

# Journal of the House

## THIRTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, February 25, 2021, 11:00 a.m.

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

The roll was called with 124 members present.

Rep. Howard was excused on verified illness.

Prayer by Chaplain Brubaker,

Almighty God,  
For this day that You have created,  
we are thankful and desire to make it count.  
Whatever the demands that face us today  
remind us often that nothing is too difficult for You.  
We are amazed that You would choose us  
to accomplish Your purposes.  
Help our leaders to not fear their limitations  
or measure the day's demands against their strength.  
In their weaknesses, Your power is made strong.  
Help them to realize that they can do all things  
through You who strengthens them.  
May they rely upon Your power and strength.  
This I pray in Your name, Amen.

The Pledge of Allegiance was led by Rep. Bergquist.

### **PERSONAL PRIVILEGE**

There being no objection, the following remarks of Rep. Ballard are spread upon the Journal:

It is my honor and privilege to stand before you this morning to recognize my friend of many years. Information in my presentation was taken from an article in the Lawrence Journal-World in December of 2017 written by Joanna Hlavacek. I also wish to acknowledge assistance from Travis Vathauer.

Leonard Monroe knew he could run. He ran the quarter mile in just 48.9 seconds, 2<sup>nd</sup> fastest time in the state, while at Liberty Memorial High School in Lawrence. He thought his talent would impress the track and field coaching staff at the University of Kansas. He wanted to attend there even after being offered scholarships elsewhere. But this was 1951 and Monroe was black.

On the first day of practice, head track coach Bill Easton told him there was no chance of him ever competing as a Jayhawk. "He said, 'You'll never run for me,'"

Monroe recalled to the Journal-World in 2015. "I was heartbroken, it was pitiful."

Leonard's rejection from KU's track and field team was hardly his first brush with racism in Lawrence. As a student at Liberty Memorial High School, he competed on a separate, all-black high school basketball team called the Lawrence Promoters. Jim Crow laws kept sports leagues segregated until 1950, Leonard's senior year.

He turned down numerous track scholarships to black colleges because he dreamed of running at KU. Schools with majority white enrollments were not keen in those days to offer scholarships to black athletes – if they allowed them to play at all.

If he was going to do anything with his life, he felt he had to go into the service. And that is what he did.

Heartbroken after his encounter with Coach Easton, Leonard dropped out of KU and enlisted in the US Air Force. He served in both the Korean and Vietnam wars, and found himself stationed in Japan, Europe, Vietnam, and later New Mexico, where he met his future wife, Jackie.

After 23 years in the Air Force, Leonard retired and moved back to Lawrence, where he spent another 23 years working as the city's supervisor of vehicle maintenance until retiring in 2000.

Leonard overcame adversity his entire life but did not hold grudges or bitterness. Despite his rejection, Leonard remained a lifetime Jayhawk fan. He cheered for KU baseball as his son played centerfield for the 1993 KU team that reached the College World Series. He forged a friendship with Roy Williams, during his tenure as basketball coach. Yet he never brought up his own rejection from the Athletic Department.

It took someone outside the family to make good on Leonard's connections and get him the athletics letter he so rightly deserved. A family friend contacted KU Athletics after hearing about Leonard's passing in 2017 at 86 years old. Numerous former KU athletes reached out, and the response from the current KU track coach, Stanley Redwine, was almost immediate. The K Club presented a chenille letter "K" and a letter written by its Senior Director, to his daughter, Maria, on the morning of his funeral.

Leonard loved people, and his funeral was evidence of that. The service at St. Luke AME Church was standing room only. When Maria read the K Club letter aloud, emotion filled the room, with clapping and cheering.

"I think he would have been proud that justice was served," his daughter Maria said. "And proud to be a member, an official member, of the KU athletics community he so adored."

"I wish he would have known that that had happened," his son Michael said, "But I think he does know, somewhere, what happened."

Leonard was the father of six children: Michael, LeAnette, Linda, Darryl, Doria, and Maria, and nine grandchildren. I believe he would proudly say his family was his greatest achievement.

My tribute to Leonard Monroe is about the past and present. It is about the injustice of one person enduring a wrong and another person, involving others, making it right. It is about caring, kindness, and justice. It is about "Doing unto others as you would have them do unto you."

A quote from Dr. Martin Luther King:

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but she or he must take it because conscience tells us it is right."

We need more caring, kindness, and forgiveness. Leonard Monroe demonstrated all three. I believe Leonard would have the biggest smile on his face. After all these years, his dream came true.

To his family and friends, watching this on YouTube, know that we in the Kansas House of Representatives are proud to recognize Leonard H. Monroe during Black History Month.

Rep. Ballard will be presenting the family of Mr. Monroe with a House certificate at a later date.

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

The following bills were introduced and read by title:

**HB 2422**, AN ACT concerning marriage; requiring persons to be 18 years of age to be eligible to give consent for marriage; eliminating exceptions thereto; amending K.S.A. 2020 Supp. 23-2505 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2423**, AN ACT concerning property taxation; authorizing continuation of the statewide levy for schools and the exemption of a portion of residential property from such levy; amending K.S.A. 79-201x and K.S.A. 2020 Supp. 72-5142 and repealing the existing sections, by Committee on Taxation.

### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

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

Judiciary: **HCR 5014, SB 204**.

Taxation: **HB 2420, HB 2421**.

Transportation: **SB 95, SB 99**.

### **CONSENT CALENDAR**

No objection was made to **HB 2162, HB 2275, HB 2292, HB 2355, HB 2390** appearing on the Consent Calendar for the first day.

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

**HB 2052**, AN ACT concerning ethics; authorizing legislative assistants and committee assistants to accept gifts from legislators; amending K.S.A. 46-235 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 5; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, 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, Helmer, Henderson, Highland, Hoffman, Hoheisel, Houser, 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, 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: Baker, Carmichael, Helgerson, Highberger, Parker.

Present but not voting: None.

Absent or not voting: Howard.

The bill passed, as amended.

**HB 2078**, AN ACT concerning criminal procedure; relating to discharge of persons not brought promptly to trial; suspension of statutory deadlines; providing guidelines for prioritizing trials; amending K.S.A. 2020 Supp. 22-3402 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 17; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcala, Amyx, Anderson, Amberger, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Eplee, Estes, Featherston, Finch, Finney, Francis, Gartner, Haswood, Hawkins, Helgerson, Henderson, Highberger, Highland, Hoffman, Hoheisel, Howe, Hoyer, Huebert, 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, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Ruiz, L., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Awerkamp, W. Carpenter, Corbet, Ellis, Esau, Fairchild, French, Garber, Helmer, Houser, Jacobs, Lee-Hahn, Mason, Murphy, Rhiley, Ruiz, S., Sutton.

Present but not voting: None.

Absent or not voting: Howard.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I am voting no on **HB 2078** because the bill clearly states that it “suspends statutory speedy trial rights” and it is “eliminating such rights in any criminal case” for up to three years. The right to a speedy trial is embedded in the fabric of our Bill of Rights and can not be suspended or eliminated by this legislative body or any legislative body. – DAVID W. FRENCH

MR. SPEAKER: I vote no on **HB 2078**. This bill suspends the right to a speedy trial until 2024, but I don’t believe we should ever suspend the Constitution. Current law requires trials for people charged with a crime to be held within 150 days of each person’s arraignment on the charge, and I believe this is a reasonable application of the 6<sup>th</sup> Amendment’s right to a speedy trial. I believe that courts in Kansas should’ve held trials remotely since covid started. The U.S Supreme Court has heard their cases

remotely. Defendants in Kansas shouldn't be deprived of their rights because of the incompetency of our judicial system. – BRETT FAIRCHILD

MR. SPEAKER: I vote no on **HB 2078** because it is yet another disruption of Constitutional civil rights by one branch of government and codified by another. While the virus has disrupted our daily lives, it is the response to the virus by government that has created greater issues in people's lives. Businesses, families, schools and this body have all made adaptations to accomplish the jobs with which we are tasked. The judicial branch could and should have done their part and not rely on the legislature to rubberstamp their shortcomings. – MICHAEL MURPHY, CHARLOTTE ESAU

MR. SPEAKER: I am voting no on **HB 2078**. I STRONGLY oppose any legislation that would suspend the constitution at the state or federal level. The constitution overrides any statutory standard. It is lunacy that the judiciary decided that in a pandemic they were going to slow their case load and leave the public in a potentially dangerous situation. Doing so eliminates due process of the accused. Following the constitution should not ever be an option, but be the guiding document to which every decision is made. The accused should always have the right to a speedy trial. – TATUM LEE-HAHN

Mr. Speaker: I vote yes on HB 2078 Bottom line legislators should not take the heat when we have to start cutting loose rapists and murderers due to some arbitrary statutory deadline. This bill has ZERO effect on our US or State Constitutional rights to speedy trial. Thank you Mr. Speaker. – Stephen Owens

MR. SPEAKER I voted NO today on **HB 2078**. I understand also how this affects a person's rights under the Kansas Constitution to a speedy and fair trial. I am voting based on the practical cost of housing a person in a jail waiting for trial. The sheriff in each county is responsible for the welfare and safety of inmates. This includes an unlimited expense for meals, reasonable comfort, health care, medicines, and nurse or doctor visits. The longer a person is confined the higher the cost. This is paid through the county budget and ultimately by county tax payers. – BILL RHILEY

**HB 2093**, AN ACT concerning motor vehicles; relating to fleeing or attempting to elude a police officer; increasing penalties thereof when operating a stolen motor vehicle, committing certain driving violations or causing a collision involving another driver; relating to evidence of intent to deprive owner of property; amending K.S.A. 2020 Supp. 8-1568 and 21-5804 and repealing the existing sections, was considered on final action.

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

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, 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: Howard.

The bill passed, as amended.

**HB 2136**, AN ACT concerning insurance; relating to the regulation of the business thereof; updating certain definitions relating to service contracts and surplus lines insurance; interest rate calculations relating to nonforfeiture law for individual deferred annuities; application requirements for certification of utilization review organizations; requirements for out-of-state risk retention groups to do business in state; applications for registration of professional employer organizations; repealing the automobile club services act; amending K.S.A. 40-22a04, 40-22a06 and 40-4103 and K.S.A. 2020 Supp. 40-201a, 40-246i, 40-4,104, 40-22a05 and 44-1704 and repealing the existing sections; also repealing K.S.A. 40-2405, 40-2501, 40-2502, 40-2503, 40-2504, 40-2505, 40-2506, 40-2507, 40-2508, 40-2509, 40-2510, 40-2511, 40-2512 and 40-2513, was considered on final action.

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

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, 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: Howard.

The bill passed, as amended.

**HB 2192**, AN ACT concerning drivers' licenses; relating to replacement drivers' licenses; court services and community corrections agencies; issuance of identification certificate; use to obtain replacement driver's license; amending K.S.A. 2020 Supp. 8-246 and repealing the existing section, was considered on final action.

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

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, 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: Howard.

The bill passed.

**HB 2243**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; adjusting the frequency of the actuarial experience study; amending K.S.A. 74-4908 and 74-4908a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

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, Howe, Hoye, Huebert, Humphries, 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: Jacobs.

Present but not voting: None.

Absent or not voting: Howard.

The bill passed.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2175** be passed.

Committee report to **HB 2244** be adopted; and the bill be passed as amended.

Committee report to **HB 2277** be adopted.

Also, on motion of Rep. Probst, **HB 2277** be amended as amended by House Committee, on page 6, in line 25, after "substances" by inserting ", excluding fentanyl testing strips" and the bill be passed as amended.

On motion of Rep. Murphy, **SB 39** be amended on page 7, in line 9, by striking "\$.25" and inserting "\$.20" and the bill be passed as amended.

Committee report to **HB 2101** be adopted; and the bill be passed as amended.

Committee report to **SB 29** be adopted; and the bill be passed as amended.

On motion of Rep. Haswood, **SB 40** be amended as amended by Senate Committee of the Whole, on page 29, in line 26, by striking "statute book" and inserting "Kansas register" and the bill be passed as amended.

#### INTRODUCTION OF ORIGINAL MOTION

On emergency motion of Rep. Hawkins pursuant to House Rule 2311, **HB 2101**, **HB 2175**, **HB 2244**, **HB 2277**, **SB 29**, **SB 39** and **SB 40** were advanced to Final Action on Bills and Concurrent Resolutions.

**HB 2244**, AN ACT concerning industrial hemp; relating to the effective disposal thereof by the department of agriculture in coordination with state or local law enforcement; requiring industrial hemp processors to register with the state fire marshal; providing exemptions from regulations; allowing issuance of stop sale, use or removal orders; amending K.S.A. 2020 Supp. 2-3903 and 2-3907 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 27; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Baker, Ballard, Barker, Bergquist, Bishop, Borjon, Burroughs, Byers, Carlin, Carlson, Carmichael, Clark, Clayton, Coleman, Collins, Concannon, Curtis, Day, Dodson, M., Donohoe, Ellis, Eplee, Estes, Featherston, Finch, Finney, Francis, French, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Hoyer, Humphries, Jennings, S. Johnson, Kelly, Kessler, Kuether, Landwehr, Long, Lynn, Miller, Minnix, Moser, Neely, Neighbor, Newland, Ohaebosim, Orr, Ousley, Parker, F. Patton, Poskin, Probst, Proehl, Rajhes, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Awerkamp, Bergkamp, Blex, Burris, B. Carpenter, W. Carpenter, Corbet, Croft, Delperdang, Esau, Fairchild, Garber, Houser, Howe, Huebert, Jacobs, T. Johnson, Lee-Hahn, Mason, Murphy, Owens, Penn, Poetter, Proctor, Rhiley, Sutton, Tarwater.

Present but not voting: None.

Absent or not voting: Howard.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: I voted NO today on **HB 2244**. I am voting based on the logic that the Department of Agriculture is still the best agency for oversight of production and processing of this industry. The KDA has known this industry since the beginning and if this is to be treated as an Agriculture crop as originally advertised then we need it to continue in the Department of Agriculture's scope of business. We are legislating this industry out of business with all our regulation. Small businesses need less regulation not more. – BILL RHILEY

**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 21-5701 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 8; Present but not voting: 0; Absent or not voting: 1.

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, Featherston, Finch, Francis, French, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Long, Lynn, Mason, Miller, Minnix, Moser, 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, Fairchild, Finney, Garber, Jacobs, Lee-Hahn, Murphy, Rhiley.

Present but not voting: None.

Absent or not voting: Howard.

The bill passed, as amended.

**HB 2175**, AN ACT creating the Dwayne Peaslee technical training center district act, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 0; Absent or not voting: 1.

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, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, 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, 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: Fairchild, Proctor.

Present but not voting: None.

Absent or not voting: Howard.

The bill passed.

**SB 39**, AN ACT concerning agriculture; relating to the Kansas department of agriculture; the division of animal health; license, permit and registration renewal deadlines; calfhood vaccination tag fees; amending K.S.A. 47-1208 and K.S.A. 2020 Supp. 47-1001e, 47-1002, 47-1503, 47-1805, 47-1831 and 47-2101 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 7; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, 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, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Howe, Hoye, Huebert, Humphries, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, 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, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Burris, Garber, Houser, Jacobs, Lee-Hahn, Rhiley, Waggoner.

Present but not voting: None.

Absent or not voting: Howard.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote yes on **SB 39**. Although it could be argued that this bill creates a new fee, the purpose of the fee is simply to allow the animal health commissioner to recover the actual costs of calfhood vaccination tags from those who voluntarily buy them. We were told that previously, the tags were paid for by a federal grant that has expired. Since this bill simply allows the commissioner to recover the actual costs of the tags that people choose to buy, I don't have a problem with the fee that's included in this bill. — BRETT FAIRCHILD

**HB 2101**, AN ACT concerning the university engineering initiative act; relating to goals; authorizing transfers from the expanded lottery act revenues fund for certain fiscal years; requiring certain reports to the legislature from state educational institutions, the board of regents and the secretary of commerce; amending K.S.A. 74-8768, 76-7,137 and 76-7,139 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 12; Present but not voting: 0; Absent or not voting: 1.

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

Present but not voting: None.

Absent or not voting: Howard.

The bill passed, as amended.

**SB 29**, 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 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neely, 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: Howard.

The bill passed, as amended.

**SB 40**, AN ACT concerning agriculture; relating to the Kansas department of agriculture division of conservation; implementing the provisions of 2011 executive reorganization order No. 40; amending K.S.A. 2-1916, 49-605, 49-611, 49-613, 49-618, 49-620, 49-623, 82a-1602, 82a-1603, 82a-1607 and 82a-1702 and K.S.A. 2020 Supp. 2-1903, 2-1904, 2-1907, 2-1907c, 2-1908, 2-1915, 2-1930, 2-1931, 2-1933, 49-603, 49-606 and 49-621 and repealing the existing sections; also repealing K.S.A. 49-619, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

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, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, 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: Miller.

Present but not voting: None.

Absent or not voting: Howard.

The bill passed, as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2336** be passed.

Committee on **Agriculture and Natural Resources Budget** recommends **HB 2203** be passed.

Committee on **Appropriations** recommends **HB 2094** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2094," as follows:

"Substitute for HOUSE BILL NO. 2094

By Committee on Appropriations

"AN ACT concerning public safety officers, military personnel and prisoners of war; expanding educational benefits for spouses and dependents of such officers and personnel who are injured while performing service-related duties; amending K.S.A. 75-4364 and repealing the existing section."; and the substitute bill be passed.

(**Sub HB 2094** was thereupon introduced and read by title.)

Committee on **Children and Seniors** recommends **HB 2149** be amended on page 4, in line 34, by striking all after "(k)"; by striking all in lines 35 through 40; in line 41, by striking all before the period and inserting "(1) Except as provided in paragraph (2), at

the discretion of an internal panel established by the Kansas department for children and families in rules and regulations, a family foster home, as defined in K.S.A. 38-134, and amendments thereto, that is licensed by or is applying for licensure with the department may be exempted from the provisions of subsection (a)(1), (a)(2) or (a)(8) if such panel determines that such exemption:

(A) Is in the best interest of a child in custody of the secretary who is or will be under the care of the family foster home; and

(B) does not present a safety concern.

(2) The panel shall not grant an exemption when a person who resides, works or regularly volunteers at the family foster home has a conviction for a:

(A) Severity level 1 through 5 felony, person or nonperson;

(B) crime that involved a child victim; or

(C) drug severity level 1 through 3 felony.

(3) At least 10 days prior to the final decision of the internal panel to grant the exemption, the secretary shall provide a written notice of the pending exemption to the county or district attorney in the judicial district where the conviction occurred";

On page 1, in the title, in line 2, by striking "child"; in line 3, by striking "care facility" and inserting "family foster home"; in line 4, by striking all following "of"; in line 5, by striking "families" and inserting "an internal panel established by the Kansas department for children and families; notice to county or district attorney"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2297, HB 2298, HB 2231** be passed.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2391** be amended on page 22, in line 19, after the period by inserting "It is permissible to file at one time the biennial report information for more than one limited liability company or series, regardless of whether the formation documents were filed in an even-numbered or odd-numbered year, provided that all the reports shall be filed in the first year a biennial report is due under this law and in odd-numbered years thereafter."; in line 29, after "information" by inserting "for each limited liability company or series";

On page 23, in line 21, by striking the third "the" and inserting "each"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2374** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2146** be amended by striking all on page 3 and inserting:

SENTENCING RANGE - DRUG OFFENSES

Category ↑	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felony	2 Person Felony	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	144 136 130	137 130 122	130 123 117	124 117 111	116 111 105	113 108 101	110 104 99	108 100 96	103 98 92
III	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
IV	51 49 46	47 44 41	44 41 38	41 38 35	38 35 32	35 32 29	32 29 26	29 26 23	26 23 20
V	36 34 32	34 32 30	32 30 28	30 28 26	28 26 24	26 24 22	24 22 20	22 20 18	20 18 16

LEGEND
Presumptive Probation
Presumptive Imprisonment

On page 4, in line 28, after "blocks" by inserting "4-C, 4-D,"; also in line 28, by striking "or"; in line 29, by striking "3-G" and inserting ", 5-B or 5-C";

On page 6, in line 25, before "4-E" by inserting "4-C, 4-D,";

On page 1, in the title, in line 3, after the semicolon by inserting "modifying the sentence terms for certain drug offenses;" and the bill be passed as amended.

Committee on **Education** recommends **HB 2039** be amended on page 1, following line 3, by inserting:

"WHEREAS, To cultivate a commitment to civic participation and to become active members of communities, students need regular opportunities to engage in civic learning activities; and

WHEREAS, Opportunities for civic engagement must be part of a systematic approach that includes the school, classrooms, teachers and students; and

WHEREAS, The legislature supports the civic advocacy network established by the state board of education as a way to recognize exemplary schools and school districts that have made civic engagement an integral part of the school culture; and

WHEREAS, The state board of education discontinued the 60-item objective history, government and social studies assessment and implemented a subjective performance task assessment; and

WHEREAS, To assist with future educational policies designed to promote and enhance civics education in schools, some objective measurable results are necessary to assess whether all students are receiving basic civics knowledge and skills; and

WHEREAS, A free and publicly available civics practice test consisting of 20 multiple choice questions that school districts and educators may use to implement the provisions of this act can be accessed through the United States citizenship and immigration services website at <https://my.uscis.gov/prep/test/civics>.

Now, therefore:"

Also on page 1, in line 11, after "(b)" by inserting "(1)"; in line 14, after the period by inserting "Such course of instruction shall require students to pass a basic civics test, or series of tests, comprising a total of 60 questions selected randomly from the questions of the civics examination administered by the United States citizenship and immigration services. Such test or tests may be administered through the multiple choice civics practice tests provided online by the United States citizenship and immigration services.;" by striking all in lines 17 through 30 and inserting:

"(2) Each accredited high school shall submit to the state board of education an annual report that provides aggregate student achievement data for the basic civics testing required pursuant to this subsection. The state board shall compile such reports, prepare a summary report and submit such report to the legislature on or before January 31 of each year. All data submitted pursuant to this paragraph shall comply with the provisions of the student data privacy act in K.S.A. 72-6312 et seq., and amendments thereto.;"

Also on page 1, in line 35, by striking all after "subsection"; by striking all in line 36;

On page 2, by striking all in line 1; in line 2, by striking all before the period; and the bill be passed as amended.

Committee on **Energy, Utilities and Telecommunications** recommends **HB 2329**, **HB 2367** be passed.

Committee on **Energy, Utilities and Telecommunications** recommends **HB 2321** be amended on page 1, in line 20, after "(2)" by inserting "provided notice of the proposed construction and of the open house required pursuant to paragraph (4) to:

(A) All landowners and tenants of record whose land or interest therein is proposed to be acquired in connection with the construction of or is located within 660 feet of the center line of the easement where such line is proposed to be located;

(B) the governing body of the city through which such line is proposed to traverse; and

(C) the state corporation commission;

(3) at least one week prior to such open house, published notice of the time, place and subject matter of the open house in a newspaper having general circulation in the city through which such line is proposed to traverse;

(4) conducted an open house in the city through which such line is proposed to traverse that:

(A) Allows landowners who received notice of the open house to provide public comment regarding the proposed construction;

(B) has a commissioner and a staff person of the state corporation commission in attendance at such open house; and

(C) is held either on a weekend day or after 5:00 p.m. on a weekday; and

(5)";

Also on page 1, in line 29, by striking all after "(d)"; by striking all in lines 30 through 33; in line 34, by striking "(e)";

On page 2, in line 1, by striking "or" and inserting a comma; in line 2, after "thereto" by inserting ", or any electric utility owned by one or more of such cooperatives"; and the bill be passed as amended.

Committee on **Energy, Utilities and Telecommunications** recommends **HB 2381** be amended on page 2, in line 27, after "and" by inserting "plan for"; also in line 27, after "infrastructure" by inserting "as part of a comprehensive strategy for vehicle fueling infrastructure that includes biofuels, alternative fuels and petroleum fuels"; and the bill be passed as amended.

Committee on **Insurance and Pensions** recommends **HB 2218** be passed.

Committee on **Insurance and Pensions** recommends **HB 2399** be reported without recommendation.

Committee on **Insurance and Pensions** recommends **HB 2405** be amended on page 1, in line 9, after "(a)" by inserting "(1) Except as provided by paragraph (2),"; in line 24, after the period by inserting "The bonds, and interest thereon, issued pursuant to this section shall be payable from moneys appropriated by the state for such purpose.";

On page 2, following line 1, by inserting:

"(2) If the interest rate, all inclusive cost, for any one or more series of revenue bonds under paragraph (1) exceeds 3.5% but does not exceed 3.75%, the Kansas development finance authority is hereby authorized to issue one or more series of revenue bonds under the Kansas development finance act in an amount necessary to provide a deposit or deposits to the Kansas public employees retirement system in a total amount not to exceed \$500,000,000 plus all amounts required to pay the cost of issuance of the bonds, including any credit enhancement, interest costs and provide any required reserves for the bonds. No bonds shall be issued until such issuance has been

approved by a resolution of the state finance council. The principal amount, interest rates and final maturity of such revenue bonds and any bonds issued to refund such bonds or parameters for such principal amount, interest rates and final maturity shall be approved by a resolution of the state finance council, except that, for any one or more series of revenue bonds issued pursuant to this section, such interest rate, all inclusive cost, shall not exceed 3.75%. The bonds, and interest thereon, issued pursuant to this section shall be payable from moneys appropriated by the state for such purpose. The bonds, and interest thereon, issued pursuant to this section shall be obligations only of the authority and in no event shall such bonds constitute an indebtedness or obligation of the Kansas public employees retirement system or an indebtedness or obligation for which the faith and credit or any assets of the system are pledged. Neither the state nor the department of administration shall have the power to pledge the full faith and credit or taxing power of the state for debt service on any bonds issued pursuant to this section, and any payment by the department for such purpose shall be subject to and dependent on appropriations by the legislature. Any obligation of the state or the department for payment of debt service on bonds issued pursuant to this section shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas."; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2153, HB 2264, HB 2362** be passed.

Committee on **Judiciary** recommends **HB 2126** be amended on page 1, in line 10, by striking "Adult care" and inserting "Covered"; in line 11, before "an" by inserting ":

(1)";

Also on page 1, in line 13, by striking "adult care" and inserting "covered"; in line 16, after "participants" by inserting ";

(2) a "community mental health center" and a "crisis intervention center" as defined in K.S.A. 2020 Supp. 39-2002, and amendments thereto; and

(3) a "community service provider," a "community developmental disability organization" and an "institution" as defined in K.S.A. 2020 Supp. 39-1803, and amendments thereto";

On page 3, in line 1, by striking all after the comma; in line 2, by striking "care" and inserting "a covered"; in line 3, by striking ", administrative fines or penalties"; in line 20, before the period by inserting "if such facility was in substantial compliance with public health directives applicable to the activity giving rise to the cause of action when the cause of action accrued"; in line 21, by striking all after "(b)"; by striking all in line 22; in line 23, by striking all before the period and inserting "As used in this section, "public health directives" means any of the following that are required by law to be followed related to COVID-19:

(1) State statutes or rules and regulations; or

(2) federal statutes or regulations from federal agencies, including the United States centers for disease control and prevention and the occupational safety and health administration of the United States department of labor";

Also on page 3, in line 25, after "decision" by inserting "giving rise to the cause of action"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2377** be amended on page 6, in line 17, after "subsection" by inserting "prior to March 1, 2022";

On page 9, in line 5, after "subsection" by inserting "prior to March 1, 2022";

On page 20, in line 8, after "regulations" by inserting "prior to March 1, 2022,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2387** be amended on page 1, in line 8, before "Section" by inserting "New"; on page 2, in line 22, by striking "did"; by striking all in line 23 and inserting "is prohibited from operating an aircraft."; in line 24, by striking all after "(A)"; by striking all in lines 25 through 28 and inserting "By a court order pursuant to this section; or"; in line 29, by striking all after "(B)"; by striking all in lines 30 through 36; in line 37, by striking all before the period and inserting "because such person's pilot license is revoked or suspended by an order of the federal aviation administration for a prior alcohol or drug-related conviction"; by striking all in lines 38 through 43;

On page 3, by striking all in lines 1 through 4; in line 24, before "Sec." by inserting "New";

On page 6, in line 21, after "(p)" by inserting "(1) The testing and method of testing consented to under this section shall not be considered to have been conducted for any medical care or treatment purpose. The results of such test, the person's name whose bodily substance is drawn or tested, the location of the test or procedure, the names of all health care providers and personnel who participated in the procedure or test and the date and time of the test or procedure are required by law to be provided to the requesting law enforcement officer or the law enforcement officer's designee after the requesting law enforcement officer has complied with this section.

(2) All costs of conducting any procedure or test requested by a law enforcement agency and authorized by this section, including the costs of the evidence collection kits, shall be charged to and paid by the county where the alleged offense was committed. Such county may be reimbursed such costs upon the costs being paid by the defendant as court costs assessed pursuant to K.S.A. 28-172a, and amendments thereto.

(3) The cost assessed under this section shall be the then-current medicaid rate for any such procedure or test, or both.

(4) Notwithstanding any other law to the contrary, the collection and delivery of the sample and required information to the law enforcement officer pursuant to this section shall not be subject to the physician-patient privilege or any other law that prohibits the transfer, release or disclosure of the sample or of the required information.

(q) No medical care facility, clinical laboratory, medical clinic, other medical institution, person licensed to practice medicine or surgery, person acting under the direction of any such licensed person, licensed physician assistant, registered nurse, licensed practical nurse, medical technician, paramedic, advanced emergency medical technician, phlebotomist, healthcare provider or person who participates in good faith in the obtaining, withdrawal, collection or testing of blood, breath, urine or other bodily substance at the direction of a law enforcement officer pursuant to this section, or as otherwise authorized by law, shall incur any civil, administrative or criminal liability as a result of such participation, regardless of whether or not the patient resisted or objected to the administration of the procedure or test.

(r)";

Also on page 6, in line 24, before "Sec." by inserting "New";

On page 7, in line 4, before "Sec." by inserting "New"; following line 27, by inserting:

"Sec. 5. K.S.A. 2020 Supp. 22-3437 is hereby amended to read as follows: 22-

3437. (a) (1) In any hearing or trial, a report concerning forensic examinations and certificate of forensic examination executed pursuant to this section shall be admissible in evidence if the report and certificate are prepared and attested by a criminalist or other employee of the Kansas bureau of investigation, Kansas highway patrol, Johnson County sheriff's laboratory, Sedgwick County regional forensic science center, or any laboratory of the federal bureau of investigation, federal postal inspection service, federal bureau of alcohol, tobacco and firearms or federal drug enforcement administration. If the examination involves a breath test for alcohol content, the report must also be admissible pursuant to K.S.A. 8-1001, and amendments thereto, or section 2, and amendments thereto, and be conducted by a law enforcement officer or other person who is certified by the department of health and environment as a breath test operator as provided by K.S.A. 65-1,107 et seq., and amendments thereto.

(2) Upon the request of any law enforcement agency, such person as provided in paragraph (1) performing the analysis shall prepare a certificate. Such person shall sign the certificate under oath and shall include in the certificate an attestation as to the result of the analysis. The presentation of this certificate to a court by any party to a proceeding shall be evidence that all of the requirements and provisions of this section have been complied with. This certificate shall be supported by a written declaration pursuant to K.S.A. 53-601, and amendments thereto, or shall be sworn to before a notary public or other person empowered by law to take oaths and shall contain a statement establishing the following: The type of analysis performed; the result achieved; any conclusions reached based upon that result; that the subscriber is the person who performed the analysis and made the conclusions; the subscriber's training or experience to perform the analysis; the nature and condition of the equipment used; and the certification and foundation requirements for admissibility of breath test results, when appropriate. When properly executed, the certificate shall, subject to the provisions of paragraph (3) and notwithstanding any other provision of law, be admissible evidence of the results of the forensic examination of the samples or evidence submitted for analysis and the court shall take judicial notice of the signature of the person performing the analysis and of the fact that such person is that person who performed the analysis.

(3) Whenever a party intends to proffer in a criminal or civil proceeding, a certificate executed pursuant to this section, notice of an intent to proffer that certificate and the reports relating to the analysis in question, including a copy of the certificate, shall be conveyed to the opposing party or parties at least 21 days before the beginning of a hearing where the proffer will be used. An opposing party who intends to object to the admission into evidence of a certificate shall give notice of objection and the grounds for the objection within 14 days upon receiving the adversary's notice of intent to proffer the certificate. Whenever a notice of objection is filed, admissibility of the certificate shall be determined not later than two days before the beginning of the trial. A proffered certificate shall be admitted in evidence unless it appears from the notice of objection and grounds for that objection that the conclusions of the certificate, including the composition, quality or quantity of the substance submitted to the laboratory for analysis or the alcohol content of a blood or breath sample will be contested at trial. A failure to comply with the time limitations regarding the notice of objection required by this section shall constitute a waiver of any objections to the admission of the certificate. The time limitations set forth in this section may be extended upon a

showing of good cause.

(b) (1) In any hearing or trial where there is a report concerning forensic examinations from a person as provided in ~~paragraph (1)~~ of subsection (a)(1), district and municipal courts may, upon request of either party, use two-way interactive video technology, including internet-based videoconferencing, to take testimony from that person if the testimony is in relation to the report.

(2) The use of any two-way interactive video technology must be in accordance with any requirements and guidelines established by the office of judicial administration, and all proceedings at which such technology is used in a district court must be recorded verbatim by the court.

Sec. 6. K.S.A. 2020 Supp. 60-427 is hereby amended to read as follows: 60-427.  
(a) As used in this section:

(1) "Patient" means a person who, for the sole purpose of securing preventive, palliative, or curative treatment, or a diagnosis preliminary to such treatment, of such person's physical or mental condition, consults a physician, or submits to an examination by a physician.

(2) "Physician" means a person licensed or reasonably believed by the patient to be licensed to practice medicine or one of the healing arts as defined in K.S.A. 65-2802, and amendments thereto, in the state or jurisdiction in which the consultation or examination takes place.

(3) "Holder of the privilege" means the patient while alive and not under guardianship or conservatorship or the guardian or conservator of the patient, or the personal representative of a deceased patient.

(4) "Confidential communication between physician and patient" means such information transmitted between physician and patient, including information obtained by an examination of the patient, as is transmitted in confidence and by a means which, so far as the patient is aware, discloses the information to no third persons other than those reasonably necessary for the transmission of the information or the accomplishment of the purpose for which it is transmitted.

(b) Except as provided by subsections (c), (d), (e) and (f), a person, whether or not a party, has a privilege in a civil action or in a prosecution for a misdemeanor, other than a prosecution for a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or a city ordinance or county resolution which prohibits the acts prohibited by those statutes, to refuse to disclose, and to prevent a witness from disclosing, a communication, if the person claims the privilege and the judge finds that: (1) The communication was a confidential communication between patient and physician; (2) the patient or the physician reasonably believed the communication necessary or helpful to enable the physician to make a diagnosis of the condition of the patient or to prescribe or render treatment therefor; (3) the witness (i) is the holder of the privilege, (ii) at the time of the communication was the physician or a person to whom disclosure was made because reasonably necessary for the transmission of the communication or for the accomplishment of the purpose for which it was transmitted or (iii) is any other person who obtained knowledge or possession of the communication as the result of an intentional breach of the physician's duty of nondisclosure by the physician or the physician's agent or servant; and (4) the claimant is the holder of the privilege or a person authorized to claim the privilege for the holder of the privilege.

(c) There is no privilege under this section as to any relevant communication

between the patient and the patient's physician: (1) Upon an issue of the patient's condition in an action to commit the patient or otherwise place the patient under the control of another or others because of alleged incapacity or mental illness, in an action in which the patient seeks to establish the patient's competence or in an action to recover damages on account of conduct of the patient which constitutes a criminal offense other than a misdemeanor; (2) upon an issue as to the validity of a document as a will of the patient; or (3) upon an issue between parties claiming by testate or intestate succession from a deceased patient.

(d) There is no privilege under this section in an action in which the condition of the patient is an element or factor of the claim or defense of the patient or of any party claiming through or under the patient or claiming as a beneficiary of the patient through a contract to which the patient is or was a party.

(e) There is no privilege under this section: (1) As to blood drawn at the request of a law enforcement officer pursuant to K.S.A. 8-1001, and amendments thereto, or section 2, and amendments thereto; and (2) as to information which the physician or the patient is required to report to a public official or as to information required to be recorded in a public office, unless the statute requiring the report or record specifically provides that the information shall not be disclosed.

(f) No person has a privilege under this section if the judge finds that sufficient evidence, aside from the communication has been introduced to warrant a finding that the services of the physician were sought or obtained to enable or aid anyone to commit or to plan to commit a crime or a tort, or to escape detection or apprehension after the commission of a crime or a tort.

(g) A privilege under this section as to a communication is terminated if the judge finds that any person while a holder of the privilege has caused the physician or any agent or servant of the physician to testify in any action to any matter of which the physician or the physician's agent or servant gained knowledge through the communication.

(h) Providing false information to a physician for the purpose of obtaining a prescription-only drug shall not be a confidential communication between physician and patient and no person shall have a privilege in any prosecution for unlawfully obtaining or distributing a prescription-only drug under K.S.A. 2020 Supp. 21-5708, and amendments thereto.

Sec. 7. K.S.A. 65-1,107 is hereby amended to read as follows: 65-1,107. The secretary of health and environment may adopt rules and regulations establishing:

(a) The procedures, testing protocols and qualifications of authorized personnel, instruments and methods used in laboratories performing tests for the presence of controlled substances included in schedule I or II of the uniform controlled substances act or metabolites thereof;

(b) the procedures, testing protocols, qualifications of personnel and standards of performance in the testing of human breath for law enforcement purposes, including procedures for the periodic inspection of apparatus, equipment and devices, other than preliminary screening devices, approved by the secretary of health and environment for the testing of human breath for law enforcement purposes;

(c) the requirements for the training, certification and periodic testing of persons who operate apparatus, equipment or devices, other than preliminary screening devices, for the testing of human breath for law enforcement purposes;

(d) criteria for preliminary screening devices for testing of breath for law enforcement purposes, based on health and performance considerations; and

(e) a list of preliminary screening devices which are approved for testing of breath for law enforcement purposes and which law enforcement agencies may purchase and train officers to use as aids in determining:

(1) Probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001, and amendments thereto, or section 3, and amendments thereto; and

(2) violations of K.S.A. 41-727, and amendments thereto.

Sec. 8. K.S.A. 75-712h is hereby amended to read as follows: 75-712h. The director of the Kansas bureau of investigation is authorized to adopt rules and regulations establishing:

(a) Criteria for preliminary screening devices for testing of oral fluid for law enforcement purposes, based on health and performance considerations; and

(b) a list of preliminary screening devices that are approved for testing of oral fluid for law enforcement purposes and that law enforcement agencies may purchase and train officers to use as aids in determining probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001, and amendments thereto, or section 3, and amendments thereto.";

Also on page 7, in line 28, by striking "and" and inserting a comma; also in line 28, after "3-1005" by inserting ", 65-1,107 and 75-712h and K.S.A. 2020 Supp. 22-3437 and 60-427";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "amending K.S.A. 65-1,107 and 75-712h and K.S.A. 2020 Supp. 22-3437 and 60-427 and repealing the existing sections; also"; and the bill be passed as amended.

Committee on **Social Services Budget** recommends **HB 2250** be passed.

Committee on **Taxation** recommends **HB 2239** be amended on page 1, in line 7, after "(a)" by inserting "(1) (A)"; also in line 7, by striking "beginning"; in line 8, by striking all before "prior"; in line 12, after the period by inserting:

"(B)";

Also on page 1, in line 16, by striking all after "forward"; in line 17, by striking all before the period; also in line 17, after the period by inserting:

"(2)";

Also on page 1, in line 23, after the period by inserting:

"(3)"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 33** be passed.

Committee on **Transportation** recommends **HB 2263** be amended on page 9, in line 25, by striking "and" and inserting a comma; also in line 25, after "paths" by inserting ", trails or trail networks"; in line 26, by striking all after "(2)"; by striking all in lines 27 through 29; in line 30, by striking all before the period and inserting "This subsection shall not be construed to prevent a city, through the exercise of its home rule powers, from adopting an ordinance governing the operation of electric-assisted bicycles on streets, highways, roadways, sidewalks or sidewalk areas under the city's jurisdiction, or to prevent a municipality, county or agency of the state having jurisdiction over a bicycle or multi-use path, trail or trail network from restricting or prohibiting the operation of an electric-assisted bicycle or a specific class of electric-assisted bicycle on

a bicycle or multi-use path, trail or trail network"; in line 31, by striking all after "(3)"; by striking all in lines 32 and 33; in line 34, by striking "(4) This"; also in line 34, after "subsection" by inserting "(g)(1)"; and the bill be passed as amended.

#### REPORT OF STANDING COMMITTEE

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

**Request No. 16**, by Representative Ron Ryckman, recognizing JAG-K Day at the Capitol, February 24, 2021.

**Request No. 17**, by Representative Doug Blex, honoring Danny Scott, President of Caney Betterment Group.

**Request No. 18**, by Representative Barbara W. Ballard, honoring the memory of Leonard H. Monroe, Black History Month Honoree.

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

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

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 bill was introduced and read by title:

**HB 2424**, AN ACT concerning the Kansas act against discrimination; relating to race; including hair texture and protective hairstyles historically associated with race; amending K.S.A. 44-1015 and K.S.A. 2020 Supp. 44-1002 and repealing the existing sections, by Committee on Federal and State Affairs.

#### COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Sawyer to replace Rep. Wolfe Moore on Committee on General Government Budget on February 25, 2021.

Also, the appointment of Rep. Highland to replace Rep. Corbet on Committee on Appropriations on February 26, 2021.

Also, the appointment of Rep. Lynn to replace Rep. Francis on Committee on Appropriations on February 26, 2021.

#### REPORT ON ENGROSSED BILLS

**HB 2052, HB 2078, HB 2093, HB 2136** reported correctly engrossed February 24, 2021.

On motion of Rep. Hawkins the House adjourned pro forma until 8:30 a.m. on Friday, February 26, 2021.

JENNY HAUGH, JULIA WERNER, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

