

Journal of the House

TWENTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 8, 2021, 11:00 a.m.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2254, AN ACT concerning funeral arrangements; relating to prearranged funeral agreements; removing the monetary cap on irrevocable agreements; amending K.S.A. 2020 Supp. 16-303 and repealing the existing section, by Committee on Health and Human Services.

HB 2255, AN ACT concerning health and healthcare; relating to sexual assault; services and care therefor; requiring certain entities to provide information to sexual assault survivors; enacting the sexual assault survivor information act, by Committee on Health and Human Services.

HB 2256, AN ACT concerning advanced practice registered nurses; relating to the board of nursing; definition of practice; prescribing authority; licensure requirements; rules and regulations; amending K.S.A. 65-1130 and K.S.A. 2020 Supp. 40-3401, 65-1113 and 65-4101 and repealing the existing sections, by Committee on Health and Human Services.

HB 2257, AN ACT concerning health and healthcare; relating to the practice of medicine and surgery; permitting physicians to decide whether to provide patients with certain information based on the physician's medical judgment; enacting the protect physician integrity from political interference act, by Committee on Health and Human Services.

HB 2258, AN ACT concerning health and healthcare; relating to pharmacies; requiring pharmacies to make contraceptives available to customers, by Committee on Health and Human Services.

HB 2259, AN ACT concerning health and healthcare; relating to the treatment of sexually transmitted diseases; permitting the use of expedited partner therapy for the treatment thereof, by Committee on Health and Human Services.

HB 2260, AN ACT concerning insurance; relating to pharmacy benefits managers; the federal 340B drug pricing program; prohibiting disparate treatment of certain pharmacies and pharmaceutical services providers, by Committee on Health and Human Services.

HB 2261, AN ACT concerning health and healthcare; relating to hospitals and healthcare-related facilities; establishing rural emergency hospitals as a rural healthcare licensure category; requirements for licensure; enacting the rural emergency hospital act; amending K.S.A. 65-425 and 65-431 and repealing the existing sections, by Committee on Health and Human Services.

HB 2262, AN ACT concerning health and healthcare; relating to preparation of bodies for a funeral or cremation; cremation documentation requirements; removing the requirement to provide a permit to cremate in certain circumstances; authorizing electronic permits to cremate; eliminating certain funeral director monthly reporting requirements; amending K.S.A. 65-1762 and 65-2426a and repealing the existing sections; also repealing K.S.A. 65-2429, by Committee on Health and Human Services.

HB 2263, AN ACT concerning electric-assisted bicycles; relating to the regulation and approved use thereof; providing for use of certain sizes of motors; amending K.S.A. 8-1437, 8-1439a, 8-1489 and 8-1592b and K.S.A. 2020 Supp. 8-126, 8-128, 8-1402a, 8-1438, 8-1498, 8-2401 and 32-701 and repealing the existing sections, by Committee on Transportation.

HB 2264, AN ACT concerning student athletes at postsecondary educational institution student athletes; permitting compensation for the use of a student athlete's name, image, likeness rights or athletic reputation; prohibiting certain conduct by postsecondary educational institutions and athletic associations, by Committee on Judiciary.

HB 2265, AN ACT concerning sales taxation; providing for a sales tax exemption for required textbooks and authorizing a local sales tax on required textbooks; amending K.S.A. 79-3606 and K.S.A. 2020 Supp. 12-189a and repealing the existing sections, by Representatives Woodard and Hoheisel.

HB 2266, AN ACT concerning income taxation; relating to Kansas itemized deductions of an individual; providing the ability to elect to itemize; amending K.S.A. 79-32,120 and repealing the existing section, by Representative Bishop.

HB 2267, AN ACT creating the Kansas youth advisory council; prescribing purpose, members, meeting requirements and support thereof, by Representatives Parker, Anderson, Arnberger, Haswood, Samsel, Vaughn, Woodard and Xu.

HB 2268, AN ACT concerning financial institutions; enacting the Kansas rural home loan guarantee act; providing for administration by state treasurer; establishing the rural home loan guarantee fund; requiring an annual report to the legislature, by Committee on Financial Institutions and Rural Development.

HB 2269, AN ACT concerning education; relating to the Kansas school equity and enhancement act; at-risk student weighting; requiring at-risk funding to be based on proficiency standards for certain students; amending K.S.A. 2020 Supp. 72-5132 and repealing the existing section, by Committee on K-12 Education Budget.

HB 2270, AN ACT concerning the distribution of the levy on fire insurance business premiums; relating to the state fire marshal fee fund, the emergency medical services operating fund and the fire training service program fund; modifying the distribution of moneys thereof; amending K.S.A. 75-1514 and repealing the existing section, by Committee on Transportation and Public Safety Budget.

HOUSE CONCURRENT RESOLUTION No. **HCR 5009**—
By Committee on Elections

HCR 5009—A CONCURRENT RESOLUTION making application to Congress of the United States for a limited national convention for the exclusive purpose of proposing an amendment to the Constitution of the United States that will ensure balance and integrity in our elections.

WHEREAS, The framers of the Constitution of the United States of America intended that the Congress of the United States of America should be "dependent on the people alone" (James Madison, Federalist 52); and

WHEREAS, Throughout American history, this dependency has evolved from a dependency on the American people alone to a dependency on powerful special interests, through spending by third-party groups, campaigns or out-of-state donors, which have created a fundamental imbalance in our representative democracy and eroded the people's trust in government; and

WHEREAS, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportional influence of special interests and fair enough that any citizen can be elected into office; and

WHEREAS, The Constitution of the State of Kansas states that "all political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit" (Bill of Rights, Section 2); and

WHEREAS, Article V of the Constitution of the United States requires the Congress of the United States to call a convention for proposing amendments to the federal Constitution upon the application of two-thirds of the legislatures of the several states; and

WHEREAS, The Kansas Legislature perceives the need for an amendments convention in order to ensure balance and integrity in our elections by proposing an amendment to the federal Constitution that will permanently protect fair elections in America, by addressing, inter alia, issues raised by the decisions of the United States Supreme Court in *Citizens United v. Federal Election Commission*, 130 S.Ct. 876 (2010), and related cases, and desires that such convention should be so limited; and

WHEREAS, A national convention would give the American people an opportunity to come together as a nation, by discussing solutions on how to ensure the integrity of our elections and renew the American people's trust in government; and

WHEREAS, Article V of the Constitution of the United States clearly states that any amendment, whether proposed by the Congress of the United States or by a convention, must be ratified by 75% of the states, presently 38 states, ensuring that only the most reasonable proposals with widespread support shall become part of the Constitution of the United States; and

WHEREAS, Notwithstanding any federal or Kansas law to the contrary, the State of Kansas desires its delegates to such a national convention to be composed equally of individuals currently elected to state and local offices or to be selected by election in each congressional district in Kansas, except that all individuals elected or appointed to federal office, now or in the past, shall be prohibited from serving as Kansas delegates. The State of Kansas intends to retain the ability to enforce the responsibility and conduct of its delegation within the limits herein expressed; and

WHEREAS, The State of Kansas intends that this shall be a continuing application to be considered, together with applications calling for a convention passed by the 2013-2014 Vermont legislature as R454, the 2013-2014 California legislature as Resolution Chapter 77, the 98th Illinois General Assembly as SJR 42, the 2014-2015 New Jersey legislature as SCR 132, the 2015-2016 Rhode Island legislature as HR 7670 and SR 2589, and all other passed, pending and future applications, until such time as two-thirds of the several states have applied for a convention for a similar purpose and such convention is convened by the Congress of the United States: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the people of the State of Kansas, speaking through its legislature and pursuant to Article V of the Constitution of the United States, hereby apply to the Congress of the United States to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States that will permanently protect fair elections as described herein, as soon as two-thirds of the several states have applied for a convention for a similar purpose; and

Be it further resolved: That the Secretary of State shall send enrolled copies of this resolution to the President of the United States, the Vice President of the United States in the Vice President's capacity as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, each Senator and Representative from Kansas in the Congress of the United States, with the respectful request that the full and complete text of this resolution be printed in the *Congressional Record*, the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the Constitution of the United States.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **SB 38, SB 39, SB 40.**

Appropriations: **HB 2248, HB 2249, HB 2250, HB 2253, SB 1, SB 16.**

Energy, Utilities and Telecommunications: **SB 24.**

Federal and State Affairs: **HB 2251, HB 2252.**

Local Government: **SB 53.**

Transportation: **HB 2245, HB 2246, HB 2247.**

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2102, HB 2103** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2121** be amended on page 1, in line 8, by striking "intentionally" and inserting "knowingly"; in line 9, by striking "intentionally" and inserting "knowingly";

On page 6, in line 15, by striking the first "intentionally" and inserting "knowingly"; also in line 15, by striking the second "intentionally" and inserting "knowingly"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2118, HB 2163** be passed.

Committee on **Judiciary** recommends **HB 2075**, **HB 2096**, **HB 2109**, **HB 2120** be passed.

Committee on **Judiciary** recommends **HB 2001** be amended on page 1, in line 9, by striking the second "or" and inserting a comma; also in line 9, after "video" by inserting "or other recording";

On page 7, in line 2, by striking "or"; in line 5, after "(t)(1)(A)" by inserting "; or

(C) adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of sexual extortion as defined in section 1, and amendments thereto"; and the bill be passed as amended.

Committee on **K-12 Education Budget** recommends **HB 2068** be passed.

Committee on **Transportation** recommends **HB 2164**, **HB 2167** be passed.

Committee on **Transportation** recommends **HB 2107** be amended on page 1, in line 7, by striking "5" and inserting "4"; in line 20, by striking "military";

On page 2, in line 34, after "3" by inserting ", and amendments thereto"; following line 34, by inserting:

"New Sec. 5. Sections 1 through 4, and amendments thereto, shall be a part of and supplemental to the uniform act regulating traffic on highways.";

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

Committee on **Transportation** recommends **HB 2165** be amended on page 1, following line 23, by inserting:

"Sec. 2. K.S.A. 8-194 is hereby amended to read as follows: 8-194. As used in this act: (a) "Collector" means the owner of one or more special interest vehicles ~~or street rod vehicles~~ who acquires, collects, purchases, trades or disposes of such vehicles or parts therefor for such person's own use in order to restore, preserve and maintain such vehicle or vehicles for historic interest.

(b) "Parts car" means a motor vehicle generally in nonoperable condition ~~which that~~ is owned by a collector to furnish parts ~~which that~~ will enable the collector to restore, preserve and maintain a special interest vehicle, ~~street rod vehicle~~ or antique vehicle.

(c) "Special interest vehicle" means a motor vehicle ~~which that~~ is more than 20 years of age and ~~which that~~ has not been altered or modified from the original manufacturer's specifications except to assure normal running operation or to meet specific safety inspection requirements on original equipment, or both. ~~"Special interest vehicle" shall also mean and include a motor vehicle manufactured before 1949 that when altered or modified is referred to as a "street rod."~~

Sec. 3. K.S.A. 8-195 is hereby amended to read as follows: 8-195. (a) Any person who is the owner of a special interest vehicle ~~or street rod vehicle~~ at the time of making application for registration or transfer of title of the vehicle may upon application register the same as a special interest vehicle ~~or street rod vehicle~~ upon payment of an annual fee of \$26 and be furnished each year upon the payment of such fee license plates of a distinctive design in lieu of the usual license plates ~~which, and such plates~~ shall show, in addition to the identification number, that the vehicle is a special interest vehicle ~~or that the vehicle is a special interest vehicle and it meets the qualifications of a street rod, as the case may be,~~ owned by a Kansas collector. The registration shall be valid for one year and may be renewed by payment of such annual fee. Special interest

vehicles ~~including street rod vehicles~~ may be used as are other vehicles of the same type, except that special interest vehicles ~~including street rod vehicles~~ may not transport passengers for hire, nor haul material weighing more than 500 pounds.

(b) Each collector applying for special interest vehicle ~~or street rod vehicle~~ license plates will be issued a collector's identification number ~~which that~~ will appear on each license plate. Second and all subsequent registrations under this section by the same collector will bear the same collector's identification number followed by a suffix letter for vehicle identification.

(c) A collector must own and have registered one or more vehicles with regular license plates ~~which that~~ are used for regular transportation.

Sec. 4. K.S.A. 8-196 is hereby amended to read as follows: 8-196. In addition to the fee in K.S.A. 8-195, ~~as amended and amendments thereto~~, there shall be an original (first time only) processing fee of \$20 to defray the cost of issuing the original collector's special interest vehicle license plates ~~or special interest vehicles with street rod designation license plates~~ and to ensure that each collector ~~will~~ shall be issued only one collector's identification number.";

Also on page 1, in line 24, before "K.S.A." by inserting "K.S.A. 8-194, 8-195 and 8-196 and"; also in line 24, by striking "is" and inserting "are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 3, after the semicolon by inserting "eliminating references to street rod vehicles"; also in line 3, after "amending" by inserting "K.S.A. 8-194, 8-195 and 8-196 and"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. W. Carpenter to replace Rep. Arnbarger on Committee on Health and Human Services on February 8, 2021.

Also, the appointment of Rep. Borjon to replace Rep. C. Smith on Committee on Children and Seniors on February 8, 2021.

Also, the appointment of Rep. Poskin to replace Rep. S. Ruiz on Committee on Health and Human Services on February 8, 2021.

REPORT ON ENGROSSED BILLS

HB 2077, HB 2079, HB 2090 reported correctly engrossed February 3, 2021.

On motion of Rep. Hawkins the House adjourned pro forma until 11:00 a.m. on Tuesday, February 9, 2021.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

