

Journal of the House

TWENTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 18, 2021, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Bishop was excused on verified illness.

Reps. Baker and Howard were excused on excused absence by the Speaker.

Excused later: Rep. L. Ruiz.

Prayer by Rep. Steven Johnson,

Gracious God,

We have so much for which to be thankful. We are thankful to be here. We are thankful to be a part of Your kingdom.

May we continually pray: Thy kingdom come...not some kingdom of our making;

Thy will...not my will...be done.

We are reminded in so many ways that our power is insufficient. Help us remember Your grace is sufficient. Help us to receive Your grace and to give grace to one another.

Today, we pray especially for our sister Eunice that your healing hand is upon her in Houston as well as at home. We pray for the Estes family as they grieve, and for safe travel for all who go to share with them in mourning and in celebrating a life well lived.

In our journey together to the stars, we can only make it with Your great love and guidance. When hate, envy or deceit wells within or around us, help us to instead reflect Your love, understanding and truth.

Amen.

The Pledge of Allegiance was led by Rep. Wheeler.

INTRODUCTION OF GUESTS

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

Rep. Jennings was joined at the well by members of former Rep. Leonard Mastroni's family.

I rise today to honor the memory of our colleague and friend, Representative Leonard Mastroni. The priorities of our life demonstrate who we are. Leonard was defined by his: Faith, Family and Friends. Leonard enjoyed a deeply personal relationship and unyielding faith in his God. He was always devoted to his family in both the good and difficult times and he was a true and faithful friend.

Leonard committed his life to public service. His career of service included serving as a police officer with the Denver, Colorado Police Department, Special Agent in Charge of the Central Kansas Drug Task Force, District Magistrate Judge in Rush County of the 23rd Judicial District, Rush County Commissioner and as State Representative for the 117th House District.

Leonard and his wife of 51 years, Linda, were blessed with four children, Shawn, Shelia, Sarah and James and three grandchildren, Mark, Amanda and Sutton. Leonard and Linda experienced the greatest fear of any parent when they lost two of their four children, Shawn and Sheila. Leonard's faith never wavered. He never asked the question: Why me? He placed his faith in God and accepted that God's will be done here on earth.

Representative Mastroni was an advocate for his district. He was a champion for the mental health and corrections programs located on the Larned campus. Leonard understood that mental health was a serious and expanding need for our state and he honored the service of the people who served this population in need of help.

The passing of Leonard on September 30, 2020 was honored by the Governor through her order directing that flags be flown at half-staff until the day of his funeral on October 6, 2020. This was a fitting and most deserved public recognition of his dedicated service to the people of Kansas.

Rep. Jennings was joined by Reps. Wheeler and Schreiber, former office mates of Rep. Mastroni. Rep. Wheeler presented the Mastroni family with framed photos and pins in memory of Rep. Mastroni. Rep. Schreiber presented the family with the framed flag that flew at half staff over the capitol in honor of Rep. Mastroni.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2401, AN ACT concerning the department of corrections; authorizing the secretary of corrections to enter agreements for public-private partnerships for projects for new or renovated buildings at correctional institutions for education, skills-building and spiritual needs programs; establishing a nonprofit corporation to receive gifts, donations, grants and other moneys and engage in fundraising projects for funding such projects; amending K.S.A. 75-3739 and repealing the existing section, by Committee on Appropriations.

HB 2402, AN ACT concerning property taxation; relating to valuation of property; excluding hypothetical leased fee in the determination of fair market value; amending K.S.A. 79-503a and repealing the existing section, by Committee on Appropriations.

HB 2403, AN ACT concerning sexually oriented businesses; crimes, punishment and criminal procedure; prohibiting certain acts; creating criminal penalties for violations; establishing the community defense act; amending K.S.A. 2020 Supp. 22-3901 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2404, AN ACT concerning the Kansas public employees retirement system; relating to death and long-term disability benefits; providing a moratorium on employer contributions to the group insurance reserve fund; amending K.S.A. 74-4927 and repealing the existing section, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2396**, **HB 2397**.

Commerce, Labor and Economic Development: **HB 2393**.

Financial Institutions and Rural Development: **HB 2398**.

Health and Human Services: **HB 2400**.

Insurance and Pensions: **HB 2399**.

Taxation: **HB 2394**, **HB 2395**.

MESSAGES FROM THE SENATE

Announcing passage of **SB 67**, **SB 118**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 67, **SB 118**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2007, AN ACT concerning motor carriers; relating to the state corporation commission's regulation of motor carriers; updating and eliminating certain procedures for certificates of convenience and necessity and certificates of public service; revising certain laws to conform to federal regulation; amending K.S.A. 66-1,105, 66-1,108, 66-1,110, 66-1,111, 66-1,112, 66-1,112g, 66-1,112j, 66-1,114, 66-1,114b, 66-1,116, 66-1,119 and 66-1,141 and repealing the existing sections; also repealing K.S.A. 66-1,118, 66-1,119a, 66-1,140 and 66-1,142d, was considered on final action.

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

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.
 Absent or not voting: Baker, Bishop, Howard.
 The bill passed.

HB 2070, AN ACT concerning postsecondary education; relating to certain private postsecondary educational institutions; acceptable methods of payment, credit card surcharges; amending K.S.A. 75-30,100 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Carmichael, Delperdang, Miller.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard.

The bill passed.

HB 2076, AN ACT concerning criminal procedure; relating to sureties; surrender of obligor by surety; release of surety; requiring delivery to county where the complaint subject to the bond was filed; adding a definition of custodial officer of the court; amending K.S.A. 22-2809 and repealing the existing section, was considered on final action.

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

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner,

Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard.

The bill passed, as amended.

HB 2087, AN ACT concerning administrative rules and regulations; relating to review by the director of the budget; amending K.S.A. 77-416, 77-420, 77-420a, 77-421 and 77-422 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Ballard, Barker, Bergkamp, Bergquist, Borjon, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Featherston, Finch, Finney, Francis, French, Gartner, Haswood, Hawkins, Helgerson, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Long, Lynn, Miller, Minnix, Moser, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogdill, Sutton, Tarwater, Thompson, Toplikar, Turner, Vaughn, Victors, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Blex, Burris, Delperdang, Fairchild, Garber, Helmer, Jacobs, Lee-Hahn, Mason, Murphy, Rhiley, Thomas, Waggoner.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: We vote No on **HB 2087**. We appreciate the procedural cleanup this bill represents in fixing problems with the 2018 statute of **HB 2280**. Regulatory reform is a big issue. Over-regulation hurts business and it hurts consumers. The problem with **HB 2087** is that the \$3m threshold takes the numbers of regulations scrutinized from over 1,040 to only about 11. It is a 99% drop in regulations that can be challenged. We genuinely appreciate the work that went into this bill but truly believe a \$1 million threshold better serves the public interest. — PAUL WAGGONER, BILL RHILEY, RANDY GARBER, TREVOR JACOBS, TATUM LEE-HAHN

HB 2096, AN ACT concerning the Kansas open records act; relating to exceptions to disclosure; public websites that identify home addresses or home ownership; restricting access to identifying information of employees of the department of corrections, local correctional officers or local detention officers, employees of the judicial branch, employees of a municipal court and administrative hearing officers; amending K.S.A. 2020 Supp. 45-221 and repealing the existing section, was considered on final action.

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

Yeas: Alcalá, Amyx, Anderson, Arnberger, Averkamp, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard.

The bill passed.

HB 2104, AN ACT concerning sales taxation; relating to exemptions; modifying the exemption for construction materials for educational institutions; amending K.S.A. 79-3606 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 8; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Averkamp, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlson, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Newland, Ohaebosim, Orr, Ousley, Owens, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Carlin, Carmichael, Garber, Highberger, Kuether, Neighbor, Parker, Turner.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER, I voted YES today on **HB 2104**. I am fully supportive of the Cerebral Palsy Research Foundation and their mission to upgrade their Timbers apartments for their client and save money by not paying sales tax on building materials. I disagree that the State would continue to add exemptions to paying State Sales Tax without taking away an exemption from another entity. It will get to a point that we will have limited State General Funds. They should (if not already) get a tax break on their property and income taxes. – BILL RHILEY, PAUL WAGGONER

MR. SPEAKER: While the exemption in **HB 2104** is for a worthy cause I cannot support it. In 2019 sales sales and tax exemptions totaled 7.8 billion dollars. That same year the State of Kansas had sales tax revenue of 2.5 billion dollars. We continue to erode our sales tax base for the benefit of some while passing the burden of funding our ever-growing government to the others. I long for the day when we have a fair tax system for every Kansas Taxpayer. Mr. Speaker, I vote “NO” on **HB 2104**. – RANDY GARBER, JOHN CARMICHAEL

HB 2115, AN ACT concerning the legislature; relating to children and minors; the safety and well-being of children in the child welfare system in the state of Kansas; establishing the joint committee on child welfare system oversight; prescribing duties and membership thereof; requiring an annual report to the legislature, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 4; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Averkamp, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Burris, Fairchild, Helmer, Rhiley.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2115**. I believe that the foster care system in our state has serious problems and needs to be reformed, and I support creating an office of child advocate to reform our foster care system. However, I think that creating this sub committee is an example of unnecessary government bureaucracy and is an inefficient use of taxpayer money. All the different issues that this sub committee will be studying could just as easily be studied by the current Children and Seniors Committee during the legislative session. — BRETT FAIRCHILD, BILL RHILEY

MR. SPEAKER: I vote “Yes” on **HB 2115**. However, I do not believe more government is the answer to the broken state of Kansas families. Yes, we do need hearings, open-door policies, and strict government accountability with oversight for all government agencies. Still importantly we need better educational teaching in societal living, family living, personal accountability and personal responsibility with respect according to the Word of God. Without exercising moral traditional values Kansas will continue to look to government and not God and common sense for individual freedom, answers, and solutions. — TREVOR JACOBS, RANDY GARBER, TATUM LEE-HAHN

HB 2158, AN ACT concerning public health; relating to the department of health and environment, division of public health; powers, duties and functions of the advisory committee on trauma and the statewide trauma system regional council; continuing in existence the authority to conduct closed session meetings and keep records privileged; amending K.S.A. 75-5664 and 75-5665 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Averkamp, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Sutton.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard.

The bill passed.

HB 2172, AN ACT concerning water; relating to the division of water resources of the department of agriculture; modifying multi-year flex accounts, base average usage calculation and fees; permitting alternative base average usage calculation and prorated terms; amending K.S.A. 82a-736 and repealing the existing section, was considered on final action.

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

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard.

The bill passed, as amended.

HB 2178, AN ACT concerning cities; relating to the vacation of certain blocks in the original town plat in the city of Americus, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Carmichael.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard.

The bill passed.

HB 2187, AN ACT establishing the first-time home buyer savings account act; relating to financial institutions; providing for addition and subtraction modifications for contributions to first-time home buyer savings accounts under the Kansas income tax act; amending K.S.A. 79-32,117 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Amyx, Anderson, Arnberger, Awerkamp, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Helgerson, Kuether, Ousley.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HB 2187**, as the way the bill is currently drafted, it allows any individual of any income to create an account to designate a beneficiary in a manner that allows the transfer of funds tax free. Research has shown that this type of tax incentive does not benefit those who struggle to save to purchase a home, nor will it increase affordable housing stock, but rather provides tax free intergenerational wealth transfers. In Kansas this could cost the state general fund approximately \$3 million a year, with no increased housing access for those who are lower income.— JARROD OUSLEY

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2124**, **HB 2155**, **HB 2151** be passed.

Committee report to **HB 2114** be adopted.

Also, on motion of Rep. Concannon, **HB 2114** be amended as amended by House Committee, on page 3, in line 21, by striking "January 13, 2022," and inserting "the beginning of the 2022 regular session of the legislature"; in line 22, by striking

"January 11, 2023" and inserting "the beginning of the 2023 regular session of the legislature" and the bill be passed as amended.

Committee report to **HB 2125** be adopted; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Hawkins pursuant to House Rule 2311, **HB 2114**, **HB 2124**, **HB 2125**, **HB 2151** and **HB 2155** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION

HB 2114, AN ACT concerning the legislature; establishing the Kansas senior care task force; prescribing topics of study; membership; meeting requirements; records; report, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 8; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Featherston, Finch, Finney, Francis, French, Gartner, Haswood, Hawkins, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Long, Lynn, Mason, Miller, Minnix, Moser, Neely, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Burris, Fairchild, Garber, Helgerson, Jacobs, Lee-Hahn, Murphy, Rhiley.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard, Ruiz, L..

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER, We voted NO today on **HB 2114**. We are fully supportive of getting updated information on Alzheimer's, dementia, and other age-related mental health conditions. It is also important to review safeguards to medication given in adult care homes. We do have agencies to oversee the daycare business.

Regardless that this task force has a sunset, these task forces seem to continue and continue. This work should be done as a subcommittee during the time frame of the session so there is no additional expense to taxpayers for per diems, staff time, research and revisor staff time. Also we would recommend nonprofit senior organizations such as AMAC. – Brett Fairchild, Bill Rhiley

HB 2124, AN ACT concerning the healing arts; relating to healing arts schools; professional services performed thereby; authorization thereof; amending K.S.A. 2020 Supp. 17-2707, 17-7668 and 65-2877a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard, Ruiz, L..

The bill passed.

HB 2155, AN ACT concerning the department of health and environment; relating to water and soil pollutants; spill program; penalties; amending K.S.A. 65-171v and repealing the existing section; also repealing K.S.A. 65-171w, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 36; Present but not voting: 0; Absent or not voting: 4.

Yeas: Anderson, Arnberger, Awerkamp, Barker, Bergkamp, Bergquist, Blex, Borjon, Carlson, B. Carpenter, W. Carpenter, Clark, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Francis, French, Hawkins, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Newland, Orr, Owens, F. Patton, Penn, Poetter, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams, Wolfe Moore, Woodard.

Nays: Alcalá, Amyx, Ballard, Burris, Burroughs, Byers, Carlin, Carmichael, Clayton, Coleman, Curtis, Day, Finney, Garber, Gartner, Haswood, Helgerson, Helmer, Henderson, Highberger, Jacobs, Kuether, Miller, Neighbor, Ohaebosim, Ousley, Parker, Poskin, Rhiley, Ruiz, S., Stogsdill, Vaughn, Victors, Weigel, Winn, Xu.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard, Ruiz, L..

The bill passed.

HB 2151, AN ACT concerning the attorney general; relating to elder and dependent adult abuse; creating a Kansas elder and dependent adult abuse multidisciplinary team coordinator and elder and dependent adult abuse multidisciplinary teams; prescribing membership; duties and powers; meeting requirements; providing for confidentiality of records; open meeting exemption; report to the legislature; requiring the abuse, neglect and exploitation of persons unit of the attorney general to assist in multidisciplinary team investigations; amending K.S.A. 75-723 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Averkamp, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard, Ruiz, L..

The bill passed.

HB 2125, AN ACT concerning the probate code; relating to wills; allowing a will or a copy of a will filed within six months after the death of the testator to be admitted to probate at any time; amending K.S.A. 2020 Supp. 59-618a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 3; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Averkamp, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner,

Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Eplee, Helmer, Kelly.

Present but not voting: None.

Absent or not voting: Baker, Bishop, Howard, Ruiz, L..

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 27** be passed.

Committee on **Agriculture** recommends **HB 2244** be amended on page 5, in line 27, after "any" by inserting "criminal history"; also on line 27, by striking "received by"; in line 28 by striking "the hemp processor"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2191** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2144** be amended on page 1, following line 7, by inserting:

"Section 1. K.S.A. 2020 Supp. 21-6813 is hereby amended to read as follows: 21-6813. (a) The court shall order the preparation of the presentence investigation report by the court services officer as soon as possible after conviction of the defendant.

(b) Each presentence investigation report prepared for an offender to be sentenced for one or more felonies committed on or after July 1, 1993, shall be limited to the following information:

(1) A summary of the factual circumstances of the crime or crimes of conviction.

(2) If the defendant desires to do so, a summary of the defendant's version of the crime.

(3) When there is an identifiable victim, a victim report. The person preparing the victim report shall submit the report to the victim and request that the information be returned to be submitted as a part of the presentence investigation. To the extent possible, the report shall include a complete listing of restitution for damages suffered by the victim.

(4) An appropriate classification of each crime of conviction on the crime severity scale.

(5) A listing of prior adult convictions or juvenile adjudications for felony or misdemeanor crimes or violations of county resolutions or city ordinances comparable to any misdemeanor defined by state law. Such listing shall include an assessment of the appropriate classification of the criminal history on the criminal history scale and the source of information regarding each listed prior conviction and any available source of journal entries or other documents through which the listed convictions may be verified. ~~If any such journal entries or other documents~~ The journal entries for each listed prior conviction that is necessary to establish the appropriate classification on the criminal history scale or to establish a special sentencing rule shall be attached to the criminal history worksheet and be a part of the court record. If any other documents verifying the listed convictions are obtained by the court services officer, they shall be attached to the presentence investigation report criminal history worksheet and be a part of the court record. Any prior criminal history worksheets of the defendant shall also be attached.

(6) A proposed grid block classification for each crime, or crimes of conviction and the presumptive sentence for each crime, or crimes of conviction.

(7) If the proposed grid block classification is a grid block that presumes imprisonment, the presumptive prison term range and the presumptive duration of postprison supervision as it relates to the crime severity scale.

(8) If the proposed grid block classification does not presume prison, the presumptive prison term range and the presumptive duration of the nonprison sanction as it relates to the crime severity scale and the court services officer's professional assessment as to recommendations for conditions to be mandated as part of the nonprison sanction.

(9) For defendants who are being sentenced for a conviction of a felony violation of K.S.A. 65-4160 or 65-4162, prior to their repeal, or K.S.A. 2020 Supp. 21-5706, and amendments thereto, and meet the requirements of K.S.A. 2020 Supp. 21-6824, and amendments thereto, the drug abuse assessment as provided in K.S.A. 2020 Supp. 21-6824, and amendments thereto.

(10) For defendants who are being sentenced for a third or subsequent felony conviction of a violation of K.S.A. 65-4160 or 65-4162, prior to their repeal, or K.S.A. 2020 Supp. 21-5706, and amendments thereto, the drug abuse assessment as provided in K.S.A. 2020 Supp. 21-6824, and amendments thereto.

(c) The presentence investigation report will become part of the court record and shall be accessible to the public, except that the official version, defendant's version and the victim's statement, any psychological reports, risk and needs assessments and drug and alcohol reports and assessments shall be accessible only to: The parties; the sentencing judge; the department of corrections; community correctional services; any entity required to receive the information under the interstate compact for adult offender supervision; and, if requested, the Kansas sentencing commission. If the offender is committed to the custody of the secretary of corrections, the report shall be sent to the secretary and, in accordance with K.S.A. 75-5220, and amendments thereto, to the warden of the state correctional institution to which the defendant is conveyed.

(d) The criminal history worksheet will not substitute as a presentence investigation report.

(e) The presentence investigation report will not include optional report components, which would be subject to the discretion of the sentencing court in each district except for psychological reports and drug and alcohol reports.

(f) Except as provided in K.S.A. 2020 Supp. 21-6814, and amendments thereto, the court may take judicial notice in a subsequent felony proceeding of an earlier presentence investigation report criminal history worksheet prepared for a prior sentencing of the defendant for a felony committed on or after July 1, 1993.

(g) All presentence investigation reports in any case in which the defendant has been convicted of a felony shall be on a form approved by the Kansas sentencing commission.";

Also on page 1, in line 13, by striking all after the first "the"; in line 14, by striking all before "shall" and inserting "criminal history worksheet and attached documents prepared for the court pursuant to K.S.A. 2020 Supp. 21-6813(c)(5), and amendments thereto,"; in line 29, after the period by inserting "In designating a record that shows prejudicial error, the offender may provide the appellate court with journal entries of the challenged criminal history that were not originally attached to the criminal history worksheet, and the state may provide the appellate court with journal entries establishing a lack of prejudicial error. The court may take judicial notice of such

journal entries, complaints, plea agreements, jury instructions and verdict forms for Kansas convictions when determining whether prejudicial error exists. The court may remand the case if there is a reasonable question as to whether prejudicial error exists.";

Also, on page 1, following line 29, by inserting:

"Sec. 3. K.S.A. 2020 Supp. 21-6820 is hereby amended to read as follows: 21-6820. (a) A departure sentence or ruling on a motion filed pursuant to K.S.A. 22-3504 and amendments thereto, is subject to appeal by the defendant or the state. The appeal shall be to the appellate courts in accordance with rules adopted by the supreme court.

(b) Pending review of the sentence, the sentencing court or the appellate court may order the defendant confined or placed on conditional release, including bond.

(c) On appeal from a judgment of conviction entered for a felony committed on or after July 1, 1993, the appellate court shall not review:

(1) Any sentence that is within the presumptive sentence for the crime; or

(2) any sentence resulting from an agreement between the state and the defendant which the sentencing court approves on the record.

(d) In any appeal from a judgment of conviction imposing a sentence that departs from the presumptive sentence prescribed by the sentencing grid for a crime, sentence review shall be limited to whether the sentencing court's findings of fact and reasons justifying a departure:

(1) Are supported by the evidence in the record; and

(2) constitute substantial and compelling reasons for departure.

(e) In any appeal from a judgment of conviction, the appellate court may review a claim that:

(1) A sentence that departs from the presumptive sentence resulted from partiality, prejudice, oppression or corrupt motive;

(2) the sentencing court erred in either including or excluding recognition of a prior conviction or juvenile adjudication for criminal history scoring purposes; or

(3) the sentencing court erred in ranking the crime severity level of the current crime or in determining the appropriate classification of a prior conviction or juvenile adjudication for criminal history purposes.

(f) The appellate court may reverse or affirm the sentence. If the appellate court concludes that the trial court's factual findings are not supported by evidence in the record or do not establish substantial and compelling reasons for a departure, it shall remand the case to the trial court for resentencing.

(g) The appellate court shall issue a written opinion whenever the judgment of the sentencing court is reversed. The court may issue a written opinion in any other case when it is believed that a written opinion will provide guidance to sentencing judges and others in implementing the sentencing guidelines adopted by the Kansas sentencing commission. The appellate courts may provide by rule for summary disposition of cases arising under this section when no substantial question is presented by the appeal.

(h) A review under summary disposition shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required unless ordered by the appellate court and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.

(i) The sentencing court shall retain authority irrespective of any ~~notice of appeal for 90 days after entry of judgment of conviction to modify its judgment and sentence to correct any arithmetic or clerical errors to correct an illegal sentence or clerical error~~

pursuant to K.S.A. 22-3504, and amendments thereto. Notwithstanding the provisions of K.S.A. 22-3504, and amendments thereto, if a motion to correct an illegal sentence is filed while a direct appeal is pending, any change in the law that occurs during the pending direct appeal shall apply.

(j) The amendments made to this section by ~~this act~~ section 14 of chapter 59 of the 2019 Session Laws of Kansas are procedural in nature and shall be construed and applied retroactively.";

Also on page 1, in line 30, after "Supp." by inserting "21-6813,"; also in line 30, by striking "is" and inserting "and 21-6820 are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, after "requiring" by inserting "the journal entries used to establish criminal history be attached to a criminal history worksheet and"; in line 4, after "error" by inserting "; authorizing the court jurisdiction to correct an illegal sentence while a direct appeal is pending"; also in line 4, after "Supp." by inserting "21-6813,"; also in line 4, after "21-6814" by inserting "and 21-6820"; in line 5, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2302** be passed.

Committee on **Insurance and Pensions** recommends **HB 2243** be passed.

Committee on **Taxation** recommends **HB 2143** be passed.

Committee on **Veterans and Military** recommends **HB 2020** be passed.

REPORT OF STANDING COMMITTEE

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

Request No. 13, by Representative Jason Probst, honoring the memory of The Honorable Judge Gregory L. Waller for his lifelong service to his community, Sedgwick County and the State of Kansas.

Request No. 14, by Representative Dave Baker, congratulating Bachura Family Automotive on receiving the 2020 NAPA KC Auto Care Center of the year award.

Request No. 15, by Representative Timothy Johnson, honoring the academic and community service of the Basehor-Linwood High School National Honor Society Class of 2021.

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

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

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2405, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; authorizing the issuance of revenue bonds to finance the

unfunded actuarial pension liability of KPERS; providing requirements, limitations and procedures for the Kansas development finance authority, department of administration and the state finance council pertaining to such bonds, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker pro tem Finch announced the withdrawal of **HB 2039** from Committee of the Whole and re-referral to Committee on Education.

Also, the withdrawal of **HB 2331** from Committee on Agriculture and referral to Committee on Commerce, Labor and Economic Development.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Finch announced the appointment of Rep. Winn to replace Rep. L. Ruiz on Committee on Commerce, Labor and Economic Development on February 18, 2021.

Also, the appointment of Rep. Woodard to replace Rep. Bishop on Committee on Health and Human Services on February 18, 2021.

REPORT ON ENGROSSED BILLS

HB 2076, HB 2087, HB 2104, HB 2115, HB 2172 reported correctly engrossed February 17, 2021.

On motion of Rep. Hawkins, the House adjourned proforma until 8:30 a.m. on Friday February 19, 2021.

JENNY HAUGH, JULIA WERNER, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

