

Journal of the House

TWENTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 13, 2020, 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.

Rep. Corbet was excused on verified illness.

Rep. Neighbor was excused on excused absence by the Speaker.

Prayer by guest chaplain, Rev. Marsha Haney, Pastor, Bethany United Methodist Church and Cedar Chapel United Methodist Church, Wichita, and guest of Rep. Finney:

Almighty Creator, eternal gift to all creation, we welcome your presence in this meeting today.

Lord we thank you, and we pray for all persons who serve and lead our country and State as government leaders, along with their families. We thank you for all government staff and all government workers throughout this building. Thank you for their hard work and dedication to their calling and purpose in life. We ask for your divine peace, protection, wisdom, brilliant strategy, and cutting-edge vision as we move forward in making Kansas one of the leading states in the Union: a state people want to call home. Lord, we ask your guidance for all government leaders as they make major decisions that will affect all families across the State of Kansas in a negative or positive way. Lord, help our leaders to do no harm to families, and to each other. Help our elected leaders to do good for all humankind, and most of all, help our leadership to stay in love with God. We ask these blessings in the name of Jehovah-Shalom.

The Pledge of Allegiance was led by Rep. Patton.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2671, AN ACT concerning gaming; relating to the Kansas expanded lottery act; authorizing sports wagering; amending K.S.A. 46-2301, 74-8702, 74-8710, 74-8711, 74-8716, 74-8718, 74-8733, 74-8734, 74-8741, 74-8751, 74-8752, 74-8757, 74-8760, 74-8761, 75-6202, 75-6204, 75-6217 and 79-4806 and K.S.A. 2019 Supp. 21-6403 and 21-6507 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2672, AN ACT concerning alcoholic beverages; relating to the club and drinking establishment act; authorizing licensees to sell and serve cereal malt beverages; amending K.S.A. 41-2604 and 41-2619 and K.S.A. 2019 Supp. 41-1201, 41-1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-2610, 41-2611, 41-2613, 41-2614, 41-2623, 41-2637, 41-2641, 41-2642, 41-2643, 41-2653, 41-2655, 41-2658 and 41-2659 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2673, AN ACT concerning the supreme court; relating to original jurisdiction; certain actions related to the health care provider insurance availability act, the healthcare stabilization fund and claims for noneconomic loss in medical malpractice liability actions, by Committee on Judiciary.

HB 2674, AN ACT concerning coroners; relating to child death investigations; autopsies; amending K.S.A. 22a-242 and repealing the existing section, by Committee on Judiciary.

HB 2675, AN ACT concerning civil actions; relating to the protection from abuse act; extension of orders; amending K.S.A. 2019 Supp. 60-3107 and repealing the existing section, by Committee on Judiciary.

HB 2676, AN ACT concerning education; relating to school districts; requiring publication of bullying policies; report on bullying incidents at each attendance center; amending K.S.A. 72-6147 and repealing the existing section, by Committee on Education.

HB 2677, AN ACT concerning health and healthcare; relating to hospitals and healthcare-related facilities; establishing primary health centers as a rural healthcare provider type and enacting the primary health center pilot program act contingent upon state acceptance into a demonstration program under the centers for medicare and medicaid innovation; amending K.S.A. 65-425 and 65-431 and repealing the existing sections, by Committee on Rural Revitalization.

HB 2678, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; affiliation of the Kansas department of wildlife, parks and tourism; membership of certain law enforcement officers and employees; employee and employer contributions, by Committee on Financial Institutions and Pensions.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were referred to committees as indicated:

Agriculture: **HB 2669**.

Commerce, Labor and Economic Development: **HB 2637, HB 2642, HB 2643, HB 2644, HB 2653, HB 2665, HB 2666**.

Corrections and Juvenile Justice: **HB 2651**.

Elections: **HB 2659**.

Energy, Utilities and Telecommunications: **HB 2662**.

Federal and State Affairs: **HB 2635, HB 2636, HB 2641, HB 2650, HCR 5021, HCR 5022**.

Health and Human Services: **HB 2638, HB 2645, HB 2658, HB 2660, HB 2661, HB 2663, HB 2664, HB 2670**.

Insurance: **HB 2634**.

Judiciary: **HB 2646, HB 2647, HB 2652, HB 2667**.

Taxation: **HB 2639, HB 2640, HB 2648, HB 2654, HB 2655, HB 2656, HB 2657, HB 2668.**

Transportation: **HB 2649.**

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Highberger, **HR 6033**, by Reps. Highberger and Horn, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6033**—

by Representatives Highberger and Horn

HR 6033—A RESOLUTION recognizing the 100th Anniversary of the League of Women Voters of the United States.

WHEREAS, On February 14, 1920, the League of Women Voters was founded as a forward-thinking experiment by the foremothers of the suffragist movement at the National American Women Suffrage Association; and

WHEREAS, The League's goal was to help the 20 million women who were granted the right to vote by the 19th Amendment understand and carry out their new responsibility as voters; and

WHEREAS, The success of its mission to empower voters and defend democracy, sustained by its tireless work over the last 100 years to uphold and further strengthen the mission, has made the League a trusted nonpartisan, grassroots organization; and

WHEREAS, The League has promoted legislation and fought in court to protect and strengthen voting rights for all Americans. Throughout its 100-year history, it has supported free and fair elections, civil rights, community health, and education; and

WHEREAS, The League has been recognized for providing nonpartisan election information, including sponsorship of candidate forums, for providing information on state and local ballot issues, and for continually reaffirming its commitment to register, educate, and mobilize voters; and

WHEREAS, The League continues to champion government systems that are open, transparent, inclusive, and equitable; and

WHEREAS, The League believes that active and engaged citizens, irrespective of gender, ethnicity, or political affiliation, are the hallmark of democracy: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize February 14, 2020, as League of Women Voters Day in honor of its 100th Anniversary and in recognition of its significant contributions to empowering voters and making democracy work; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send two enrolled copies of this resolution to Representative Highberger.

INTRODUCTION OF GUESTS

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

Thank you for the opportunity to speak to House Resolution 6033 and to help commemorate the 100th anniversary of the founding of the League of Women Voters. I think it is appropriate that we celebrate the 100th Anniversary of the League as we also celebrate the 100th anniversary of the adoption of the 19th Amendment to the United

States Constitution, which granted women the right to vote, because the founders of the League were women who worked hard to achieve the right for women to vote, and then banded together to make sure that women's votes served to make our democracy work better.

I am joined here today by the co-presidents of the League of Women Voters Kansas, Teresa Briggs and Cille King. I would also like to recognize all of the League members in the gallery.

Today the League is having a Day of Action at the statehouse, so when you see league members from your district, please thank them for all that they do to promote democracy, educate voters, and protect the right to vote.

As you can see, you don't have to be a woman to be a member of the League of Women Voters - you just have to be interested in fostering a well-informed electorate and a transparent and responsible government.

In my community, the League is probably the most visible and active organization working towards government transparency and encouraging civic engagement. Our local chapter is so dedicated to registering citizens to vote that I am almost surprised to go to a public event where the League volunteers AREN'T registering to people to vote, and they are certainly present at every naturalization ceremony held in my community, to register new citizens on the day that they become eligible to vote. The League hosts regular legislative forums that are well-attended by people who ask lots of tough questions. The League has been a lead partner in the local Voter Education Coalition, which sponsors candidate forums at election times, and the League actively works to make information about candidates available to voters. League members are engaged at every level of government, from the local zoning board to the US Congress. They work to ensure that open records and meeting acts are followed, that voting is encouraged, not discouraged, and that elected officials are accountable to their constituents.

To all the League members who are here today, I would like to thank you for all your efforts to promote and improve our democratic institutions, and I look forward to continue to work with you towards those goals.

And so, in honor of the 100th anniversary of the League of Women Voters, I would like to present you with this certificate on behalf of the Kansas House of Representatives.

CONSENT CALENDAR

No objection was made to **HB 2524**, **HB 2527** appearing on the Consent Calendar for the first day.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2432**, **HB 2451** be passed.

Committee on **Children and Seniors** recommends **HB 2438** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2473** be passed.

Committee on **General Government Budget** recommends **HB 2595** be amended on page 1, in line 10, after "program" by inserting "and to the general public"; in line 15, by striking all after "(b)"; by striking all in lines 16 and 17; in line 18, by striking "auction"; also in line 18, by striking ", advertised sealed bids or"; in line 21, by striking "at fixed or negotiated prices."; in line 22, by striking "(c)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2449** be passed.

Committee on **Judiciary** recommends **HB 2447** be amended on page 9, in line 15, after "child" by inserting "or parent"; in line 17, after "child" by inserting "or parent";

On page 12, in line 26, after the period by inserting "The court may modify the notice period upon a showing of good cause. The supreme court may adopt rules to govern the administration of an oath to a witness who testifies by two-way electronic audio-visual communication pursuant to this subsection."; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2448** be amended on page 2, by striking all in lines 2 through 5; following line 5, by inserting:

"(3) In addition to the penalty described in paragraph (2), the court shall impose a fine of not less than \$500 when the driver is operating a stolen motor vehicle during the commission of the offense.";

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

Also on page 2, by striking all in lines 33 through 43;

On page 3, by striking all in lines 1 through 39;

On page 6, in line 22, by striking ", 21-5801";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking ", 21-5801"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2450** be amended on page 1, in line 19, after "(c)" by inserting "'E-liquid" means a substance that may or may not contain nicotine and is intended to be aerosolized or vaporized and inhaled using an electronic cigarette.

(d)";

On page 3, in line 25, by striking the first "or" and inserting a comma; in line 26, after "accessories" by inserting ", electronic cigarettes or e-liquids"; in line 27, after "tobacco" by inserting ", tobacco products, smoking devices or accessories, electronic cigarettes or e-liquids";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2490** 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 **Transportation** recommends **HB 2420** be amended on page 1, in line 6, by striking the comma; in line 7, by striking all before "that"; also in line 7, after "that" by inserting "meets the legal size and weight limits set forth in K.S.A. 8-1902(a), 8-1904(a) and (b), 8-1908 and 8-1909, and amendments thereto, and"; in line 28, by striking ", regardless of the"; in line 29, by striking all before "that"; also in line 29, after "that" by inserting "meets the legal size and weight limits set forth in K.S.A. 8-1902(a), 8-1904(a) and (b), 8-1908 and 8-1909, and amendments thereto, and";

On page 2, in line 13, by striking ", nor" and inserting ". Special interest vehicles including street rod vehicles shall not"; 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 2679, AN ACT concerning public utilities; relating to the Kansas energy efficiency investments act; demand-side programs; amending K.S.A. 66-1283 and repealing the existing section, by Committee on Energy, Utilities and Telecommunications.

HB 2680, AN ACT concerning health professions and practices; relating to optometrists; optometry law; board of examiners in optometry for the state of Kansas; interprofessional advisory committee; updating the scope of practice and certain related requirements and definitions; amending K.S.A. 65-1501, 65-1501a, 65-1509a, 74-1504 and 74-1505 and repealing the existing sections, by Committee on Health and Human Services.

HB 2681, AN ACT concerning health and healthcare; relating to the department of health and environment; establishing the advisory committee on harm reduction, by Committee on Health and Human Services.

HB 2682, AN ACT concerning the Kansas false claims act; relating to private plaintiffs maintaining actions; amending K.S.A. 75-7502, 75-7503, 75-7504, 75-7505, 75-7506, 75-7507 and 75-7508 and repealing the existing sections, by Committee on Appropriations.

HB 2683, AN ACT concerning sales taxation; relating to exemptions; sent, inc.; amending K.S.A. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2684, AN ACT concerning taxation; relating to the financing of education; decreasing the required mill levy; extending the property tax exemption for residential property from the statewide school levy; amending K.S.A. 79-201x and K.S.A. 2019 Supp. 72-5142 and repealing the existing sections, by Committee on Taxation.

HB 2685, AN ACT concerning sales taxation; relating to imposition of tax; digital property and subscription services; amending K.S.A. 79-3602 and 79-3603 and repealing the existing sections, by Committee on Taxation.

HB 2686, AN ACT concerning crimes, punishment and criminal procedure; relating to possession of marijuana; removing felony violation; releasing people from custody for such violations; amending K.S.A. 2019 Supp. 21-5706 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2687, AN ACT concerning advance ballots; relating to limitations on persons returning such advance ballots; establishing criminal penalties related thereto; amending K.S.A. 25-1130 and K.S.A. 2019 Supp. 25-1124 and 25-1128 and repealing the existing sections, by Committee on Elections.

HB 2688, AN ACT concerning the state board of veterinary examiners; relating to administrative proceedings; collected moneys; the veterinary examiners fee fund; amending K.S.A. 47-844 and 75-3170a and K.S.A. 2019 Supp. 47-820 and 47-842 and repealing the existing sections, by Committee on Agriculture and Natural Resources Budget.

HB 2689, AN ACT concerning economic development; relating to angel investor tax credits; qualified securities; credit limitations and amounts; investor requirements; amending K.S.A. 74-8132 and 74-8133 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2690, AN ACT concerning education; relating to the student data privacy act; requirements for administering certain tests, questionnaires, surveys and examinations; amending K.S.A. 72-6316 and repealing the existing section, by Committee on Education.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Finch announced the appointment of Rep. Vickrey to replace Rep. French on Committee on General Government Budget on February 13, 2020.

Also, the appointment of Rep. Humphries to replace Rep. Howard on Committee on Health and Human Services on February 13, 2020.

Also, the appointment of Rep. Woodard to replace Rep. Burroughs on Committee on General Government Budget on February 13, 2020.

On motion of Rep. Hawkins, the House adjourned until 8:30 a.m., Friday, February 14, 2020.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

