

Journal of the House

FORTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 13, 2020, 8:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Finch in the chair.

The roll was called with 116 members present.

Reps. Neighbor and Yeager were excused on verified illness.

Reps. Bishop, Garber, Hineman, Holscher, Huebert, Phillips and Wasinger were excused on excused absence by the Speaker.

Prayer by guest chaplain, Father Joshua Lollar, Pastor, St. Nicholas Orthodox Christian Church, Lawrence, and guest of Rep. Highberger:

Creator of all, maker of heaven and earth, of all things visible and invisible, God of spirit and flesh who has granted life to the world:

We praise you for the earth, which nourishes us in life and receives us again in death.

May we learn again to live in agreement with its rhythm.

May we see it with eyes of reverence and not of greed.

May our deeds upon the earth be worthy of the place we have been given.

We praise you for you have made us to seek understanding.

May our knowledge become wisdom in governing on behalf of all your people.

May our wisdom become goodness in providing for all your people.

May our goodness become love in living for all your people.

Great healer of soul and body, we humbly ask in this time of spreading disease that we be protected from harm and that comfort be granted to those who are afflicted and to those who care for them.

For you are the hope of the hopeless, the defender of the poor, the help of those who call upon you and the salvation of all. And to you we ascribe glory, always now and ever and unto the ages of ages.
Amen.

The Pledge of Allegiance was led by Rep. Frownfelter.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2743, AN ACT concerning courts; relating to alteration or suspension of deadlines to secure the health and safety of court users, staff and judicial officers; amending K.S.A. 2019 Supp. 22-3402 and 60-206 and repealing the existing sections, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **HB 2742**.

Taxation: **HB 2741**.

CONSENT CALENDAR

No objection was made to **SB 354** appearing on the Consent Calendar for the second day.

Objection was made to **HB 2527, SCR 1614** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2548, AN ACT concerning certain claims against the state; making appropriations; authorizing certain transfers; imposing certain restrictions and limitations; directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 1; Present but not voting: 0; Absent or not voting: 9.

Yeas: Alcala, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Blex, Burris, Burroughs, Capps, Carlin, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Gartner, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hodge, Hoffman, Hoheisel, Horn, Houser, Howard, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Newland, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Carmichael.

Present but not voting: None.

Absent or not voting: Bishop, Garber, Hineman, Holscher, Huebert, Neighbor, Phillips, Wasinger, Yeager.

The bill passed, as amended.

HB 2689, AN ACT concerning income taxation; relating to angel investor tax credits; qualified securities; credit limitations and amounts; investor requirements; expenditures to make principal dwelling accessible to persons with a disability; amending K.S.A. 74-8132, 74-8133, 74-8136 and 79-32,176a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 103; Nays 12; Present but not voting: 1; Absent or not voting: 9.

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Ballard, Barker, Benson, Bergquist, Blex, Burris, Burroughs, Capps, Carlin, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Gartner, Hawkins, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Horn, Houser, Howard, Humphries, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lynn, Mason, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Waymaster, Weigel, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Baker, Carmichael, Hodge, Jacobs, Jennings, Lusk, Mastroni, Moore, Murnan, Pannbacker, Stogsdill, Wheeler.

Present but not voting: Helgerson.

Absent or not voting: Bishop, Garber, Hineman, Holscher, Huebert, Neighbor, Phillips, Wasinger, Yeager.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HB 2689**. Our nation and state are facing economic uncertainty because of the developing public health challenge. Both short and long term implications are unknown. I believe we should exercise discipline and resist the temptation to increase tax credits today to lesson the challenges we will certainly face in the future. I believe a conservative, disciplined and measured approach is prudent at this point. A week ago, this would have been an easy yes vote. Today, not so much. – J. RUSSELL JENNINGS, JOHN CARMICHAEL.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 307** be passed.

Committee on **Agriculture** recommends **SB 285** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 285," as follows:

"House Substitute for SENATE BILL NO. 285

By Committee on Agriculture

"AN ACT concerning health and environment; relating to the Kansas storage tank act; reimbursements; extending the existence of the underground fund, aboveground fund, UST redevelopment fund and the UST redevelopment fund compensation

advisory board; amending K.S.A. 65-34,118, 65-34,119, 65-34,120, 65-34,123, 65-34,134 and 65-34,139 and repealing the existing sections."; and the substitute bill be passed.

(**SB 285** was thereupon introduced and read by title.)

Committee on **Appropriations** recommends **HB 2522** be amended on page 2, in line 4, after the period by inserting "A private stakeholder may certify to the secretary of health and environment that an amount of money is dedicated to the rural hospital innovation grant program. Such certified dedicated moneys shall remain with the private stakeholder until such time as the grant is awarded, and the secretary shall count such certified dedicated moneys to fulfill the public-private match required under this paragraph.";

Also on page 2, in line 5, after "(3)" by inserting "A private stakeholder who has contributed moneys or certified dedicated moneys to the secretary of health and environment may specify a county to receive a grant using such private stakeholder's moneys. If the secretary does not award a grant to the specified county in the same fiscal year as such request, the secretary shall return the amount of contributed moneys to the private stakeholder and any such certification shall lapse.

(4) Prior to applying for a rural hospital innovation grant, any eligible county may enter into memorandums of understanding and other necessary agreements with private stakeholders and other eligible counties.

(5)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **K-12 Education Budget** recommends **SB 382**, as amended by Senate Committee, be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2019 Supp. 72-4352 is hereby amended to read as follows: 72-4352. As used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed \$8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) "Eligible student" means a child who:

~~(1) (A) Is an at-risk student, as defined in K.S.A. 72-5132, and amendments thereto, and who is attending a public school; or (B) has been eligible to receive an educational scholarship under this program and has not graduated from high school or reached 21 years of age;~~

~~(2) Resides in Kansas while eligible for an educational scholarship; and~~

~~(3) (A) (2) (A) (i) is eligible for free or reduced-priced meals under the national school lunch act; and~~

~~(ii) (a) was enrolled in any public school in the previous school year in which an educational scholarship is first sought for the child; or~~

~~(b) is eligible to be enrolled in any public school in the school year in which an~~

educational scholarship is first sought for the child and the child is under the age of six years; or

(B) has received an educational scholarship under the program and has not graduated from high school or reached the age of 21 years.

(e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(f) "Program" means the tax credit for low income students scholarship program established in K.S.A. 72-4351 through 72-4357, and amendments thereto.

~~(g) "Public school" means an elementary school that is operated by a school district, and identified by the state board as one of the lowest 100 performing elementary schools with respect to student achievement among all elementary schools operated by school districts for the current school year.~~ any school operated by a unified school district organized under the laws of this state.

(h) "Qualified school" means any nonpublic school that:

(1) Provides education to elementary or secondary students;

(2) is accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure;

(3) has notified the state board of its intention to participate in the program; and

~~(4) complies with the requirements of the program. On and after July 1, 2020, a qualified school shall be accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure.~~

(i) "Scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to eligible students or to qualified schools in which parents have enrolled eligible students.

(j) "School district" or "district" means any unified school district organized and operating under the laws of this state.

~~(k) "School year" shall have the meaning ascribed thereto.~~ means the same as in K.S.A. 72-5132, and amendments thereto.

(l) "Secretary" means the secretary of revenue.

(m) "State board" means the state board of education.

Sec. 2. K.S.A. 2019 Supp. 72-4354 is hereby amended to read as follows: 72-4354.

(a) To be eligible to participate in the program, a scholarship granting organization shall comply with the following:

(1) The scholarship granting organization shall notify the secretary and the state board of the scholarship granting organization's intent to provide educational scholarships;

(2) upon granting an educational scholarship, the scholarship granting organization shall report such information to the state board;

(3) the scholarship granting organization shall provide verification to the secretary that the scholarship granting organization is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(4) upon receipt of contributions in an aggregate amount or value in excess of \$50,000 during a school year, a scholarship granting organization shall file with the state board either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount

of contributions expected to be received during the school year; or

(B) financial information demonstrating the scholarship granting organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(5) scholarship granting organizations that provide other nonprofit services in addition to providing educational scholarships shall not commingle contributions made under the program with other contributions made to such organization. A scholarship granting organization under this subsection shall also file with the state board, prior to the commencement of each school year, either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the nonprofit organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(6) each qualified school receiving educational scholarships from the scholarship granting organization shall annually certify to the scholarship granting organization its compliance with the requirements of the program;

(7) at the end of the calendar year, the scholarship granting organization shall have its accounts examined and audited by a certified public accountant. Such audit shall include, but not be limited to, information verifying that the educational scholarships awarded by the scholarship granting organization were distributed to qualified schools with respect to eligible students determined by the state board under K.S.A. 72-4353(c), and amendments thereto, and information specified in this section. Prior to filing a copy of the audit with the state board, such audit shall be duly verified and certified by a certified public accountant; and

(8) if a scholarship granting organization decides to limit the number or type of qualified schools who will receive educational scholarships, the scholarship granting organization shall provide, in writing, the name or names of those qualified schools to any contributor and the state board.

(b) No scholarship granting organization shall provide an educational scholarship with respect to any eligible student to attend any qualified school with paid staff or paid board members, or relatives thereof, in common with the scholarship granting organization.

(c) The scholarship granting organization shall disburse not less than 90% of contributions received pursuant to the program in the form of educational scholarships within 36 months of receipt of such contributions. If such contributions have not been disbursed within the applicable 36-month time period, then the scholarship granting organization shall not accept new contributions until 90% of the received contributions have been disbursed in the form of educational scholarships. Any income earned from contributions must be disbursed in the form of educational scholarships.

(d) A scholarship granting organization may continue to provide an educational scholarship with respect to a student who was an eligible student in the year immediately preceding the current school year.

(e)-(f) A scholarship granting organization shall direct payments of educational scholarships to the qualified school attended by the eligible student or in which the

eligible student is enrolled. Payment may be made by check made payable to both the parent and the qualified school or to only the qualified school. If an eligible student transfers to a new qualified school during a school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the new qualified school based on the eligible student's attendance. If the eligible student transfers to a public school and enrolls in such public school after September 20 of the current school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the public school based on the eligible student's attendance. The prorated amount to the public school shall be considered a donation and shall be paid to the school district of such public school in accordance with K.S.A. 72-1142, and amendments thereto.

~~(2) As used in this subsection, the term "public school" means any school operated by a school district.~~

(f) Each qualified school shall provide a link to the state department of education's webpage where the reports prepared pursuant to K.S.A. 72-5170, and amendments thereto, and K.S.A. 2019 Supp. 72-5178, and amendments thereto, for such school are published. The link shall be prominently displayed on the school's accountability reports webpage.

(g) By June 1 of each year, a scholarship granting organization shall submit a report to the state board for the educational scholarships provided in the immediately preceding 12 months. Such report shall be in a form and manner as prescribed by the state board, approved and signed by a certified public accountant, and shall contain the following information:

- (1) The name and address of the scholarship granting organization;
- (2) the name and address of each eligible student with respect to whom an educational scholarship was awarded by the scholarship granting organization;
- (3) the total number and total dollar amount of contributions received during the 12-month reporting period; and
- (4) the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period and the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period with respect to eligible students who qualified under K.S.A. 72-4352(d), and amendments thereto.

~~(g)~~(h) No scholarship granting organization shall:

- (1) Provide an educational scholarship with respect to an eligible student that is established by funding from any contributions made by any relative of such eligible student; or
- (2) accept a contribution from any source with the express or implied condition that such contribution be directed toward an educational scholarship for a particular eligible student.

Sec. 3. K.S.A. 2019 Supp. 72-5178 is hereby amended to read as follows: 72-5178.
 (a) On or before January 15 of each year, the state department of education shall prepare and submit a performance accountability report and a longitudinal achievement report for all students enrolled in public school or accredited nonpublic school in the state, each school district ~~and~~, each school operated by a school district and each accredited nonpublic school to the governor and to the legislature.

(b) Each performance accountability report shall be prepared in a single-page format containing the information that is required to be reported under the federal

elementary and secondary education act, as amended by the federal every student succeeds act, public law 114-95, or any successor federal acts, and the college and career readiness metrics developed and implemented by the state board. The report shall use the categories for achievement identified under the federal every student succeeds act, public law 114-95, or any successor achievement categories. All categories and metrics included in the report shall be clearly defined.

(c) Each longitudinal achievement report shall provide the achievement rates on the state assessments for English language arts, math and science for all students and each student subgroup and the change in achievement rate year-over-year starting with the school year in which the state board first implemented new achievement standards on such state assessments.

(d) All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2019 Supp. 72-1181, and amendments thereto.;

On page 2, in line 16, after "(A)" by inserting "Except as provided in subsection (b) (8)."; in line 18, by striking all after the period; by striking all in lines 19 and 20; in line 21, by striking "such district.";

On page 4, in line 31, by striking "2015," and inserting "2020:

(A)";

Also on page 4, in line 35, before the period by inserting "; and

(B) in determining the amount of the AVPP of a school district, the state board shall exclude the number of students enrolled in a virtual school offered by such school district from the calculation of the AVPP of such school district";

On page 5, in line 26, after "Supp." by inserting "72-4352, 72-4354, 72-5178 and"; also in line 26, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "the tax credit for low income students scholarship program act; expanding student eligibility for the program; adjusting the calculation of"; in line 2, by striking "determination"; also in line 2, after "Supp." by inserting "72-4352, 72-4354, 72-5178 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 305**, as amended by Senate Committee, be passed.

Committee on **Transportation** recommends **SB 306** be passed.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 54, by Representative Ralph, congratulating Joann Knight on the 2019 Rural Economic Development Leadership Award.

Request No. 55, by Representative Francis, congratulating Whitney Hay, winner of the 2020 International Pancake Day Race in Liberal, Kansas.

Request No. 56, by Representative Francis, commending the Meadowlark Elementary School 4th Grade for their role in RS 3067, designating the Black-Tailed Prairie Dog and the official Rodent of the state of Kansas.

Request No. 57, by Representative Pittman, congratulating Spencer Angell and Anna Hastings, elected International Thespian Officers 2019-2020.

Request No. 58, by Representative Pittman, congratulating David Tate Hastings and Jennifer Morgan-Beuchat for their work with Kansas Thespians.

Request No. 59, by Representative Pittman, congratulating Leavenworth High School on Kansas Thespians Outstanding School 2019 and Theatre Impact Award 2019.

Request No. 60, by Representative Woodard, congratulating Doug and Terry Obershaw for JCCC Exporting Business of the Year.

Request No. 61, by Representative Newland, commending Ben Cutler for his Monumental Scholarship Gift that will forever change the lives of the Neodesha High School graduates and the community.

Request No. 62, by Representative Ohaebosim, in memory of Mrs. Rose Enwerem Duruoshimiri.

Request No. 63, by Representative Ohaebosim, in memory of Florence Nwosu.

Request No. 64, by Representative Barker, congratulating Abilene Middle School Boys Basketball team the Longhorns on winning the 2020 NCKL Championship.

Request No. 65, by Representative Concannon, congratulating Landon Eilert for receiving the 2020 President's Volunteer Service Award.

Request No. 66, by Representative Karleskint, congratulating Katie Cooke for earning the Patriot's Pen National Award.

Request No. 67, by Representative Karleskint, congratulating Brianna Ball for earning the Voice of Democracy National Scholarship Award.

Request No. 68, by Representative Susan Humphries, congratulating Carly Bowden Seventh Grade Math Teacher at Andover on receiving the 2019-2020 Milken Educator Award.

Request No. 69, by Representative Louis Ruiz, congratulating Susan Crain Lewis, CEO and President of Mental Health America of the Heartland on her exemplary health services for over 20 years.

Request No. 70, by Representative Barb Wasinger, congratulating Kathy Wagoner, 2020 Kansas Master Teacher of the Year.

Request No. 71, by Representative's Jim Kelly and Doug Blex, congratulating Alexis Allen, Independence High School Lady Bulldogs on first ever title of Girls All-Class State Champion KSHSAA Girls Wrestling.

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Hawkins, the committee report was adopted.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Finch announced the appointment of Rep. Frownfelter to replace Rep. Henderson on Committee on Federal and State Affairs on March 16 and 17, 2020.

On motion of Rep. Hawkins, the House recessed until 11:00 a.m.

LATE MORNING SESSION

The House met pursuant to recess with Speaker Ryckman in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. HCR 5025—

By Representatives Ryckman, Sawyer, Finch, Hawkins and Winn

HCR 5025—A CONCURRENT RESOLUTION ratifying the March 12, 2020, State of Disaster Emergency declaration issued by Governor Laura Kelly and providing for the continuation thereof for the entire 105 counties of Kansas through January 25, 2021.

WHEREAS, On March 12, 2020, Governor Laura Kelly issued a State of Disaster Emergency declaration in response to confirmed cases of novel coronavirus (COVID-19) in the state of Kansas and considers that a public health emergency exists within the state of Kansas. The United States Centers for Disease Control and Prevention (CDC) identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high," and the United States Department of Health & Human Services declared a public health emergency for COVID-19 beginning January 27, 2020. The World Health Organization (WHO) declared a global pandemic on March 11, 2020: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the State of Disaster Emergency declaration issued on March 12, 2020, for the entire 105 counties of Kansas in accordance with K.S.A. 48-924, and amendments thereto, is hereby ratified and continued in force and effect on and after March 12, 2020, through January 25, 2021, subject to extension by the State Finance Council in accordance with K.S.A. 48-924(b)(3), and amendments thereto.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker Ryckman announced the referral of **HCR 5025** to Committee of the Whole.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Hawkins, pursuant to House Rule 2311, **HCR 5025** was advanced to Final Action on Bills and Concurrent Resolutions, subject to amendment, debate and roll call.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HCR 5025, A CONCURRENT RESOLUTION ratifying the March 12, 2020, State of Disaster Emergency declaration issued by Governor Laura Kelly and providing for the continuation thereof for the entire 105 counties of Kansas through January 25, 2021, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 0; Present but not voting: 0; Absent or not voting: 9.

Yeas: Alcala, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Gartner, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hodge, Hoffman, Hoheisel, Horn, Houser, Howard, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Newland, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Bishop, Garber, Hineman, Holscher, Huebert, Neighbor, Phillips, Wasinger, Yeager.

The resolution was adopted.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Judiciary: **HB 2743**

On motion of Rep. Hawkins, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Finch in the chair.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 102** be amended by substituting with a new bill to be designated as "House Substitute for SENATE BILL NO. 102," as follows:

"House Substitute for SENATE BILL NO. 102

By Committee on Judiciary

"AN ACT concerning courts; relating to extension or suspension of deadlines or time limitations to secure the health and safety of court users, staff and judicial officers; amending K.S.A. 2019 Supp. 22-3402 and 60-206 and repealing the existing sections."; and the substitute bill be passed.

(**H Sub for SB 102** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **SB 275**, as amended by Senate Committee, be amended on page 3, in line 43, by striking all after "privileges";

On page 4, by striking all in lines 1 through 5; in line 6, by striking all before the period; also in line 6, after the period by inserting "No application fee shall be collected

in connection with such written request."; in line 9, by striking all after "citations"; by striking all in lines 10 through 16; in line 17 by striking all before the period; also in line 17, after the period by inserting "No application fee shall be collected in connection with such written request.

(C)";

Also on page 4, in line 18, by striking "this section" and inserting "subsection (b)(2) (A) or (b)(2)(B)"; in line 19, by striking "that expired"; in line 22, after "(b)(1)" by inserting "and there is no other basis for the license suspension or cancellation except for violations of this section"; in line 26, by striking "(C)" and inserting "(D)";

On page 5, in line 21, by striking "On and after July 1, 2018,"; in line 23, after "citation" by inserting "issued on and after July 1, 2020,"; in line 24, by striking all after "\$100"; by striking all in lines 25 and 26; in line 27, by striking all before the period and inserting "for each case"; in line 28, by striking all after the first comma; in line 29, after "penalties" by inserting "and shall only be collected after a person has been determined to be eligible for reinstatement";

On page 1, in the title, in line 3, after the second semicolon by inserting "removing and changing certain fees that apply to individuals for failure to comply with a traffic citation,"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 326** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2019 Supp. 8-234b is hereby amended to read as follows: 8-234b. (a) Every original driver's license issued by the division shall indicate the class or classes of motor vehicles ~~which that~~ the licensee is entitled to drive. For this purpose the following classes are established:

(1) Commercial class A motor vehicles include any combination of vehicles with a gross combination weight rating or gross combination weight of 26,001 pounds or more, providing the gross vehicle weight rating or gross vehicle weight of the vehicle or vehicles being towed is in excess of 10,000 pounds;

(2) commercial class B motor vehicles include any single vehicle with a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating or gross vehicle weight;

(3) commercial class C motor vehicles include any single vehicle less than 26,001 pounds gross vehicle weight rating or gross vehicle weight, or any such vehicle towing a vehicle not in excess of 10,000 pounds, or any vehicle less than 26,001 pounds gross vehicle weight rating or gross vehicle weight towing a vehicle in excess of 10,000 pounds gross vehicle weight rating or gross vehicle weight, provided the gross combination weight rating or gross combination weight of the combination is less than 26,001 pounds comprising:

(A) Vehicles designed to transport 16 or more passengers, including the driver; or

(B) vehicles used in the transportation of hazardous materials ~~which that~~ requires the vehicle to be placarded;

(4) class A motor vehicles include any combination of vehicles with a gross combination weight rating or gross combination weight of 26,001 pounds or more, provided the gross combination weight rating or gross combination weight of the vehicle or vehicles being towed is in excess of 10,000 pounds, and all other lawful

combinations of vehicles with a gross combination weight rating or gross combination weight of 26,001 pounds; ~~or more; except that,~~ Class A ~~does~~ motor vehicles do not include a combination of vehicles that has a truck registered as a farm truck under K.S.A. 8-143, and amendments thereto;

(5) class B motor vehicles include any single vehicle with a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating or gross vehicle weight. Class B motor vehicles do not include a single vehicle registered as a farm truck under K.S.A. 8-143, and amendments thereto, when such farm truck has a gross vehicle weight rating or gross vehicle weight of 26,001 pounds; or more; or any fire truck operated by a volunteer fire department;

(6) class C motor vehicles include any single vehicle with a gross vehicle weight rating or gross vehicle weight less than 26,001 pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating or gross vehicle weight, or any vehicle with a less than 26,001 gross vehicle weight rating or gross vehicle weight towing a vehicle in excess of 10,000 pounds gross vehicle weight rating or gross vehicle weight, provided the gross combination weight rating or gross vehicle weight of the combination is less than 26,001 pounds, or any single vehicle registered as a farm truck under K.S.A. 8-143, and amendments thereto, when such farm truck has a gross vehicle weight rating or gross vehicle weight of 26,001 pounds, or more, or any fire truck operated by a volunteer fire department or any autocycle; and

(7) class M motor vehicles includes motorcycles, but does not include autocycles.

As used in this subsection, "gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle. The gross vehicle weight rating of a combination (articulated) vehicle, commonly referred to as the gross combination weight rating, is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of the towed unit or units.

(b) Every applicant for an original driver's license shall indicate on such person's application the class or classes of motor vehicles ~~for which that~~ the applicant desires a license to drive, and the division shall not issue a driver's license to any person unless such person has demonstrated satisfactorily ability to exercise ordinary and reasonable control in the operation of motor vehicles in the class or classes ~~for which that~~ the applicant desires a license to drive. The division shall administer an appropriate examination of each applicant's ability to drive such motor vehicles. Except as provided in K.S.A. 8-2,125 through 8-2,142, and amendments thereto, the director of vehicles may accept a copy of the certificate of a person's road test issued to an individual under the regulatory requirements of the United States department of transportation, in lieu of requiring the person to demonstrate ability to operate any motor vehicle or combination of vehicles, if such certificate was issued not more than three years prior to the person's application for a driver's license.

(c) Any person who is the holder of a valid driver's license ~~which that~~ entitles the person to drive class A motor vehicles may also drive class B and C motor vehicles. Any person who is the holder of a valid driver's license ~~which that~~ entitles the person to drive class B motor vehicles may also drive class C motor vehicles.

(d) The secretary of revenue shall adopt rules and regulations establishing qualifications for the safe operation of the various types, sizes and combinations of

vehicles in each class of motor vehicles established in subsection (a). Such rules and regulations shall include the adoption of at least the minimum qualifications for commercial drivers' licenses contained in the commercial motor vehicle safety act of 1986.

(e) Any reference in the motor vehicle drivers' license act to a class or classes of motor vehicles is a reference to the classes of motor vehicles established in subsection (a), and any reference in the motor vehicle drivers' license act to a classified driver's license or a class of driver's license means a driver's license ~~which that~~ restricts the holder thereof to driving one or more of such classes of motor vehicles.

(f) The secretary of revenue may enter into a contract with any person, who meets the qualifications imposed on persons regularly employed by the division as drivers' license examiners, to accept applications for drivers' licenses and to administer the examinations required for the issuance of drivers' licenses.

(g) Notwithstanding the provisions of subsection (a), any person employed as an automotive mechanic who possesses a valid class C driver's license may drive any class A or class B motor vehicle on the highways for the purpose of determining the proper performance of the vehicle, except that this does not include commercial class A, B or C vehicles.";

On page 6, following line 14, by inserting:

"Sec. 3. K.S.A. 2019 Supp. 8-247 is hereby amended to read as follows: 8-247. (a) (1) All original licenses issued on and after July 1, 2018, shall expire as follows:

(A) Licenses issued to persons who are at least 21 years of age; but less than 65 years of age shall expire on the sixth anniversary of the date of birth of the licensee ~~which that~~ is nearest the date of application;

(B) licenses issued to persons who are 65 years of age or older shall expire on the fourth anniversary of the date of birth of the licensee ~~which that~~ is nearest the date of application;

(C) any commercial driver's license shall expire on the fifth anniversary of the date of birth of the licensee ~~which that~~ is nearest the date of application;

(D) licenses issued to an offender, as defined in K.S.A. 22-4902, and amendments thereto, who is required to register pursuant to the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall expire every year on the date of birth of the licensee; or

(E) licenses issued to persons who are less than 21 years of age shall expire on the licensee's 21st birthday.

(2) All renewals under: (A) Paragraph (1)(A) shall expire on every sixth anniversary of the date of birth of the licensee; (B) paragraph (1)(B) shall expire on every fourth anniversary of the date of birth of the licensee; (C) paragraph (1)(C) shall expire on every fifth anniversary of the date of birth of the licensee; (D) paragraph (1)(D) shall expire every year on the date of birth of the licensee; and (E) paragraph (1)(E), if a renewal license is issued, shall expire on the licensee's 21st birthday. No driver's license shall expire in the same calendar year ~~in which when~~ the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire in accordance with the provisions of this subsection.

(b) If the driver's license of any person expires while such person is outside of the

state of Kansas and such person is on active duty in the armed forces of the United States, or is the spouse or a person who is residing with and is a dependent of such person on active duty, the license of such person shall be renewable, without examination, at any time prior to the end of the sixth month following the discharge of such person from the armed forces, or within 90 days after residence within the state is reestablished, whichever time is sooner. If the driver's license of any person under this subsection expires while such person is outside the United States, the division shall provide for renewal by mail, as long as the division has a photograph or digital image of such person maintained in the division's records. A driver's license renewed under the provisions of this subsection shall be renewed by mail only once.

(c) At least 30 days prior to the expiration of a person's license, the division shall mail, or send electronically if authorized by the person, a notice of expiration or renewal application to such person at the address shown on the license or the electronic mail address provided to the division. A person may at any time revoke the authorization to receive the notice electronically provided by this subsection, and any notice sent by the division after the date of the revocation shall be mailed to such person. The division shall include with such notice a written explanation of substantial changes to traffic regulations enacted by the legislature.

(d) (1) Except as provided in paragraph (2), every driver's license shall be renewable on or before its expiration upon application and payment of the required fee and successful completion of the examinations required by subsection (e). Application for renewal of a valid driver's license shall be made to the division in accordance with rules and regulations adopted by the secretary of revenue. Such application shall contain all the requirements of K.S.A. 8-240(b), and amendments thereto. Such notice shall also include a question asking if the applicant is willing to give such applicant's authorization to be listed as an organ, eye and tissue donor in the Kansas donor registry in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto. Upon satisfying the foregoing requirements of this subsection, and if the division makes the findings required by K.S.A. 8-235b, and amendments thereto, for the issuance of an original license, the license shall be renewed without examination of the applicant's driving ability. If the division finds that any of the statements relating to revocation, suspension or refusal of licenses required under K.S.A. 8-240(b), and amendments thereto, are in the affirmative, or if it finds that the license held by the applicant is not a valid one, or if the applicant has failed to make application for renewal of such person's license on or before the expiration date thereof, the division may require the applicant to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(2) Any licensee, whose driver's license expires on the licensee's 21st birthday, shall have 45 days from the date of expiration of such license to make application to renew such licensee's license. Such license shall continue to be valid for such 45 days or until such license is renewed, whichever occurs sooner. A licensee who renews under the provisions of this paragraph shall not be required by the division to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(e) (1) Prior to renewal of a driver's license, the applicant shall pass an examination of eyesight. Such examination shall be equivalent to the test required for an original

driver's license under K.S.A. 8-235d, and amendments thereto. A driver's license examiner shall administer the examination without charge and shall report the results of the examination on a form provided by the division.

(2) In lieu of the examination of the applicant's eyesight by the examiner, the applicant may submit a report on the examination of eyesight by a physician licensed to practice medicine and surgery or by a licensed optometrist. The report shall be based on an examination of the applicant's eyesight not more than three months prior to the date the report is submitted, and it shall be made on a form furnished by the division to the applicant.

(3) The division shall determine whether the results of the eyesight examination or report is sufficient for renewal of the license and, if the results of the eyesight examination or report is insufficient, the division shall notify the applicant of such fact and return the license fee. In determining the sufficiency of an applicant's eyesight, the division may request an advisory opinion of the medical advisory board, ~~which and the board~~ is hereby authorized to render such opinions.

(4) An applicant who is denied a license under this subsection ~~(e)~~ may reapply for renewal of such person's driver's license, except that if such application is not made within 90 days of the date the division sent notice to the applicant that the license would not be renewed, the applicant shall proceed as if applying for an original driver's license.

(5) When the division has good cause to believe that an applicant for renewal of a driver's license is incompetent or otherwise not qualified to operate a motor vehicle in accord with the public safety and welfare, the division may require such applicant to submit to such additional examinations as are necessary to determine that the applicant is qualified to receive the license applied for. Subject to paragraph (6), in so evaluating such qualifications, the division may request an advisory opinion of the medical advisory board ~~which and the board~~ is hereby authorized to render such opinions in addition to its duties prescribed by K.S.A. 8-255b(b), and amendments thereto. Any such applicant who is denied the renewal of such a driver's license because of a mental or physical disability shall be afforded a hearing in the manner prescribed by K.S.A. 8-255(c), and amendments thereto.

(6) Seizure disorders ~~which that~~ are controlled shall not be considered a disability. In cases where such seizure disorders are not controlled, the director or the medical advisory board may recommend that such person be issued a driver's license to drive class C or M vehicles and restricted to operating such vehicles as the division determines to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted licenses issued pursuant to this paragraph shall be subject to suspension or revocation. For the purpose of this paragraph, seizure disorders ~~which that~~ are controlled means that the licensee has not sustained a seizure involving a loss of consciousness in the waking state within six months preceding the application or renewal of a driver's license and whenever a person licensed to practice medicine and surgery makes a written report to the division stating that the licensee's seizures are controlled. The report shall be based on an examination of the applicant's medical condition not more than three months prior to the date the report is submitted. Such report shall be made on a form furnished to the applicant by the division. Any physician who makes such report shall not be liable for any damages ~~which that~~ may be attributable to the issuance or renewal of a driver's license and subsequent operation of

a motor vehicle by the licensee.

(f) If the driver's license of any person expires while such person is outside the state of Kansas, the license of such person shall be extended for a period not to exceed six months and shall be renewable, without a driving examination, at any time prior to the end of the sixth month following the original expiration date of such license or within 10 days after such person returns to the state, whichever time is sooner. This subsection shall not apply to temporary drivers' licenses issued pursuant to K.S.A. 8-240(b)(3), and amendments thereto.

(g)(1) The division shall reference the website of the agency in a person's notice of expiration or renewal under subsection (c). The division shall provide the following information on the website of the agency:

~~(A)~~ Information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-243, and amendments thereto, and the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto;

~~(B)~~ information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

~~(C)~~ information giving the applicant the opportunity to be placed on the organ donation registry described in ~~paragraph (2) subparagraph (B); and~~

~~(4) inform the applicant (D) information that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in ~~paragraph (2) subparagraph (B)~~, the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by ~~paragraph (6); (3).~~~~

~~(5)(2)~~ The division may fulfill the requirements of ~~paragraph (4) (1)(D)~~ by one or more of the following methods:

(A) Providing such information on the website of the agency; or

(B) providing printed material to an applicant who personally appears at an examining station; ~~and,~~

~~(6)(3)~~ If an applicant indicates a willingness under this subsection to have such applicant's name placed on the organ donor registry, the division shall within 10 days forward the applicant's name, gender, date of birth and most recent address to the organ donor registry maintained by the Kansas federally designated organ procurement organization. The division may forward information under this subsection by mail or by electronic means. The division shall not maintain a record of the name or address of an individual who indicates a willingness to have such person's name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and forwarded under this paragraph shall be confidential and not disclosed.

(h) Notwithstanding any other provisions of law, any offender under subsection (a) (1)(D) who held a valid driver's license on the effective date of this act may continue to

operate motor vehicles until the next anniversary of the date of birth of such offender. Upon such date, such driver's license shall expire, and the offender shall be subject to the provisions of this section.

(i) ~~The director of the division of vehicles shall submit a report to the legislature at the beginning of the regular session in 2012 regarding the impact of not requiring a written test for the renewal of a driver's license, including any cost savings to the division.~~;

Also on page 6, in line 15, after "Supp." by inserting "8-234b,"; also in line 15, by striking "is" and inserting "and 8-247 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "providing for drivers' license renewal notices to be delivered electronically; clarifying the weight restrictions for certain classes of drivers' licenses,"; also in line 3, after "Supp." by inserting "8-234b,"; also in line 3, after "8-240" by inserting "and 8-247"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Rep. Hawkins, the House recessed until the sound of the gavel.

LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker Ryckman in the chair.

REPORT ON ENGROSSED BILLS

HB 2548, HB 2689 reported correctly engrossed March 12, 2020.

REPORT ON ENROLLED RESOLUTIONS

HR 6039 reported correctly enrolled and properly signed on March 13, 2020.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Monday, March 16, 2020.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

