information, regardless of form, characteristics or location, which is made, maintained or kept by or is in the possession of:

(A) Any public agency; or

(B) any officer or employee of a public agency pursuant to the officer's or employee's official duties and which is related to the functions, activities, programs or operations of any public agency.

(2) "Public record" shall include, but not be limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund.

(3) Notwithstanding the provisions of subsection ~~(g)~~ (j)(1), "public record" shall does not include:

(A) Records ~~which that~~ are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds. As used in this subparagraph, "private person" shall does not include an officer or employee of a public agency who is acting pursuant to the officer's or employee's official duties;

(B) records ~~which that~~ are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state; or

(C) records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this subparagraph shall not apply to records of employers of lump-sum payments for contributions as described in this subparagraph paid for any group, division or section of an agency.

~~(h)~~(k) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.";

On page 2, in line 38, after "agency" by inserting ", if disclosure would jeopardize public safety, including records of cybersecurity plans, cybersecurity assessments and

cybersecurity vulnerabilities or procedures related to cybersecurity plans, cybersecurity assessments and cybersecurity vulnerabilities";

On page 8, by striking all in lines 28 through 42;

On page 9, in line 41, after "Supp." by inserting "45-217 and"; also in line 41, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "election security records and cyber security records" and inserting "cybersecurity assessments, cybersecurity plans and cybersecurity vulnerabilities"; in line 3, after "Supp." by inserting "45-217 and"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2054** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2054," as follows:

"Senate Substitute for HOUSE BILL NO. 2054

By Committee on Financial Institutions and Insurance

"AN ACT concerning financial institutions; relating to credit unions, field of membership; banks, trust companies and savings and loan associations, privilege tax, deduction of net interest received from certain business and single family residence loans; amending K.S.A. 79-1109 and K.S.A. 2019 Supp. 17-2205 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Ways and Means** recommends **SB 346** be passed.

Also, **SB 375** be amended on page 1, by striking all in lines 20 through 22; in line 23, by striking all before the period and inserting "The secretary shall establish targets for the state highway system condition that reflect the reasonable realistic expectations that have historically existed in providing a safe and efficient state highway system. The secretary shall utilize reasonable, sound and accepted methods to determine the annual preservation investment needed to achieve the state targets and provide optimum cost effectiveness in keeping the long-term system condition meeting such targets"; in line 27, before the semicolon by inserting ". The secretary shall manage cash flow and project lettings such that there is reasonable assurance that preservation will be fully funded each year. Pursuant to this subparagraph, preservation projects refer to existing infrastructure";

On page 3, in line 39, by striking "Motor fuel taxes and vehicle registration revenues" and inserting "State highway fund revenues, including, but not limited to, motor fuel taxes, vehicle registrations, sales and compensating use taxes and eligible federal aid,";

On page 4, in line 17, after "(2)" by inserting "It is the intent of the legislature that the secretary shall develop a metric-driven process that distributes state highway fund revenues available for the construction of modernization and expansion projects across the Kansas department of transportation districts such that the state highway funds spent on constructed modernization and expansion projects in each district over the 10 years will fall within the range determined.

(3)";

Also on page 4, by striking all in lines 22 and 23; in line 24, by striking all before the period and inserting "Not more than 60% of the modernization and expansion projects let to contract by the end of year five of the FORWARD transportation program shall occur in either rural or urban areas. For purposes of this paragraph, "urban area" means

Douglas, Johnson, Sedgwick, Shawnee and Wyandotte counties, and "rural area" means all other counties"; in line 25, after "(n)" by inserting "It is the intent of the legislature that the secretary take the actions necessary to have transportation improvement projects ready to let to construction as cash-flow management allows.

(o)";

On page 6, in line 11, by striking "all" and inserting "three"; in line 12, before the semicolon by inserting ". One project utilizing toll revenues may be let to construction once every three years"; also in line 12, by striking the second "and"; in line 15, after "of" by inserting "the three"; also in line 15, after "revenues" by inserting "referenced in paragraph (2)"; in line 16, after "limit" by inserting "; and

(4) Any project utilizing alternative delivery shall equal or exceed \$100,000,000 in costs";

On page 7, following line 39, by inserting:

"New Sec. 5. (a) The secretary of transportation is directed to develop a driver's education scholarship grant program to assist qualified individuals to become safe drivers. Subject to the limitations of appropriations therefor, any entity that desires to provide a driver's education program may submit an application for a competitive grant of moneys in an amount to be determined by the secretary for the purpose of paying the costs of scholarships to attend a driver's education program. A scholarship for a qualified individual shall not exceed \$200. The secretary shall administer the provisions of this section and may adopt rules and regulations establishing additional criteria for qualification for a grant and such other matters deemed necessary by the secretary for the administration of this section.

(b) The provisions of this section shall expire on June 30, 2023. On or before January 9, 2023, the secretary shall provide a report to the house of representatives appropriations and transportation committees and the senate ways and means and transportation committees on the driver's education scholarship grant program.

(c) As used in this section:

(1) "Federal poverty level" means the most recent poverty income guidelines published in the calendar year by the United States department of health and human services.

(2) "Qualified individual" means an individual who resides within the state of Kansas, is under 30 years of age and whose household income is positive and not more than 200% of the federal poverty level for the tax year prior to the year in which the application is submitted.";

On page 9, by striking all in lines 10 through 13; in line 14, by striking all before the semicolon and inserting:

"(4) all revenue available for the state highway fund, including, but not limited to, state highway fund balance from previous year, motor fuel taxes, registration fees, sales and compensating use taxes and bond proceeds;

(5) all committed expenditures identified by program, including, but not limited to, debt service payments, agency operations, aviation, transit, rail, cost-share, innovative technology, local bridge, project development costs by category, including, but not limited to, right-of-way purchases, engineering and utility relocation costs and construction payouts by program category, including, but not limited to, preservation,

modernization and expansion;

(6) a report of remaining outstanding projects that have been let but have not been paid out and how those projects have been identified to achieve system condition targets. If such targets are not achieved with current projects or identified future projects, a report on additional funding necessary to achieve system condition targets";

Also on page 9, in line 37, by striking "(a)(7)" and inserting "(a)(8)"; also in line 37, by striking "(a)(10)" and inserting "(a)(11)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 11, in line 3, after "projects" by inserting "for public transportation";

And by renumbering sections accordingly; and the bill be passed as amended.

### TRIBUTES

The Committee on Organization, Calendar, and Rules authorizes the following tributes for the week of March 9 through March 13, 2020:

Senator Billinger: congratulating Kody Davoren on an outstanding academic and athletic career at Rossville High School;

Senator Braun: congratulating Forty and Eight on its 100th Anniversary and commending the organization for decades of dedicated service to Kansas Veterans;

Senator McGinn: commending Kansas Thespians on their promotion of theater in schools across Kansas;

Senator Miller: congratulating Abby Simpson on receiving the 2020 Billy Michal Student Leadership Award; and

Senator Lynn and Senator Thompson: congratulating the Mill Valley H.S. Jaguars on winning the 2019 Class 5A State Football Championship.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, March 16, 2020.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

