

Journal of the Senate

THIRTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 1, 2021, 10:00 a.m.

The Senate was called to order by Vice President Rick Wilborn.
The roll was called with 39 senators present.
Invocation by Reverend Cecil T. Washington:

“God Is With Us!
Genesis 39:2, 2 Kings 18:7, Deuteronomy 31:6, Isaiah 7:14

Heavenly Father, in Genesis 39:2, You were with Joseph, and he was successful. In 2 Kings 18:7 You were with Hezekiah and he prospered.

In Deuteronomy 31, it was through Moses, that You told Your people to be determined and confident because You would be with them in their present struggles, and not abandon them in their efforts to move forward.

Lord, in the same way You were with them back then, we need You to be with us now.

One of the wonderful, Divine names we are given, in Isaiah 7:14, is Immanuel (God with us.) Lord, as we move forward from this point, help us to keep in mind that You are with us. And knowing that You are with us is satisfying. For it means that everything, whether it looks like it or not, is securely and confidently in Your Hands.

In steadfast, unwavering faith, I thank You for Your steadfast unwavering presence. In Jesus Name, 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:

Agriculture and Natural Resources: **HB 2244**.

Judiciary: **HB 2277**.

Ways and Means: **HB 2101**.

COMMITTEE OF THE WHOLE

On motion of Senator Suellentrop, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Bowers in the chair.

SB 86, SB 120 be passed.

A motion by Senator Sykes to amend **SB 120** failed.

SB 172 be amended by the adoption of the committee amendments, and the bill be passed as amended.

Motions by Senator Francisco to amend **SB 172** failed.

Senator Sykes moved **SB 172** be referred to the Committee on Judiciary. The motion failed.

SB 83 be amended by the adoption of the committee amendments, be further amended by motion of Senator Pettey: on page 3, in line 24, after "(6)" by inserting "any entity established by a city or county for the express purpose of providing a local review of child deaths if the information and records being disclosed are related to a child's death where either:

- (A) Such death occurred in such city or county; or
- (B) such child was a resident of such city or county;
- (7)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

and **SB 83** be passed as further amended.

SB 106 be amended by motion of Senator Warren, on page 1, in line 15, by striking "2023" and inserting "2022";

On page 2, in line 37, by striking "2023" and inserting "2022"; in line 39, by striking "2023" and inserting "2022"; in line 40, by striking "2023" and inserting "2022";

On page 3, in line 9, by striking "2023" and inserting "2022"; in line 31, by striking "2023" and inserting "2022"; in line 35, by striking "2023" and inserting "2022";

On page 4, in line 16, by striking "2023" and inserting "2022"; in line 24, by striking "2023" and inserting "2022"; in line 30, by striking "2023" and inserting "2022";

On page 5, in line 1, by striking "2023" and inserting "2022"; in line 15, by striking "2023" and inserting "2022"; in line 31, by striking "2023" and inserting "2022";

On page 6, in line 6, by striking "2023" and inserting "2022"; in line 30, by striking "2023" and inserting "2022";

On page 8, in line 37, by striking "2023" and inserting "2022";

On page 9, in line 43, by striking "2023" and inserting "2022";

On page 10, in line 12, by striking "2023" and inserting "2022"; in line 29, by striking "2023" and inserting "2022";

On page 11, in line 29, by striking "2023" and inserting "2022";

On page 12, in line 16, by striking "2023" and inserting "2022";

On page 14, in line 13, by striking "2023" and inserting "2022"; in line 23, by striking "2023" and inserting "2022";

On page 15, in line 27, by striking "2023" and inserting "2022";

On page 17, in line 1, by striking "2023" and inserting "2022"; in line 11, by striking "2023" and inserting "2022";

On page 18, in line 12, by striking "2023" and inserting "2022"; in line 14, by striking "2023" and inserting "2022"; in line 15, by striking "2023" and inserting "2022"; in line 17, by striking "2023" and inserting "2022"; in line 19, by striking "2023" and inserting "2022"; in line 21, by striking "2023" and inserting "2022"; in line 24, by striking "2023" and inserting "2022"; in line 28, by striking "2023" and inserting "2022"; in line 34, by striking "2023" and inserting "2022"; in line 35, by striking "2023" and inserting "2022";

On page 19, in line 1, by striking "2023" and inserting "2022";

On page 20, in line 18, by striking "2023" and inserting "2022";
On page 22, in line 24, by striking "2023" and inserting "2022";
On page 24, in line 41, by striking "2023" and inserting "2022";
On page 26, in line 36, by striking "2023" and inserting "2022";
On page 28, in line 39, by striking "2023" and inserting "2022";
On page 31, in line 1, by striking "2023" and inserting "2022";
On page 32, in line 22, by striking "2023" and inserting "2022"; in line 29, by striking "2023" and inserting "2022"; in line 35, by striking "2023" and inserting "2022";
On page 33, in line 6, by striking "2023" and inserting "2022"
and **SB 106** be passed as amended.

The Committee rose and reported progress (See Committee of the Whole afternoon session.)

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

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

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 29** and has appointed Representatives S. Johnson, Croft and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 39** and has appointed Representatives Rahjes, E. Smith and Carlin as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 40** and has appointed Representatives Rahjes, E. Smith, and Carlin as conferees on the part of the House.

COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the report for the morning and the following afternoon session was adopted.

SB 51, SB 62, SB 126, SB 159 be passed.

SB 261 be amended by motion of Senator Francisco: on page 1, in line 16, by striking all after "expenses"; in line 17, by striking all before the second "and";

On page 2, in line 41, by striking "asbestos remediation" and inserting "state general" and **SB 261** be passed as amended.

SB 142, SB 143, SB 175, be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2022 be amended by the adoption of the committee amendments, be further amended by motion of Senator Billinger: on page 7, in line 17, by striking all after "person"; in line 18, by striking all before "causing"; in line 19, after "well" by inserting ", including any operator of an injection well, disposal well or pressure maintenance program"

and **HB 2022** be passed as further amended.

The committee report on **SB 273** recommending **Sub SB 273** be adopted, be amended by motion of Senator Pyle: on page 6, in line 2, by striking the first "five" and inserting "six"; also in line 2, by striking the second "five" and inserting "six"; in line 3, by striking all after the period; by striking all in lines 4 through 15; in line 16, by striking all before the period and inserting "The six senate members shall be three senators appointed by the president, two senators appointed by the minority leader and one senator appointed by the chairperson or vice chairperson, whichever person is a member of the senate, of the joint committee on information technology. The six representative members shall be three representatives appointed by the speaker, two representatives appointed by the minority leader and one representative appointed by the chairperson or vice chairperson, whichever person is a member of the house of representatives, of the joint committee on information technology. Each appointing authority may appoint themselves to such committee";

Also on page 6, in line 17, by striking all after "(2)"; by striking all in line 18; in line 19, by striking all before the period and inserting "Members of the joint committee on emergency management shall represent each state board of education member district established under K.S.A. 4-526, and amendments thereto. To meet the requirements of such representation, the appointing authorities shall confer on their individual appointments. For the purposes of such representation, the senator or representative shall reside in the state board of education member district";

On page 7, in line 3, by striking "six" and inserting "seven"

Sub SB 273 be further amended by motion of Senator Francisco: on page 23, in line 22, by striking "centers" and inserting "center personnel"

and **Sub SB 273** be passed as amended.

President Ty Masterson assumed the Chair.

FINAL ACTION ON CONSENT CALENDAR

SB 20, SB 26, SB 89; Sub HB 2049 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 20, AN ACT concerning roads and highways; designating a portion of United States highway 69 as the Senator Dennis Wilson Memorial Highway.

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

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

The bill passed.

EXPLANATION OF VOTE

Mr. President: I stand in strong support of **SB 20**, designating a portion of United States highway 69 as the Senator Dennis Wilson Memorial Highway. Senator Wilson had a distinguished career that included serving his community, county, state and

country. Dennis was truly a servant leader. He was a veteran of the United States Air Force, Johnson County Treasurer, Water One board member, Kansas Representative, and the first individual to serve residents of Eastern Kansas in the 37th Senate District. Senator Wilson will always be remembered for willingness to lend support to those in need. The designation of the Senator Dennis Wilson Memorial Highway is a small token of recognition for a giant amongst a very large field of Kansas leaders.—MOLLY BAUMGARDNER

Senators Francisco, Gossage, Haley, Masterson and Petersen request the record to show they concur with the "Explanation of Vote" offered by Senator Baumgardner on **SB 20**.

SB 26, AN ACT concerning roads and highways; designating a portion of K-7 as the Senator Bud Burke Memorial Highway.

On roll call, the vote was: Yeas 39; Nays 0; 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, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

EXPLANATION OF VOTE

Mr. President: I vote "AYE" on **SB 26**, honoring Paul "Bud" Burke by designating a portion of K-7 as the Senator Bud Burke Memorial Highway. Burke was elected to the Kansas House in 1972, appointed to the Senate in 1975, and served in the Senate as Senate Majority Leader from 1985-1988 and President of the Senate from 1989-1997. He was involved in the crafting and passage of legislation that improved the course for Kansas over many decades — in education, transportation and social welfare. He also was President of the National Conference of State Legislatures. Earlier Burke had served his country as a United States Air force fighter pilot and as a Navy aviator in the United States Navy Reserves, retiring as a Captain. He served his alma mater, the University of Kansas, as a member of the National Board of Directors for the KU Alumni Association. Although I never served with him, I appreciated his counsel when I first joined the Senate. I learned from others of his gracious demeanor, his fierce devotion to constituents, to the Legislature and to a state that he loved. This Memorial Highway will let others see his name and hopefully learn of his contributions to Kansas.—MARCI FRANCISCO

Senators Holland and Petersen request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SB 26**.

SB 89, AN ACT concerning traffic regulations; relating to size and weight laws; exempting the transport of agricultural forage commodities from the secured loads statute; amending K.S.A. 8-1906 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; 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, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

Sub HB 2049, AN ACT concerning the legislative division of post audit; relating to audits; prohibiting a public agency from charging a fee for records requested therefor; amending K.S.A. 2020 Supp. 46-1114 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; 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, Hawk, Hilderbrand, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Suellentrop an emergency was declared by a 2/3 constitutional majority, and **Sub SB 273** was advanced to Final Action and roll call.

Sub SB 273, AN ACT concerning governmental response to certain emergencies; relating to the Kansas emergency management act; modifying the procedure for the declaration and extension of a state of disaster emergency; limiting powers granted to the governor during a state of disaster emergency; defining public health disasters and establishing special provisions therefor; creating the joint committee on emergency management and prescribing powers and duties; prescribing powers, duties and functions of the secretary of health and environment, city and county government, the board of education of each school district, the governing body of each community college and the governing body of each technical college to control the spread of disease; establishing judicial review thereof; prescribing certain reporting requirements for the board of education of each school district, the state board of education and the Kansas state department of education; limiting powers of city health officers and local health officers; amending K.S.A. 48-904, 48-923, 48-933, 65-101, 65-119 and 65-126 and K.S.A. 2019 Supp. 48-925, as amended by section 4 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021 Senate Bill No. 14, 48-939, 48-949, 65-201 and 65-202 and repealing the existing sections; also repealing K.S.A. 2019 Supp. 48-925, as amended by section 5 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-925b.

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

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

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

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. President: Just under a year ago, our world changed in unimaginable ways. When COVID-19 hit our state, we still did not understand its spread, its fatality, and its long term health impacts. Our governor – like many other governors in the country – responded swiftly to the outbreak to keep Kansans safe. By the time we nailed down appropriate mitigation strategies, ambitious elected leaders had already seized the opportunity to politicize the pandemic, which has led us directly to this terrible bill. This bill does not help Kansans. This bill will not help us respond to public health disasters in a way that protects Kansans. This bill is yet another dramatic overreach in an attempt to curb a Democratic governor’s actions. We all know we would not be debating this bill if a Republican was on the 2nd floor. Times of disaster and emergency require swift action and agility, not partisan knee-capping. I vote “NO” on **Sub SB 273**.
—DINAH SYKES

Senators Haley, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **Sub SB 273**.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 283, AN ACT concerning the COVID-19 response and reopening for business liability protection act; modifying immunity for certain persons conducting business in this state for COVID-19 claims accruing on or after March 12, 2020, and prior to termination of the state of disaster emergency related to the COVID-19 public health emergency; amending K.S.A. 2020 Supp. 60-5504, as amended by section 10 of 2021 Senate Bill No. 14, and 60-5508 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The President referred **SB 283** to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 98** be amended on page 5, following line 23, by inserting:

"(h) Notwithstanding any provisions of subsection (a) to the contrary, the governor may appoint a former member in good standing of the board of tax appeals to serve as a member pro tempore of the board for a period not to exceed one year when, after having exercised due diligence, more than one vacancy on the board exists. Such member pro tempore may exercise any power, duty or function as is necessary to serve as a member of the board. Such member pro tempore shall serve at the pleasure of the governor and receive compensation for each day of actual attendance or work as a member based on a proration of the annual salary provided in K.S.A. 74-2434, and amendments thereto. The provisions of this subsection shall expire on June 30, 2023.";

On page 1, in the title, in line 4, after "expires" by inserting "; authorizing appointment by the governor of a member pro tempore under certain conditions"; and the bill be passed as amended.

Committee on **Education** recommends **SB 173** be amended on page 1, in line 33, after "dyslexia" by inserting "or characteristics of dyslexia";

On page 3, in line 8, by striking all after the second "shall"; by striking all in lines 9 through 14; in line 15, by striking all before the period and inserting "repay such money to the school district's at-risk education fund. On or before January 15 of each year, the state board shall notify the house and senate standing committees on education, or any successor committees, which school districts had to repay such money and the amount of money each such school district repaid for the preceding school year"; in line 16, by striking "and does not show improvement within five" and inserting "for three consecutive"; by striking all in lines 19 and 20;

On page 8, in line 8, by striking "2022" and inserting "2023"; in line 9, by striking "2023" and inserting "2024"; and the bill be passed as amended.

The Committee on **Federal and State Affairs** recommends **SB 84** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 84," as follows:

"Substitute for SENATE BILL NO. 84

By Committee on Federal and State Affairs

"AN ACT concerning gaming; relating to the Kansas expanded lottery act; Kansas lottery and Kansas racing and gaming commission, rules and regulations; authorizing sports wagering; authorizing uses of the problem gambling and addictions grant fund; creating the sports wagering receipts fund and the white collar crime fund; amending K.S.A. 46-2301, 74-8702, 74-8710, 74-8711, 74-8716, 74-8718, 74-8733, 74-8734, 74-8751, 74-8752, 74-8756, 74-8757, 74-8758, 74-8760, 74-8772, 79-4805 and 79-4806 and K.S.A. 2020 Supp. 21-6403, 21-6507 and 21-6508 and repealing the existing sections.";

And the substitute bill be passed.

The Committee on **Judiciary** recommends **HB 2026** be amended on page 3, in line 13, by striking "and"; in line 14, after "supervision" by inserting "; and

(D) waiver of the supervision fee established in this subsection";

Also on page 3, in line 15, after "(3)" by inserting "(A)"; in line 19, after the period by inserting:

"(B)";

Also on page 3, in line 21, by striking all after the first "the"; by striking all in lines 22 through 27; in line 28, by striking all before "The" and inserting "county or district attorney.

(C) All moneys collected pursuant to this section shall be paid into the county general fund and used to fund the costs of diversion supervision performed pursuant to a memorandum of understanding under this subsection.

(D)";

Also on page 3, in line 29, by striking "supervision"; in line 30, by striking "officer" and inserting "county or district attorney in accordance with a memorandum of understanding under this subsection"; and the bill be passed as amended.

The Committee on **Public Health and Welfare** recommends **SB 238** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 238," as follows:

"Substitute for SENATE BILL NO. 238

By Committee on Public Health and Welfare

"AN ACT concerning health and healthcare; relating to credentialing of health professions and facilities; certification and funding of certified community

behavioral health clinics; prescribing powers, duties and functions of the Kansas department for aging and disability services and the department of health and environment related thereto; authorizing the issuance of telemedicine waivers for out-of-state healthcare providers; relating to professions regulated by the behavioral sciences regulatory board; reducing certain licensing requirements; expanding temporary practice permits and the board's grounds for discipline; amending K.S.A. 65-5804a, 65-5807a, 65-5808, 65-5809, 65-6309a, 65-6311, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612, 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A. 2020 Supp. 65-6306 and 65-6411 and repealing the existing sections."

And the substitute bill be passed.

Committee on **Transportation** recommends **SB 100** be amended on page 1, following line 9, by inserting:

"New Section 1. (a) Any person who is financially unable to pay either the full amount of their original traffic fine or fines and court costs or a monthly payment from an approved hardship payment plan, as described in this section, may contact the court of jurisdiction to request a hardship waiver to offset part or all of the balance owed. The waiver shall include options for monthly installment payments and credits, or both, earned by the defendant doing community service and attending court approved classes, or both. A monthly payment amount shall be calculated based on all fines and fees and all anticipated costs owed within that jurisdiction and shall correspond to the person's ability to pay. The monthly payment plan amount shall be the greater of \$10 or 2% of the person's annual net income, as of their most recent tax return, divided by 12.

(b) A single page, uniform hardship waiver application form shall be made available to download from the department of revenue website in addition to being provided in each jurisdiction's clerk of court office for defendants to sign and submit to the court. If the court denies an economic hardship petition, a written explanation shall be provided to the defendant stating the reason or reasons for the denial.

(c) Under the terms of the original traffic fine or fines and court costs payment agreement made with the court, the municipal or judicial district court shall order:

(1) The recall of any warrants directly related to the suspension of the person's driver's license;

(2) the waiver of any reinstatement and collection fees directly related to the suspension;

(3) the expungement of any previous driving on suspended convictions due to nonpayment of traffic fines and court costs, or both, or failure to appear; and

(4) the court may also order that a defendant who enters into a payment agreement shall receive credit against any remaining traffic fines and court costs owed by performing community service and attending classes, or both, including online courses, aimed at defensive and safe driving techniques or a state-approved traffic school program. The court shall approve any classes and community service before the person will receive credit toward their original traffic fines or court costs. Once approved, the person shall receive a credit toward the balance owed in an amount equal to \$15 for each hour spent by the person doing community service and \$15 for each hour spent attending classes.

(d) After a hardship payment plan has been approved by the court, the court shall order the division of vehicles to reinstate the driver's driving privileges without

restriction. After a person has their driving privileges reinstated by agreeing to an approved hardship payment plan, such person's driver's license shall not be suspended due to nonpayment until they have failed to pay for 90 consecutive days.

(e) Any violation of law by the person holding a restricted license that would result in the suspension or revocation of a driver license shall result in the revocation of the restricted license.

(f) As soon as the original traffic fine or fines and court costs have been paid as agreed by the defendant, the district or municipal court shall electronically order the division of vehicles to immediately remove the restrictions on the defendant's driver's license and mail written notification to the defendant that their Kansas driver's privileges and license have been reinstated.

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

(1) Non-traffic warrants; or

(2) a person whose driver's license has been suspended or revoked under the provisions of K.S.A. 8-2,144, 8-1567 and 8-1567a, and amendments thereto, or K.S.A. 2020 Supp. 8-1025, and amendments thereto.";

On page 3, following line 6, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 8-2106 is hereby amended to read as follows: 8-2106.

(a) A law enforcement officer may prepare and deliver to a person a written traffic citation on a form approved by the division of motor vehicles, if the law enforcement officer stops the person for a violation of:

(1) The uniform act regulating traffic on highways, which violation is a misdemeanor or a traffic infraction;

(2) K.S.A. 8-262, 8-287, 8-2,144, 8-1599, 40-3104, 40-3106, 41-715, 41-724, 41-727, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273, 66-1314, 66-1324, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106 or ~~subsection (b) of K.S.A. 79-34, 122(b), or K.S.A. 2020 Supp. subsection (a) of 21-5607(a), 21-5810, 21-5815, 21-5816, subsection (a) of 21-5817(a) or 21-6203, and amendments thereto;~~

(3) K.S.A. 31-155, and amendments thereto, involving transportation of bottle rockets;

(4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any rules and regulations adopted pursuant thereto;

(5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-2001 or 31-146, and amendments thereto;

(6) any rules and regulations adopted pursuant to K.S.A. 31-133, and amendments, thereto relating to transportation of materials or fuel; ~~or~~

(7) K.S.A. 8-1343 through 8-1347, and amendments thereto, relating to the child passenger safety act; or

(8) K.S.A. 8-2501 through 8-2507, and amendments thereto, relating to the safety belt use act.

(b) The citation shall contain a notice to appear in court, the name and address of the person, the type of vehicle the person was driving, whether hazardous materials were being transported, whether an accident occurred, the state registration number of the person's vehicle, if any, a statement whether the vehicle is a commercial vehicle, whether the person is licensed to drive a commercial motor vehicle, the offense or offenses charged, the time and place when and where the person shall appear in court, the phone number and email address of the clerk of the court of the jurisdiction, the

signature of the law enforcement officer, and any other pertinent information.

(c) The time specified in the notice to appear shall be at least five days after the alleged violation unless the person charged with the violation demands an earlier hearing.

(d) The place specified in the notice to appear shall be before a judge of the municipal or district court within the county in which the offense is alleged to have been committed.

(e) Except in the circumstances to which ~~subsection (a) of~~ K.S.A. 8-2104(a), and amendments thereto, apply, in the discretion of the law enforcement officer, a person charged with a misdemeanor may give written promise to either appear in court or phone or email the clerk of the court to enter a plea prior to the court date and by signing at least one copy of the written citation prepared by the law enforcement officer, in which event the law enforcement officer shall deliver a copy of the citation to the person and shall not take the person into physical custody.

(f) When a person is charged with a traffic infraction, the notice to appear shall provide a place where the person may make a written entry of appearance, waive the right to a trial and plead guilty or no contest. Such notice to appear shall contain a provision that the person's failure to either enter a plea with the clerk of the court prior to the specified time and, if pleading guilty, make payments as agreed to with the court, pay such fine and court costs or appear in court at the specified time may result in suspension of the person's drivers' license as provided in K.S.A. 8-2110, and amendments thereto. The notice to appear shall provide a space where the law enforcement officer shall enter the appropriate fine specified in the uniform fine schedule contained in K.S.A. 8-2118, and amendments thereto, for the violation charged and court costs in the amount provided by law. If the notice to appear does not do so, the law enforcement officer shall provide a person charged with a traffic infraction a form explaining the person's right to contact the clerk of the court of the jurisdiction to enter a plea prior to the date to appear and right to a trial and the person's right to negotiate with the court a plan to pay the fine or fines stated on the traffic citation and court costs or pay the appropriate fine and court costs prior to the appearance date. The law enforcement officer shall provide the person with the phone number and email address of the clerk of the court and the address of the court to which the written entry of appearance, waiver of trial, plea of guilty or no contest and payment of fine and court costs shall be mailed.

(g) Any officer violating any of the provisions of subsection (f) is guilty of misconduct in office and shall be subject to removal from office.";

Also on page 3, in line 10, by striking the first "and" and inserting "or enter a plea with the clerk of the court prior to their assigned court date, and, if pleading guilty,"; also in line 10, by striking "in full"; also in line 10, by striking all after "costs"; by striking all in line 11; in line 12, by striking all before the period and inserting "in accordance with the amount and payment plan agreed upon by the court"; in line 20, by striking all before "within" and inserting "enter a plea with the court"; in line 27, by striking all before "the";

On page 4, in line 6, by striking ", the driver" and inserting "or failure to appear in court or contact the court to enter a plea prior to their court date";

On page 6, in line 23, after the comma by inserting "8-2106,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "driving; relating to"; also in line 1, by striking all after the first semicolon; in line 5, after the semicolon by inserting "providing for payment plans and waiver of fines; requiring certain contact information on a traffic citation;"; also in line 5, after "8-262" by inserting ", 8-2106"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 27 reported correctly enrolled, properly signed and presented to the Governor on March 01, 2021.

SR 1710, SR 1711, SR 1712 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 01, 2021.

On motion of Senator Suellentrop, the Senate adjourned until 10:00 a.m., Tuesday, March 2, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

