

Journal of the House

TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 18, 2020, 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. Corbet was excused on verified illness.

Excused later: Rep. Landwehr.

Prayer by Chaplain Brubaker,

Heavenly Father,
We read in Your Word that,
“where there is no vision the people perish –
but blessed is the one that heeds instruction.”
Forgive us when we seek after our own limited human vision,
rather than seeking after Yours.
Only when we come to an understanding
of Your purposes and vision for our state,
can we in honesty and humility seek
Godly wisdom and vision.
Give each one a new vision
for what You want to see in this legislative body
and for the people of this great state of Kansas.
Give each one a vision of the person You want them to be
and guide them in working as a body of one.
This I pray in Your Son’s Name,
Amen.

The Pledge of Allegiance was led by Rep. Clayton.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Schreiber, **HR 6035**, by Reps. Schreiber and Highland, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6035**—

By Representatives Schreiber and Highland

HR 6035—A RESOLUTION recognizing September as Childhood Cancer Awareness Month.

WHEREAS, In 1990, President George H.W. Bush initially proclaimed October as National Awareness Month for Children with Cancer; and

WHEREAS, In 2010, President Barack Obama proclaimed September as National Childhood Cancer Awareness Month, and in 2019, President Donald Trump proclaimed September as National Childhood Cancer Awareness Month; and

WHEREAS, September 9, 2020, is All-Gold Day, a day to wear gold to bring awareness to childhood cancer; and

WHEREAS, Childhood cancer remains the leading cause of death by disease for children under the age of 15; and

WHEREAS, Every day, 46 children are diagnosed with cancer, and every day, seven of these children die; and

WHEREAS, One child in 330 children will develop cancer by age 20, and for these children, the side effects of cancer treatment can last a lifetime; and

WHEREAS, Childhood cancer kills more children than do cystic fibrosis, pediatric acquired immunodeficiency syndrome and asthma, combined; and

WHEREAS, Many children battle cancer on a daily basis, yet most people are unaware of this reality or that September is childhood cancer awareness month; and

WHEREAS, Americus school's eighth grade class is dedicated to bringing awareness to childhood cancer and supports those affected by childhood cancer; and

WHEREAS, In 2014, the Never Let Go Foundation was established to provide financial assistance to Lyon County families affected by childhood cancer; and

WHEREAS, In 2016, following the success in Lyon County, the Never Let Go Foundation expanded its program to the counties of Chase, Morris, Wabaunsee, Osage, Coffey and Greenwood; and

WHEREAS, Like the Never Let Go Foundation, there are other organizations committed to raising public awareness, providing aid and empowering individuals and families impacted by childhood cancer: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize September as Childhood Cancer Awareness Month; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative Schreiber.

INTRODUCTION OF GUESTS

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

Colleagues, today I want to introduce you to members of the 8th grade class in Americus, USD 251 North Lyon County, their teacher J.D. Chanley, Sadie Bathurst, Bethany DeDonder, Lilly Parks, Preston Patton and Austin Woodrow...and two people who initiated a charitable fund called the Never Let Go Fund, Sandy Knight and Krystee Pearson.

These students and their classmates demonstrated a real community spirit when it decided to raise funds for children with cancer in the Lyon County area. As seventh graders they raised about \$900 and now as 8th graders they raised more than \$2000 which they give to the Never Let Go fund.

This fund was started by Sandy Knight after her son, Adrian, passed away from childhood cancer...9 years ago today. The fund has grown tremendously over those years and now supports many families who must travel with their sick children to distant medical centers for treatment.

One quick story about the class's efforts in raising money. They held penny wars in their school whereby students would place pennies in a jar at the school for whichever class they wanted to win the contest for raising the most money. The local bank in Americus soon called the school to politely ask the students to start using nickels, dimes or quarters as they were running out of pennies!

So please help me recognize this 8th grade class and Sandy Knight and her sister Krystee Pearson for their vision and commitment to raising awareness and support for those with childhood cancer.

On motion of Rep. Ryckman, the House resolved into the Committee of the Whole, with Rep. Kelly in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2420** be adopted; and the bill be passed as amended.

Committee report to **HB 2454** be adopted.

Also, on motion of Rep. Probst to amend **HB 2454**, the motion did not prevail and the bill be passed as amended.

Committee report to **HB 2448** be adopted.

Also, on motion of Rep. Hodge to amend **HB 2448**, Rep. Jennings requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Rep. Hodge challenged the ruling of the Rules Chair.

Roll call was demanded on Rep. Hodge's challenge of the ruling of the Rules Chair, the question being "Shall the Rules Chair be sustained?"

On roll call, the vote was: Yeas 82; Nays 40; Present but not voting: 0; Absent or not voting: 3.

Yeas: Arnberger, Awerkamp, Baker, Barker, Bergquist, Blex, Burris, Capps, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Concannon, Cox, Croft, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Frownfelter, Garber, Hawkins, Helmer, Highland, Hineman, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Long, Lynn, Mason, Mastroni, Moore, Newland, Orr, Owens, Pannbacker, F. Patton, Phillips, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Schreiber, Seiwert, Smith, A., Smith, E., Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Wheeler, K. Williams.

Nays: Alcalá, Amyx, Ballard, Benson, Bishop, Burroughs, Carlin, Carmichael, Clayton, Curtis, Finney, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Pittman, Probst, Ruiz, L., Ruiz, S., Sawyer, Stogsdill, Victors, Ward, Warfield, Weigel, Winn, Wolfe Moore, Woodard, Xu, Yeager.

Present but not voting: None.

Absent or not voting: Corbet, Landwehr, Samsel.

The Rules chair was sustained and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2462** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2496, HB 2518** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2474** be amended on page 13, in line 6, by striking all after "reside"; in line 7, by striking all before the period; in line 18, by striking the comma; in line 19, by striking all before the semicolon; in line 22, by striking "maintains employment or is attending a school,";

On page 15, in line 7, by striking all after "resides"; in line 8, by striking all before the period; in line 13, by striking ", maintains employment or is attending school";

On page 16, following line 13, by inserting:

"Sec. 6. K.S.A. 2019 Supp. 22-4907 is hereby amended to read as follows: 22-4907. (a) Registration as required by the Kansas offender registration act shall consist of a form approved by the Kansas bureau of investigation, which shall include a statement that the requirements provided in this section have been reviewed and explained to the offender, and shall be signed by the offender and, except when such reporting is conducted by certified letter as provided in ~~subsection (b) of K.S.A. 22-4905(b)~~, and amendments thereto, witnessed by the person registering the offender. Such registration form shall include the following offender information:

- (1) Name and all alias names;
- (2) date and city, state and country of birth, and any alias dates or places of birth;
- (3) title and statute number of each offense or offenses committed, date of each conviction or adjudication and court case numbers for each conviction or adjudication;
- (4) city, county, state or country of conviction or adjudication;
- (5) sex and date of birth or purported age of each victim of all offenses requiring registration;
- (6) current residential address, any anticipated future residence and any temporary lodging information including, but not limited to, address, telephone number and dates of travel for any place in which the offender is staying for seven or more days; and, if transient, the locations where the offender has stayed and frequented since last reporting for registration;
- (7) all telephone numbers at which the offender may be contacted including, but not limited to, all mobile telephone numbers;
- (8) social security number, and all alias social security numbers;
- (9) identifying characteristics such as race, ethnicity, skin tone, sex, age, height, weight, hair and eye color, scars, tattoos and blood type;
- (10) occupation and name, address or addresses and telephone number of employer or employers, and name of any anticipated employer and place of employment;
- (11) all current driver's licenses or identification cards, including a photocopy of all such driver's licenses or identification cards and their numbers, states of issuance and expiration dates;
- (12) all vehicle information, including the license plate number, registration number and any other identifier and description of any vehicle owned or operated by the offender, or any vehicle the offender regularly drives, either for personal use or in the course of employment, and information concerning the location or locations such vehicle or vehicles are habitually parked or otherwise kept;
- (13) license plate number, registration number or other identifier and description of

any aircraft or watercraft owned or operated by the offender, and information concerning the location or locations such aircraft or watercraft are habitually parked, docked or otherwise kept;

(14) all professional licenses, designations and certifications;

(15) documentation of any treatment received for a mental abnormality or personality disorder of the offender; for purposes of documenting the treatment received, registering law enforcement agencies, correctional facility officials, treatment facility officials and courts may rely on information that is readily available to them from existing records and the offender;

(16) a photograph or photographs;

(17) fingerprints and palm prints;

(18) any and all schools and satellite schools attended or expected to be attended and the locations of attendance and telephone number;

(19) any and all: E-mail addresses; online identities used by the offender on the internet; information relating to membership in any and all personal web pages or online social networks; and internet screen names;

(20) all travel and immigration documents; and

(21) name and telephone number of the offender's probation, parole or community corrections officer.

(b) The offender shall provide biological samples for DNA analysis to the registering law enforcement agency as required by K.S.A. 21-2511, and amendments thereto. The biological samples shall be in the form using a DNA databank kit authorized by the Kansas bureau of investigation. The registering law enforcement agency shall forward such biological samples to the Kansas bureau of investigation. Prior to taking such sample, the registering law enforcement agency shall search the Kansas criminal justice information system to determine if such person's DNA profile is currently on file. If such person's DNA profile is on file with the Kansas bureau of investigation, the registering law enforcement agency is not required to take biological samples.

(c) If an offender reports an employer pursuant to subsection (a)(10) or a school pursuant to subsection (a)(18) that is in a county other than the county in which the offender resides or intends to reside, the Kansas bureau of investigation shall notify the sheriff of the county in which the employer or school is located of the registration information for such offender.;

Also on page 16, in line 14, by striking "and" and inserting a comma; also in line 14, after "22-4905" by inserting "and 22-4907";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "registration locations; information required to register;"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "22-4905" by inserting "and 22-4907"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2475** be amended on page 7, by striking all in lines 19 through 43;

By striking all on page 8;

On page 9, by striking all in lines 1 through 16; in line 17, by striking "and 22-4909 are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "law enforcement access" and inserting "length of registration"; in line 3, by striking "and 22-4909"; also in line 3, by striking "sections" and inserting "section"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2547** be amended on page 2, in line 1, after "(b)" by inserting "(1) Except as provided by paragraph (2),";

Also on page 2, following line 6, by inserting:

"(2) For any person found guilty of driving a vehicle while the license of such person is suspended for violating K.S.A. 8-2110, and amendments thereto, the suspension or revocation shall not be extended for any additional time pursuant to paragraph (1)."; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2479** 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 **Insurance** recommends **HB 2480** 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 **Taxation** recommends **HB 2441** be amended on page 1, following line 13, by inserting:

"Sec. 2. K.S.A. 12-1684 is hereby amended to read as follows: 12-1684. Except as otherwise provided in ~~subsection (b) of K.S.A. 12-1688(b), and amendments thereto,~~ and before a community historical museum may be established and operated as provided by K.S.A. 12-1681 and 12-1682, and amendments thereto, a petition signed by at least ~~five percent (5%)~~ of the qualified and registered voters of the city or school district shall be filed with the clerk thereof, requesting the governing body of the city or school district to provide, establish, maintain and conduct a community historical museum and to levy an annual tax therefor not to exceed one-~~(1)~~ mill, whereupon it shall be the duty of the governing body of the city or school district to ~~cause such question to be submitted to the qualified voters thereof to be voted upon at the next regular or special election of the city or school district to be held more than thirty (30) days after the filing of such petition evaluate the sustainability of the proposed museum.~~ Upon a finding that the proposed funding is sufficient to meet the requirements and purpose of K.S.A. 12-1681 through 12-1691, and amendments thereto, and that the proposed museum is in the best interest of the city or school board, the governing body of the city or school board shall cause such question to be submitted to the qualified voters thereof to be voted upon at the next regular or special election of the city or school district to be held more than 30 days after the filing of such petition.

Sec. 3. K.S.A. 12-1688 is hereby amended to read as follows: 12-1688. (a) Except as otherwise provided in ~~subsection (b) of this section,~~ when the provisions of this act shall have been adopted by an election, the commission shall annually, and not later than 20 days prior to the date for the publishing of the budget of such city or school district, certify its budget to such city or school district, which shall levy a tax sufficient to raise the amount required by such budget, but in no event more than one mill or the amount set out in the petition provided for in K.S.A. 12-1684, and amendments thereto, except that, when such petition shall have been submitted to a city and school district jointly such budget shall be certified to the city or school district, whichever shall be the larger in population, and the tax levied by such city or school district. After three years'

operation the authority to levy the tax provided for in this section may be revoked by a majority of the electors voting at an election called in the same manner as the election authorizing the same. Upon such revocation all property and money belonging to such commission shall become the property of the city or school district levying the tax under this section.

(b) After any city or school district has begun to operate such a museum, it appearing to the satisfaction of the museum commission of a particular school district or city or of a city and school district jointly, that the budget should be increased so as to adequately meet the needs of the city or school district, such museum commission may submit a proposed program with the budget for carrying out the same to the levying authority ~~which that~~ may then levy a tax sufficient to raise the amount required by the expanded budget, but not to exceed one mill, which levy shall be in addition to the one mill authorized by subsection (a) ~~of this section~~.

~~(c)~~ No city or school district authorized to increase its levy under subsection (b) ~~of this section~~ shall make such increased levy until the question of making such tax levy is submitted to the qualified electors of the city or school district at the next general election or at a special election called for such purpose. Any special election held under the provisions of subsection (b) ~~of this section~~ shall be called and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto. If a majority of the votes cast and counted on the question submitted at such election are in favor of such tax, ~~the same such tax~~ may be ~~made~~ levied, but if a majority of the votes cast and counted on the question submitted at such election are not in favor thereof, such tax may not be levied.

(d) (1) In lieu of forming a new museum, when presented with a petition for the formation of a museum pursuant to K.S.A. 12-1681 through 12-1691, and amendments thereto, the governing body of the city or school district may evaluate if there are any local museums that would serve the purposed function.

(2) If there is an existing local museum that would fulfill the purpose of K.S.A. 12-1681 through 12-1691, and amendments thereto, and the governing body finds it would be in the best interest of the city or school district to not form a new museum but rather to cooperate with such existing museum, the governing body shall cause such question to be submitted to the qualified voters thereof to be voted upon at the next regular or special election of the city or school district to be held more than 30 days after the filing of such petition.

(3) If the election question passes, the governing body of the city or school district respectively, shall annually audit the use of the funds. If the governing body finds that the funds are not being used for such purpose, the governing body can immediately terminate the levy for the following year upon a majority vote of the governing body. Any museum found to be using public funds in bad faith shall be required to reimburse the respective city or school district. These funds shall be used by the governing body in furtherance of service of the taxpayers."

Also on page 1, in line 14, after "K.S.A." by inserting "12-1684, 12-1688 and"; also in line 14, by striking "is" and inserting "are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 3, after "K.S.A." by inserting "12-1684, 12-1688 and"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2714, AN ACT concerning health and healthcare; relating to local health departments; increasing state financial assistance to such departments under specified circumstances; amending K.S.A. 65-242 and repealing the existing section, by Committee on Appropriations.

HB 2715, AN ACT concerning the department of health and environment; relating to air quality control; Kansas air quality act; fees imposed pursuant to rules and regulations; prohibiting fee increases and the imposition of new fees; amending K.S.A. 65-3001, 65-3005, 65-3006, 65-3007, 65-3008, 65-3022, 65-3024 and 65-3028 and repealing the existing sections, by Committee on Appropriations.

HB 2716, AN ACT concerning state agencies; requiring information technology security training; cybersecurity status reports; amending K.S.A. 75-7239, 75-7240 and 75-7242 and repealing the existing sections, by Committee on Appropriations.

HB 2717, AN ACT concerning firearms; creating the Kansas firearms industry nondiscrimination act, by Committee on Federal and State Affairs.

HB 2718, AN ACT concerning planning and zoning; relating to firearms manufacturers, importers and dealers, by Committee on Federal and State Affairs.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Erickson to replace Rep. Corbet on Committee on Commerce, Labor and Economic Development on February 18, 2020.

Also, the appointment of Rep. Thomas to replace Rep. E. Smith on Committee on Corrections and Juvenile Justice on February 18, 2020.

Also, the appointment of Rep. Woodard to replace Rep. Wolfe Moore on Committee on Taxation February 18, 2020.

REPORT ON ENROLLED RESOLUTIONS

HR 6033 reported correctly enrolled and properly signed on February 18, 2020.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Wednesday, February 19, 2020.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

