

Journal of the House

THIRTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 25, 2020, 9:00 a.m.

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

The roll was called with 122 members present.

Reps. B. Carpenter and Kuether were excused on verified illness.

Rep. S. Ruiz was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker,

Patient and Merciful God, we stand before You today
so grateful for Your patience and mercy.

The word for our legislators this week is "trust."

No doubt minds immediately went to all the sarcastic and humorous
jokes about trusting politicians. I know mine did.

However, we are reminded just how serious this word is.

There was a time when a person's word was all one needed
to have trust. Over the years as belief that there are no absolute truths
has grown, it would appear that trust has diminished.

Learning to trust others starts with being trustworthy ourselves which
involves honesty, integrity, keeping our word, not belittling others,
admitting when we are wrong,
seeking forgiveness and giving forgiveness.

In order for us to trust one another and present an element of
trustworthiness to the people of this great state,
we desperately need Your help in sharpening these traits in each of us.
May it be so in Your Name, Amen.

The Pledge of Allegiance was led by Rep. Weigel.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **SB 270**.

Appropriations: **SB 285, SB 286, SB 287**.

Judiciary: **SB 58**.

Taxation: **HB 2726, HB 2727**.

Transportation: **SB 305, SB 306, SB 342**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Seiwert, **HR 6036**, by Representatives Seiwert, Amberger, Awerkamp, Barker, Bergquist, Burris, Capps, B. Carpenter, W. Carpenter, Collins, Corbet, Cox, Croft, Delperdang, Dove, Ellis, Erickson, Esau, Finch, Francis, Garber, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Howard, Huebert, Humphries, Jacobs, Johnson, Landwehr, Long, Mason, Owens, Patton, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, A. Smith, E. Smith, Straub, Sutton, Tarwater, Thimesch, Thomas, Toplikar, Vickrey, Waggoner, Warren, Wasinger and Waymaster, as follows, was introduced and adopted:

HR 6036-- A RESOLUTION honoring United States servicemembers who were exposed and fell victim to Agent Orange during and after the Vietnam War.

WHEREAS, Our nation was built by individuals who were willing to sacrifice their personal safety and concerns to ensure our individual and collective freedom; and

WHEREAS, Kansas is proud to be the home of many men and women who have performed above and beyond the call of duty; and

WHEREAS, Throughout the years, citizens of the United States have been called to take up arms against the enemies of our great nation, risking their lives and leaving their loved ones behind, to honorably safeguard the freedoms and liberties guaranteed to all Americans; and

WHEREAS, When an estimated 20 million gallons of Agent Orange were sprayed across Vietnam from U.S. aircrafts, destroying vegetation and crops that provided the enemy's food supply and cover that concealed enemy forces, millions of American soldiers were exposed to the chemical; and

WHEREAS, Agent Orange is a blend of poisonous herbicides, including dioxin, that, through physical contact or ingestion, causes a number of serious illnesses, including leukemia, myeloma, Hodgkin's and non-Hodgkin's lymphoma, ischemic heart disease, soft tissue sarcomas, amyloidosis, diabetes, Parkinson's disease and cancers of the throat, prostate and lung; and

WHEREAS, Agent Orange also causes genetic damage and birth defects, as some children and grandchildren of veterans exposed to Agent Orange have been born with spina bifida and other defects; and

WHEREAS, The Wall at the Vietnam Veterans Memorial in Washington, D.C., memorializes those who died overseas, but it does not include those veterans who were exposed and fell victim to Agent Orange years after the war; and

WHEREAS, Agent Orange continues to affect American heroes who served on the ground, in the air and on the waterways in Vietnam and who have developed these serious illnesses or passed away years after leaving battle; and

WHEREAS, We should honor these veterans as they have made untold and innumerable sacrifices to preserve the liberties we enjoy today and that generations to come will continue to cherish: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor United States servicemembers who were exposed and fell victim to Agent Orange during and after the Vietnam War; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Seiwert.

INTRODUCTION OF GUESTS

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

I have with me today Mrs. Barbara Osborn and her granddaughter, Amber Kerschen from Wichita, Kansas. Mrs. Osborn's husband, Edwin, fell victim to the effects of Agent Orange as a result of his service during the Vietnam War.

I also have with me Mr. Dale Anderson, my college roommate and high school best friend, and a survivor of the devastation of Agent Orange. He has undergone numerous treatments for agent orange-related illnesses and is writing a book on his experience.

Many of the victims who died overseas during the Vietnam War are memorialized on the Vietnam Veterans Memorial in Washington D.C.. Agent Orange continues to affect American heroes who served on the ground, in the air, and on the waterways in Vietnam. Many have developed serious illnesses or passed away years after leaving battle.

Please stand and give recognition to all the brave men and women who have suffered from this weapon of war.

Rep. Seiwert presented his guests with a framed House certificate in recognition of their sacrifices.

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 2554, HB 2452, HB 2479, HB 2428, HB 2470, HB 2646, HB 2496** be passed.

HB 2487 be passed over and retain a place on the calendar.

Committee report to **HB 2464** be adopted; and the bill be passed as amended.

Committee report to **HB 2547** be adopted; and the bill be passed as amended.

Roll call was demanded on motion of Rep. Kelly, to amend **HB 2503** on page 1, by striking all in lines 23 through 36;

On page 2, by striking all in lines 1 through 15; in line 32, by striking all after "system"; by striking all in lines 33 through 43;

On page 3, by striking all in lines 1 and 2; in line 3, by striking all before the period;

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all after the semicolon; by striking all in line 3; in line 7, by striking all after the semicolon; by striking all in line 8; in line 9, by striking all before "amending"

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis,

Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu, Yeager.

Nays: None.

Present but not voting: None.

Absent or not voting: B. Carpenter, Kuether, Ruiz, S..

The motion of Rep. Kelly to amend **HB 2503** prevailed.

Also, roll call was demanded on motion of Rep. Frownfelter to amend **HB 2503** on page 1, following line 22, by inserting:

"New Sec. 2. (a) The retirement benefit, pension or annuity payments accruing after June 30, 2020, to each retirant shall be increased by a cost-of-living adjustment in an amount as provided in subsection (b). Such payments shall be paid by the retirement system to the retirant.

(b) Each retirant who is entitled to receive a retirement benefit, pension or annuity payment from the retirement system on July 1, 2020, shall have such retirement benefit, pension or annuity payment increased by 1% of the retirement benefit, pension or annuity payment in effect on July 1, 2020.

(c) As used in this section:

(1) "Retirement system" means the Kansas public employees retirement system, the Kansas police and firemen's retirement system, the state school retirement system and the retirement system for judges; and

(2) "retirant" means: (A) Any person who is a member or special member of the retirement system pursuant to the provisions of K.S.A. 74-4901 et seq., and amendments thereto, and who retired on or before July 1, 2020; and (B) any person who is a joint annuitant or beneficiary of any member described in subsection (c)(2)(A).

(d) The retirement benefit, pension or annuity payment increase provided by this section shall be implemented only if 2020 House Bill No. 2671 or any other legislation that authorizes sports wagering under the Kansas expanded lottery act is passed by the legislature during the 2020 regular session and enacted into law. Notwithstanding any provision of law to the contrary, the executive director of the Kansas lottery shall certify to the director of accounts and reports when the sports wagering receipts fund of the Kansas lottery has a balance of \$18,000,000 or more, and upon receipt of such certification, the director of accounts and reports shall transfer \$18,000,000 from the sports wagering receipts fund of the Kansas lottery to the Kansas public employees retirement fund of the Kansas public employees retirement system for payment of the cost-of-living adjustment provided by this section.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, after the semicolon by inserting "providing a cost-of-living adjustment for certain retirants;"

On roll call, the vote was: Yeas 45; Nays 76; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Amyx, Ballard, Benson, Bishop, Burroughs, Capps, Carlin, Carmichael, Clayton, Corbet, Cox, Curtis, Finney, Frownfelter, Gartner, Helgeson, Henderson, Highberger, Hodge, Holscher, Horn, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Pittman, Probst, Ruiz, L., Sawyer, Smith, E., Stogsdill, Thomas, Toplikar, Victors, Ward, Warfield, Weigel, Winn, Wolfe Moore, Woodard, Xu, Yeager.

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

Present but not voting: None.

Absent or not voting: B. Carpenter, Kuether, Ruiz, S., Seiwert.

The motion of Rep. Frownfelter to amend **HB 2503** did not prevail.

Also, roll call was demanded on motion of Rep. Benson to amend **HB 2503** on page 1, in line 22, after "2020" by inserting ", and for payment of the cost-of-living adjustment provided by section 2";

Also on page 1, following line 22, by inserting:

"New Sec. 2. (a) The retirement benefit, pension or annuity payments accruing after June 30, 2020, to each retiree shall be increased by a cost-of-living adjustment in an amount as provided in subsection (b). Such payments shall be paid by the retirement system to the retiree.

(b) Each retiree who is entitled to receive a retirement benefit, pension or annuity payment from the retirement system on July 1, 2020, shall have such retirement benefit, pension or annuity payment increased by 3% of the retirement benefit, pension or annuity payment in effect on July 1, 2020, or \$200 per month, whichever is less.

(c) As used in this section:

(1) "Retirement system" means the Kansas public employees retirement system, the Kansas police and firemen's retirement system, the state school retirement system and the retirement system for judges; and

(2) "retiree" means: (A) Any person who is a member or special member of the retirement system pursuant to the provisions of K.S.A. 74-4901 et seq., and amendments thereto, and who retired on or before July 1, 2005; and (B) any person who is a joint annuitant or beneficiary of any member described in subsection (c)(2)(A).";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, after the semicolon by inserting "providing a cost-of-living adjustment for certain retirees"; ,

On roll call, the vote was: Yeas 48; Nays 74; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Ballard, Benson, Bishop, Burroughs, Carlin, Carmichael, Clayton, Collins, Corbet, Cox, Curtis, Dietrich, Finney, Frownfelter, Gartner, Helgeson, Henderson, Highberger, Hodge, Holscher, Horn, Lusk, Murnan, Neighbor,

Ohaebosim, Ousley, Parker, F. Patton, Phillips, Pittman, Probst, Ralph, Resman, Ruiz, L., Sawyer, Stogsdill, Toplikar, Victors, Ward, Warfield, Weigel, Winn, Wolfe Moore, Woodard, Xu, Yeager.

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

Present but not voting: None.

Absent or not voting: B. Carpenter, Kuether, Ruiz, S..

The motion of Rep. Benson to amend **HB 2503** did not prevail and the bill be passed as amended.

Committee report to **HB 2516** be adopted.

Also, on motion of Rep. Horn, **HB 2516** be amended on page 4, following line 22, by inserting:

"(c) On or before the first day of each regular session of the legislature, beginning with the 2022 regular session, the secretary of the department of revenue shall submit a report to the legislature on the implementation and use of the tax credit provided by this act."

Also, on motion of Rep. Hodge to amend **HB 2516**, Rep. A. Smith, requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane.

Roll call was demanded on motion of Rep. Hodge to amend **HB 2516** on page 1, in line 25, by striking "and" and inserting a comma; in line 29, after "residence" by inserting ", and any costs and fees associated with adoption and child care for a qualifying child as defined by the federal internal revenue code of 1986"

On roll call, the vote was: Yeas 46; Nays 76; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Ballard, Benson, Bishop, Burroughs, Carlin, Carmichael, Clayton, Curtis, Delperdang, Finney, Frownfelter, Garber, Gartner, Helgerson, Henderson, Highberger, Hodge, Hoheisel, Holscher, Horn, Landwehr, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Owens, Parker, Pittman, Probst, Rhiley, Ruiz, L., Sawyer, Stogsdill, Toplikar, Victors, Ward, Warfield, Weigel, Winn, Wolfe Moore, Woodard, Xu, Yeager.

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

Present but not voting: None.

Absent or not voting: B. Carpenter, Kuether, Ruiz, S..

The motion of Rep. Hodge to amend **HB 2516** did not prevail and the bill be passed as amended.

On motion of Rep. Ward to amend **HB 2480**, Rep. Cox requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and the bill be passed.

Roll call was demanded on motion of Rep. Xu to amend **HB 2619** on page 2, in line 2, after the comma by inserting "including current returns and projections of fossil fuel-based investments,".

On roll call, the vote was: Yeas 38; Nays 81; Present but not voting: 0; Absent or not voting: 6.

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

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

Present but not voting: None.

Absent or not voting: B. Carpenter, Dietrich, Hoheisel, Kuether, Ruiz, S., Waggoner.

The motion of Rep. Xu to amend **HB 2619** did not prevail.

On motion of Rep. Hawkins, rose and reported progress.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2548** be amended on page 1, in line 13, after "account" by inserting "of the state general fund"; in line 18, by striking "Kansas"; also in line 18, after "environment" by inserting " – division of public health"; in line 19, after "operating" by inserting "expenditures (including official hospitality) account of the state general"; in line 27, after "operating" by inserting "expenditures account of the state general"; in line 33, after "operating" by inserting "expenditures account of the state general";

On page 2, in line 4, after "operating" by inserting "expenditures (including official hospitality) account of the state general";

On page 3, following line 29, by inserting:

"Sec. 8. The adjutant general is hereby authorized and directed to pay the following amount from the disaster relief account of the state general fund for property damage to the following claimant:

Louis Keefover

3770 SW Stonybrook Drive

Topeka, KS 66610 \$1,817.82";

On page 4, in line 1, by striking "statute book" and inserting "Kansas register";
And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2586, HB 2702, HB 2705** be passed.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2625** be amended on page 2, following line 33, by inserting:

"(d) The provisions of this section shall expire on July 1, 2025."; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2695, HB 2708** be passed.

Committee on **Education** recommends **HB 2690** be passed.

Committee on **Federal and State Affairs** recommends **HB 2571** be amended on page 2, in line 11, after "requirements" by inserting ", employment as a law enforcement official"; in line 13, by striking all after "license"; by striking all in line 14; in line 15, by striking all before the semicolon; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2596** be amended on page 4, in line 31, by striking "1.2" and inserting "two"; also in line 31, after "miles" by inserting "by the usually traveled road";

On page 5, in line 15, after "retailer" by inserting "or farm winery"; in line 16, after "act" by inserting "and"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2333** be amended on page 1, in line 6, by striking "2018" and inserting "2019"; in line 13, after "(2)" by inserting "(A) Except as provided in subparagraph (B),"; in line 14, by striking all after "judgment"; by striking all in line 15; in line 16, by striking all before the period; also in line 16, after the period by inserting:

"(B) If the child to be adopted is 16 or 17 years of age, the court may order a final decree of adoption to take effect at an earlier date.";

Also on page 1, also in line 16, after "effect" by inserting "more than two years earlier than the filing of the judgment or"; in line 23, by striking "2019" and inserting "2020"; in line 35, by striking "2018" and inserting "2019";

Also on page 1, in the title, in line 2, by striking "2018" and inserting "2019"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2468** be amended on page 1, in line 8, after "is" by inserting "committing any of the following acts against a child under 18 years of age"; by striking all in lines 13 through 30; in line 31, by striking all before the period and inserting "(A) Knowingly torturing, cruelly beating, cruelly striking or cruelly kicking;

(B) knowingly inflicting cruel and inhuman corporal punishment; or

(C) knowingly using cruel and inhuman physical restraint, including caging or confining the child in a space not designated for human habitation or binding the child in a way that is not medically necessary;

(2) recklessly causing great bodily harm, abusive head trauma, permanent disability or disfigurement; or

(3)(A) knowingly causing great bodily harm, abusive head trauma, permanent disability or disfigurement;

(B) knowingly inflicting cruel and inhuman corporal punishment with a deadly weapon; or

(C) knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest of the child or by blocking the nose or mouth of the child in a manner whereby death or great bodily harm could be inflicted";

On page 1, by striking all in line 36;

On page 2, by striking all in lines 1 through 7; in line 8, by striking all before the period and inserting: "Subsection (a)(1) is a:

(i) Severity level 5, person felony if the child is at least six years of age but less than 18 years of age; and

(ii) severity level 3, person felony if the child is under six years of age;

(B) subsection (a)(2) is a severity level 4, person felony; and

(C) subsection (a)(3) is a severity level 3, person felony";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 1, in the title, in line 2, by striking all after the first semicolon; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2713** be amended on page 19, following line 9, by inserting:

"Sec. 33. On and after January 1, 2022, K.S.A. 2019 Supp. 25-3602 is hereby amended to read as follows: 25-3602. (a) Each petition shall consist of one or more documents pertaining to a single issue or proposition under one distinctive title. The documents shall be filed with the county election officer or other official, if another official is designated in the applicable statutes. The filing shall be made at one time all in one group. Later or successive filings of documents relating to the same issue or proposition shall be deemed to be separate petitions and not a part of any earlier or later filing.

(b) Unless otherwise specifically required, each petition shall:

(1) State the question which petitioners seek to bring to an election in the form of a question as it should appear upon the ballot in accordance with the requirements of K.S.A. 25-620 and ~~K.S.A.~~ 25-3601, and amendments thereto;

(2) name the taxing subdivision or other political subdivision in which an election is sought to be held;

(3) contain the following recital above the spaces provided for signatures: "I have personally signed this petition. I am a registered elector of the state of Kansas and of

(here insert name of political or taxing subdivision)

and my residence address is correctly written after my name."

The recital shall be followed by blank spaces for the signature, residence address and

date of signing for each person signing the petition.

When petitioners are required by law to possess qualifications in addition to being registered electors, the form of the petition shall be amended to contain a recital specifying the additional qualifications required and stating that the petitioners possess the qualifications; and

(4) contain a recital in substance as follows, at the end of each set of documents carried by each petition circulator as defined in K.S.A. 2019 Supp. 25-3608, and amendments thereto: "I am the circulator of this petition and I am qualified to circulate this petition and I personally witnessed the signing of the petition by each person whose name appears thereon.

(Signature of circulator) " "

(Circulator's residence address)

The recital of the circulator of each petition shall be verified upon oath or affirmation before a notarial officer in the manner prescribed by ~~K.S.A. 53-501 et seq., and amendments thereto~~ the revised uniform law on notarial acts.

(c) Any person who has signed a petition who desires to withdraw such person's name may do so by giving written notice to the county election officer or other designated official not later than the third day following the date upon which the petition is filed.

(d) Any petition shall be null and void unless submitted to the county election officer or other designated official within 180 days of the date of the first signature on the petition.

(e) Unless the governing body of the political or taxing subdivision in which the election is sought to be held authorizes a special election, all elections which are called as a result of the filing of a sufficient petition shall be held at the next succeeding primary or general election as defined by K.S.A. 25-2502, and amendments thereto, in which the political or taxing subdivision is participating.

(f) When a petition requires signatures equal in number to a percentage of the total number of registered voters, such percentage shall be based on the most recent number of registered voters as certified to the office of the secretary of state pursuant to ~~subsection (g) of K.S.A. 25-2311(g)~~ and amendments thereto.

Sec. 34. On and after January 1, 2022, K.S.A. 2019 Supp. 25-3902 is hereby amended to read as follows: 25-3902. (a) Except as provided in K.S.A. 25-312a, and amendments thereto, when a district convention is provided by law to be held to elect a person to be appointed to fill a vacancy in a district office, the county chairperson designated in subsection (b) or (c), within 21 days of receipt of notice that a vacancy has occurred or will occur, shall call and convene a convention of all committeemen and committeewomen of the party of the precincts in such district for the purpose of electing a person to be appointed by the governor to fill the vacancy. If such county chairperson is absent or for any reason is unable to call, or refuses to call such convention, then the county vice-chairperson shall call the convention and perform the other duties under this section required of such chairperson.

(b) If the district lies within a single county, the county chairperson of such county shall call the convention by mailing a notice, at least seven days before the date of the convention, to each precinct committeeman and committeewoman who is entitled to

vote at the convention pursuant to subsection (e).

(c) If all or part of more than one county lies within the district, the county chairperson of the county in which the greatest number of qualified voters of the district reside shall call the convention by mailing a notice of the convention to each county chairperson of the party in each such county at least 10 days before the date of the convention. Such convention shall be held at a location within the district selected by the chairperson calling the convention. Such county chairperson, within three days after receipt of such notice, shall mail notice of the convention to the committeemen and committeewomen in their counties who are entitled to vote at the convention pursuant to subsection (e).

(d) The notice of such convention shall state:

- (1) The place where the convention is to be held;
- (2) the time when the convention will convene; and
- (3) the purpose for which the convention is to be held.

(e) At the time and place fixed for holding the convention, the county chairperson who called the convention shall act as temporary chairperson and shall call the convention to order. One-third of the eligible members of the convention shall constitute a quorum for such election. In the event a quorum is not present at the time and place that such convention is called, the members present shall adjourn the convention to a day and time certain, which shall be not later than 14 days after such adjournment of such convention, and provide for notification of the time and place of such adjourned convention to be given to the eligible members not present. The convention shall organize by electing a permanent chairperson and such other officers as necessary. After the convention is organized, it shall elect a person to be appointed by the governor to fill the vacancy. Such election shall be by secret ballot and the person elected shall be the one who receives the majority of all the votes cast. If no person receives a majority of all votes cast on any ballot, the balloting shall continue until some person receives a majority of all the votes cast. Each committeeman and committeewoman of the party of the precincts in such district shall be entitled to vote. Except as provided in subsection (f), no precinct committeeman or committeewoman shall be represented or shall vote by proxy. The convention may adopt such rules necessary to govern its procedure in making nominations, voting, counting, and canvassing votes and for the conduct of any business which may properly be brought before the convention, but such rules shall not be in conflict with the provisions of this section.

(f) (1) A precinct committeeman or committeewoman may vote by proxy at a convention called pursuant to this section whenever such precinct committeeman or committeewoman is unable to attend the convention and cast such precinct committeeman's or committeewoman's ballot.

(2) A precinct committeeman or committeewoman may designate another precinct committeeman or committeewoman to cast such precinct committeeman's or precinct committeewoman's ballot at such convention by proxy. Any proxy authorized by this subsection shall:

(A) Designate the precinct committeeman or committeewoman who shall cast the precinct committeeman's or precinct committeewoman's vote by proxy;

(B) be signed by the precinct committeeman or precinct committeewoman authorizing the proxy; and

(C) contain an acknowledgment of such precinct committeeman's or precinct committeewoman's signature which complies with ~~K.S.A. 53-509~~ section 17, and amendments thereto.

(g) After a person has been elected to be appointed to fill a vacancy in a district office, the chairperson or vice-chairperson of the convention shall execute a certificate, under oath, stating that such person has been duly elected to be appointed to fill such vacancy and shall transmit such certificate either by hand delivery by a person designated by such chairperson or vice-chairperson or by registered mail, return receipt requested, to the governor and a copy thereof to the secretary of state. If transmitted by registered mail, such certificate and the copy thereof shall be mailed within 24 hours of such election, unless the day following such election is a Sunday or legal holiday, in which case it shall be mailed by the next regular business day. Thereupon, and not later than seven days after such certificate is received in the office of the governor, the governor, or in the governor's absence the lieutenant governor, shall fill such vacancy by appointing to such district office the person so elected. In the event the governor or lieutenant governor fails to appoint any person as required by this subsection after receiving a lawfully executed certificate hereunder, such person shall be deemed to have been so appointed notwithstanding such failure. The person so appointed may qualify and enter upon the duties of the district office immediately after appointment.

Sec. 35. On and after January 1, 2022, K.S.A. 2019 Supp. 25-3902a is hereby amended to read as follows: 25-3902a. (a) When a vacancy occurs in the office of member of the state board of education, the county chairperson designated in subsection (b), (c) or (d), within 21 days of receipt of notice that a vacancy has occurred or will occur shall call and convene a district convention for the purpose of electing a person to be appointed by the governor to fill the vacancy. Such person shall be an elector of the same political party as that of the board member vacating such position and shall reside in the board member district corresponding to such board member position. If such county chairperson is absent or for any reason is unable to call or refuses to call such convention, then the county vice-chairperson shall call the convention and perform the other duties required of such chairperson under this section.

(b) If the board member district lies within a single county, the county chairperson of such county shall call a convention of all precinct committeemen and committeewomen of the party of the precincts in such district in the manner provided by ~~subsections (b) and (d) of K.S.A. 25-3902~~ (b) and (d), and amendments thereto, and such convention shall be conducted as provided in subsection (e).

(c) If all or part of more than one and less than five counties lie within the board member district, the county chairperson of the county in which the greatest number of qualified voters of the district reside shall call a convention of all precinct committeemen and committeewomen of the party of the precincts in such district in the manner provided by ~~subsections (c) and (d) of K.S.A. 25-3902~~ (c) and (d), and amendments thereto, and such convention shall be conducted as provided in subsection (e). Such convention shall be held at a location within the district selected by the chairperson calling the convention.

(d) If all or part of five or more counties lie within the board member district, the county chairperson of the county in which the greatest number of qualified voters of the district reside shall call a convention of all county chairpersons and vice-chairpersons of the party of the counties in such district. Such convention shall be held at a location

within the district selected by the chairperson calling the convention. Such county chairperson shall call the convention by mailing a notice to each such county chairperson and vice-chairperson, at least seven days before the date of the convention. Such notice shall state: (1) The place where the convention is to be held; (2) the time when the convention will convene; and (3) the purpose for which the convention is to be held, and such convention shall be conducted as provided in subsection (e).

(e) At the time and place fixed for holding the convention, the county chairperson who called the convention shall act as temporary chairperson and shall call the convention to order. One-third of the eligible members of the convention shall constitute a quorum for such election. In the event a quorum is not present at the time and place that such convention is called, the members present shall adjourn the convention to a day and time certain, which shall be not later than 14 days after adjournment of such convention, and provide for notification of the time and place of such adjourned convention to be given to the eligible members not present. The convention shall proceed to organize by electing a permanent chairperson and such other officers as necessary. After the convention is organized, it shall proceed to elect a person to be appointed by the governor to fill the vacancy. Such election shall be by secret ballot and the person elected shall be the one who shall receive the majority of all the votes cast. If no person receives a majority of all votes cast on any ballot, the balloting shall continue until some person receives a majority of all the votes cast. Each county chairperson and vice-chairperson of the party of the counties in such district shall be entitled to vote. Except as provided in subsection (f), no county chairperson or vice-chairperson shall be represented or shall vote by proxy. The convention may adopt such rules as necessary to govern its procedure in making nominations, voting, counting and canvassing votes and for the conduct of any business which may properly be brought before the convention, but such rules shall not be in conflict with the provisions of this section.

(f) (1) A precinct committeeman or committeewoman who serves as county chairperson or vice-chairperson may vote by proxy at a convention called pursuant to this section whenever such precinct committeeman or committeewoman is unable to attend the convention and cast such precinct committeeman's or committeewoman's ballot.

(2) A precinct committeeman or committeewoman may designate another precinct committeeman or committeewoman to cast such precinct committeeman's or precinct committeewoman's ballot at such convention by proxy. Any proxy authorized by this subsection shall:

(A) Designate the precinct committeeman or committeewoman who shall cast the precinct committeeman's or precinct committeewoman's vote by proxy;

(B) be signed by the precinct committeeman or precinct committeewoman authorizing the proxy; and

(C) contain an acknowledgment of such precinct committeeman's or precinct committeewoman's signature which complies with ~~K.S.A. 53-509~~ section 17, and amendments thereto.

(g) After a person has been elected to be appointed to fill a vacancy in the office of member of the state board of education, the chairperson or vice-chairperson of the convention shall execute a certificate, under oath, stating that such person has been duly elected to be appointed to fill such vacancy and shall transmit such certificate to the

governor. Thereupon, and not later than seven days after such certificate is received in the office of the governor, the governor, or in the governor's absence the lieutenant governor, shall fill such vacancy by appointing to the office of member of the state board of education the person so elected. In the event the governor or lieutenant governor fails to appoint any person as required by this subsection after receiving a lawfully executed certificate hereunder, such person shall be deemed to have been so appointed notwithstanding such failure. The person so appointed may qualify and enter upon the duties of office immediately after appointment.

(h) A person shall be elected to be appointed to fill a vacancy in the office of member of the state board of education within 35 days after such vacancy occurs. If no person is so elected within the 35-day period, the governor shall fill such vacancy by appointment of an elector of the same political party as that of the board member vacating such position and who resides in the board member district corresponding to such board member position. The person so appointed may qualify and enter upon the duties of office immediately after appointment.

Sec. 36. On and after January 1, 2022, K.S.A. 2019 Supp. 25-3904 is hereby amended to read as follows: 25-3904. (a) When a district convention is provided by law to be held to elect a person to fill a vacancy in a party candidacy for a district office, the county chairperson designated in subsection (b) or (c), within 14 days of the receipt of the notice that the vacancy has occurred or will occur shall call and convene a convention of all committeemen and committeewomen of the political party from the precincts in such district. If such county chairperson is absent or for any reason is unable to call, or refuses to call such convention, then the corresponding county vice-chairperson shall call the convention and perform the other duties under this section required of such chairperson.

(b) If the district lies within a single county, the county chairperson of such county shall call the convention by mailing a notice at least seven days before the date of the convention to the committeemen and committeewomen in such county who are entitled to vote at such convention pursuant to subsection (e).

(c) If all or part of more than one county lies within the district, the county chairperson of the county in which the greatest number of qualified voters of the district reside shall call the convention by mailing a notice of such convention to each county chairperson of the party in each such county, at least 10 days before the date of the convention. Such convention shall be held at a location within the district selected by the chairperson calling the convention. Such county chairpersons shall, within three days after receipt of such notice, mail notice of such convention to the committeemen and committeewomen in their counties who are entitled to vote at such convention pursuant to subsection (e).

(d) The notice of such convention shall state: (1) The place where the convention is to be held; (2) the time when the convention will convene; and (3) the purpose for which the convention is to be held.

(e) At the time and place fixed for holding the convention, the county chairperson who called the convention shall act as temporary chairperson and shall call the convention to order. One-third of the eligible members of the convention shall constitute a quorum for such election. In the event a quorum is not present at the time and place that such convention is called, the members present shall adjourn the convention to a day and time certain, which shall not be later than six days after such

adjournment of such convention, and provide for notification of the time and place of such adjourned convention to be given to the eligible members not present. The convention shall organize by electing a permanent chairperson and such other officers as necessary. After the convention is organized, it shall elect a person to fill such vacancy in the party candidacy. Such election shall be by secret ballot and the person elected shall be the one who receives the majority of all the votes cast. If no person receives a majority of all votes cast on any ballot, the balloting shall continue until some person receives a majority of all the votes cast. Each committeeman and committeewoman of the party of the precincts in such district shall be entitled to vote. Except as provided in subsection (f), no precinct committeeman or committeewoman shall be represented or shall vote by proxy. The convention may adopt rules as necessary to govern its procedure in making nominations, voting, counting and canvassing votes and for the conduct of any business which may properly be brought before the convention, but such rules shall not be in conflict with the provisions of this section.

(f) (1) A precinct committeeman or committeewoman may vote by proxy at a convention called pursuant to this section whenever such precinct committeeman or committeewoman is unable to attend the convention and cast such precinct committeeman's or committeewoman's ballot.

(2) A precinct committeeman or committeewoman may designate another precinct committeeman or committeewoman to cast such precinct committeeman's or precinct committeewoman's ballot at such convention by proxy. Any proxy authorized by this subsection shall:

(A) Designate the precinct committeeman or committeewoman who shall cast the precinct committeeman's or precinct committeewoman's vote by proxy;

(B) be signed by the precinct committeeman or precinct committeewoman authorizing the proxy; and

(C) contain an acknowledgment of such precinct committeeman's or precinct committeewoman's signature which complies with ~~K.S.A. 53-509~~ section 17, and amendments thereto.

(g) After a person has been elected to fill a vacancy in a party candidacy for a district office, the chairperson or vice-chairperson of the convention shall execute a certificate, under oath, stating that such person has been duly elected to fill such vacancy and that such person has agreed to accept the nomination. The person elected to fill such vacancy shall execute a notarized written statement stating that such person agrees to accept the nomination. The chairperson or vice-chairperson shall transmit such certificate to the secretary of state or appropriate county election officer, as the case may be, within 21 days of receipt of the notice that the vacancy has occurred or will occur.

(h) For the purposes of this section, the word "shall" imposes a mandatory duty and no court may construe that word in any other way.

Sec. 37. On and after January 1, 2022, K.S.A. 2019 Supp. 25-3904a is hereby amended to read as follows: 25-3904a. (a) When a vacancy occurs in a party candidacy for the office of member of the state board of education, the county chairperson designated in subsection (b), (c) or (d), within 10 days of receipt of notice that the vacancy has occurred or will occur, shall call and convene a district convention for the purpose of electing a person to fill such vacancy. If such county chairperson is absent or

for any reason is unable to call or refuses to call such convention, then the county vice-chairperson shall call the convention and perform the other duties required of such chairperson under this section.

(b) If the board member district lies within a single county, the county chairperson of such county shall call a convention of all precinct committeemen and committeewomen of the party of the precincts in such district in the manner provided by K.S.A. 25-3904(b) and (d), and amendments thereto, and such convention shall be conducted in the manner provided in K.S.A. 25-3904(e), and amendments thereto.

(c) If all or part of more than one and less than five counties lie within the board member district, the county chairperson of the county in which the greatest number of qualified voters of the district reside shall call a convention of all precinct committeemen and committeewomen of the party of the precincts in such district in the manner provided by K.S.A. 25-3904(c) and (d), and amendments thereto, and such convention shall be conducted as provided in K.S.A. 25-3904(e), and amendments thereto. Such convention shall be held at a location within the district selected by the chairperson calling the convention.

(d) If all or part of five or more counties lie within the board member district, the county chairperson of the county in which the greatest number of qualified voters of the district reside shall call a convention of all county chairpersons and vice-chairpersons of the party of the counties in such district. Such convention shall be held at a location within the district selected by the chairperson calling the convention. Such county chairperson shall call the convention by mailing a notice to each such county chairperson and vice-chairperson at least seven days before the date of the convention. Such notice shall state: (1) The place where the convention is to be held; (2) the time when the convention will convene; and (3) the purpose for which the convention is to be held.

(e) At the time and place fixed for holding the convention, the county chairperson who called the convention shall act as temporary chairperson and shall call the convention to order. One-third of the eligible members of the convention shall constitute a quorum for such election. In the event a quorum is not present at the time and place that such convention is called, the members present shall adjourn the convention to a day and time certain, which shall be not later than three days after such adjournment of such convention and provide for notification of the time and place of such adjourned convention to be given to the eligible members not present. The convention shall proceed to organize by electing a permanent chairperson and such other officers as necessary. After the convention is organized, it shall proceed to elect a person to fill the vacancy in the party candidacy. Such election shall be by secret ballot and the person elected shall be the one who shall receive the majority of all the votes cast. If no person receives a majority of all votes cast on any ballot, the balloting shall continue until some person receives a majority of all the votes cast. Each county chairperson and vice-chairperson of the party of the counties in such district shall be entitled to vote. Except as provided in subsection (f), no county chairperson or vice-chairperson shall be represented or shall vote by proxy. The convention may adopt rules necessary to govern its procedure in making nominations, voting, counting and canvassing votes and for the conduct of any business which may properly be brought before the convention, but such rules shall not be in conflict with the provisions of this section.

(f) (1) A precinct committeeman or committeewoman who serves as county chairperson or vice-chairperson may vote by proxy at a convention called pursuant to this section whenever such precinct committeeman or committeewoman is unable to attend the convention and cast such precinct committeeman's or committeewoman's ballot.

(2) A precinct committeeman or committeewoman may designate another precinct committeeman or committeewoman to cast such precinct committeeman's or precinct committeewoman's ballot at such convention by proxy. Any proxy authorized by this subsection shall:

(A) Designate the precinct committeeman or committeewoman who shall cast the precinct committeeman's or precinct committeewoman's vote by proxy;

(B) be signed by the precinct committeeman or precinct committeewoman authorizing the proxy; and

(C) contain an acknowledgment of such precinct committeeman's or precinct committeewoman's signature which complies with ~~K.S.A. 53-509~~ section 17, and amendments thereto.

(g) After a person has been elected to fill a vacancy in a party candidacy for the office of member of the state board of education, the chairperson or vice-chairperson of the convention shall execute a certificate, under oath, stating that such person has been duly elected to fill such vacancy and that such person has agreed to accept the nomination. The person elected to fill such vacancy shall execute a notarized written statement stating that such person agrees to accept the nomination. The chairperson or vice-chairperson shall transmit such certificate to the secretary of state, within 14 days of receipt of the notice that the vacancy has occurred or will occur.

(h) For the purposes of this section, the word "shall" imposes a mandatory duty and no court may construe that word in any other way.";

On page 21, following line 14, by inserting:

"Sec. 39. On and after January 1, 2022, K.S.A. 2019 Supp. 58-652 is hereby amended to read as follows: 58-652. (a) The authority granted by a principal to an attorney in fact in a written power of attorney is not terminated in the event the principal becomes wholly or partially disabled or in the event of later uncertainty as to whether the principal is dead or alive if:

(1) The power of attorney is denominated a "durable power of attorney";

(2) the power of attorney includes a provision that states in substance one of the following:

(A) "This is a durable power of attorney and the authority of my attorney in fact shall not terminate if I become disabled or in the event of later uncertainty as to whether I am dead or alive"; or

(B) "This is a durable power of attorney and the authority of my attorney in fact, when effective, shall not terminate or be void or voidable if I am or become disabled or in the event of later uncertainty as to whether I am dead or alive"; and

(3) the power of attorney is signed by the principal, and dated and acknowledged in the manner prescribed by ~~K.S.A. 53-501 et seq., and amendments thereto~~ the revised uniform law on notarial acts. If the principal is physically unable to sign the power of attorney but otherwise competent and conscious, the power of attorney may be signed by an adult designee of the principal in the presence of the principal and at the specific direction of the principal expressed in the presence of a notary public. The designee

shall sign the principal's name to the power of attorney in the presence of a notary public, following which the document shall be acknowledged in the manner prescribed by ~~K.S.A. 53-501 et seq., and amendments thereto~~ the revised uniform law on notarial acts, to the same extent and effect as if physically signed by the principal.

(b) All acts done by an attorney in fact pursuant to a durable power of attorney shall inure to the benefit of and bind the principal and the principal's successors in interest, notwithstanding any disability of the principal.

(c) (1) A power of attorney does not have to be recorded to be valid and binding between the principal and attorney in fact or between the principal and third persons.

(2) A power of attorney may be recorded in the same manner as a conveyance of land is recorded. A certified copy of a recorded power of attorney may be admitted into evidence.

(3) If a power of attorney is recorded any revocation of that power of attorney must be recorded in the same manner for the revocation to be effective. If a power of attorney is not recorded it may be revoked by a recorded revocation or in any other appropriate manner.

(4) If a power of attorney requires notice of revocation be given to named persons, those persons may continue to rely on the authority set forth in the power of attorney until such notice is received.

(d) A person who is appointed an attorney in fact under a durable power of attorney has no duty to exercise the authority conferred in the power of attorney, unless the attorney in fact has agreed expressly in writing to act for the principal in such circumstances. An agreement to act on behalf of the principal is enforceable against the attorney in fact as a fiduciary without regard to whether there is any consideration to support a contractual obligation to do so. Acting for the principal in one or more transactions does not obligate an attorney in fact to act for the principal in subsequent transactions.

(e) The grant of power or authority conferred by a power of attorney in which any principal shall vest any power or authority in an attorney in fact, if such writing expressly so provides, shall be effective only upon: (1) A specified future date; (2) the occurrence of a specified future event; or (3) the existence of a specified condition which may occur in the future. In the absence of actual knowledge to the contrary, any person to whom such writing is presented shall be entitled to rely on an affidavit, executed by the attorney in fact, setting forth that such event has occurred or condition exists.";

On page 22, in line 3, after "Supp." by inserting "25-3602, 25-3902, 25-3902a, 25-3904, 25-3904a,"; also in line 3, after "49-512" by inserting ", 58-652";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "Supp." by inserting "25-3602, 25-3902, 25-3902a, 25-3904, 25-3904a,"; also in line 2, after "49-512" by inserting ", 58-652"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2541** be passed.

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 2728, AN ACT concerning the Docking state office building; requiring the department of administration to raze the building and preserve the existing energy center of the Docking state office building, by Committee on Appropriations.

On motion of Rep. Hawkins, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS

In accordance with subsection (b) of House Rule 1309, Rep. Parker moved that **HB 2148** be withdrawn from Committee on Commerce, Labor and Economic Development and be placed on the calendar under the order of business General Orders.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2699**, **HB 2495**, **HB 2518**, **HB 2587**, **HB 2462**, **HB 2546** be passed.

HB 2526 be passed over and retain a place on the calendar.

HB 2619 continued from morning session:

Also, on motion of Rep. Xu to amend **HB 2619**, the motion was withdrawn and the bill be passed.

On motion of Rep. Hodge to amend **HB 2456**, Rep. Jennings requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and the bill be passed.

Committee report to **HB 2507** be adopted.

Also, on motion of Rep. Stogsdill to amend **HB 2507**, the motion was withdrawn and the bill be passed as amended.

Committee report to **HB 2463** be adopted; and the bill be passed as amended.

On motion of Rep. Pittman to amend **HB 2528**, the motion did not prevail and the bill be passed.

On motion of Rep. Rhiley to amend **HB 2438**, the motion did not prevail and the bill be passed.

Committee report to **HB 2469** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2506** be amended by substituting with a new bill to be designated as "Substitute for HOUSE BILL NO. 2506," as follows:

"Substitute for HOUSE BILL NO. 2506

By Committee on Commerce, Labor and Economic Development

"AN ACT concerning occupational regulation; relating to occupational licenses for certain applicants; amending K.S.A. 2019 Supp. 48-3406 and repealing the existing section.";

And the substitute bill be passed.

(**Sub HB 2506** was thereupon introduced and read by title.)

Committee on **Commerce, Labor and Economic Development** recommends **HB 2689** be amended on page 2, in line 29, after the period by inserting "For tax year 2020 and all tax years thereafter,"; in line 41, after "(b)" by inserting "For tax year 2020 and all tax years thereafter,";

On page 3, in line 30, after "limited" by inserting ", for tax year 2020 and all tax years thereafter,"; in line 32, by striking all after "person"; in line 33, by striking all before "whether";

On page 4, following line 6, by inserting:

"Sec. 3. K.S.A. 74-8136 is hereby amended to read as follows: 74-8136. (a) Tax credits for qualified Kansas businesses are a limited resource of the state for which the secretary is designated as the administrator. The purpose of such tax credits is to facilitate the availability of equity investment in businesses in the early stages of commercial development and to assist in the creation and expansion of Kansas businesses ~~which that~~ are job and wealth creating enterprises. To achieve this purpose and to optimize the use of the limited resources of the state, the secretary is authorized to issue tax credits to qualified investors in qualified Kansas businesses. Such tax credits shall be awarded to those qualified Kansas businesses ~~which that~~, as determined by the secretary, are most likely to provide the greatest economic benefit to the state. The secretary may issue whole or partial tax credits based on an assessment of the qualified businesses. The secretary may consider numerous factors in such assessment, including, but not limited to, the quality and experience of the management team, the size of the estimated market opportunity, the risk from current or future competition, the ability to defend intellectual property, the quality and utility of the business model and the quality and reasonableness of financial projections for the business.

(b) Each qualified Kansas business for which tax credits have been issued pursuant to this act shall report to the department on an annual basis, the following: (1) The name, address and taxpayer identification number of each angel investor who has made cash investment in the qualified securities of a qualified Kansas business and has received tax credits for this investment during the preceding year and all other preceding years; (2) the amounts of these cash investments by each angel investor and a description of the qualified securities issued in consideration of such cash investments;

(3) the name, address and taxpayer identification number of each investor to which tax credits issued pursuant to this act have been transferred by the original angel investor; and (4) any additional information as the secretary may require pursuant to this act.

(c) The secretary shall transmit annually to the governor, the standing committee on commerce of the senate and the standing committee on commerce, labor and economic development of the house of representatives a report, based upon information received from each qualified Kansas business for which tax credits have been issued during the preceding year, describing the following: (1) The manner in which the purpose, as described in this act, has been carried out; (2) the total cash investments made for the purchase of qualified securities of qualified Kansas businesses during the preceding year and cumulatively since the inception of this act; (3) an estimate of jobs created and jobs preserved by cash investments made in qualified securities of qualified Kansas businesses; and (4) an estimate of the multiplier effect on the Kansas economy of the cash investments made pursuant to this act.

(d) The secretary shall provide the information specified in subsection (c) to the department of revenue on an annual basis. The secretary shall conduct an annual review of the activities undertaken pursuant to this act to ensure that tax credits issued pursuant to this act are issued in compliance with the provisions of this act or rules and regulations promulgated by the department with respect to this act.

(e) Any violation of the reporting requirements set forth in this section shall be grounds for undesignation of a qualified Kansas business under this section.

(f) If the secretary determines that a business is not in substantial compliance with the requirements of this act to maintain its designation, the secretary, by written notice, shall inform the officers of the qualified Kansas business and the business that such business will lose designation as a qualified Kansas business in 120 days from the date of mailing of the notice unless such business corrects the deficiencies and is once again in compliance with the requirements for designation.

(g) At the end of the 120-day period, if the qualified Kansas business is still not in substantial compliance, the secretary shall send a notice of loss of designation to the business, the secretary of the department of revenue and to all known investors in the business. Loss of designation of a qualified Kansas business shall preclude the issuance of any additional tax credits with respect to this business and the secretary shall not approve the application of such business as a qualified Kansas business. Upon loss of the designation as a qualified Kansas business or if a bioscience business loses its designation as a qualified Kansas business under this act by moving its operations outside Kansas within 10 years after receiving financial assistance under this act or a qualified Kansas business that is not a bioscience business loses its designation as a qualified Kansas business under this act by moving its operations outside Kansas within 5 years after receiving financial assistance under this act, such business shall repay such financial assistance to the department, in an amount determined by the secretary. Each qualified Kansas business that loses such designation shall enter into a repayment agreement with the secretary specifying the terms of such repayment obligation.

(h) Angel investors in a qualified Kansas business shall be entitled to keep all of the tax credits claimed under this act.

(i) The secretary shall adopt rules and regulations in accordance with the rules and regulations filing act necessary to implement the provisions of K.S.A. 74-8131 through 74-8136, and amendments thereto.";

Also on page 4, in line 7, by striking "and" and inserting a comma; also in line 7, after "74-8133" by inserting "and 74-8136";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking the first "and" and inserting a comma; also in line 3, after "74-8133" by inserting "and 74-8136"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2519** be amended on page 1, by striking all in lines 8 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 40; following line 40 by inserting:

"(b) On or before October 15, 2021, and each year thereafter, the state department of education shall ensure the distribution, including by electronic communication, to each student or each student's parents the degree prospectus information published by the state board of regents in accordance with K.S.A. 74-32,303, and amendments thereto, the Kansas training information program report published in accordance with K.S.A. 74-32,418, and amendments thereto, any other information relevant to students' understanding of potential earnings as determined by the department of labor and the potential earnings published by each branch of the armed services of the United States military.";

Also on page 3, in line 41, before "The" by inserting "To the extent permitted by law,";

On page 4, in line 1, by striking "compile the information to be included in the report" and inserting "implement the provisions of this section"; by striking all in lines 2 through 14; following line 14, by and inserting:

"(d) As used in this section, the term "student" means any person enrolled in any of the grades seven through 12 in a school district.";

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

Committee on **Insurance** recommends **HB 2598** be amended by substituting with a new bill to be designated as "Substitute for HOUSE BILL NO. 2598," as follows:

"Substitute for HOUSE BILL NO. 2598

By Committee on Insurance

"AN ACT concerning insurance; relating to the oversight and regulation of pharmacy benefits managers; the pharmacy benefits managers licensure act; amending K.S.A. 2019 Supp. 40-3821, 40-3822, 40-3823, 40-3824, 40-3825, 40-3826, 40-3827, 40-3829 and 40-3830 and repealing the existing sections.";

And the substitute bill be passed.

(Sub **HB 2598** was thereupon introduced and read by title.)

Committee on **K-12 Education Budget** recommends **HB 2552** be amended on page 1, in line 23, by striking "an accredited" and inserting "a"; in line 29, after "(3)" by inserting "is accredited by the state board of education or a national or regional accrediting agency that is recognized by the state board of education for the purpose of satisfying the teaching performance assessment for professional licensure;

(4) ";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 3, in line 25, by striking "31" and inserting "1"; in line 27, by striking "August 1" and inserting "July 15";

On page 5, in line 11, after "reports" by inserting "and the state board of education"; also in line 11, by striking "Such certified amount shall"; in line 12, by striking all before the period and inserting "Upon receipt of such certification, the director of accounts and reports shall transfer such certified amount to the state foundation aid account of the state general fund. The state board of education shall distribute such certified amount to the resident school district of such student in the immediately succeeding school year"; in line 32, by striking ". A school district also may recommend" and inserting ", or such other"; in line 37, after "(a)" by inserting "On or before July 1 of"; in line 41, after the period by inserting "On or before July 15 of each year, the treasurer shall notify each resident school district as to the names of the students residing in such school district who are participating in the Kansas reading readiness program in the current school year."; 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 bill was introduced and read by title:

HB 2729, AN ACT concerning sales taxation; relating to exemptions; storytime village, inc.; amending K.S.A. 79-3606 and repealing the existing section, by Committee on Taxation.

On motion of Rep. Hawkins, the House adjourned until 9:00 a.m., Wednesday, February 26, 2020.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

