

# Journal of the House

## TWENTY-EIGHTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, February 21, 2019, 11:00 a.m.

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

The roll was called with 117 members present.

Reps. Bishop, Carmichael, Lewis and Victors were excused on verified illness.

Rep. Francis was excused on legislative business.

Reps. Barker, Helmer and Vickrey were excused on excused absence by the Speaker.

Prayer by guest chaplain, Rev. Keith Hines, Associate Minister, St. James Missionary Baptist Church, Wichita, and guest of Rep. Finney:

Dear Heavenly Father!!!

Lord you have been our dwelling Place in all Generations , before the mountains were brought forth, or ever you had formed the earth and the world, from everlasting to everlasting you are God. Psalms 90: 1-2

We need you now more than we've ever needed you before. I ask you to Bless this August body with your wisdom to fit these challenging times. Help our Legislators that are here today to start a fresh sense of urgency. We are conscious of our Inadequacies to sit in the seat of Judgment. To balance the scales of Justice, and to respond with equity. To the multiple calls of Humanity, we pray your guidance, support and direction, and in the words of Abraham Lincoln to honor the soldiers that sacrificed their lives in order that " Government of the people, by the people, for the people, shall not perish from the earth."

I pray your richest Blessing upon this Kansas House of Representatives and The Officers of the state of Kansas, this your servant prayer In Jesus name I ask Amen.

If my people, which are called by my name shall humble themselves, and pray and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sins and will heal their land. 2 Chronicles 7:14

The Pledge of Allegiance was led by Rep. Waggoner.

**INTRODUCTION OF GUESTS**

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

Afterschool, before-school and summer learning opportunities help keep Kansas youth safe, inspire them to learn and support working families.

Afterschool and summer learning programs prepare young people for the jobs of tomorrow by helping them build the skills they need to succeed in the workplace, and give parents peace of mind, because they know their kids are safe, learning and having fun.

More than 70,000 students in Kansas participate in afterschool programs, yet 132,000 more would participate in a program if one were available. For every one student enrolled in a program, two are waiting to get in. This increases in rural areas: for every one student enrolled, three are waiting to get into a program.

Investing in these programs will help build Kansas' future workforce and ensure that our businesses can succeed and grow.

Kansas Regional Afterschool Ambassadors here with me today are working hard to create and sustain these wonderful out of school opportunities for youth in their communities.

The guests here today are the talented staff and students benefited by these programs. Please visit their booth today on the 2<sup>nd</sup> floor to learn more about the Kansas Enrichment Network and meet these wonderful Afterschool Ambassadors and youth they serve.

Please join me in thanking them for the work they do in our Kansas communities.

**INTRODUCTION OF GUESTS**

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

Today it is my honor to recognize the Fort Hays State University Shotgun team for winning the 2018 Scholastic Clay Target Program College Division II National Championship held recently in Marengo, Ohio. They also placed high across all Divisions, led by Coach Dr. Duane Shepherd. Individuals recognized with high overall scores in the male division were Austin Svoboda with 588 points out of 600 and in the female division Heather Gordon with 544 points out of 600. The team also earned 1<sup>st</sup> place in trap with 988 out of 1,000; 1<sup>st</sup> place in skeet with 989 out of 1000; and tied for 1<sup>st</sup> place in sporting clays with 919 out of 1,000. Individual honors were: Jenny Schoenecker 1<sup>st</sup> in ladies sporting clays; Heather Gordon 2<sup>nd</sup> in ladies skeet; Austin Svoboda 1<sup>st</sup> in trap, 2<sup>nd</sup> in skeet, and 3<sup>rd</sup> in sporting clays; Jake Whipple 2<sup>nd</sup> in skeet and Riley Ross 3<sup>rd</sup> in trap. Additional honors earned HOA at the FHSU Collegiate Shoot; the Five State Prairie Circuit Conference Championship; the Bulldog Invitational - Concordia University, Nebraska; the Bronco Invitational - Hastings College, Nebraska; and the ACUI Super Shoot in Tillar, Arkansas. Super Shoots consist of both American and Olympic events.

They also earned HOA honors at the ACUI Lower East Coast Conference

Championship held Feb. 2<sup>nd</sup> and 3<sup>rd</sup>, 2019.

Team members include Brock Burton, Blake Craig, Josh Crankshaw, Katie Dettmann, Will Duloher, Gus Dunbar, Cody Escritt, Heather Gordon, Luke Heinzen, Colton Lashley, Jerrod Lies, Hank McVeigh, Keegan Morgan, Wyatt Pursell, Riley Ross, Michael Saint, Jenny Schoenecker, Hunter Secrest, Lane Sorensen, Ryan St. Peters, Austin Svoboda, Cordell Waggoner, Jake Whipple, Cole Ziegelmeier, Jay Ziegelmeier, Haily Zulkoski along with Coach Duane Shepherd. Honoring them today is the President of Fort Hays State University, Dr. Tisa Mason.

Rep. Wasinger presented the team with a framed House certificate in honor of their achievements.

### **INTRODUCTION OF GUESTS**

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

I would like to invite any legislator that is a member of the Kansas African American Legislative Caucus to join me.

On behalf of the Kansas African American Legislative Caucus and the Kansas Quad-Caucus, in cooperation with the Black Leadership Council, in honor of Kansas Black Legislative Day - I would like to extend a warm, heartfelt welcome to the Kansas Black Farmers Association, the NAACP Youth, the Delta Sigma Theta Sorority, the Alpha Kappa Alpha Sorority, and the Kansas African American Affairs Commission. Please join me in welcoming them to the Kansas House of Representatives.

Today, I would like to honor them for their strong leadership and advocacy for our communities. They will be visiting with legislators later today, and I hope my colleagues will be available.

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

The following bill was introduced and read by title:

**HB 2386**, AN ACT concerning taxation; relating to the local ad valorem tax reduction fund; distribution to political subdivisions; amending K.S.A. 2018 Supp. 79-2959 and repealing the existing section, by Committee on Taxation.

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

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

Appropriations: **HB 2382**, **HB 2383**.

Federal and State Affairs: **HB 2385**, **HCR 5009**.

Taxation: **HB 2384**.

### **MESSAGES FROM THE SENATE**

Announcing passage of **SB 17**, **SB 25**, **SB 28**, **SB 32**, **SB 40**, **SB 41**, **SB 66**.

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

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

**SB 17**, **SB 25**, **SB 28**, **SB 32**, **SB 40**, **SB 41**, **SB 66**

**CONSENT CALENDAR**

No objection was made to **HB 2201** appearing on the Consent Calendar for the first day.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2087**, AN ACT concerning motor vehicles; relating to windshields and windows; installation of light screening material; amending K.S.A. 2018 Supp. 8-1749a and repealing the existing section, was considered on final action.

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

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

Nays: Frownfelter.

Present but not voting: None.

Absent or not voting: Barker, Bishop, Carmichael, Francis, Helmer, Lewis, Vickrey, Victors.

The bill passed, as amended.

**HB 2097**, AN ACT concerning county jails; relating to cost of keeping civil prisoners; amending K.S.A. 19-1909 and repealing the existing section, was considered on final action.

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

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

Nays: Ward.

Present but not voting: None.

Absent or not voting: Barker, Bishop, Carmichael, Francis, Helmer, Lewis, Vickrey, Victors.

The bill passed.

**HB 2104**, AN ACT concerning driving under the influence; relating to testing; notice; preliminary screening; amending K.S.A. 2018 Supp. 8-1001, 8-1012, 8-2118 and 75-712h and repealing the existing sections; also repealing K.S.A. 2018 Supp. 8-1025, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 8.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Barker, Bishop, Carmichael, Francis, Helmer, Lewis, Vickrey, Victors.

The bill passed, as amended.

**HB 2105**, AN ACT concerning business entities; relating to limited liability companies; Kansas revised limited liability company act; business entity standard treatment act; amending K.S.A. 17-76,135 and 17-76,138 and K.S.A. 2018 Supp. 17-7662, 17-7663, 17-7673, 17-7675, 17-7675, as amended by section 16 of this act, 17-7679, 17-7679, as amended by section 18 of this act, 17-7680, 17-7680, as amended by section 20 of this act, 17-7681, 17-7687, 17-7689, 17-7690, 17-7695, 17-7698, 17-76,106, 17-76,112, 17-76,113, 17-76,114, 17-76,116, 17-76,118, 17-76,136, 17-76,136, as amended by section 35 of this act, 17-76,139, 17-76,143, 17-76,145, 17-76,146, 17-7904, 17-7904, as amended by section 42 of this act, 17-7915, 17-7916, 17-7918, 17-7923, 17-7929, 17-7933, 60-304, 84-1-201 and 84-9-102 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alcalá, Amyx, Arnberger, Averkamp, Baker, Ballard, Benson, Bergquist, Blex, Burris, Burroughs, Capps, Carlin, Carlson, B. Carpenter, W. Carpenter, Claey's, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland,

Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rajhes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Barker, Bishop, Carmichael, Francis, Helmer, Lewis, Vickrey, Victors.

The bill passed.

**HB 2125**, AN ACT concerning drivers' licenses; relating to the operation of a motor vehicle; requiring licensees to promptly deliver driver's license upon demand; amending K.S.A. 8-244 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 2; Present but not voting: 0; Absent or not voting: 8.

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

Nays: Houser, Pittman.

Present but not voting: None.

Absent or not voting: Barker, Bishop, Carmichael, Francis, Helmer, Lewis, Vickrey, Victors.

The bill passed.

**HB 2127**, AN ACT concerning motor vehicles; relating to trucks and truck tractors; eliminating requirement to mark certain vehicles; amending K.S.A. 2018 Supp. 8-143e and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alcalá, Amyx, Arnberger, Averkamp, Baker, Ballard, Benson, Bergquist, Blex, Burris, Burroughs, Capps, Carlin, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland,

Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Barker, Bishop, Carmichael, Francis, Helmer, Lewis, Vickrey, Victors.

The bill passed.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **SB 9** be passed.

Committee report to **HB 2085** be adopted; and the bill be passed as amended.

Committee report to **HB 2007** be adopted.

Also, on motion of Rep. Blake Carpenter, to amend **HB 2007**, Rep. Frownfelter requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane.

Also, on further motion of Rep. Blake Carpenter to amend **HB 2007**, the motion was withdrawn, and **HB 2007** be passed as amended.

**HB 2071** be passed over and retain a place on the calendar.

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

Committee report to **HB 2119** be adopted; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2215** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2147**, **HB 2174** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2073** be amended on page 1, in line 10, by striking all after "(1)"; by striking all in line 11; in line 12, by striking "(2)"; in line 33, by striking "or (a)(2)"; in line 35, after "subsection" by inserting "(a)(2) or"; also in line 35, by striking "or (a)(4)";

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

Committee on **Corrections and Juvenile Justice** recommends **HB 2208** be amended on page 7, following line 8, by inserting:

"Sec. 3. K.S.A. 2018 Supp. 22-4906 is hereby amended to read as follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted of any of the following offenses, an offender's duration of registration shall be, if confined, 15 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 15 years from the date of conviction:

(A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2018 Supp. 21-5505(a), and amendments thereto;

(B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 2018 Supp. 21-5511, and amendments thereto, when one of the parties involved is less than 18 years of age;

(C) promoting the sale of sexual relations, as defined in K.S.A. 2018 Supp. 21-6420, and amendments thereto;

(D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or K.S.A. 2018 Supp. 21-6421, prior to its amendment by section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, when one of the parties involved is less than 18 years of age;

(E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2018 Supp. 21-5513, and amendments thereto, when one of the parties involved is less than 18 years of age;

(F) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2018 Supp. 21-5401, and amendments thereto;

(G) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2018 Supp. 21-5402, and amendments thereto;

(H) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2018 Supp. 21-5403, and amendments thereto;

(I) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2018 Supp. 21-5404, and amendments thereto;

(J) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2018 Supp. 21-5405(a)(1), (a)(2) or (a)(4), and amendments thereto;

(K) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2018 Supp. 21-5411, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age;

(L) sexual extortion, as defined in section 1, and amendments thereto, when one of the parties involved is less than 18 years of age;

(M) any act which has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved nonforcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;

~~(N)~~(N) conviction of any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act;

~~(O)~~(O) conviction of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;

~~(P)~~(P) unlawful manufacture or attempting such of any controlled substance or controlled substance analog, as defined in K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2018 Supp. 21-5703, and amendments thereto;

~~(Q)~~(Q) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal,



sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance, as defined by K.S.A. 65-7006(a), prior to its repeal, K.S.A. 2010 Supp. 21-36a09(a), prior to its transfer, or K.S.A. 2018 Supp. 21-5709(a), and amendments thereto;

~~(Q)~~(R) K.S.A. 65-4161, prior to its repeal, K.S.A. 2010 Supp. 21-36a05(a)(1), prior to its transfer, or K.S.A. 2018 Supp. 21-5705(a)(1), and amendments thereto; or

~~(R)~~(S) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2018 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 15 years from the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.

(b) (1) Except as provided in subsection (c), if convicted of any of the following offenses, an offender's duration of registration shall be, if confined, 25 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 25 years from the date of conviction:

(A) Criminal sodomy, as defined in K.S.A. 21-3505(a)(1), prior to its repeal, or K.S.A. 2018 Supp. 21-5504(a)(1) or (a)(2), and amendments thereto, when one of the parties involved is less than 18 years of age;

(B) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or K.S.A. 2018 Supp. 21-5508(a), and amendments thereto;

(C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, or K.S.A. 2018 Supp. 21-5509, and amendments thereto;

(D) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2018 Supp. 21-5604(b), and amendments thereto;

(E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or K.S.A. 2018 Supp. 21-5506(a), and amendments thereto;

(F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 2018 Supp. 21-5512, and amendments thereto;

(G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2018 Supp. 21-5510, and amendments thereto, if the victim is 14 or more years of age but less than 18 years of age;

(H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2018 Supp. 21-5505(b), and amendments thereto;

(I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2018 Supp. 21-6420, prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the person selling sexual relations is 14 or more years of age but less than 18 years of age; or

(J) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2018 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 25 years from

the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.

(c) Upon a second or subsequent conviction of an offense requiring registration, an offender's duration of registration shall be for such offender's lifetime.

(d) The duration of registration for any offender who has been convicted of any of the following offenses shall be for such offender's lifetime:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2018 Supp. 21-5503, and amendments thereto;

(2) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or K.S.A. 2018 Supp. 21-5508(b), and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or K.S.A. 2018 Supp. 21-5506(b), and amendments thereto;

(4) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or K.S.A. 2018 Supp. 21-5504(a)(3) or (a)(4), and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2018 Supp. 21-5504(b), and amendments thereto;

(6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 2018 Supp. 21-5426(b), and amendments thereto;

(7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2018 Supp. 21-5510, and amendments thereto, if the victim is less than 14 years of age;

(8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2018 Supp. 21-6420, prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the person selling sexual relations is less than 14 years of age;

(9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or K.S.A. 2018 Supp. 21-5408(a), and amendments thereto;

(10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or K.S.A. 2018 Supp. 21-5408(b), and amendments thereto;

(11) commercial sexual exploitation of a child, as defined in K.S.A. 2018 Supp. 21-6422, and amendments thereto; or

(12) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2018 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(e) Any person who has been declared a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall register for such person's lifetime.

(f) Notwithstanding any other provisions of this section, for an offender less than 14 years of age who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, the court shall:

(1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the

offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration;

(2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or

(3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the conditional release, the court may require such offender to register pursuant to paragraph (1).

(g) Notwithstanding any other provisions of this section, for an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such crime is not an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2018 Supp. 21-6804, and amendments thereto, the court shall:

(1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration;

(2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or

(3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the conditional release, the court may require such offender to register pursuant to paragraph (1).

(h) Notwithstanding any other provisions of this section, an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in K.S.A. 22-4902(c), and amendments thereto, and such crime is an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2018 Supp. 21-6804, and amendments thereto, shall be required to register for such offender's lifetime.

(i) Notwithstanding any other provision of law, if a diversionary agreement or probation order, either adult or juvenile, or a juvenile offender sentencing order, requires registration under the Kansas offender registration act for an offense that would not otherwise require registration as provided in K.S.A. 22-4902(a)(5), and amendments

thereto, then all provisions of the Kansas offender registration act shall apply, except that the duration of registration shall be controlled by such diversionary agreement, probation order or juvenile offender sentencing order.

(j) The duration of registration does not terminate if the convicted or adjudicated offender again becomes liable to register as provided by the Kansas offender registration act during the required period of registration.

(k) For any person moving to Kansas who has been convicted or adjudicated in an out-of-state court, or who was required to register under an out-of-state law, the duration of registration shall be the length of time required by the out-of-state jurisdiction or by the Kansas offender registration act, whichever length of time is longer. The provisions of this subsection shall apply to convictions or adjudications prior to June 1, 2006, and to persons who moved to Kansas prior to June 1, 2006, and to convictions or adjudications on or after June 1, 2006, and to persons who moved to Kansas on or after June 1, 2006.

(l) For any person residing, maintaining employment or attending school in this state who has been convicted or adjudicated by an out-of-state court of an offense that is comparable to any crime requiring registration pursuant to the Kansas offender registration act, but who was not required to register in the jurisdiction of conviction or adjudication, the duration of registration shall be the duration required for the comparable offense pursuant to the Kansas offender registration act.";

Also on page 7, in line 9, by striking "is" and inserting "and 22-4906 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "22-4902" by inserting "and 22-4906"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Financial Institutions and Pensions** recommends **HB 2140** be passed.

Committee on **Financial Institutions and Pensions** recommends **HB 2031** be amended on page 3, in line 5, by striking "(a)"; in line 9, by striking all after "from"; by striking all in lines 10 through 43;

On page 4, by striking all in lines 1 through 15; in line 16, by striking all before the period and inserting "a heart disease, contraction of a bloodborne pathogen as provided in this subsection or disease of the lung or respiratory tract or cancer, including, but not limited to, cancer of the brain, skin, digestive system, hematological system or genitourinary system as provided in this subsection, except that in the event that the member ceases to be a contributing member by reason of a service-connected disability for a period of six months or more and then again becomes a contributing member, the provision relating to death or disability resulting from a heart disease, contraction of a bloodborne pathogen as provided in this subsection, disease of the lung or respiratory tract or cancer as provided in this subsection shall not apply until such member has again become a contributing member for a period of not less than two years or unless clear and precise evidence is presented that the heart disease, contraction of a bloodborne pathogen as provided in this subsection, disease of the lung or respiratory tract or cancer as provided in this subsection was in fact occasioned by an act of duty as a policeman or fireman. If the retirement system receives evidence to the contrary of such presumption, the burden of proof shall be on the member or other party to present evidence that such death or disability was service-connected. The provisions of this section relating to the presumption that the death or disability resulting from cancer was

service-connected shall only apply if the condition that caused the death or disability is a type of cancer that may, in general, result from exposure to heat, radiation or a known carcinogen. For purposes of this subsection, "bloodborne pathogen" includes any disease that is present in human blood and is designated as infectious or contagious by the secretary of health and environment through rules and regulations adopted pursuant to K.S.A. 65-128, and amendments thereto"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2177**, **HB 2209** be passed.

Committee on **Judiciary** recommends **HB 2162**, **HB 2191**, **HB 2206**, **HB 2211**, **HB 2281** be passed.

Committee on **Local Government** recommends **HB 2135** be passed.

Committee on **Local Government** recommends **HB 2239** be amended on page 2, in line 24, after the period by inserting "The licensee shall prominently display a copy of its drinking establishment license and the approval of the common consumption area permit holder at its noncontiguous service area."; and the bill be passed as amended.

Committee on **Veterans and Military** recommends **HB 2353** be passed.

Committee on **Veterans and Military** recommends **HB 2365** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

## COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Finch announced the appointment of Rep. B. Carpenter to replace Rep. Barker on Committee on Health and Human Services on February 21, 2019.

Also, the appointment of Rep. Rahjes to replace Rep. Vickrey on Committee on Education on February 21, 2019.

Also, the appointment of Rep. Humphries to replace Rep. Concannon on Committee on Appropriations on February 22, 2019.

Also, the appointment of Rep. Winn to replace Rep. Victors on Committee on Transportation on February 21, 2019.

Also, the appointment of Rep. Amyx to replace Rep. Carmichael on Committee on Corrections and Juvenile Justice on February 21, 2019.

Also, the appointment of Rep. Woodard to replace Rep. Carmichael on Committee on Judiciary on February 21, 2019.

## REPORT ON ENGROSSED BILLS

**HB 2087**, **HB 2104** reported correctly engrossed February 20, 2019.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Friday, February 22, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

