

Journal of the House

TWENTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 9, 2021, 11:00 a.m.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

HB 2271, AN ACT concerning children and minors; relating to children in the custody of the secretary for children and families; providing for an extension or re-entry of custody for persons up to 21 years of age; amending K.S.A. 2020 Supp. 38-2202 and 38-2203 and repealing the existing sections, by Representative Thomas.

HB 2272, AN ACT concerning property taxation; relating to distribution of certain property taxes paid under protest; notice by county appraiser to other taxing entities of properties under protest; amending K.S.A. 79-2005 and repealing the existing section, by Committee on Taxation.

HB 2273, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for active aging publishing, inc.; amending K.S.A. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2274, AN ACT concerning crimes, punishment and criminal procedure; relating to crimes against public morals; increasing the penalties for buying sexual relations; removing provisions relating to counting prior convictions for purposes of enhancing penalties; amending K.S.A. 2020 Supp. 21-6421 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2275, AN ACT concerning the department of corrections; relating to parole and postrelease supervision; requiring the department to develop guidelines to address parole violations; amending K.S.A. 75-5216 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2276, AN ACT concerning crimes, punishment and criminal procedure; relating to unlawful voluntary sexual relations; removing the opposite-sex requirement; amending K.S.A. 2020 Supp. 21-5507 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2277, AN ACT concerning crimes, punishment and criminal procedure; relating to definitions in the Kansas criminal code; modifying the definition of possession; amending K.S.A. 2020 Supp. 21-5111 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2278, AN ACT concerning elections; relating to campaign practices; requiring publication of signed statements of fair campaign practices; creating a cause of action for violations of such statement and for making materially false statements and providing penalties therefor; amending K.S.A. 25-4119g and repealing the existing section, by Representative Poskin.

HB 2279, AN ACT concerning physical therapy; enacting the physical therapy licensure compact; providing for interstate practice authority for physical therapists in compact states; authorizing criminal history record checks; amending K.S.A. 65-2920 and 65-2923 and repealing the existing sections, by Committee on Health and Human Services.

HB 2280, AN ACT concerning the state board of pharmacy; relating to powers, duties and functions thereof; pertaining to confidentiality of investigations, inspections and audits; licensing; registration and permitting requirements; exhibition of titles; fees; prescription orders; defining telepharmacy and requiring rules and regulations be adopted for oversight and administration thereof; amending K.S.A. 65-636, 65-1627, 65-1631, 65-1637, 65-1643, 65-1645, 65-1656, 65-1657, 65-1658, 65-1663 and 65-1676 and K.S.A. 2020 Supp. 65-1626 and repealing the existing sections, by Committee on Health and Human Services.

HB 2281, AN ACT concerning public health; establishing 988 as the suicide prevention and mental health crisis hotline in Kansas; providing for the Kansas department for aging and disability services to provide oversight and support to hotline centers; prescribing hotline center duties and provision of services; telecommunication providers duties; collection and disbursement of fees for the 988 hotline, by Committee on Health and Human Services.

HB 2282, AN ACT concerning agriculture; relating to financial institutions; enacting the Kansas agricultural loan guarantee program; allowing the state treasurer to enter into agreements with eligible applicants to guarantee agricultural loans up to 80% of the value of the loan; creating a committee to review and approve applications for agricultural loan guarantees. by Committee on Financial Institutions and Rural Development.

HB 2283, AN ACT concerning public assistance programs; relating to the temporary assistance for needy families program; administration by the Kansas department for children and families; requirements and limitations for receiving benefits; amending K.S.A. 2020 Supp. 39-702 and 39-709 and repealing the existing sections, by Committee on Children and Seniors.

HB 2284, AN ACT concerning wildlife, parks and tourism; relating to cabins and camp sites; fees; reduction for senior citizens, by Committee on Agriculture.

HB 2285, AN ACT concerning postsecondary educational institutions; creating the campus free speech act; requiring the governing body of each such institution to adopt a policy of free expression; establishing a committee on free expression at each such institution; providing a cause of action for violations of the act, by Representative Garber.

HB 2286, AN ACT concerning postsecondary educational institutions; creating the campus intellectual diversity act; requiring an office of public policy events at each postsecondary educational institution, by Representative Garber.

HB 2287, AN ACT concerning workforce development; relating to postsecondary education; creating the Kansas promise scholarship act; providing scholarships to students who attend postsecondary educational programs that correspond to in-demand career fields, by Committee on K-12 Education Budget.

HB 2288, AN ACT concerning crimes, punishment and criminal procedure; relating to controlled substances; decriminalizing possession of drugs and creating a civil fine therefor; referring those found in possession of a controlled substance to drug abuse treatment; creating the crime of failure to comply with drug abuse treatment; reducing criminal penalties for manufacturing and distributing drugs; amending K.S.A. 75-52,144 and K.S.A. 2020 Supp. 12-4104, 21-5402, 21-5703, 21-5705, 21-5707, 21-5708, 21-5709, 21-5710, 21-5713, 21-6303, 21-6604, 21-6805, 21-6812, 21-6813, 21-6824 and 65-6235 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 21-5706, by Representative Coleman.

HB 2289, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; authorizing the issuance of revenue bonds to finance the unfunded actuarial pension liability of KPERS; providing requirements, limitations and procedures for the Kansas development finance authority, department of administration and the state finance council pertaining to such bonds; establishing annual retirant dividend payments for certain retirants and prescribing conditions, limitations and procedures for such payments, by Representative Miller.

HB 2290, AN ACT concerning energy; requiring the secretary of health and environment to assess carbon content charges upon sales of certain fuels; carbon emission reductions; creating the carbon dividend program fund; requiring the department of revenue to distribute moneys from the carbon dividend program fund to Kansans on a monthly basis, by Representative Coleman.

HB 2291, AN ACT concerning electric public utilities; relating to the net metering and easy connection act; applying such act to electric cooperatives and municipal utilities; prohibiting discriminatory rates and charges; requiring certain compensation for energy generated by net metered facilities; increasing the system-wide capacity limit of net metered facilities; amending K.S.A. 66-1264, 66-1265, 66-1266 and 66-1267 and repealing the existing sections, by Representative Collins.

HB 2292, AN ACT concerning open records; creating exemptions in the open records act for cybersecurity assessments, cybersecurity plans and cybersecurity vulnerabilities; amending K.S.A. 2020 Supp. 45-217 and 45-221 and repealing the existing sections, by Committee on Judiciary.

HB 2293, AN ACT enacting the taxpayer empowerment, accountability and transparency in state contracting act; relating to private service contracts; requiring the department of administration to create a database of private service contract information and to analyze the potential impacts of such contracts; requiring contracting state agencies to obtain the resources needed to monitor the performance of private service contracts before finalizing such contracts, by Committee on Commerce, Labor and Economic Development.

HB 2294, AN ACT concerning motor vehicles; relating to abandoned or towed vehicles; requiring an individual or agency to acquire a certificate of title before selling an abandoned or towed vehicle; amending K.S.A. 8-2403 and K.S.A. 2020 Supp. 8-128, 8-1102, 8-1103 and 8-1104 and repealing the existing sections, by Committee on Transportation.

HB 2295, AN ACT concerning drivers' licenses; relating to commercial drivers' licenses; exempting municipal motor grader vehicle operators from the Kansas uniform commercial drivers' license act requirements; amending K.S.A. 2020 Supp. 8-2,127 and repealing the existing section, by Committee on Transportation.

HB 2296, AN ACT concerning transportation; relating to the secretary of transportation; permitting the secretary of transportation to contract with the Kansas turnpike authority to enforce toll payments; permitting the secretary of transportation to use tolls to support public transit and other improvements on a toll project; amending K.S.A. 2020 Supp. 68-20,120 and repealing the existing section, by Committee on Transportation.

HB 2297, AN ACT concerning the secretary of state; relating to duties and responsibilities thereof; publication of session laws; disposition and distribution of volumes; the Kansas register, proposed amendments to the constitution of the state of Kansas and Kansas administrative rules and regulations; eliminating the requirement to file an index of guidance documents; permitting use of printing and binding services from the commercial market; fixing fees by rules and regulations; amending K.S.A. 45-106, 45-315, 64-103, 75-430, 75-433, 75-436, 75-1005, 77-138, 77-417, 77-430, 77-430a, 77-431 and 77-438 and K.S.A. 2020 Supp. 45-107 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2298, AN ACT concerning service of process; relating to the secretary of state; nonresident drivers or their representatives; domestic or foreign business entities; amending K.S.A. 8-402 and K.S.A. 2020 Supp. 60-304 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2299, AN ACT concerning crimes, punishment and criminal procedure; relating to search and seizure; extending the time within which a search warrant may be executed; amending K.S.A. 2020 Supp. 22-2506 and repealing the existing section, by Committee on Judiciary.

HB 2300, AN ACT concerning crimes, punishment and criminal procedure; abolishing the death penalty; creating the crime of aggravated murder; requiring a sentence of imprisonment for life without the possibility of parole therefor; clarifying laws related to sentences of imprisonment for life without the possibility of parole; amending K.S.A. 65-5117, 72-2165 and 75-52,148 and K.S.A. 2020 Supp. 21-5301, 21-5402, 21-5419, 21-6328, 21-6614, 21-6618, 21-6620, 21-6622, 21-6628, 21-6629, 21-6806, 22-2512, 22-3717, 22-4902, 22-4906, 23-3222, 38-2255, 38-2271, 38-2303, 38-2312, 38-2365, 39-970 and 39-2009 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 21-5401, 21-6617 and 21-6619 by Representatives Schreiber, Amyx, Baker, Bishop, Carlin, Carlson, Clark, Concannon, Curtis, Day, Eplee, Featherston, Gartner, Haswood, Highberger, Houser, Hoye, Kuether, Long, Neighbor, Newland, Ohaebosim, Ousley, Parker, Poskin, Sawyer, A. Smith, Sutton, Vaughn, Wasinger, Winn, Wolfe Moore, Woodard and Xu.

HOUSE CONCURRENT RESOLUTION No. **HCR 5010**—

By Representatives Fairchild, Helmer and Murphy

HCR 5010—A PROPOSITION to amend the constitution of the state of Kansas by adding a new article thereto, prescribing certain limits upon expenditures by the state.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: The constitution of the state of Kansas is amended by adding a new article 16 to read as follows:

"Article 16.—EXPENDITURE LIMITATION

"§ 1. Definitions. As used within this article:

(a) "State" means the state government, including all branches, state offices, authorities, agencies, boards, commissions, institutions, instrumentalities and any divisions or units of state government that are directly supported with tax funds;

(b) "fiscal year" means the twelve-month fiscal period prescribed by law for the state;

(c) "fiscal year spending" means all expenditures and reserve increases by the state except, as to both:

(1) Expenditures for refunds of any kind; and

(2) expenditures of moneys received from the federal government, moneys received as grants, gifts or donations that are to be expended for purposes specified by the donor, moneys that are collections for another government, moneys received for pension contributions by employees and pension fund earnings; and

(d) "inflation" means the change in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year, which shall not be less than zero.

"§ 2. Spending limits. (a) For any fiscal year that commences on or after July 1, 2023, fiscal year spending by the state shall not increase above the fiscal year spending for the preceding fiscal year by more than the rate of inflation.

(b) The legislature may enact laws to carry out the purposes of this section."

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

"Explanatory statement. Beginning July 1, 2023, this amendment would impose spending limits on the state from fiscal year to fiscal year based on increases in the rate of inflation.

"A vote for this proposition would limit state legislative authority and would limit state spending increases from fiscal year to fiscal year to the rate of inflation.

"A vote against this proposition would continue the present constitutional and statutory authority for state government spending by the legislature in the exercise of the legislative power of this state."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were referred to committees as indicated:

Elections: **HCR 5009**.

Federal and State Affairs: **HB 2267**.

Financial Institutions and Rural Development: **HB 2268**.

Health and Human Services: **HB 2254, HB 2255, HB 2256, HB 2257, HB 2258, HB 2259, HB 2260, HB 2261, HB 2262**.

Judiciary: **HB 2264**.

K-12 Education Budget: **HB 2269**.

Taxation: **HB 2265, HB 2266**.

Transportation: **HB 2263**.

Transportation and Public Safety Budget: **HB 2270**.

REPORTS OF STANDING COMMITTEES

Committee on **Children and Seniors** recommends **HB 2114** be amended on page 2, in line 24, by striking "and"; in line 26, after "services" by inserting ";

(21) one representative of the Alzheimer's association, appointed by the Alzheimer's association; and

(22) a consumer of Kansas senior services, appointed by the speaker of the silver haired legislature"; and the bill be passed as amended.

Committee on **Children and Seniors** recommends **HB 2115** be amended on page 2, in line 10, by striking "11" and inserting "13"; in line 27, after "senate" by inserting: ";

(8) one member of the senate appointed by the minority leader of the senate; and

(9) one member of the house of representatives appointed by the majority leader of the house of representatives";

On page 3, in line 11, by striking all after "once"; in line 12, by striking all before "when" and inserting "during each of the first and second calendar quarters"; in line 15, by striking "Six" and inserting "Seven"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2160** be amended on page 1, in line 35, by striking "July 1, 2021" and inserting "May 1, 2022"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2070** be passed.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2301, AN ACT concerning education; relating to the state board of education and the state board of regents; requiring development of standards for personal financial literacy courses in high schools; requiring postsecondary educational institutions to adopt personal financial literacy credit transfer policies; amending K.S.A. 72-3236 and repealing the existing section, by Committee on Education.

HB 2302, AN ACT concerning education; relating to school districts; administration of certain tests, questionnaires, surveys and examinations; requiring copies to be provided prior to giving consent to take such test, questionnaire, survey or examination; amending K.S.A. 72-6316 and repealing the existing section, by Committee on Education.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Finch announced the appointment of Rep. Murphy to replace Rep. W. Carpenter on Committee on Commerce, Labor, Economic Development on February 9, 2021.

Also, the appointment of Rep. Featherston to replace Rep. S. Ruiz on Committee on Health and Human Services on February 9, 2021.

Also, the appointment of Rep. Poskin to replace Rep. Henderson on Committee on Health and Human Services on February 9, 2021.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Wednesday, February 10, 2021.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

