

# Journal of the House

TWENTY-SECOND DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, February 10, 2021, 11:00 a.m.

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

The roll was called with 123 members present.

Reps. Francis and Henderson were excused on excused absence by the Speaker.

Present later: Reps. Francis and Henderson.

Prayer by Chaplain Brubaker,

Gracious and Loving God,  
thank You for this day You have given us.  
Please help our leaders to believe in and live into  
Your gracious plan for this day.  
Remind them to look not into their own interests,  
but to the good for this state and its people.  
Reveal to all of us that which is true,  
honorable, just and pure  
and may everything we say and do  
be guided by this.  
This is the day You have made  
and we lay before You all our plans and purposes.  
May our lives and decisions reflect the joy and hope  
we find not in ourselves, but in You.  
I pray this in Your name, Amen.

The Pledge of Allegiance was led by Rep. Blake Carpenter

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2303**, AN ACT concerning income taxation; relating to credits; adjusting the credit and income amounts for the income tax credit for purchases of food in this state; amending K.S.A. 79-32,271 and repealing the existing section, by Representative Toplikar.

**HB 2304**, AN ACT concerning income taxation; relating to credits; increasing credit for expenditures to make a principal dwelling accessible to persons with a disability; amending K.S.A. 79-32,176a and repealing the existing section, by Representative Toplikar.

**HB 2305**, AN ACT concerning minimum wage laws; permitting cities, counties and local governments to set the minimum wage above federal or state levels by ordinance, resolution or law; amending K.S.A. 2020 Supp. 12-16,130 and repealing the existing section, by Representatives Curtis, Henderson, Ruiz, L. and Wolfe Moore.

**HB 2306**, AN ACT concerning employment; relating to local government control over wages, compensation or benefits for construction projects; amending K.S.A. 2020 Supp. 12-16,132 and 19-26,114 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 12-16,131, by Representatives Curtis, Burroughs, Henderson, Ruiz, L., Winn and Wolfe Moore.

**HB 2307**, AN ACT concerning workers compensation; relating to the definition of personal injury; including certain mental injuries arising from physical injury, emotional shock or a series of work-related events; amending K.S.A. 2020 Supp. 44-508 and repealing the existing section, by Committee on Judiciary.

**HB 2308**, AN ACT concerning coroners; relating to child death investigations; providing a process to identify a child's death as suspicious prior to performing an autopsy; amending K.S.A. 22a-242 and repealing the existing section, by Committee on Judiciary.

**HB 2309**, AN ACT concerning agriculture; creating the agricultural equipment right-to-repair act; requiring manufacturers of electronics-enabled equipment used in agriculture, animal husbandry and ranching to make available to farmers, ranchers and independent repair providers, on fair and reasonable terms, the documentation, parts and tools used to diagnose, maintain and repair such equipment, by Representative Xu.

**HB 2310**, AN ACT concerning agriculture; relating to soil and watershed health; creating the Kansas healthy soils fund and the Kansas healthy soils initiative for the purpose of promoting healthy soils practices; amending K.S.A. 2-1902 and 2-2002 and K.S.A. 2020 Supp. 2-1903, 2-1904, 2-1908, 2-1915 and 2-2003 and repealing the existing sections, by Representative Xu.

**HB 2311**, AN ACT concerning workers compensation; relating to permanent total disability; extending benefits for the lifetime of the injured worker; amending K.S.A. 2020 Supp. 44-510f and repealing the existing section, by Representative Clayton.

**HB 2312**, AN ACT concerning workers compensation; authorizing injured workers to designate a healthcare provider for care thereunder; requiring an employer to provide such services; amending K.S.A. 2020 Supp. 44-510h and repealing the existing section, by Representative Clayton.

**HB 2313**, AN ACT concerning property taxation; relating to motor vehicles; allowing Kansas national guard and reservist members who are in good standing to receive a property tax exemption for up to two motor vehicles; amending K.S.A. 79-5107 and repealing the existing section, by Committee on Veterans and Military.

**HB 2314**, AN ACT concerning sales taxation; relating to payment of tax by retailers; time of payment for retailers collecting a certain amount of sales tax and discontinuing the pre-payment of such tax; amending K.S.A. 79-3607 and repealing the existing section, by Committee on Taxation.

**HB 2315**, AN ACT concerning taxation; relating to income, premiums and privilege tax; providing a credit for contributions to technical colleges; amending K.S.A. 79-32,261 and repealing the existing section, by Committee on Taxation.

**HB 2316**, AN ACT concerning financial institutions; relating to payments made with credit and debit cards; eliminating the prohibition of a surcharge for use of such cards; amending K.S.A. 72-1176 and 75-30,100 and K.S.A. 2020 Supp. 12-16,125 and 19-122 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 16a-2-403, by Committee on Taxation.

**HB 2317**, AN ACT concerning income taxation; relating to tax credits; providing a credit for expenditures for placing into service qualified alternative-fuel fueling stations, by Committee on Taxation.

**HB 2318**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; modifying the definition of persistent sex offender; creating an opportunity for early discharge from lifetime postrelease supervision for certain offenders; amending K.S.A. 2020 Supp. 21-6804 and 22-3717 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2319**, AN ACT concerning elections; relating to the deadline for returning advance voting ballots; amending K.S.A. 2020 Supp. 25-1132 and repealing the existing section, by Representative Esau.

**HB 2320**, AN ACT concerning financial institutions; enacting the commercial property assessed clean energy or C-PACE act; relating to financing for energy efficiency, water efficiency, water quality, air quality, health and renewable energy improvements on certain qualifying properties; providing for assessment contracts between C-PACE lenders and property owners; rights, duties and responsibilities of mortgage lenders; reporting requirements for C-PACE lenders, by Committee on Financial Institutions and Rural Development.

**HB 2321**, AN ACT concerning electric utilities; relating to the state corporation commission; construction of urban electric transmission lines in cities; requiring notice prior to construction, by Representatives Finney and Ellis.

**HB 2322**, AN ACT concerning real estate transactions; regulating contract for deed transactions; making certain deceptive actions violations of the consumer protection act, by Representative Probst.

**HB 2323**, AN ACT concerning marriage; relating to the recognition of marriages; eliminating requirement that parties are opposite sex; amending K.S.A. 2020 Supp. 23-2501, 23-2504 and 23-2508 and repealing the existing sections, by Representatives Woodard, Byers and Ruiz, S.

**HB 2324**, AN ACT concerning insurance; relating to certain health benefit plans; certain prescription drug benefits; establishing a \$100 maximum out-of-pocket cost-share per month per covered person for prescription insulin, by Committee on Insurance and Pensions.

**HB 2325**, AN ACT concerning insurance; relating to health insurers; healthcare providers; billing practices; prohibiting balance bills and surprise medical bills; providing for independent dispute resolution; requiring the adoption of rules and regulations; creation of provider directories; enacting the end surprise medical bills act, by Committee on Insurance and Pensions.

**HB 2326**, AN ACT concerning elections; regarding precinct committeemen and committeewomen; requiring reporting of certain information to the county clerk; amending K.S.A. 2020 Supp. 25-3801 and repealing the existing section, by Representative Lee-Hahn.

**HB 2327**, AN ACT concerning counties; relating to county homes for the aged and county hospitals; restricting county board of commissioners, trustees or employees from infringing upon residents' rights to receive and refuse visitors in county homes for the aged and county hospitals; permitting residents and patients to waive restrictions imposed to control transmission of prevention of an infection disease; amending K.S.A. 19-2110 and K.S.A. 2020 Supp. 19-4610 and repealing the existing sections, by Representative Lee-Hahn.

**HB 2328**, AN ACT concerning income taxation; providing certain tax credits for graduates of aerospace and aviation-related educational programs and employers of program graduates, by Representatives Tarwater, Anderson, Bergquist, B. Carpenter, Croft, Delperdang, Estes, Helmer, Hoheisel, Howard, Huebert, Humphries, Kessler, Penn, Rhiley, Sawyer and K. Williams.

**HB 2329**, AN ACT concerning pipeline safety; relating to the state corporation commission; pipeline safety program; entities who are subject to the program; increasing the maximum penalties that may be imposed for safety violations; amending K.S.A. 66-1,150 and 66-1,151 and repealing the existing sections, by Committee on Energy, Utilities and Telecommunications.

**HB 2330**, AN ACT concerning energy; relating to electric public utilities; authorizing certain sales of electricity pursuant to power purchase agreements; exempting such sales from the retail electric suppliers act and certain renewable energy suppliers from public utility regulation; amending K.S.A. 66-104, 66-1,170, 66-1,184 and 66-1264 and repealing the existing sections, by Committee on Energy, Utilities and Telecommunications.

**HB 2331**, AN ACT concerning wildlife; relating to certain duties of the secretary of wildlife, parks and tourism; providing for the transferability of deer permits to nonresidents, by Representatives Corbet, Barker, Garber, Highland, Hoffman, Newland, Seiwert and Tarwater.

**HB 2332**, AN ACT concerning elections; relating to advance voting ballots; requiring identification of the sender on third party solicitations to registered voters to file an application for an advance voting ballot; amending K.S.A. 2020 Supp. 25-1122 and repealing the existing section, by Representative Toplikar.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2284**.

Appropriations: **HB 2286**.

Children and Seniors: **HB 2271, HB 2283**.

Commerce, Labor and Economic Development: **HB 2293, HB 2297, HB 2298**.

Corrections and Juvenile Justice: **HB 2274, HB 2275, HB 2276, HB 2277, HB 2288, HB 2300**.

Education: **HB 2301, HB 2302**.

Elections: **HB 2278**.

Energy, Utilities and Telecommunications: **HB 2290, HB 2291**.

Federal and State Affairs: **HCR 5010**.

Financial Institutions and Rural Development: **HB 2282**.

Health and Human Services: **HB 2279, HB 2280, HB 2281**.

Insurance and Pensions: **HB 2289**.  
 Judiciary: **HB 2285, HB 2292, HB 2299**.  
 K-12 Education Budget: **HB 2287**.  
 Taxation: **HB 2272, HB 2273**.  
 Transportation: **HB 2294, HB 2295, HB 2296**.

### **CHANGE OF REFERENCE**

Speaker Ryckman announced the withdrawal of **HB 2203** from Committee on Appropriations and referral to Committee on Agriculture and Natural Resources Budget.

Also, the withdrawal of **HB 2249** from Committee on Appropriations and referral to Committee on Social Services Budget.

Also, the withdrawal of **HB 2250** from Committee on Appropriations and referral to Committee on Social Services Budget.

Also, the withdrawal of **HB 2248** from Committee on Appropriations and referral to Committee on Social Services Budget.

Also, the withdrawal of **HB 2287** from Committee on K- 12 Education Budget and referral to Committee on Commerce Labor and Economic Development.

### **MESSAGE FROM THE SENATE**

Announcing passage of **SB 22, SB 32, SB 36, SB 55, SB 58, SB 64, and SB 70**.

### **INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

The following Senate bills were thereupon introduced and read by title:

**SB 22, SB 32, SB 36, SB 55, SB 58, SB 64, SB 70**.

### **CONSENT CALENDAR**

No objection was made to **HB 2050** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2072** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2072**, AN ACT concerning insurance; relating to risk-based capital requirements; updating the version of instructions in effect; amending K.S.A. 2020 Supp. 40-2c01 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, French, Garber, Gartner, Haswood, Hawkins, Helgeson, Helmer, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix,

Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Francis, Henderson.

The bill passed.

On motion of Rep. Hawkins, the House resolved into the Committee of the Whole, with Rep. Mason in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Mason, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2102, HB 2112, HB 2030, HB 2075, HB 2062, HB 2167, HB 2005** be passed.

Committee report to **HB 2014** be adopted; and the bill be passed as amended.

Committee report to **HB 2063** be adopted; and the bill be passed as amended.

Committee report to **HB 2081** be adopted; and the bill be passed as amended.

Committee report to **HB 2064** be adopted; and the bill be passed as amended.

#### INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Hawkins pursuant to House Rule 2311, **HB 2005, HB 2014, HB 2030, HB 2062, HB 2063, HB 2064, HB 2075, HB 2081, HB 2102, HB 2112** and **HB 2167** were advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2102**, AN ACT concerning agriculture; relating to eggs; repackaging requirements for retailers; amending K.S.A. 2020 Supp. 2-2510 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 2; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner,

Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Carmichael, Rhiley.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**HB 2014**, AN ACT concerning motor vehicles; relating to the registration and regulation of military surplus vehicles; amending K.S.A. 8-194, 8-195 and 8-196 and K.S.A. 2020 Supp. 8-1486 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcala, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Rhiley.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER, I voted no on **HB 2014** because these military vehicles are heavier than normal vehicles. These vehicles should be taxed like farm trucks with payment of road taxes to cover the cost of road repairs.— BILL RHILEY

**HB 2112**, AN ACT concerning self-storage rental units; relating to sales by operators of property due to abandonment or nonpayment of rent; occupant's designation of alternate contact; contractual value of property; amending K.S.A. 58-816 and K.S.A. 2020 Supp. 58-817 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 5; Present but not voting: 0; Absent or not voting: 0.

Yeas: Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild,

Featherston, Finch, Finney, Francis, French, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Proctor, Proehl, Rahjes, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Alcalá, Carlin, Garber, Probst, Rhiley.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**HB 2063**, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; providing certain spousal and children's benefits for death resulting from a service-connected disability; enacting the Michael Wells memorial act; amending K.S.A. 74-4960a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2030**, AN ACT concerning crimes, punishment and criminal procedure; relating to terminal medical release; criteria for release; permitting release earlier in terminal diagnosis; amending K.S.A. 2020 Supp. 22-3729 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 29; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Baker, Ballard, Bergkamp, Bergquist,



Bishop, Borjon, Burroughs, Byers, Carlin, Carlson, Carmichael, Clayton, Coleman, Collins, Concannon, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Gartner, Haswood, Hawkins, Helgerson, Henderson, Highberger, Highland, Hoheisel, Howard, Howe, Hoye, Humphries, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Long, Lynn, Miller, Minnix, Moser, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Poskin, Probst, Proehl, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Smith, A., Smith, C., Smith, E., Stogsdill, Thompson, Toplikar, Vaughn, Victors, Waggoner, Wasinger, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Arnberger, Barker, Blex, Burris, B. Carpenter, W. Carpenter, Clark, Corbet, Croft, Garber, Helmer, Hoffman, Houser, Huebert, Jacobs, Lee-Hahn, Mason, Murphy, Penn, Poetter, Proctor, Rahjes, Rhiley, Seiwert, Sutton, Tarwater, Thomas, Turner, Waymaster.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**HB 2075**, AN ACT concerning the probate code; relating to adoption; venue; agency adoptions; amending K.S.A. 2020 Supp. 59-2126 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**HB 2062**, AN ACT concerning the state child death review board; relating to confidentiality of records; exceptions thereto; amending K.S.A. 2020 Supp. 22a-243 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker,

Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**HB 2081**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; multiple sentences for people convicted of a new crime; modifying how certain prior convictions are counted for the special sentencing rule related to possession of a controlled substance; amending K.S.A. 2020 Supp. 21-6606 and 21-6805 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 69; Nays 56; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcala, Amyx, Anderson, Baker, Ballard, Bergkamp, Bishop, Borjon, Burroughs, Byers, Carlin, Carlson, Carmichael, Clayton, Coleman, Collins, Concannon, Curtis, Day, Dodson, M., Donohoe, Eplee, Featherston, Finney, French, Gartner, Haswood, Helgerson, Henderson, Highberger, Hoheisel, Howe, Hoye, Humphries, Jennings, S. Johnson, Kelly, Kuether, Minnix, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, Poskin, Probst, Ralph, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Smith, C., Stogsdill, Thompson, Toplikar, Vaughn, Victors, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Arnberger, Awerkamp, Barker, Bergquist, Blex, Burris, B. Carpenter, W. Carpenter, Clark, Corbet, Croft, Delperdang, Ellis, Esau, Estes, Fairchild, Finch, Francis, Garber, Hawkins, Helmer, Highland, Hoffman, Houser, Howard, Huebert, Jacobs, T. Johnson, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Moser, Murphy, Neelly, F. Patton, Penn, Poetter, Proctor, Proehl, Rahjes, Resman, Rhiley, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thomas, Turner, Waggoner, Wasinger, Waymaster.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: I would support the second portion of this bill to clarify legislative intent regarding the use of special sentencing rules. However, I cannot support the first part. People who are on release from custody for committing a felony, and who then

commit another felony while on release, should receive the maximum possible sentence and those sentences should run back to back, and not at the same time. This bill would allow for some of those sentences to run at the same time and therefore I must vote no on **HB 2081**. – BLAINE FINCH, JOHN E. BARKER, CARL TURNER, SUSAN OLIVER ESTES, PATRICK PENN

**HB 2064**, AN ACT concerning retirement and pensions; relating to the Kansas deferred retirement option program act; election; extension of initial DROP period; amending K.S.A. 74-4986n and K.S.A. 2020 Supp. 74-4986l and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2167**, AN ACT concerning motor vehicles; relating to license plates; permitting concrete mixer trucks and requiring dump trucks to display license plates on the front of vehicles; amending K.S.A. 2020 Supp. 8-133 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer,

Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**HB 2005**, AN ACT concerning the boiler safety act; relating to exceptions to the applicability of the act; specifications for certain hot water supply boilers; amending K.S.A. 2020 Supp. 44-915 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcala, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

## REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2021** be passed.

Committee on **Children and Seniors** recommends **HB 2116**, **HB 2151** be passed.

Committee on **Children and Seniors** recommends **HB 2150** be amended on page 7, in line 38, by striking "officer" and inserting "officers"; in line 39, after the comma by inserting "and nursing facilities, nursing facilities for mental health, intermediate care facilities for people with intellectual disability, assisted living facilities, residential healthcare facilities and home plus as defined in K.S.A. 39-923, and amendments thereto,"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2052**, be amended as recommended by the Committee on Elections as reported in the Journal of the House on February 3, 2021, and the bill as printed with amendments by the Committee on Elections, be further amended on page 1, in line 17, by striking all after "from"; in line 18, by striking all

before "of" and inserting "legislators"; in line 19, by striking "\$150" and inserting "\$500"; following line 19, by inserting:

"(c) Prior to the end of each legislative session, the division of legislative administrative services shall provide to each legislator a form on which each legislator shall report the amount of money, if any, given by such legislator as a gift to any legislative assistant or committee assistant.";

Also on page 1, in line 22, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 2, by striking "a gift" and inserting "gifts from legislators"; also in line 2, by striking "\$150" and inserting "\$500"; and the bill be passed as amended.

Committee on **Energy, Utilities and Telecommunications** recommends **HB 2145** be passed.

Committee on **Financial Institutions and Rural Development** recommends **HB 2158** be passed.

Committee on **Federal and State Affairs** recommends **HB 2058** be amended on page 2, in line 37, after "(b)" by inserting "Except as otherwise provided in subsection (d).";

On page 3, following line 15, by inserting:

"(d) If at any time it becomes impractical for the division of vehicles of the department of revenue to issue physical cards consistent with the requirements of this act and the attorney general determines that the conditions for such impracticality have existed for at least 30 days, the attorney general shall issue an authorization document to each licensee that authorizes the licensee to exercise the rights and privileges to carry a concealed handgun as set forth in this act. Such document shall include the licensee information required under subsection (b) and state that the document is proof that the licensee holds a valid license to carry concealed handguns. All such documents issued during any such period that it is impractical for the division of vehicles of the department of revenue to issue a physical card shall expire 90 days after such conditions have ceased and it is practical for the division of vehicles to resume issuing physical cards.

Sec. 3. K.S.A. 75-7c05 is hereby amended to read as follows: 75-7c05. (a) The application for a license pursuant to this act shall be completed, under oath, on a form prescribed by the attorney general and shall only include:

(1) (A) Subject to the provisions of subsection (a)(1)(B), the name, address, social security number, Kansas driver's license number or Kansas nondriver's license identification number, place and date of birth, a photocopy of the applicant's driver's license or nondriver's identification card and a photocopy of the applicant's certificate of training course completion; (B) in the case of an applicant who presents proof that such person is on active duty with any branch of the armed forces of the United States, or is the dependent of such a person, and who does not possess a Kansas driver's license or Kansas nondriver's license identification, the number of such license or identification shall not be required;

(2) a statement that the applicant is in compliance with criteria contained within K.S.A. 75-7c04, and amendments thereto;

(3) a statement that the applicant has been furnished a copy of this act and is knowledgeable of its provisions;

(4) a conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under K.S.A. 2020 Supp. 21-5903, and amendments thereto; and

(5) a statement that the applicant desires a concealed handgun license as a means of lawful self-defense.

(b) Except as otherwise provided in subsection (i), the applicant shall submit to the sheriff of the county where the applicant resides, during any normal business hours:

(1) A completed application described in subsection (a);

(2) a nonrefundable license fee of \$132.50, if the applicant has not previously been issued a statewide license or if the applicant's license has permanently expired, which fee shall be in the form of two cashier's checks, personal checks or money orders of \$32.50 payable to the sheriff of the county where the applicant resides and \$100 payable to the attorney general;

(3) if applicable, a photocopy of the proof of training required by K.S.A. 75-7c04(b)(1), and amendments thereto; and

(4) a full frontal view photograph of the applicant taken within the preceding 30 days.

(c) (1) Except as otherwise provided in subsection (i), the sheriff, upon receipt of the items listed in subsection (b), shall provide for the full set of fingerprints of the applicant to be taken and forwarded to the attorney general for purposes of a criminal history records check as provided by subsection (d). In addition, the sheriff shall forward to the attorney general the application and the portion of the original license fee which is payable to the attorney general. The cost of taking such fingerprints shall be included in the portion of the fee retained by the sheriff. Notwithstanding anything in this section to the contrary, an applicant shall not be required to submit fingerprints for a renewal application under K.S.A. 75-7c08, and amendments thereto.

(2) The sheriff of the applicant's county of residence or the chief law enforcement officer of any law enforcement agency, at the sheriff's or chief law enforcement officer's discretion, may participate in the process by submitting a voluntary report to the attorney general containing readily discoverable information, corroborated through public records, which, when combined with another enumerated factor, establishes that the applicant poses a significantly greater threat to law enforcement or the public at large than the average citizen. Any such voluntary reporting shall be made within 45 days after the date the sheriff receives the application. Any sheriff or chief law enforcement officer submitting a voluntary report shall not incur any civil or criminal liability as the result of the good faith submission of such report.

(3) All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's office which shall be used solely for the purpose of administering this act.

(d) Each applicant shall be subject to a state and national criminal history records check which conforms to applicable federal standards, including an inquiry of the national instant criminal background check system for the purpose of verifying the identity of the applicant and whether the applicant has been convicted of any crime or has been the subject of any restraining order or any mental health related finding that would disqualify the applicant from holding a license under this act. The attorney general is authorized to use the information obtained from the state or national criminal

history record check to determine the applicant's eligibility for such license.

(e) Within 90 days after the date of receipt of the items listed in subsection (b), the attorney general shall:

(1) (A) Issue the license and certify the issuance to the department of revenue; and (B) if it is impractical for the division of vehicles of the department of revenue to issue physical cards consistent with the requirements of this act and the attorney general has determined that the conditions for such impracticality have existed for at least 30 days, the attorney general shall issue an authorization document in accordance with K.S.A. 75-7c03(d), and amendments thereto; or

(2) deny the application based solely on: (A) The report submitted by the sheriff or other chief law enforcement officer under subsection (c)(2) for good cause shown therein; or (B) the ground that the applicant is disqualified under the criteria listed in K.S.A. 75-7c04, and amendments thereto. If the attorney general denies the application, the attorney general shall notify the applicant in writing, stating the ground for denial and informing the applicant the opportunity for a hearing pursuant to the Kansas administrative procedure act.

(f) Each person issued a license shall pay to the department of revenue a fee for the cost of the license which shall be in amounts equal to the fee required pursuant to K.S.A. 8-243 and 8-246, and amendments thereto, for replacement of a driver's license.

(g) (1) A person who is a retired law enforcement officer, as defined in K.S.A. 2020 Supp. 21-5111, and amendments thereto, shall be: (A) Required to pay an original license fee as provided in subsection (b)(2), to be forwarded by the sheriff to the attorney general; (B) exempt from the required completion of a handgun safety and training course if such person was certified by the Kansas commission on peace officer's standards and training, or similar body from another jurisdiction, not more than eight years prior to submission of the application; (C) required to pay the license renewal fee; (D) required to pay to the department of revenue the fees required by subsection (f); and (E) required to comply with the criminal history records check requirement of this section.

(2) Proof of retirement as a law enforcement officer shall be required and provided to the attorney general in the form of a letter from the agency head, or their designee, of the officer's retiring agency that attests to the officer having retired in good standing from that agency as a law enforcement officer for reasons other than mental instability and that the officer has a nonforfeitable right to benefits under a retirement plan of the agency.

(h) A person who is a corrections officer, a parole officer or a corrections officer employed by the federal bureau of prisons, as defined by K.S.A. 75-5202, and amendments thereto, shall be: (1) Required to pay an original license fee as provided in subsection (b)(2); (2) exempt from the required completion of a handgun safety and training course if such person was issued a certificate of firearms training by the department of corrections or the federal bureau of prisons or similar body not more than one year prior to submission of the application; (3) required to pay the license renewal fee; (4) required to pay to the department of revenue the fees required by subsection (f); and (5) required to comply with the criminal history records check requirement of this section.

(i) A person who presents proof that such person is on active duty with any branch of the armed forces of the United States and is stationed at a United States military

installation located outside this state, may submit by mail an application described in subsection (a) and the other materials required by subsection (b) to the sheriff of the county where the applicant resides. Provided the applicant is fingerprinted at a United States military installation, the applicant may submit a full set of fingerprints of such applicant along with the application. Upon receipt of such items, the sheriff shall forward to the attorney general the application and the portion of the original license fee which is payable to the attorney general.";

Also on page 3, in line 16, after "75-7c03" by inserting "and 75-7c05";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second semicolon by inserting "authorizing the issuance of alternative license during a declared state of disaster emergency;"; in line 3, after "75-7c03" by inserting "and 75-7c05"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2087** be amended on page 4, in line 27, by striking "2021" and inserting "2023"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2178** be passed.

Committee on **Financial Institutions and Rural Development** recommends **HB 2187** be passed.

Committee on **Financial Institutions and Rural Development** recommends **SB 15**, as amended by Senate Committee of the Whole, be passed.

Committee on **Water** recommends **HB 2172** be amended on page 2, in line 11, by striking all after "2009"; in line 12, by striking all before the period;

On page 3, in line 4, by striking "in the public interest," and inserting "necessary for compliance with a local enhanced management area or intensive use groundwater area and the corrective controls in the area do not prohibit the use of multi-year flex accounts, and"; and the bill be passed as amended.

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 and concurrent resolutions were introduced and read by title:

**HB 2333**, AN ACT concerning elections; relating to advance voting ballots; prohibiting acceptance of incomplete applications for such ballots; prohibiting candidates for office from engaging in certain conduct; expanding the crime of electioneering; amending K.S.A. 2020 Supp. 25-1122, 25-1124 and 25-2430 and repealing the existing sections, by Representative Toplikar.

**HB 2334**, AN ACT concerning elections; relating to electronic voting machines; prohibiting network connections to such machines; providing for a recount of results generated by such machines; amending K.S.A. 2020 Supp. 25-3107 and 25-4406 and repealing the existing sections, by Representative Toplikar.

**HB 2335**, AN ACT concerning agriculture; creating the Kansas cotton commission; relating to the powers and duties thereof; requiring the commission to levy an assessment upon cotton marketed through commercial channels in the state of Kansas at a rate of not more than 10 cents per bale, by Committee on Agriculture.



**HB 2336**, AN ACT concerning wildlife; relating to wildlife violations; creating a violation and imposing penalties for taking wildlife simulated devices, by Committee on Agriculture.

**HB 2337**, AN ACT concerning traffic regulations; relating to vulnerable road users; creating a misdemeanor for causing great bodily harm to a vulnerable road user; providing additional penalties as determined by a court; amending K.S.A. 2020 Supp. 8-255 and repealing the existing section, by Committee on Transportation.

**HB 2338**, AN ACT concerning the department for children and families; relating to children and minors; establishing a pilot program for obtaining drivers' licenses; eligible participants and costs thereof; program administration duties; liability, by Committee on Children and Seniors.

**HB 2339**, AN ACT concerning elections; expanding the crime of election tampering; amending K.S.A. 2020 Supp. 25-2423 and repealing the existing section, by Representative Toplikar.

**HB 2340**, AN ACT concerning cigarettes and tobacco products; increasing the minimum age to purchase or possess such products; amending K.S.A. 72-6285, 79-3301, 79-3302, 79-3303, 79-3304, 79-3309, 79-3321, 79-3322, 79-3323, 79-3326, 79-3334, 79-3335, 79-3388, 79-3391, 79-3394, 79-3396 and 79-3399 and K.S.A. 2020 Supp. 21-6109, 21-6110 and 50-6a14 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2341**, AN ACT concerning motor vehicles; relating to the vehicle dealers and manufacturing act; permitting first and second stage vehicle manufacturers to be vehicle dealers; eliminating territory restrictions for vehicle dealers; creating an interest rate cap for motor vehicle loans; amending K.S.A. 8-2438 and K.S.A. 2020 Supp. 8-2404, 8-2444 and 16-207 and repealing the existing sections; also repealing K.S.A. 8-2430, 8-2431 and 8-2432, by Committee on Transportation.

**HB 2342**, AN ACT concerning health and healthcare; relating to the practice of pharmacy; allowing a pharmacist to prescribe and dispense self-administered contraceptives; amending K.S.A. 65-1626a and K.S.A. 2020 Supp. 65-1626 and repealing the existing sections, by Representative Vaughn.

**HB 2343**, AN ACT concerning insurance; health insurance coverage; providing coverage for prescription contraceptives dispensed for three-month or 12-month periods; amending K.S.A. 2020 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Representative Vaughn.

**HB 2344**, AN ACT concerning Riley county; requiring the election of a sheriff and the abolishment of the Riley county law enforcement agency; repealing K.S.A. 19-4424, 19-4425, 19-4426, 19-4427, 19-4428, 19-4429, 19-4430, 19-4431, 19-4432, 19-4433, 19-4434, 19-4435, 19-4436, 19-4437, 19-4438, 19-4439, 19-4440, 19-4441, 19-4443, 19-4444 and 19-4445 and K.S.A. 2020 Supp. 19-4442, by Committee on Elections.

**HB 2345**, AN ACT concerning children and minors; relating to the legislature; establishing the office of the child advocate for children's protection and services; prescribing certain powers, duties and functions; amending K.S.A. 2020 Supp. 38-2211, 38-2212, 38-2213, 38-2309 and 38-2310 and repealing the existing sections, by Representatives Ousley, Baker, Carlson, Concannon, Curtis, Esau, Finney, Helmer, Hoheisel, Hoye, Humphries, T. Johnson, Neighbor, Penn, Resman, Rhiley, Ruiz, S. and Vaughn.

**HB 2346**, AN ACT concerning crimes, punishment and criminal procedure; relating to pretrial release of defendants; authorizing supervision by pretrial supervision entity or program; payment of fees; amending K.S.A. 22-2803, 22-2814 and 22-2816 and K.S.A. 2020 Supp. 22-2802 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2347**, AN ACT concerning crimes, punishment and criminal procedure; relating to sex offenses; creating rape during a treatment session; reducing criminal penalties for attempt, conspiracy and solicitation of certain sex offenses; removing the marriage defense to rape and sodomy; modifying the elements of and decreasing the criminal penalty for unlawful voluntary sexual relations; removing registration requirements for unlawful voluntary sexual relations; amending K.S.A. 2020 Supp. 21-5301, 21-5302, 21-5303, 21-5503, 21-5504, 21-5506, 21-5507, 21-5510, 21-5514, 21-6422, 21-6627 and 22-4902 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2348**, AN ACT concerning insurance; relating to automobile liability insurance; modifying uninsured and underinsured motorist coverage liability limitations for bodily injury or death; amending K.S.A. 40-284 and repealing the existing section, by Committee on Judiciary.

**HB 2349**, AN ACT concerning the Kansas offender registration act; relating to relief from registration; violation of act; decreasing criminal penalties; providing for waiver of fees by the court; obstructing apprehension or prosecution; reducing required registration locations; information required to register; eliminating registration for certain juvenile offenders; amending K.S.A. 74-7335 and K.S.A. 2020 Supp. 21-5913, 21-6614, 21-6804, 22-4902, 22-4903, 22-4904, 22-4905, 22-4906, 22-4907, 22-4908 and 22-4909 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2350**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; nondrug crimes; expanding the number of presumptive probation and border grid blocks; amending K.S.A. 2020 Supp. 21-6804 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2351**, AN ACT concerning high school work-based learning programs; liability for students and business, municipal and post-secondary educational institution program providers; amending K.S.A. 72-18,101 and 72-18,102 and repealing the existing sections, by Committee on K-12 Education Budget.

**HB 2352**, AN ACT concerning sales taxation; relating to exemptions; providing for an exemption for farm products sold at farmers' markets; amending K.S.A. 79-3606 and repealing the existing section, by Representative Vaughn.

**HB 2353**, AN ACT establishing the Kansas commission for the United States semiquincentennial in the department of wildlife, parks and tourism; prescribing commission membership, responsibilities, meetings and expiration; creating the Kansas commission for the United States semiquincentennial gifts and donations fund. , by Committee on Appropriations.

**HB 2354**, AN ACT concerning public employee and professional employees' organizations; relating to dues; commencement and cessation of withholding of dues; procedure; providing certain rights to employees; amending K.S.A. 72-2219, 72-2241, 75-4324, 75-4327 and 75-5501 and K.S.A. 2020 Supp. 44-319 and repealing the existing sections, by Committee on K-12 Education Budget.

HOUSE CONCURRENT RESOLUTION No. **HCR 5011**—

By Representatives Woodard, Byers and Ruiz, S.

**HCR 5011**—A PROPOSITION to repeal section 16 of article 15 of the constitution of the state of Kansas, relating to marriage being only between individuals of the opposite sex.

*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: Section 16 of article 15 of the constitution of the state of Kansas is hereby repealed.

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

*"Explanatory statement.* This amendment would repeal section 16 of article 15 of the constitution of the state of Kansas in its entirety. This section currently provides that marriage is constituted by one man and one woman only.

"A vote for this proposition would repeal section 16 of article 15 of the constitution of the state of Kansas in its entirety.

"A vote against this proposition would leave section 16 of article 15 of the constitution of the state of Kansas as it currently exists."

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.

HOUSE CONCURRENT RESOLUTION No. **HCR 5012**—

By Representative Parker

**HCR 5012**—A PROPOSITION to amend the constitution of the state of Kansas by revising article 10, relating to reapportionment of congressional districts, legislative districts and state board of education member districts.

*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: Article 10 of the constitution of the state of Kansas is hereby revised to read as follows:

**"Article 10.—APPORTIONMENT OF CONGRESSIONAL,  
LEGISLATIVE AND STATE BOARD OF EDUCATION MEMBER  
DISTRICTS**

**"§ 1. Reapportionment of districts required.** At its regular session in 2022, and at its regular session every 10<sup>th</sup> year thereafter, the legislature shall by law reapportion the United States congressional districts, the state senatorial districts, the state representative districts and the state board of education member districts as provided by this article. Reapportionment of such districts shall be on the basis of the population of the state as established by the most recent census of population taken and published by the United States bureau of the census. Senatorial, representative and state board of education member districts shall be reapportioned upon the basis of the population of the state.

**"§ 2. Establishment of redistricting commission.** (a) Not later than February 15 of each year ending in one, a redistricting commission shall be established to recommend to the legislature redistricting plans for United States congressional districts, state representative districts, state senatorial districts and state board of education member districts.

(b) The redistricting commission shall consist of the following members:

(1) One shall be appointed by the majority leader of the senate;

(2) one shall be appointed by the majority leader of the house of representatives;

(3) one shall be appointed by the minority leader of the senate;

(4) one shall be appointed by the minority leader of the house of representatives; and

(5) within 30 days after the appointments described in paragraphs (1) through (4) have been made, but not later than March 15 of the year in which the commission is established, the four commission members so appointed shall select, by a vote of at least three members, the fifth commission member who shall be nonpartisan, who shall serve as chairperson.

(c) Any vacancy in the membership of the redistricting commission shall be filled in the same manner as the original appointment or selection.

(d) No person, while a member of the commission, shall:

(1) Hold any federal, state or local office; or

(2) be an employee of the Kansas legislature, state board of education or United States congress.

(e) No person who has been a member of the redistricting commission shall be eligible, within two years after being a member of the commission, to:

(1) Be a member or employee of the Kansas legislature or state board of education; or

(2) hold any appointive state or federal office.

(f) The legislature shall provide by law for payment of compensation and expenses of members of the redistricting commission and for adequate staff, office space, equipment and materials for the commission.

(g) The terms of members of the redistricting commission shall expire on July 1 of each year ending in two, and the commission shall be inactive until reestablishment of the commission pursuant to this section.

**"§ 3. Commission procedure and recommendations.** (a) The redistricting commission shall establish rules and procedures as necessary to carry out the commission's functions. The rules and procedures shall include rules requiring formal submission to the commission of all communications with commission members. Ex parte communications with members of the commission in relation to the merits of matters before the commission shall be prohibited. Members of the commission shall report any violations of this prohibition to the attorney general and the legislature shall provide by law criminal penalties for such violations.

(b) The redistricting commission shall conduct public hearings throughout the state, including at least one public hearing in each of the 10 state board of education member districts.

(c) In recommending redistricting plans, the redistricting commission shall consider only the requirements of the constitution of the state of Kansas and the constitution of the United States, preservation of political subdivisions and preservation of communities of interest. Except as expressly provided in this subsection, the commission shall not intentionally develop redistricting plans that favor or discriminate against any individual, political party or group.

**"§ 4. Legislative action; court review and action.** (a) On or before the first day of the regular legislative session in each year ending in two, the redistricting commission shall introduce in the house of representatives a bill reapportioning the state representative districts and a bill reapportioning the United States congressional districts, and shall introduce in the senate a bill reapportioning the state senatorial districts and a bill reapportioning the state board of education member districts. The bills shall not be subject to amendment by either chamber of the legislature and each such bill shall be acted upon by each chamber within seven days after the bill is introduced in the chamber.

(b) If a bill introduced pursuant to subsection (a) is not enacted, the redistricting commission, within 10 days after rejection of the bill by either chamber of the legislature or veto of the bill by the governor, shall introduce another bill reapportioning such districts. If the Kansas supreme court enters a judgment that a bill introduced pursuant to subsection (a) is invalid, the redistricting commission, within 10 days after entry of the judgment, shall introduce another bill reapportioning such districts. Introduction of a bill pursuant to this section shall be in the same chamber as introduction of the original bill pursuant to subsection (a). The bill shall not be subject to amendment by either chamber and shall be acted upon by each chamber within seven days after the bill is introduced in the chamber.

(c) If a bill introduced pursuant to subsection (b) is not enacted, the redistricting commission, within 10 days after rejection of the bill by either chamber of the legislature or veto of the bill by the governor, shall introduce another bill reapportioning such districts. If the Kansas supreme court enters a judgment that a bill introduced pursuant to subsection (b) is invalid, the redistricting commission, within 10 days after entry of the judgment, shall introduce another bill reapportioning such districts. Introduction of a bill pursuant to this section shall be in the same chamber as introduction of the original bill pursuant to subsection (a).

(d) If either chamber of the legislature rejects a bill introduced pursuant to this section, or the governor vetoes the bill, the chamber that rejects the bill, or the governor in the case of a veto, shall transmit to the commission a letter stating the

reasons why the bill was not enacted, and the commission shall take such reasons into consideration in introducing a bill pursuant to this section, subject to the requirements of section 6(c). Any such letter shall be signed by both the speaker of the house of representatives and the minority leader of the house of representatives or both the president of the senate and the minority leader of the senate.

(e) Reapportionment bills shall be published in the Kansas register immediately upon final passage and approval by the governor. The districts enacted shall be effective for the next following regular election of legislators and thereafter until again the districts are reapportioned, except that the senatorial districts shall be effective for the next following regular election at which all senators are elected.

(f) Within 15 days after publication of any reapportionment bills enacted pursuant to this article, the attorney general shall petition the Kansas supreme court to determine the validity of the bill. The Kansas supreme court, in accordance with its rules, shall permit interested persons to present their views. Within 30 days after the filing of the petition, the Kansas supreme court shall enter its judgment. A judgment of the Kansas supreme court determining the bill to be valid shall be final until reapportionment of the districts is again required by this article.

"§ 5. **Implementing legislation.** The legislature may enact legislation, not in conflict with the provisions of this article, as reasonably necessary to implement such provisions."

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

*"Explanatory statement.* Current article 10 of the constitution of the state of Kansas governs reapportionment of state legislative districts. It provides for reapportionment by the legislature and requires that it be based on the most recent census taken by the United States bureau of the census, adjusted to exclude certain military personnel and certain students residing at colleges and universities. The revision of article 10 would govern reapportionment of the United States congressional districts, state legislative districts and the state board of education member districts. Under the revision, a redistricting commission would be established to recommend redistricting plans to the legislature. The legislature would enact a plan which would be subject to review by the Kansas supreme court. There would be strict deadlines for legislative action. Reapportionment of congressional districts, state legislative districts and state board of education member districts would be based on the most recent census taken by the United States bureau of the census, adjusted to exclude certain military personnel and certain students residing at colleges and universities.

"A vote for this proposition would change the procedure for reapportionment of United States congressional, state legislative and state board of education member districts.

"A vote against this proposition would continue the current procedures and basis for reapportionment."

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.

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

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

