

Journal of the House

TWENTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 12, 2021, 8:30 a.m.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2371, AN ACT concerning children and minors; relating to eligibility for public benefits; removing cooperation with child support from eligibility requirements for food and child care assistance; exempting adults enrolled in school from the 20-hour-per-week work requirement; amending K.S.A. 2020 Supp. 39-709 and repealing the existing section, by Committee on Children and Seniors.

HB 2372, AN ACT concerning health and healthcare; relating to ground ambulance service providers; imposing a medicaid ambulance service provider assessment thereon; providing for powers, duties and functions of the department of health and environment related thereto, by Committee on Health and Human Services.

HB 2373, AN ACT concerning health and healthcare; relating to individuals with intellectual or developmental disability; requiring the Kansas department for aging and disability services to establish and implement a mobile crisis services program for such individuals, by Committee on Health and Human Services.

HB 2374, AN ACT concerning crimes, punishment and criminal procedure; relating to the certified drug abuse treatment program; authorizing the sentencing commission to determine risk levels for participation in program; amending K.S.A. 75-5291 and K.S.A. 2020 Supp. 21-6824 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2375, AN ACT concerning crimes, punishment and criminal procedure; relating to crimes against the public safety; adding items to the definitions of knife and weapon in the crime of criminal possession of a weapon by a convicted felon; amending K.S.A. 2020 Supp. 21-6304 and repealing the existing section, by Committee on Judiciary.

HB 2376, AN ACT concerning crimes, punishment and criminal procedure; relating to violation of a protective order; requiring law enforcement agencies to adopt a policy related to arrests and separation of the suspect from the scene; amending K.S.A. 2020 Supp. 22-2307 and repealing the existing section, by Committee on Judiciary.

HB 2377, AN ACT concerning driving; relating to driving under the influence; authorizing reinstatement of a driver's license for certain persons with an ignition interlock device restriction; removing the motorized bicycle license option for persons whose driving privileges are suspended for a DUI-related offense; allowing certain

persons disqualified from driving a commercial motor vehicle to have commercial driving privileges restored; modifying the criminal penalties for driving a commercial motor vehicle under the influence and driving under the influence, authorizing courts to waive certain fines and clarifying that amendment or dismissal of certain charges is permitted; allowing persons with suspended driving privileges to seek driving privileges restricted to driving only a motor vehicle equipped with an ignition interlock device earlier in the suspension period; requiring persons with an ignition interlock device restriction to complete the ignition interlock device program before driving privileges are fully reinstated; requiring the secretary of revenue to adopt certain rules and regulations related to ignition interlock devices; providing for reduced ignition interlock device program costs for certain persons; reducing the restricted driving privileges period for certain persons less than 21 years of age; clarifying that a city attorney or a county or district attorney shall not enter into a diversion agreement for certain traffic violations if the defendant is a commercial driver's license holder; amending K.S.A. 8-1016 and K.S.A. 2020 Supp. 8-235, 8-2,142, 8-2,144, 8-1015, 8-1567, 8-1567a, 12-4415 and 22-2908 and repealing the existing sections, by Committee on Judiciary.

HB 2378, AN ACT concerning retirement and pensions; enacting the Kansas work and save program act; providing for administrative powers, duties and responsibilities of the state treasurer regarding such program; allowing certain individuals to contribute to individual retirement accounts; establishing the Kansas work and save administrative fund in the state treasury, by Committee on Insurance and Pensions.

HB 2379, AN ACT concerning transportation; relating to peer-to-peer vehicle sharing; establishing insurance requirements; liability; recordkeeping requirements; consumer protection provisions; enacting the peer-to-peer vehicle sharing program act; amending K.S.A. 2020 Supp. 50-656 and repealing the existing section, by Committee on Insurance and Pensions.

HB 2380, AN ACT concerning the healthcare stabilization fund; relating to minimum professional liability insurance coverage requirements; changing membership of the board of governors; amending K.S.A. 2020 Supp. 40-3402, 40-3403, 40-3408 and 40-3424 and repealing the existing sections, by Committee on Insurance and Pensions.

HB 2381, AN ACT concerning energy; establishing the state energy plan task force; requiring the development of a comprehensive state energy plan, by Committee on Energy, Utilities and Telecommunications.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce, Labor and Economic Development: **HB 2370**.

Corrections and Juvenile Justice: **HB 2360**, **HB 2361**.

Elections: **HB 2355**.

Energy, Utilities and Telecommunications: **HB 2367**.

Insurance and Pensions: **HB 2368**.

Judiciary: **HB 2356**, **HB 2362**, **HB 2363**, **HB 2364**, **HB 2365**, **HB 2366**, **HB 2369**.

K-12 Education Budget: **HB 2359**.

Taxation: **HB 2357**, **HB 2358**.

MESSAGES FROM THE SENATE

Announcing passage of **SB 4, SB 56, SB 61, SB 68, and SB 69.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 4, SB 56, SB 61, SB 68, SB 69.

On motion of Rep. Hawkins, the House recessed until 11:00 a.m.

LATE MORNING SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2382, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2022, for the Kansas department for aging and disability services and the department of education; relating to home and community-based services and the intellectual or developmental disability waiver; authorizing school districts to expend unencumbered cash balances, by Committee on Social Services Budget.

HB 2383, AN ACT concerning insurance; relating to the regulation of pharmacy benefits managers; providing for enhanced oversight thereof; requiring licensure rather than registration of such entities; amending K.S.A. 2020 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, by Committee on Insurance and Pensions.

HB 2384, AN ACT concerning health and healthcare; relating to the department of health and environment; establishing the advisory committee on harm reduction; prescribing membership and duties thereof, by Committee on Health and Human Services.

HB 2385, AN ACT concerning pharmacists and pharmacy; relating to the state board of pharmacy; expanding the pharmacist's scope of practice to include point-of-care testing for and treatment of certain health conditions; amending K.S.A. 65-1626a and repealing the existing section, by Committee on Health and Human Services.

HB 2386, AN ACT concerning insurance; relating to dental benefits; dental benefit plans and related coverage; establishing requirements and restrictions for the payment and reimbursement of dental services thereby, by Committee on Health and Human Services.

HB 2387, AN ACT concerning aircraft; relating to operating an aircraft under the influence; prescribing criminal and administrative penalties; providing for testing of blood, breath, urine or other bodily substances and preliminary screening tests of breath or oral fluid; repealing K.S.A. 3-1001, 3-1002, 3-1003, 3-1004 and 3-1005, by Committee on Judiciary.

HB 2388, AN ACT concerning pharmacy and pharmacists; pertaining to the scope of practice thereof; requiring that health benefit plans cover certain professional services when performed by a licensed pharmacist, by Committee on Insurance and Pensions.

HB 2389, AN ACT concerning crimes, punishment and criminal procedure; authorizing a notice to appear for unlawful possession of marijuana to be deemed a complaint in the Kansas code of criminal procedure; amending K.S.A. 2020 Supp. 22-2202 and repealing the existing section, by Committee on Judiciary.

HB 2390, AN ACT concerning public records; relating to disclosure thereof under the open records act; making permanent certain exceptions to disclosure; amending K.S.A. 75-5664 and 75-5665 and K.S.A. 2020 Supp. 9-513c, 9-2209, 12-5374, 16-335, 17-1312e, 25-2309, 40-2,118, 40-4913, 45-229 and 45-254 and repealing the existing sections, by Committee on Judiciary.

HB 2391, AN ACT concerning business entities; providing for biannual filing of business reports; changing business filing provisions and requirements related to business names and electronic signatures; removing certain exemptions from the open records act for certain business tax records no longer required to be filed; UCC filings with improperly included social security numbers; other filing or information requirements; filing fees; repealing certain obsolete statutes including relating to blanket music licenses; amending K.S.A. 17-1513, 17-1618, 17-2037, 17-2711, 17-4677, 17-5902, 17-7509, 17-7511, 53-601, 56-1a151, 56-1a605, 56a-101, 75-446 and 75-3520 and K.S.A. 2020 Supp. 17-2036, 17-2718, 17-4634, 17-6014, 17-6014, as amended by section 10 of this act, 17-7002, 17-7503, 17-7504, 17-7505, 17-7506, 17-7510, 17-7512, 17-76,136, 17-76,139, 17-76,147, 17-78-601, 17-7903, 17-7904, 17-7905, 17-7906, 17-7910, 17-7910, as amended by section 29 of this act, 17-7936, 45-229, 56-1a606, 56-1a607, 56a-1001, 56a-1201 and 56a-1202 and repealing the existing sections; also repealing K.S.A. 17-7507, 57-205, 57-206, 57-207 and 75-447, by Committee on Commerce, Labor and Economic Development.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2098** be passed.

Committee on **Judiciary** recommends **HB 2076** be amended on page 1, in line 8, after the period by inserting "(a)"; following line 19, by inserting:

"(b) As used in this section, "custodial officer of the court" means the sheriff or the keeper of the jail in the county.";

Also on page 1, in the title, in line 3, after the semicolon by inserting "adding a definition of custodial officer of the court;"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2125** be amended on page 1, in line 12, after "(b)" by inserting "(1)"; also in line 12, by striking "(1)" and inserting "(A)"; in line 13, by striking "(2)" and inserting "(B)"; in line 16, by striking "(3)" and inserting "(C)"; in line 17, by striking "(4)" and inserting "(D)"; in line 19, by striking "(5)" and inserting "(E)"; following line 20, by inserting:

"(2) An affidavit filed pursuant to this section on or after July 1, 2021, shall state whether the original will or a copy of such will is being filed with the court."; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2127** be amended on page 4, in line 27, after "such" by inserting "child"; also in line 27, after "fatality" by inserting "involving an allegation of child abuse or neglect"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2152** be amended on page 1, in line 22, by striking all after "owner"; by striking all in lines 23 and 24; in line 25, by striking all before "and"; in line 29, after "When" by inserting "the transfer-on-death deed was not made contingent on such grantee beneficiary surviving the record owner and";

On page 2, in line 5, by striking "2014" and inserting "2021"; and the bill be passed as amended.

Committee on **K-12 Education Budget** recommends **HB 2119** be amended on page 2, in line 6, after "(1)" by inserting "Is enrolled in any school of a school district and"; in line 18, by striking "either"; in line 19, by striking "or immediately preceding"; in line 20, by striking "180" and inserting "240"; also in line 20, by striking "one" and inserting "the current"; in line 21, by striking "or"; following line 21, by inserting:

"(B) after January 1, 2021, of the 2020-2021 school year, through remote learning for a period of 120 consecutive school term hours;";

Also on page 2, in line 22, by striking "(B)" and inserting "(C)"; in line 23, by striking "or immediately preceding"; in line 24, by striking "one"; following line 24, by inserting:

"(D) after January 1, 2021, of the 2020-2021 school year, through a hybrid model of instruction for a period of 240 total school term hours; or";

On page 3, in line 1, after "(h)" by inserting "(1)"; in line 2, by striking all after "school"; by striking all in line 3; in line 4, by striking all before "that"; in line 5, by striking "(1)" and inserting "(A)"; in line 7, by striking "(2)" and inserting "(B)"; following line 8, by inserting:

"(2) "Qualified private school" does not mean any nonaccredited private home school or home school organization, community, consortium or group.";

On page 6, in line 23, by striking "develop" and inserting "contract with a third party pursuant to competitive bids for"; by striking all in lines 27 and 28;

On page 7, in line 34, by striking "contracted services from a school district, including individual"; in line 35, by striking "classes" and inserting "services, programs, activities, classes or any other resources or programs provided or contracted by a school district";

On page 11, following line 9, by inserting:

"Sec. 19. K.S.A. 72-5151 is hereby amended to read as follows: 72-5151. (a) The at-risk student weighting of each school district shall be determined by the state board as follows:

(1) Determine the number of at-risk students included in the enrollment of the school district; and

(2) multiply the number determined under subsection (a)(1) by 0.484. The resulting sum is the at-risk student weighting of the school district.

~~(b) Except as provided in subsection (b)(4), the high density at-risk student weighting of each school district shall be determined by the state board as follows:~~

~~(1) (A) If the enrollment of the school district is at least 35% at-risk students, but less than 50% at-risk students:~~

~~(i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district;~~

~~(ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and~~

~~(iii) multiply the product determined under subsection (b)(1)(A)(ii) by the number of at-risk students included in the enrollment of the school district; or~~

~~(B) if the enrollment of the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or~~

~~(2) (A) if the enrollment of a school in the school district is at least 35% at-risk students, but less than 50% at-risk students:~~

~~(i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school;~~

~~(ii) multiply the difference determined under subsection (b)(2)(A)(i) by 0.7; and~~

~~(iii) multiply the product determined under subsection (b)(2)(A)(ii) by the number of at-risk students included in the enrollment of such school; or~~

~~(B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and~~

~~(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.~~

~~(3) The high density at-risk weighting of the school district shall be the greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).~~

~~(4) Commencing in school year 2018-2019, school districts that qualify to receive the high density at-risk weighting pursuant to this section shall spend any money attributable to the school district's high density at-risk weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 72-5153(d), and amendments thereto. If a school district that qualifies for the high density at-risk weighting does not spend such money on such best practices, the state board shall notify the school district that it shall either spend such money on such best practices or shall show improvement within five years of notification. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state math and English language arts assessments; (C) the average composite ACT score; or (D) the four year graduation rate. If a school district does not spend such money on such best practices and does not show improvement within five years, the school district shall not qualify to receive the high density at-risk weighting in the succeeding school year.~~

~~(5) The provisions of this subsection shall expire on July 1, 2020.~~

~~(b) On and after July 1, 2021, except as provided in subsection (b)(4), the high-density at-risk student weighting of each school district shall be determined by the state board as follows:~~

~~(1) (A) If the enrollment of the school district is at least 35% at-risk students, but less than 50% at-risk students:~~

~~(i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district;~~

~~(ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and~~

~~(iii) multiply the product determined under subsection (b)(1)(A)(ii) by the number of at-risk students included in the enrollment of the school district; or~~

~~(B) if the enrollment of the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or~~

(2) (A) if the enrollment of a school in the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school;

(ii) multiply the difference determined under subsection (b)(2)(A)(i) by 0.7; and

(iii) multiply the product determined under subsection (b)(2)(A)(ii) by the number of at-risk students included in the enrollment of such school; or

(B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and

(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.

(3) The high-density at-risk weighting of the school district shall be the greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).

(4) School districts that qualify to receive the high-density at-risk weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk weighting does not spend such money on such best practices, the state board shall notify the school district that it shall either spend such money on such best practices or shall show improvement within five years of notification. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state math and English language arts assessments; (C) the average composite ACT score; or (D) the four-year graduation rate. If a school district does not spend such money on such best practices and does not show improvement within five years, the school district shall not qualify to receive the high-density at-risk weighting in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, 2022. "

On page 19, in line 42, after "72-5134" by inserting ", 72-5151";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "72-5134" by inserting ", 72-5151"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2001, HB 2121, HB 2165 reported correctly engrossed February 11, 2021.

On motion of Rep. Hawkins the House adjourned pro forma until 11:00 a.m. on Monday, February 15, 2021.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

