

Journal of the House

THIRTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 29, 2024, 11:00 a.m.

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

The roll was called with 115 members present.

Reps. Croft, Donohoe, Highberger, Houser, Neighbor, A. Smith and White were excused on verified illness.

Reps. Lewis, Maughan and Meyer were excused on excused absence by the Speaker.

Prayer by Chaplain Holmes:

Good Morning Father; we have gathered together once again to help the people of Kansas have and enjoy better lives. Thank You for the opportunity to invest in such a worthy calling.

Your Word proclaims, “Who may ascend into the hill of the Lord? And who may stand in His holy place? He who has clean hands and a pure heart, who has not lifted up his soul to falsehood, and has not sworn deceitfully. They shall receive a blessing from the Lord, and righteousness from the God of their salvation.”

I pray for each of these Representatives of our State, to indeed have clean hands and a pure heart. Keep them from any temptation to delve into falsehood or deceitful ways. May each receive Your promised blessings as well as a righteous reputation because they live as character driven individuals.

We lift our families to You today and ask that You would be their constant companion. When they feel the pangs of loneliness, be the One who speaks words of encouragement into their spirits. When they must make decisions without their helpmate, pour wisdom and discernment into them. When they are hurting, be the Great physician, and when unexpected situations occur, be their sustainer.

We pray for our Nation and for all the leaders you have placed in places of great responsibility. Might wisdom be their constant guide. I pray this in Jesus Name. Amen.

The Pledge of Allegiance was led by Rep. Clifford.

INTRODUCTION OF GUESTS

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

It is my absolute honor to introduce you to my favorite back to back championship team...the Blue Valley North Boys Swim and Dive team! They were our 2023 6A State Champions and they came back for another in 2024, the 11th for the program. Blue Valley North scored 314 points, leading the 2nd place team by nearly 100 points. 14 team members scored in the competition, starting the meet with gold in the 200 medley relay and closing with gold in the 400 free relay.

Having been a swim and dive mom myself, as my own son Jacob swam through college and was coached by a 2000 Blue Valley North State Championship Swim and Dive team member, Grant Messick, I know how hard these young men and their coaches worked to achieve this phenomenal success. You know, with the exception of that one week, where you ask your child to bring in the trash cans and they, "Uh, taper, mom...taper!" Before I recognize the folks up here at the well, I'd like to acknowledge the additional team members and our dedicated parents in the gallery.

First up, we have Senior team captains, Alec Lopez and Max Masilionis: Alec brought home gold in the 400 free relay, silver in the 200 free relay, 10th in the fly and 8th in the 100 free. Max delivered silver in the 200 free relay, 10th in the fly and 11th in the 50 free. Senior Ethan Chan was part of the 200 medley relay gold team and finished 8th in the breaststroke. Senior Klein McGraw placed 7th in the breaststroke.

The strength of the underclassmen showing this year sets the stage for next year's three-peat aspirations: We have Junior Henry Parisi, a member of the 200 free relay gold team who placed 8th in the 200 free and 11th in the 100 free. Junior Connor Golding, whom I had the honor of becoming his next-door neighbor when he was 5 years old, placed third in the breaststroke and 11th in the 200 free. Junior Caleb Twyman placed 8th in the 100 backstroke. And sophomore Khasar Chinbat was a member of the 400 free relay gold team and placed 5th in the 50 free. Harnessing, motivating and coaching these talented young men are coaches Rob Cole and Amy Hanna.

Body, please give a hand to your back-to-back, 2023 and 2024, 6A State Championship team, the Blue Valley North Mustangs Boys Swim and Dive team! We hope to see you back here next year.

Rep. Poskin presented her guests with a framed House certificate in honor of their accomplishments.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2816, AN ACT concerning agriculture; relating to the farm animal and field crop and research facilities protection act; prohibiting entering or remaining on and knowingly making false statements to gain access to animal facilities and field crop production areas; providing penalties for violations therefor; removing the intent to destroy property; amending K.S.A. 47-1826 and 47-1827 and repealing the existing sections, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

- Agriculture and Natural Resources: **SB 417**.
- Corrections and Juvenile Justice: **SB 190, SB 318, SB 491**.
- Energy, Utilities and Telecommunications: **SB 455**.
- Federal and State Affairs: **SB 434**.
- Financial Institutions and Pensions: **SB 406**.
- Health and Human Services: **SB 352, SB 391**.
- Higher Education Budget: **SB 481**.
- Insurance: **SB 423**.
- K-12 Education Budget: **SB 438**.
- Local Government: **SB 162**.
- Taxation: **HB 2815**.
- Transportation: **SB 272**.

On motion of Rep. Mason, the House resolved into the Committee of the Whole, with Rep. Bergquist in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2543** be passed.

Committee report to **HB 2358** be adopted; and the bill be passed as amended.

Committee report to **HB 2790** be adopted; and the bill be passed as amended.

Committee report to **HB 2608** be adopted.

Also, on motion of Rep. Wasinger, **HB 2608** be amended As Amended by House Committee, on page 1, in line 23, by striking all after "to"; in line 24, by striking all before the second "the" and inserting "administer and enforce";

Also on page 1, in the title, in line 2, by striking all after the semicolon; in line 3, by striking all before "establishing" and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTION

On emergency motion of Rep. Mason pursuant to House Rule 2311, **HB 2358, HB 2543, HB 2608** and **HB 2790** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2358, AN ACT concerning public health; relating to the uniform vital statistics act; certification of an individual's cause of death; permitting cause of death certifiers to provide certification thereto; amending K.S.A. 65-2401 and 65-2412 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 9; Present but not voting: 0; Absent or not voting: 10.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Bryce, Buehler, Butler, Carlin, B. Carpenter, W. Carpenter, Carr,

Clifford, Collins, Concannon, Corbet, Curtis, Delperdang, Dodson, M., Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Hill, Hoffman, Hoheisel, Houglan, Howell, Howerton, Hoyer, Jacobs, T. Johnson, Kessler, Martinez, Mason, McDonald, McNorton, Melton, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Ohaebosim, Oropeza, Osman, Ousley, Owens, Penn, Pickert, Poskin, Probst, Proctor, Rahjes, Resman, Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schreiber, Seiwert, Smith, C., Smith, E., Stogsdill, Sutton, Thomas, Thompson, Titus, Turk, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, Williams, L., Winn, Woodard, Xu, Younger.

Nays: Barth, Carmichael, Howe, Humphries, Landwehr, Poetter, Schmoie, Tarwater, Williams, K..

Present but not voting: None.

Absent or not voting: Croft, Donohoe, Highberger, Houser, Lewis, Maughan, Meyer, Neighbor, Smith, A., White.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote "NO" on **HB 2358** because on Page 3 (d), lines 4-6 gives immunity from civil liability to the "cause of death certifier." Waiving immunity for civil liability ONLY provides protection to one party and not both parties, which is bad policy. I am not okay with waiving the rights of my constituents. Even with someone marking a death certificate in "good faith" does NOT mean they won't make a mistake. Therefore, I vote NO on **HB 2358**. – CARRIE BARTH, REBECCA SCHOME

HB 2790, AN ACT concerning labor and employment; relating to professional employer organizations; transferring registration requirements, related compliance oversight and enforcement authority for such organizations from the commissioner of insurance to the secretary of state, effective March 1, 2025; requiring the filing of initial and renewal registration applications, reports, financial statements and other assurance documents with the secretary; providing for fees to be submitted to the secretary and granting the secretary responsibility over the professional employer organization fee fund; ensuring that welfare benefit plans offered by professional employer organizations to employees and covered employees are treated as a single employer welfare benefit plan for purposes of state law; amending K.S.A. 44-1702, 44-1704, 44-1705, 44-1706, 44-1708, 44-1709 and 44-1710 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 1; Present but not voting: 0; Absent or not voting: 10.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Curtis, Delperdang, Dodson, M., Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Hill, Hoffman, Hoheisel, Houglan, Howe, Howell, Howerton, Hoyer, Humphries, Jacobs, T. Johnson, Kessler, Landwehr, Martinez, Mason, McDonald, McNorton, Melton, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Ohaebosim, Oropeza, Osman, Ousley,

Owens, Penn, Pickert, Poskin, Probst, Proctor, Rahjes, Resman, Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Seiwert, Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, Williams, K., Williams, L., Winn, Woodard, Xu, Younger.

Nays: Poetter.

Present but not voting: None.

Absent or not voting: Croft, Donohoe, Highberger, Houser, Lewis, Maughan, Meyer, Neighbor, Smith, A., White.

The bill passed, as amended.

HB 2543, AN ACT concerning agriculture; relating to livestock marks and brands; requiring approval of livestock brand applications by the animal health commissioner; submission of brand application and registration fees; increasing the maximum amount for brand registration and renewal fees; amending K.S.A. 47-417 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 4; Present but not voting: 0; Absent or not voting: 10.

Yeas: Alcala, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Curtis, Dodson, M., Droge, Ellis, Eplee, Essex, Estes, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Hill, Hoffman, Hoheisel, Hougland, Howe, Howell, Howerton, Hoyer, Humphries, T. Johnson, Kessler, Landwehr, Martinez, Mason, McDonald, McNorton, Melton, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Ohaebosim, Oropeza, Osman, Ousley, Owens, Penn, Pickert, Poskin, Probst, Proctor, Rahjes, Resman, Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Seiwert, Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, Williams, K., Williams, L., Winn, Woodard, Xu, Younger.

Nays: Delperdang, Fairchild, Jacobs, Poetter.

Present but not voting: None.

Absent or not voting: Croft, Donohoe, Highberger, Houser, Lewis, Maughan, Meyer, Neighbor, Smith, A., White.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I vote yes on **HB 2543**. In the production livestock industry, brands are an invaluable tool regarding lost or stolen livestock, for the very purpose of determining ownership. Based on direction from membership input of various agricultural groups, there is strong support for **HB 2543** to enable the Division of Brands within the Kansas Department of Agriculture to effectively carry out a strong brand program, utilizing one administrative staff position to manage the brand division and two state livestock theft investigators. The livestock industry is willing to pay for the valuable services that **HB 2543** provides to preserve and protect our legacies. — LISA MOSER

HB 2608, AN ACT concerning agriculture; relating to animal health; poultry disease control; establishing an annual participation fee not to exceed \$50 for participation in the national poultry improvement plan; a certification fee not to exceed \$50 for persons performing testing and diagnostic services; a fee not to exceed \$100 per visit to each location participating in the plan when testing or diagnostic services related to pullorum typhoid are provided; allowing the commissioner to revoke any national plan hatchery or U.S. pullorum-typhoid clean designation for failure to pay the annual plan participation fee within a 60-day grace period; amending K.S.A. 2-910, 2-912, 2-914 and 2-915 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 2; Present but not voting: 0; Absent or not voting: 10.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Curtis, Delperdang, Dodson, M., Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Hill, Hoffman, Hoheisel, Houglund, Howe, Howell, Howerton, Hoye, Humphries, Jacobs, T. Johnson, Kessler, Landwehr, Martinez, Mason, McDonald, McNorton, Melton, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Ohaebosim, Osman, Ousley, Owens, Penn, Pickert, Poetter, Poskin, Probst, Proctor, Rahjes, Resman, Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Seiwert, Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, Williams, K., Williams, L., Winn, Xu, Younger.

Nays: Oropeza, Woodard.

Present but not voting: None.

Absent or not voting: Croft, Donohoe, Highberger, Houser, Lewis, Maughan, Meyer, Neighbor, Smith, A., White.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **SB 430** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Health and Human Services** recommends **SB 219** be amended by substituting with a new bill to be designated as "House Substitute for SENATE BILL NO. 219," as follows:

"House Substitute for SENATE BILL NO. 219

By Committee on Health and Human Services

"AN ACT concerning hospitals; relating to rural emergency hospital licensure; expanding eligibility to facilities that meet criteria between January 2015 and December 2020; amending K.S.A. 2023 Supp. 65-484 and repealing the existing section.";

And the substitute bill be passed.

(**Sub Bill for SB 219** was thereupon introduced and read by title.)

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 2817, AN ACT concerning wildlife; relating to controlled shooting areas; removing the maximum fee amount for controlled shooting area operator licenses; allowing the secretary of wildlife and parks to adjust such license fee amount on an annual basis to cover any projected loss of revenue caused by an enactment concerning wildlife fees by the legislature during the current or previous fiscal year; amending K.S.A. 2023 Supp. 32-988 and repealing the existing section, by Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGE

Speaker pro tem Carpenter announced the appointment of S. Miller to replace Rep. Neighbor on Committee on Elections February 29, 2024.

REPORT ON ENGROSSED BILLS

HB 2483, Sub HB 2512, HB 2678 reported correctly engrossed February 23, 2024.

HB 2101, HB 2385, Sub HB 2494, HB 2607, HB 2616, HB 2629, HB 2634, HB 2645, HB 2660, HB 2669, HB 2690, HB 2711, HB 2741, HB 2745, HB 2755, HB 2777 reported correctly engrossed February 26, 2024.

HB 2536, HB 2567, HB 2751, HB 2784 reported correctly engrossed February 27, 2024.

HB 2484, Sub HB 2570 reported correctly engrossed February 28, 2024.

On motion of Rep. Mason the House adjourned pro forma until 8:30 a.m. on Friday, March 1, 2024.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

