

Journal of the House

FORTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 23, 2021, 11:00 a.m.

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

The roll was called with 123 members present.

Reps. Howard and Neighbor were excused on verified illness.

Excused later: Rep. Garber.

Prayer by Chaplain Brubaker:

Almighty God,
In You we place our trust – in You we find our refuge.
Apart from You, there is nothing that we can do or claim
that be truly called good.
Send Your spirit and bring order to the
disputes and debates that may surround our leaders.
Shed Your light in the darkness of alienation and division.
Remind us that You have created us in Your image
and this is what we should see reflected
in the lives of one another.
As our leaders work together in this place,
may they be cognizant of their stewardship of Your gifts
that You have given them.
I pray in Christ's Name, Amen.

The Pledge of Allegiance was led by Rep. Dodson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2447, AN ACT concerning securities; relating to the securities act fee fund; terminating the transfer of remaining unencumbered moneys in such fund over \$50,000 to the state general fund; amending K.S.A. 2020 Supp. 17-12a601 and repealing the existing section, by Committee on Taxation.

CONSENT CALENDAR

No objection was made to **SB 64** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Howard, Neighbor.

The bill passed, as amended.

H Sub for SB 26, AN ACT concerning roads and highways; designating a portion of K-7 as the Senator Bud Burke memorial highway; designating a portion of United States highway 77 as the CPL Allen E Oatney and SP4 Gene A Myers memorial highway; amending K.S.A. 68-1022 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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

Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Howard, Neighbor.

The substitute bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I vote “Yes” on **House Sub for SB 26**. Honoring the memory of U.S. Army Vietnam veterans, Corporal Allen E. Oatney and Specialist 4th Class Gene Allen Myers in the naming of a rural segment of U.S. Highway 77 in District 106, which I have the privilege to represent in this body, is a small gesture compared to the **price paid by their lives** in service to our national freedom. I am privileged to cast my “Yes” vote for this concise and important piece of legislation. – LISA MOSER

H Sub for SB 63, AN ACT concerning education; relating to student attendance; enacting the back to school act; requiring school districts to provide for a full-time, in person attendance option in school year 2020-2021, was considered on final action.

On roll call, the vote was: Yeas 77; Nays 46; Present but not voting: 0; Absent or not voting: 2.

Yeas: Anderson, Amberger, Averkamp, Baker, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Carlson, B. Carpenter, W. Carpenter, Clark, Collins, Concannon, Corbet, Croft, Delperdang, Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Finch, Francis, Garber, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Houser, Huebert, Humphries, Jacobs, Jennings, T. Johnson, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Neely, Orr, Owens, F. Patton, Penn, Poetter, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, K. Williams.

Nays: Alcalá, Amyx, Ballard, Bishop, Burroughs, Byers, Carlin, Carmichael, Clayton, Coleman, Curtis, Day, Dodson, M., Featherston, Finney, French, Gartner, Haswood, Helgerson, Henderson, Highberger, Howe, Hoye, S. Johnson, Kelly, Kuether, Miller, Newland, Ohaebosim, Ousley, Parker, Poskin, Probst, Ruiz, L., Ruiz, S., Sanders, Sawyer, Stogsdill, Vaughn, Victors, Weigel, Wheeler, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Howard, Neighbor.

The substitute bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote NO on **House Substitute for Senate Bill 63**. We have already voted down **Senate Bill 235** for the same reasons that I will be voting this legislation down. The changes to this bill, applying only for the current school year, does not change the fact that we are still overstepping our legislative boundaries and restricting local control of our elected school officials. Teachers have been getting vaccinated and children are returning to the classrooms that have been transformed to provide a safe

learning environment. This body needs to be focusing on helping our school districts during this transitional phase rather than drawing moot points with unnecessary legislation. – TOM SAWYER, BRANDON WOODARD, AARON COLEMAN, ELIZABETH BISHOP, JOHN CARMICHAEL, JIM GARTNER, PONKA-WE VICTORS, RUI XU, SYDNEY CARLIN, CHRISTINA HASWOOD, TOM BURROUGHS, JERRY W. STOGSDILL, LOUIS E. RUIZ, PAM CURTIS, VALDENIA WINN, LINDA FEATHERSTON

MR. SPEAKER: I vote no on **House Substitute for Senate Bill 63**. This bill is silent on whether schools could use fully remote learning for an inclement weather day or disaster instead of closing school. Exactly how the State Board and local boards would interpret and apply this new provision in relation to their constitutional and statutory authority is unknown. If the bill is enacted, school districts will lose flexibility to provide fully remote learning days for all students from March 31 to the end of the year. We should not impose this restriction on schools as they near the end of the most difficult school year I've experienced in my lifetime. – JO ELLA HOYE

MR. SPEAKER: I almost supported **H Sub for SB 63**. Children in my legislative district returned to full-time, in-person school, so it seemed benign. However, the invective against public schools expressed during debate yesterday show the motivation behind this legislation are nefarious.

The contents of **H Sub for SB 63** were previously rejected by a bi-partisan majority of House members. A process is underway, to safely return Kansas schools to in-person learning. We must reopen schools AND protect our children and educators. Feigning concern for the plight of Kansas families while striking at the heart of the very institutions upon which the depend is in poor taste. I vote NO. – STEPHANIE CLAYTON

MR. SPEAKER: Ideally parents and teachers voicing their concerns over policies to their local school boards can bring an agreeable resolution for all. We now know it is possible to have in-person school safely, we know many students and families are struggling without it, and their needs are not being addressed in a timely manner despite parents asking for this. I hope that passing this bill will strongly encourage those districts not providing full-time in-person learning for all students who want that option to make it available for the remainder of this school year; therefore, I VOTE YES on **H Sub for SB 63**. – CHARLOTTE ESAU, TIMOTHY JOHNSON

SB 67, AN ACT concerning motor vehicles; relating to all-terrain vehicles and recreational off-highway vehicles; expanding the definitions thereof; amending K.S.A. 2020 Supp. 8-126 and 8-1402a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 24; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Carlson, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Ellis, Eplee, Esau, Estes, Fairchild, Finch, Finney, Francis, French, Garber, Hawkins, Henderson, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Newland, Ohaebosim, Orr, Owens, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L.,

Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Victors, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams, Woodard.

Nays: Amyx, Bishop, Byers, Carlin, Carmichael, Day, Donohoe, Featherston, Gartner, Haswood, Helgerson, Helmer, Highberger, Huebert, Kuether, Miller, Ousley, Parker, Ruiz, S., Vaughn, Weigel, Winn, Wolfe Moore, Xu.

Present but not voting: None.

Absent or not voting: Howard, Neighbor.

The bill passed, as amended.

SB 95, AN ACT concerning motor vehicles; relating to odometer requirements upon transfer of vehicle; exempting certain odometer certification requirements; amending K.S.A. 2020 Supp. 8-135 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Howard, Neighbor.

The bill passed, as amended.

H Sub for SB 99, AN ACT concerning motor vehicles; relating to the vehicle dealers and manufacturers licensing act; increasing the bonding requirement for vehicle dealers; providing for display show licenses; allowing for new vehicle dealers and manufacturers to participate in display shows; amending K.S.A. 2020 Supp. 8-2404 and 8-2435 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 8-2435, as amended by section 1 of 2021 Senate Bill No. 33, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Averkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins,

Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, 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: Fairchild, Jacobs.

Present but not voting: None.

Absent or not voting: Howard, Neighbor.

The substitute bill passed.

SB 118, AN ACT concerning municipalities; relating to the dissolution of special districts and assumption of responsibilities by cities or counties, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcala, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, 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, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, 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: Corbet, Helmer.

Present but not voting: None.

Absent or not voting: Howard, Neighbor.

The bill passed.

EXPLANATION OF VOTE

MR SPEAKER: I vote no on **SB 118**. The reason is: 18,700 Sedgwick voters do not want Century II or the historic Library destroyed. This bill includes control of library districts by cities and counties. I object to this bill **SB 118**. – CHERYL HELMER

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **SB 36** be adopted; and the bill be passed as amended.

Committee report to **HB 2329** be adopted; and the bill be passed as amended.

Committee report to **SB 55** be adopted; and the bill be passed as amended.

Committee report to **HCR 5015** be adopted.

Also, Roll Call was demanded on the motion of Rep. Parker to amend **HCR 5015**, as amended by House Committee, on page 2, following line 20, by inserting:

"Be it further resolved: That the United States Congress is hereby urged to restore the provisions of the Voting Rights Act of 1965 to ensure the voting rights for all people; and";

On page 1, in the title, in line 3, by striking "and oppose" and inserting "by opposing"; also in line 3, after "2021" by inserting "and restoring the provisions of the Voting Rights Act of 1965"

On roll call, the vote was: Yeas 39; Nays 83; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Ballard, Bishop, Burroughs, Byers, Carlin, Carmichael, Clayton, Coleman, Curtis, Day, Estes, Featherston, Finney, Gartner, Haswood, Helgerson, Henderson, Highberger, Hoye, Kuether, Miller, Ohaebosim, Ousley, Parker, Poskin, Probst, Ruiz, L., Ruiz, S., Sawyer, Stogsdill, Vaughn, Victors, Weigel, Winn, Wolfe Moore, Woodard, Xu.

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

Present but not voting: None.

Absent or not voting: Howard, Neighbor, Samsel.

The motion of Rep. Parker to amend **HCR 5015** did not prevail.

Also, on motion of Rep. Miller to re-refer **HCR 5015** to Committee on Elections the motion did not prevail; and the resolution be adopted as amended.

Committee report to **HB 2406** be adopted; and the bill be passed as amended.

Committee report to **SB 86** be adopted; and the bill be passed as amended.

Committee report to **SB 24** be adopted.

Also, on motion of Rep. Coleman to amend **SB 24**, Rep. Xu requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. and the bill be passed.

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

On roll call, the vote was: Yeas 100; Nays 18; Present but not voting: 0; Absent or not voting: 7.

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

Nays: Alcalá, Bishop, Burroughs, Carlin, Carmichael, Coleman, Curtis, Finney, Helgerson, Henderson, Miller, Ohaebosim, Ousley, Ruiz, L., Stogsdill, Victors, Weigel, Winn.

Present but not voting: None.

Absent or not voting: Baker, Clark, Garber, Howard, Neighbor, Samsel, Sawyer. and the bill be passed as amended.

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

REPORTS OF STANDING COMMITTEES

Committee on **Children and Seniors** recommends **SB 120** be amended on page 1, in line 25, by striking "11" and inserting "13";

On page 2, in line 4, by striking "and"; in line 6, after "senate" by inserting ";

(8) one member of the senate appointed by the minority leader of the senate; and

(9) one member of the house of representatives appointed by the majority leader of the house of representatives";

Also on page 2, in line 38, by striking "Six" and inserting "Seven"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **SB 65** be amended on page 5, in line 18, after "(f)" by inserting "For projects placed into service on and after January 1, 2021, a taxpayer may transfer up to 50% of the tax credit allowed under subsection (e), as provided in this subsection. The taxpayer may make a transfer to one or more transferees, but the total of all transfers shall not exceed 50% of the taxpayer's tax credit. The taxpayer shall make the transfer or transfers within a single tax year. The credit may be transferred to any individual or entity and shall be claimed in the year the credit was transferred against the transferee's tax liability for the income tax under the Kansas income tax act or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as

measured by the net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. The amount of the credit that exceeds the transferee's tax liability for such year may be carried forward for credit in the succeeding taxable year or years until the total amount of the tax credit is used, except that no such credit shall be carried forward for deduction after the 16th taxable year succeeding the taxable year in which such credit was initially claimed. The taxpayer or transferee shall provide such documentation of the tax credit transfer to the secretary of revenue as may be required by the secretary.

(g) In the event the tax credit earned by the taxpayer and transferred to a transferee is later disallowed in whole or in part by the secretary of revenue, the taxpayer that originally earned the tax credit shall be liable for repayment to the state in the amount disallowed.

(h)";

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

On page 1, in the title, in line 3, after the semicolon by inserting "transferability of tax credits;"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **SB 66** be amended on page 2, in line 24, by striking "its next series of funding" and inserting "any additional funds";

On page 3, in line 32, after "liability" by inserting "at the time of the investment in a qualified Kansas business";

On page 6, in line 4, after "investors" by inserting "who lawfully make an investment"; also in line 4, by striking all after "shall"; in line 5, by striking all before "under" and inserting "not have tax credits disallowed solely due to the business losing its designation as a qualified Kansas business"; following line 8, by inserting:

"Sec. 4. K.S.A. 79-32,176a is hereby amended to read as follows: 79-32,176a. (a) Any resident individual taxpayer who makes expenditures for the purpose of making all or any portion of an existing facility accessible to individuals with a disability, which facility is used as, or in connection with, such taxpayer's principal dwelling or the principal dwelling of a lineal ascendant or descendant, including construction of a small barrier-free living unit attached to such principal dwelling, shall be entitled to claim a tax credit in an amount equal to the applicable percentage of such expenditures or ~~\$9,000~~ \$15,000, whichever is less, against the income tax liability imposed against such taxpayer pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. Nothing in this subsection shall be deemed to prevent any such taxpayer from claiming such credit: (1) For each principal dwelling in which the taxpayer or lineal ascendant or descendant may reside, or facility used in connection therewith; or (2) more than once, but not more often than once every four-year period of time. The applicable percentage of such expenditures eligible for credit shall be as set forth in the following ~~schedule~~ schedules:
Married individuals filing joint returns.

	% of	
Taxpayers	expenditures	
Federal Adjusted	eligible for	
Gross Income	credit	
\$0 to \$25,000 <u>\$60,000</u>		100%
Over \$25,000 <u>\$60,000</u> but not over \$30,000 <u>\$70,000</u>		90%
Over \$30,000 <u>\$70,000</u> but not over \$35,000 <u>\$80,000</u>		80%
Over \$35,000 <u>\$80,000</u> but not over \$40,000 <u>\$90,000</u>		70%
Over \$40,000 <u>\$90,000</u> but not over \$45,000 <u>\$100,000</u>		60%
Over \$45,000 <u>\$100,000</u> but not over \$55,000 <u>\$110,000</u>		50%
Over \$55,000 <u>\$110,000</u> but not over <u>\$120,000</u>		40%
Over <u>\$120,000</u> but not over <u>\$130,000</u>		30%
Over <u>\$130,000</u> but not over <u>\$140,000</u>		20%
Over <u>\$140,000</u> but not over <u>\$150,000</u>		10%
Over <u>\$150,000</u>		0%
<u>All other individuals.</u>		
	% of	
Taxpayers	expenditures	
Federal Adjusted	eligible for	
Gross Income	credit	
<u>\$0 to \$40,000</u>		100%
Over <u>\$40,000</u> but not over <u>\$50,000</u>		90%
Over <u>\$50,000</u> but not over <u>\$60,000</u>		80%
Over <u>\$60,000</u> but not over <u>\$70,000</u>		70%
Over <u>\$70,000</u> but not over <u>\$80,000</u>		60%
Over <u>\$80,000</u> but not over <u>\$90,000</u>		50%
Over <u>\$90,000</u> but not over <u>\$100,000</u>		40%
Over <u>\$100,000</u> but not over <u>\$110,000</u>		30%
Over <u>\$110,000</u> but not over <u>\$120,000</u>		20%
Over <u>\$120,000</u> but not over <u>\$130,000</u>		10%
Over <u>\$130,000</u>		0%

Such tax credit shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the taxable year in which the expenditures are made.

(b) Notwithstanding the provisions of subsection (a), if the amount of the taxpayer's tax liability is less than ~~\$2,250~~ \$3,750 in the first year in which the credit is claimed under this section, an amount equal to the amount by which $\frac{1}{4}$ of the credit allowable under this section exceeds such tax liability shall be refunded to the taxpayer and the amount by which such credit exceeds such tax liability less the amount of such refund may be carried over for the next three succeeding taxable years. If the amount of the taxpayer's tax liability is less than ~~\$2,250~~ \$3,750 in the second year in which the credit is claimed under this section, an amount equal to the amount by which $\frac{1}{3}$ of the amount

of the credit carried over from the first taxable year exceeds such tax liability shall be refunded to the taxpayer and the amount by which the amount of the credit carried over from the first taxable year exceeds such tax liability less the amount of such refund may be carried over for the next two succeeding taxable years. If the amount of the taxpayer's tax liability is less than ~~\$2,250~~ \$3,750 in the third year in which the credit is claimed under this section, an amount equal to the amount by which $\frac{1}{2}$ of the amount carried over from the second taxable year exceeds such tax liability shall be refunded to the taxpayer and the amount by which the amount of the credit carried over from the second taxable year exceeds such tax liability less the amount of such refund may be carried over to the next succeeding taxable year. If the amount of the credit carried over from the third taxable year exceeds the taxpayer's income tax liability for such year, the amount thereof which exceeds such tax liability shall be refunded to the taxpayer.

(c) In the case of all tax years commencing after December 31, 2021, the maximum tax credit amount, as prescribed in subsection (a), and the tax liability threshold amount in the first, second and third years, as prescribed in subsection (b), shall be increased by an amount equal to such maximum tax credit amount and tax liability threshold amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.

(d) The provisions of this section are applicable to tax year ~~2013~~ 2021, and all tax years thereafter.;

Also on page 6, in line 9, by striking "and" and inserting a comma; also in line 9, after "74-8136" by inserting "and 79-32,176a";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "economic development" and inserting "income taxation"; in line 4, after the last semicolon by inserting "expenditures to make principal dwelling accessible to persons with a disability"; in line 5, by striking the first "and" and inserting a comma; also in line 5, after "74-8136" by inserting "and 79-32,176a"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **SB 90**, as amended by Senate Committee of the Whole, be amended on page 1, in line 26, by striking "60,000" and inserting "80,000"; and the bill be passed as amended.

Committee on **Insurance and Pensions** recommends **SB 37**, as amended by Senate Committee of the Whole, 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 and concurrent resolution were introduced and read by title:

HB 2448, AN ACT concerning foster care; relating to licenses for family foster homes; creating an exemption to allow the secretary for the department of children and families to license a family foster home where a former foster care youth with juvenile adjudications resides; amending K.S.A. 65-516 and repealing the existing section, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. **HCR 5018**—

By Committee on Federal and State Affairs

A PROPOSITION to amend section 22 of article 2 of the constitution of the state of Kansas; relating to legislative immunity from arrest and civil service of process.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 22 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 22. Legislative immunity. For any speech, written document or debate in either house, the members shall not be questioned elsewhere. ~~No member of the legislature shall be subject to arrest — except for treason, felony or breach of the peace — in going to, or returning from, the place of meeting, or during the continuance of the session; neither shall he be subject to the service of any civil process during the session, nor for fifteen days previous to its commencement.~~"

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to remove the constitutional provision allowing legislators to have immunity from being arrested in going to, or returning from, the place of meeting, or during the continuance of the legislative session or from being served with civil process during the legislative session or 15 days prior to the commencement of the legislative session.

"A vote for this proposition would remove the provision in the Kansas constitution that provides for immunity from arrest while going to, or returning from, the place of meeting, or during the continuance of the legislative session and from civil service of process for legislators during the legislative session or 15 days prior to the commencement of the legislative session.

"A vote against this proposition would not make any changes to the constitution and would maintain the current provisions related to legislative immunity."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

MESSAGES FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 26**, requests a conference and has appointed Senators Petersen, Claeys and Hawk as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 63**, requests a conference and has appointed Senators Baumgardner, Erickson and Sykes as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 67**, requests a conference and has appointed Senators Petersen, Claeys and Hawk as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 95**, requests a conference and has appointed Senators Petersen, Claeys and Hawk as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 99**, requests a conference and has appointed Senators Petersen, Claeys and Hawk as conferees on the part of the Senate.

REPORT ON ENGROSSED BILLS

HB 2401 reported correctly engrossed March 22, 2021.

HB 2078 reported correctly re-engrossed March 22, 2021.

REPORT ON ENROLLED BILLS

HB 2227 reported correctly enrolled, properly signed and presented to the Governor on March 23, 2021.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Wednesday, March 24, 2021.

JENNY HAUGH, JULIA WERNER, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

