

Journal of the House

FORTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 12, 2024, 11:00 a.m.

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

The roll was called with 119 members present.

Reps. Donohoe and L. Ruiz were excused on verified illness.

Reps. Alcalá, Humphries, Maughan and Poetter Parshall were excused on excused absence by the Speaker.

Prayer by guest chaplain, Rev. Everett Schultz, First Mennonite Church, Pretty Prairie and guest of Rep. Seiwert.

Dear heavenly Father, Thank you for this opportunity to pray for these people who represent the citizens of Kansas. I invite you Father to come and be with us in this House Chamber as we look to You in prayer.

Father, these people have so many issues in front of them. The issues of health care, of affordable housing, of safe working conditions and shopping environments, and especially for the safe and effective education for our children. May these people strive to provide schools that encourage high moral values and to provide students a sense of respect and honor for their parents and their teachers. And, as we look to the future, energy and housing and day care for working families will be important factors for the people of this state. Father, please be with each one as they debate and consider these difficult issues.

Give each one wisdom, understanding and a willingness to work together. May their decisions be the correct ones for the continued well-being of all Kansans. Father, help these people to feel the seriousness of their decisions. Their decisions will affect my grandchildren and their grandchildren. And my grandchildren are very precious to me, and I desire for them to have the chance to live with the values, and the freedoms, and the opportunities that I have enjoyed. So Father, be very close to each one in this House Chamber, not only for this session's decisions, but also in all their future decisions.

And lastly, I pray earnestly that each of them know they are bound for heaven. There is no more important decision than knowing you are going to heaven. And Father, if there is anyone here who does not know

if they are going to heaven, then help them to place their faith in Jesus as their Savior today. The Bible says "Believe in the Lord Jesus Christ, and you will be saved." Acts 16:31. Father, it is my prayer that each one here come to know Him, the Savior of the world, so they can be with You in heaven someday. Father, I pray that You will work your work in each heart of each one in this room.

I ask these things in Jesus' name. Amen

The Pledge of Allegiance was led by Rep. Seiwert.

INTRODUCTION OF GUESTS

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

Rep. Seiwert introduced today's guest chaplain, Rev. Everett Schultz and his wife Judy. He recognized Rev. Schultz's continuous service as a guest chaplain for the Kansas House of Representative for the sixteenth consecutive year. Rep. Seiwert's daughter, Barbara Schultz, and her husband, Tim Schultz (who is Reverend Shultz's son) joined him on the floor. Additionally, Barbara and Tim's son, Ty, is present at the Capitol today, serving as a page in the House.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2825, AN ACT concerning health and healthcare; relating to hospitals; requiring that hospitals provide online pricing information for certain items and services; enacting the consumer protection related to hospital price transparency act; deeming noncompliance with such act to be an unfair or deceptive trade practice; providing for monetary penalties for hospitals found to be noncompliant with such act; amending K.S.A. 2023 Supp. 50-626 and repealing the existing section, by Committee on Appropriations.

HB 2826, AN ACT concerning elevators; relating to the elevator safety act; redefining the term elevator; modifying the requirements for licensure, inspection and testing of elevators and adoption of rules and regulations by the state fire marshal; amending K.S.A. 2023 Supp. 44-1802, 44-1805, 44-1807, 44-1815, 44-1816 and 44-1819 and repealing the existing sections, by Committee on Appropriations.

HB 2827, AN ACT concerning elevators; relating to the elevator safety act; delaying the enforcement thereof until at least July 1, 2025; amending K.S.A. 2023 Supp. 44-1801, 44-1816, 44-1817 and 44-1819 and repealing the existing sections, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Insurance: **HB 2824**.

MESSAGE FROM THE SENATE

The Senate nonconcur in House amendments to **SB 338**, requests a conference and has appointed Senators Longbine, Fagg and Holscher as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 339**, requests a conference and has appointed Senators Longbine, Fagg and Holscher as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 356**, requests a conference and has appointed Senators Longbine, Fagg and Holscher as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 398**, requests a conference and has appointed Senators Longbine, Fagg and Holscher as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Croft, the House acceded to the request of the Senate for a conference on **SB 338**.

Speaker pro tem Carpenter thereupon appointed Reps. Sutton, Penn and Neighbor as conferees on the part of the House.

On motion of Rep. Croft, the House acceded to the request of the Senate for a conference on **SB 339**.

Speaker pro tem Carpenter thereupon appointed Reps. Sutton, Penn and Neighbor as conferees on the part of the House.

On motion of Rep. Croft, the House acceded to the request of the Senate for a conference on **SB 356**.

Speaker pro tem Carpenter thereupon appointed Reps. Sutton, Penn and Neighbor as conferees on the part of the House.

On motion of Rep. Croft, the House acceded to the request of the Senate for a conference on **SB 398**.

Speaker pro tem Carpenter thereupon appointed Reps. Sutton, Penn and Neighbor as conferees on the part of the House.

CONSENT CALENDAR

No objection was made to **SB 336** appearing on the Consent Calendar for the first day.

On motion of Rep. Croft, the House resolved into the Committee of the Whole, with Rep. Sutton in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Sutton, Committee of the Whole report, as follows, was adopted:
Recommended that:

Committee report recommending a substitute bill to **SB 233** be adopted.

Also, on motion of Rep. Bryce, **Sub Bill for SB 233** be amended on page 4, by striking all in lines 30 through 43;

By striking all on pages 5 and 6;
On page 7, by striking all in lines 1 through 6;
On page 10, in line 40, by striking "and K.S.A. 2023 Supp. 65-1120 are" and inserting "is";
And by renumbering sections accordingly;
On page 1, in the title, in line 11, by striking "and nurses"; in line 12, by striking "and K.S.A. 2023 Supp. 65-1120"; in line 13, by striking "sections" and inserting "section" and the substitute bill be passed as amended.

Committee report to **HB 2527** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **SB 333**, As Amended by Senate Committee, be amended on page 1, following line 5, by inserting:

"New Section 1. Sections 1 through 3, and amendments thereto, shall be known and may be cited as Kathy's bill.

New Sec. 2. For purposes of sections 1 through 3, and amendments thereto:

(a) "Disability" means a physical or mental impairment that substantially limits one or more major life activities of an individual.

(b) "Major life activities" includes, but is not limited to, the activities of caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. "Major life activities" also includes the operation of major bodily functions, including, but not limited to, the immune system, normal cell growth, digestive system, bowel, bladder, neurological system, brain, respiratory system, circulatory system, endocrine system and reproductive system.

(c) "Reasonable accommodation" means:

(1) Making existing facilities used by employees readily accessible and usable by individuals with disabilities; and

(2) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters or other similar accommodations for individuals with disabilities.

(d) "State government" means any department, bureau, division, board, authority, agency, commission or institution of this state, except the judicial and legislative branches of state government and political subdivisions of the state.

New Sec. 3. (a) Persons with disabilities shall be preferred for employment and promotion in the state government of Kansas if qualified, with or without a reasonable accommodation, to meet the performance standards of the position. In the event that a person with a disability meeting the requirements of this act and a veteran meeting the requirements of the veteran's preference established by K.S.A. 73-201, and amendments thereto, apply for the same position, the person having the highest qualifications

meeting the performance standards of the position shall receive the primary preference.

(b) State government job opening notices and application forms shall state that the position is subject to the disability preference and explain how applicants with disabilities may take advantage of the preference, including information regarding the documentation of a disability that shall be provided pursuant to subsection (c) and the process that will be used for selection.

(c) An applicant who is a person with a disability shall provide documentation of the person's disability to the state government hiring authority when applying for the disability preference by providing a copy of one of the following documents:

(1) Supplemental security income or social security disability insurance determination letter;

(2) letter from a managed care organization or a qualified medical professional attesting to the disability;

(3) home and community-based services waiver approval letter; or

(4) vocational rehabilitation letter from a vocational rehabilitation counselor.

(d) The state government hiring authority shall offer an interview to a person who has applied for an open position who is qualified, with or without reasonable accommodation, to meet the performance standards of the position and who has presented proof of disability as provided in subsection (c).

(e) In any reduction in personnel by the state government employer, employees who are persons with disabilities shall be retained in preference to all other employees in the same job classification or job title with equal qualifications, seniority, status and performance reviews.

(f) A person with a disability has the right to not disclose that person's disability at the time of hire but may not assert a right to a retention preference pursuant to subsection (e) at a later date unless the disability is disclosed prior to the announcement of a layoff by submission of documentation as provided in subsection (c). Disclosure may be made to the state government human resources office where the employee is employed and shall remain confidential unless disclosure is required for the provision of a reasonable accommodation for the person with a disability or for emergency preparedness planning.

(g) The provisions of sections 1 through 3, and amendments thereto, shall not apply to positions that are filled by elected officers or vacancies in such elected offices, personal secretaries of such officers, members of boards and commissions, persons employed on a temporary basis, positions held by patients in state institutions, inmates in the custody of the secretary of corrections, students enrolled at a state educational institution, heads of departments, positions that require licensure as a physician and positions that require that the employee be admitted to practice law in Kansas.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "the state use law" and inserting "persons with disabilities; relating to employment thereof"; also in line 1, before "extending" by inserting "providing hiring, promotion and retention preferences for

such persons for certain executive branch state government positions"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2810** be passed.

Committee on **Insurance** recommends **SB 423**, As Amended by Senate Committee, be amended on page 15, in line 30, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2662** 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 **Taxation** recommends **HB 2685** be amended on page 39, in line 37, by striking all after "organization"; in line 38, by striking all before "exempt"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2688** be amended on page 39, in line 34, by striking the second "and";

On page 41, in line 3, after "2030" by inserting "; and (sss) on and after January 1, 2024, all sales of tangible personal property or services purchased by the Kansas children's discovery center, inc., an organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and which such property and services are used for the purpose of constructing, remodeling, furnishing or equipping a hands-on children's museum with a mission to enhance the lives of children and enrich the communities so served, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, remodeling, furnishing or equipping such project, for such organization, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, remodeling, furnishing or equipping of facilities for such organization. When such organization shall contract for the purpose of constructing, remodeling, furnishing or equipping such project, such organization shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such organization a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization shall be liable for tax on all materials purchased for the project, and upon payment thereof may recover the same from the contractor together with reasonable attorney fees. Any

contractor or agent, employee or subcontractor thereof, who purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after January 1, 2024, but prior to the effective date of this act, upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee. The provisions of this subsection shall expire and have no effect after December 31, 2030";

On page 1, in the title, in line 2, after "inc." by inserting "and the Kansas children's center, inc."; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2828, AN ACT concerning sales and compensating use tax; relating to city and countywide retailers' sales tax; providing countywide retailers' sales tax authority for Marshall county for the purpose of financing the costs of constructing or remodeling and furnishing a jail facility; amending K.S.A. 2023 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

HB 2829, AN ACT concerning veterans and military; relating to the armed forces of the United States; clarifying the definition of armed forces; updating the definition thereof to include the space force; amending K.S.A. 44-706, 48-3401 and 65-1116 and K.S.A. 2023 Supp. 48-3407, 48-3408, 48-3601 and 65-6129 and repealing the existing sections, by Committee on Taxation.

HB 2830, AN ACT concerning veterans and military; relating to disabled veterans; prescribing documentation requirements to determine eligibility for benefits derived from a service-connected disability, by Committee on Taxation.

HB 2831, AN ACT concerning veterans and military; relating to disabled veterans; requiring that federal disability determinations be prohibitive; prohibiting state agencies and municipalities from reconsidering a veteran's disability determination, by Committee on Taxation.

HB 2832, AN ACT concerning income taxation; relating to the Kansas housing investor tax credit; providing for transferability of credits from the year that the credit was issued; amending K.S.A. 2023 Supp. 79-32,313 and repealing the existing section, by Committee on Taxation.

HB 2833, AN ACT concerning veterans and military; modifying the definition of veteran and disabled veteran to create a common definition for each term; clarifying disability evaluations for benefits granted to disabled veterans; amending K.S.A. 8-160,

8-243, 8-1324, 73-201, 73-230, 73-1222 and 73-1239 and K.S.A. 2023 Supp. 32-934, 48-3601, 50-676, 75-3740 and 79-4502 and repealing the existing sections, by Committee on Taxation.

HB 2834, AN ACT concerning the state health care benefits program; transferring officers, employees, powers, duties and functions relating to such program from the division of the state employee health benefits plan of the department of administration to the insurance department; establishing the commissioner of insurance as the chairperson of the Kansas state employees health care commission; providing that all management functions of such commission shall be administered by the commissioner of insurance; eliminating a pilot program regarding employer contributions for certain children; amending K.S.A. 75-6503 and K.S.A. 2023 Supp. 75-37,169 and 75-6502 and repealing the existing sections; also repealing K.S.A. 75-6506a and K.S.A. 2023 Supp. 75-37,162, 75-37,163, 75-37,164, 75-37,165, 75-37,166, 75-37,167 and 75-37,168, by Committee on Appropriations.

HB 2835, AN ACT concerning law enforcement; requiring cities of the first class and counties that have cities of the first class to adopt by ordinance or resolution, respectively, law enforcement vehicle pursuit protocols, by Committee on Federal and State Affairs.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Carpenter announced the appointment of Rep. Croft to replace Rep. L. Williams on Committee on Commerce, Labor and Economic Development March 13, 2024.

Also, the appointment of Rep. Croft to replace Rep. Donohoe on Committee on Financial Institutions and Pensions on March 13, 2024.

Also, the appointment of Rep. Winn to replace Rep. L. Ruiz on Committee on Education March 12, 2024.

Also, the appointment of Rep. Highberger to replace Rep. Winn on Committee on Federal and State Affairs until further notice.

Also, the appointment of Rep. Highberger to replace Rep. Helgeson Committee on Juvenile Justice until further notice.

REPORT ON ENROLLED RESOLUTIONS

HR 6041 reported correctly enrolled and properly signed on March 12, 2024.

On motion of Rep. Croft, the House adjourned until 11:00 a.m., Wednesday, March 13, 2024.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

