

SPECIAL SESSION

# Journal of the House

FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, June 3, 2020, 8:00 a.m.

Pursuant to the Governor's proclamation of May 26<sup>th</sup>, 2020, the house met in special session at 8:00 a.m.

The following proclamation of the governor was read by Catherine Gunsalus, Assistant Secretary of State.

**PROCLAMATION CALLING THE LEGISLATURE  
INTO SPECIAL SESSION**

TO THE PEOPLE OF KANSAS, GREETINGS:

WHEREAS, the COVID-19 pandemic presents unprecedented challenges to Kansans and to our state government; and

WHEREAS, this public health emergency has required the government to take emergency action to mitigate the spread of COVID-19, and through those actions and the individual conduct of Kansans, the daily numbers of new cases, hospitalizations, and deaths as a result of COVID-19 have been steadily decreasing, though new cases continue to arise and present new threats to the state; and

WHEREAS, the presence and threat of COVID-19 has wreaked economic destruction across Kansas' economy, with businesses closed, revenues plummeting, and unemployment rising at historic rates to historic levels; and

WHEREAS, a state of disaster emergency must be in place for the Division of Emergency Management and other state agencies to conduct emergency response activities such as providing medication, testing supplies, personal protective equipment, food assistance, and other essential emergency services across the state; and

WHEREAS, under the Emergency Management Act, a state of disaster emergency can extend for more than 15 days only with the consent of the State Finance Council or the Legislature; and

WHEREAS, the stability of our economy and the safety of Kansans depend on the Legislature extending the state of disaster emergency.

NOW, THEREFORE, I, LAURA KELLY, GOVERNOR OF THE STATE OF KANSAS, by the authority vested in me by the Constitution of the State of Kansas, do hereby call the

***Legislature of the State of Kansas into Special Session***

at the Capitol in Topeka, Kansas, on the 3<sup>rd</sup> day of June, 2020, at the hour of 8:00 o'clock a.m., to extend the state of disaster emergency and to enact appropriate

amendments to the Emergency Management Act so as to provide for emergency response to the effects of the COVID-19 pandemic.

DONE: At the Capitol in Topeka  
under the Great Seal of  
the State this 26<sup>th</sup> day of  
May, A.D. 2020

BY THE GOVERNOR: LAURA KELLY  
*Governor of Kansas*  
SCOTT SCHWAB  
*Secretary of State*

### MESSAGE FROM THE GOVERNOR

Over the last few months Kansans have faced unprecedented challenges because of COVID-19. Through it all, Kansans have shown resiliency and compassion that has served as strong reminder that we are all in this together.

I have called this special session of the Legislature for a simple and clear purpose. During the COVID-19 pandemic our state must be able to respond to this emergency to protect the health and safety of Kansans, and keep our economy open. Our state is in a precarious position. Although we have made it through the initial peak of COVID-19 cases, and although the numbers have been trending steadily downward over the last several weeks, we must not be lulled into a sense of complacency.

We continue to learn more about this deadly virus every day, and the moment we let down our guard, we leave our state susceptible to a resurgence of the virus that could endanger the lives of Kansans and the working of our economy. As I have said before, the most important purpose of this special session is to ensure that our government can continue to respond as necessary to this evolving pandemic. That means extending the emergency declaration and making reasonable amendments to the Kansas Emergency Management Act. I believe we can accomplish these goals quickly and efficiently together.

I am heartened that in the days leading up to this special session legislators on both sides of the aisle have come together to work with my office to seek a bipartisan solution to the emergency management issues facing our state. Each side has given and taken in this process, and that is how government should work. The product will not be perfect in the eyes of either side, but it will work for Kansans – and that is our job.

Every state lawmaker should embrace the opportunity to work together in a bipartisan fashion to keep Kansans safe. Their efforts can be historic in not only helping today's Kansans, but also future generations who also will face the tragic toll of unexpected disasters.

We will continue to face these challenges together as we work towards our economic

recovery. I look forward to working with the Legislature to pass emergency legislation that is in the best interests of all Kansans. It is what Kansans expect of us as leaders -- and it's what Kansans deserve.

Respectfully,

LAURA KELLY  
*Governor*

### **OATH OF OFFICE**

Representative-elect Jennifer Day took and subscribed to the following oath of office, which was administered by Scott Schwab, Secretary of State.

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

I do solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and will faithfully discharge the duties of the office of member of the House of Representatives, so help me God.

Subscribed and sworn to, or affirmed, before me this 3<sup>rd</sup> day of June, 2020.

Scott Schwab  
*Secretary of State*

Speaker Ryckman called the House to order.  
The roll was called with 118 members present.  
Reps. Barker, Donohoe, Frownfelter, Mastroni, Moore, Parker and Schreiber were excused on excused absence by the Speaker.  
Present later: Reps. Frownfelter and Parker.

Prayer by Chaplain Brubaker,

Our Gracious Heavenly Father,  
we come before You today,  
thankful for all You have done for us,  
but fully aware of how desperately we need Your help.  
We didn't know we would be here today  
but are reminded that although  
"we can make our plans,  
the Lord determines our steps." (Proverbs 16:9)  
As our leaders meet today,  
give them wisdom, grace and discernment.  
These are difficult days with difficult decisions that need to be made.  
Your Word also tells us  
"we can make our own plans,  
but the Lord gives the right answer." (Proverbs 16:1)  
May we seek Your answers to these difficulties today.  
And, please, Lord, be with our nation.

We need forgiveness – we need healing.  
 Now is the time we need to humble ourselves,  
     and to pray and seek Your face  
     and to turn from our wicked ways.  
 Then You will hear from heaven  
 and will forgive our sin and heal our land. (2 Chronicles 7:14)  
     May it be so, Lord.  
 This I pray in Christ’s Name, Amen.

The Pledge of Allegiance was led by Rep. Vickrey.

### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Sawyer, **HR 6001**, by Reps. Ryckman, Hawkins and Sawyer, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6001**—

A RESOLUTION relating to the organization of the House of Representatives.

*Be it resolved by the House of Representatives of the State of Kansas:*

That the Chief Clerk of the House of Representatives notify the Senate that the House is organized with the following officers:

Ron Ryckman, speaker,  
 Blaine Finch, speaker pro tem,  
 Dan Hawkins, majority leader,  
 Tom Sawyer, minority leader,  
 Susan Kannarr, chief clerk,  
 Foster Chisholm, sergeant at arms,  
 and awaits the pleasure of the Senate.

### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Sawyer, **HR 6002**, by Reps. Ryckman, Hawkins and Sawyer, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6002**—

A RESOLUTION relating to assignment of seats of the House of Representatives.

*Be it resolved by the House of Representatives of the State of Kansas:* That the members of the 2020 special session of the legislature shall occupy the same seats assigned pursuant to 2020 House Resolution No. 6026 with the following exception: Day, seat No. 75.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Sawyer **HCR 5001** by Representatives Ryckman, Hawkins and Sawyer, was introduced and adopted.

HOUSE CONCURRENT RESOLUTION No. **5001** --

A CONCURRENT RESOLUTION relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:*

That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the governor, and inform the governor that the two houses of the legislature are duly organized and are ready to receive any communications the governor may have to present.

In accordance with **HCR 5001**, Speaker Ryckman appoints Reps. Huebert, Burris and Lusk to wait upon the Governor.

On motion of Rep. Hawkins, the House recessed until 9:30 a.m.

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LATE MORNING SESSION

The House met pursuant to recess with Speaker Ryckman in the chair.

**MESSAGES FROM THE SENATE**

Announcing adoption of **SR 1701**, a resolution relating to the organization of the Senate and selection of the following officers:

Susan Wagle, President,  
Jeff Longbine, Vice President,  
Jim Denning, Majority Leader,  
Anthony Hensley, Minority Leader,  
Corey Carnahan, Secretary,  
Don Cackler, Sergeant-at-Arms,

and awaits the pleasure of the House of Representatives.

Announcing adoption of **HCR 5001**, a concurrent resolution relating to a committee to wait upon the Governor and advise her the Legislature is duly organized and ready to receive communications. Senators McGinn and Ware are appointed as Senate members of the committee to wait upon the Governor.

On motion of Rep. Hawkins, the House recessed until 12:30 p.m.

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AFTERNOON SESSION

The House met pursuant to recess with Speaker Ryckman in the chair.

On motion of Rep. Hawkins, the House recessed until 3:30 p.m.

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## LATE AFTERNOON SESSION

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills and concurrent resolution were introduced and read by title:

**HB 2001**, AN ACT concerning the criminal justice reform commission; relating to membership; public defender; expenses for certain members; extension of report deadline; amending K.S.A. 2019 Supp. 21-6902 and repealing the existing section, by Representatives Jennings and Owens.

**HB 2002**, AN ACT concerning crimes, punishment and criminal procedure; relating to diversion agreements; creating a certified drug abuse treatment program for people on diversion; supervision by court services or community corrections; amending K.S.A. 22-2907, 75-5291 and 75-52,144 and K.S.A. 2019 Supp. 22-2909 and repealing the existing sections, by Representatives Jennings and Owens.

**HB 2003**, AN ACT concerning property taxation; relating to buildings and improvements destroyed or substantially destroyed by natural disaster; amending K.S.A. 79-1613 and repealing the existing section, by Representative Karleskint.

**HB 2004**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; good time credits; program credits; amending K.S.A. 2019 Supp. 21-6821 and repealing the existing section, by Representative Highberger.

**HB 2005**, AN ACT concerning economic development; relating to angel investor tax credits; qualified securities; credit limitations and amounts; investor requirements; qualified Kansas business designation requirements; bioscience businesses; program expiration date; amending K.S.A. 74-8132, 74-8133 and 74-8136 and repealing the existing sections, by Representative Croft.

**HB 2006**, AN ACT concerning health and healthcare; relating to health insurance coverage; expanding medical assistance eligibility; implementing a health insurance plan reinsurance program; directing the department of health and environment to study certain medicaid expansion topics; adding meeting days to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight to monitor implementation; making and concerning appropriations for the fiscal years ending June 30, 2020, June 30, 2021, and June 30, 2022; amending K.S.A. 65-6207, 65-6208, as amended by section 9 of 2019 House Bill No. 2246, 65-6209, 65-6210, 65-6211, 65-6212, 65-6217 and 65-6218, as amended by section 2 of 2019 House Bill No. 2168, and K.S.A. 2019 Supp. 39-7,160 and 40-3213 and repealing the existing sections, by Representatives Ward, Amyx, Bishop, Carlin, Carmichael, Clayton, Curtis, Finney, Frownfelter, Highberger, Kuether, Ohaebosim, Ousley, Parker, Pittman, Probst, Ruiz, S., Sawyer, Stogsdill, Victors, Warfield, Wolfe Moore, Xu and Yeager.

**HB 2007**, AN ACT concerning workers compensation; relating to occupational diseases; COVID-19; amending K.S.A. 2019 Supp. 44-5a01 and repealing the existing section, by Representative Ward.

**HB 2008**, AN ACT concerning appropriations for the fiscal year ending June 30, 2021, for the department of transportation; authorizing the issuance of certain bonds; amending K.S.A. 68-2320 and repealing the existing section, by Representative Ward.

**HB 2009**, AN ACT concerning the 2020 general election; enacting the 2020 general election health and safety advance voting act; amending K.S.A. 2019 Supp. 25-1122 and repealing the existing section, by Representative Ward.

**HB 2010**, AN ACT concerning law enforcement; relating to hiring of law

enforcement officers; allegations of serious misconduct; relating to law enforcement disciplinary records; subject to open records act; amending K.S.A. 2019 Supp. 45-221 and repealing the existing section, by Representatives Holscher, Clayton, Curtis, Day, Finney, Ruiz, S., Stogsdill, Ward, Warfield, Winn and Xu.

**HB 2011**, AN ACT concerning income taxation; relating to credits; increasing the household and dependent care expenses credit; amending K.S.A. 79-32,111c and repealing the existing section, by Representative Hodge.

**HB 2012**, AN ACT concerning sales and compensating use taxation; relating to exemptions; defining food and food ingredients and exempting sales from tax; amending K.S.A. 79-3602 and 79-3606 and repealing the existing sections, by Representative Hodge.

**HB 2013**, AN ACT concerning sales and compensating use taxation; relating to rates; food and food ingredients; disposition of revenue; amending K.S.A. 79-3602, 79-3603, as amended by section 13 of 2020 Senate Bill No. 173, 79-3620, 79-3703, as amended by section 14 of 2020 Senate Bill No. 173, and 79-3710 and repealing the existing sections, by Representative Hodge.

**HB 2014**, AN ACT concerning taxation; relating to sales and compensating use taxes; requiring collection and remittance by marketplace facilitators; providing nexus for retailers doing business in this state; amending K.S.A. 79-3702 and repealing the existing section, by Representative Johnson.

**HB 2015**, AN ACT concerning occupational regulation; relating to occupational licenses for certain applicants; amending K.S.A. 2019 Supp. 48-3406 and repealing the existing section, by Representative Croft.

**HB 2016**, AN ACT concerning governmental response to the 2020 COVID-19 pandemic in Kansas; providing certain relief related to health, welfare, property and economic security during this public health emergency; making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for the governor's department; requiring the state finance council's approval for certain expenditures; relating to the state of disaster emergency; powers of the governor and executive officers; providing certain limitations and restrictions; business and commercial activities; violations of the Kansas emergency management act; relating to the closure of schools by executive order; requiring state board of education approval prior to any such closure; enacting the COVID-19 response and reopening for business liability protection act; relating to limitations on liability associated with the COVID-19 public health emergency; providing immunity from civil liability for certain healthcare providers during the COVID-19 public health emergency; providing an affirmative defense for adult care homes; enacting the COVID-19 contact tracing privacy act; relating to privacy of persons whose information is collected through contact tracing and the confidentiality of contact data; authorizing the secretary of health and environment and local health officers to establish and operate systems of contact tracing during the COVID-19 pandemic; validating certain notarial acts performed while the requirements that a person must appear before a notary public are suspended; requiring local health officers to share certain information with first responder agencies and 911 call centers; imposing requirements on the Kansas department for aging and disability services related to infection prevention and control practices and recommendations, infection control inspections and providing personal protective equipment; authorizing the expanded use of telemedicine in response to the COVID-19 public health

emergency and imposing requirements related thereto; suspending certain requirements related to medical care facilities and expiring such provisions; providing for temporary suspension of certain healthcare professional licensing and practice requirements; delegation and supervision requirements; conditions of licensure and renewal and reinstatement of licensure; relating to authorized use of two-way electronic audiovisual communication by courts to secure the health and safety of court users, staff and judicial officers; authorizing the temporary sale of alcoholic liquor for consumption off of certain licensed premises; relating to changes in the employment security law in response to the COVID-19 public health emergency; eligibility for benefits; contribution rates; federal reimbursement; employer notifications; shared work plan eligibility; authorizing counties to adopt orders relating to public health that are less stringent than statewide executive orders; relating to review, amendment or revocation of local disaster orders by the board of county commissioners; review, amendment or revocation of local disaster orders of a mayor by a city governing body; relating to local health officers; appointment, removal, powers and duties; providing for severability of this act; amending section 1 of 2020 House Substitute for Senate Bill No. 102, K.S.A. 48-924, 48-932, 48-939, 65-201, 65-202 and 65-468 and K.S.A. 2019 Supp. 19-101a, 41-2653, 44-702, 44-705, as amended by section 2 of 2020 Senate Bill No. 27, 44-709, 44-710, 44-757, 48-925 and 48-925, as amended by section 33 of this act, and repealing the existing sections, by Committee on Judiciary.

HOUSE CONCURRENT RESOLUTION No. **HCR 5002**—

By Representatives Xu, Alcalá, Clayton, Curtis, Henderson, Highberger, Holscher, Ohaebosim, Ousley, Ruiz, L., Ruiz, S., Stogsdill, Warfield, Winn and Yeager

**HCR 5002**—A CONCURRENT RESOLUTION condemning all acts of police brutality, racial profiling and the use of excessive and militarized force throughout the country.

WHEREAS, Police use of force is among the leading causes of death for young men of color; and

WHEREAS, Black people, including Black women and girls, Native Americans and Latinos are killed by police at disproportionately higher rates than their White peers; and

WHEREAS, Police brutality and the use of excessive force have robbed countless communities of precious lives, inflicted intergenerational harm and trauma to families and intensified our Nation's mental health crisis; and

WHEREAS, The killings of hundreds each year, and the demonstrations that followed, have brought sustained national attention to the racially biased police violence against people; and

WHEREAS, The conduct of police officers who engage in racial profiling and excessive force, which can include shootings, brutal beatings, fatal chokings and any other excessive treatment, is a violation of federal and state constitutional law; and

WHEREAS, The rule of law within our Nation is undermined when police officers engage in conduct that is inconsistent with federal and state constitutional law; and

WHEREAS, The Legislature of the State of Kansas has a moral and constitutional



obligation to protect the civil rights and liberties of all people within the State of Kansas from police abuses: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we support strengthening efforts to eliminate instances of excessive use of force, to conduct stringent oversight and independent investigations into instances of police brutality, racial profiling and excessive use of force, and to hold individual law enforcement officers and police departments accountable, including:

(a) Calling on the United States Department of Justice to:

(1) Reinstitute its role in investigating police departments that violate civil rights and individual instances of police brutality, violence and racial profiling; and

(2) take on a role in filing briefs urging courts to reconsider decisions that permit unreasonable and excessive police practices and establish meaningful oversight of consent decrees; and

(b) establishing independent all-civilian review boards with the authority to effectively investigate incidents of police misconduct to ensure meaningful community-level oversight, transparency, accountability and discipline of police officers; and

*Be it further resolved:* That we call for the adoption of sound and unbiased law enforcement policies at all levels of government that reduce the disparate impact of police brutality and use of force on Black and Brown people and other historically marginalized communities; and

*Be it further resolved:* That the Secretary of State shall send an enrolled copy of this resolution to Representative Xu.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker Ryckman referred **HB 2016** to Committee of the Whole.

## INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Hawkins, pursuant to House Rule 2311, **HB 2016** was advanced to Final Action on Bills and Concurrent Resolutions, subject to amendment, debate and roll call.

On roll call, the vote was: Yeas 88; Nays 30; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcalá, Amyx, Arnberger, Baker, Ballard, Bergquist, Blex, Capps, Carlin, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Concannon, Corbet, Cox, Croft, Day, Delperdang, Dierks, Dietrich, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Gartner, Hawkins, Helmer, Highland, Hineman, Hoffman, Hoheisel, Holscher, Houser, Howard, Huebert, Humphries, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Neighbor, Newland, Orr, Owens, Pannbacker, F. Patton, Phillips, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sawyer, Seiwert, Smith, A., Smith, E., Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, K. Williams.

Nays: Bishop, Burris, Burroughs, Carmichael, Clayton, Curtis, Finney, Frownfelter, Garber, Helgerson, Henderson, Highberger, Hodge, Horn, Jacobs, Murnan, Ohaebosim, Ousley, Pittman, Probst, Ruiz, L., Stogsdill, Victors, Waggoner, Ward, Winn, Wolfe Moore, Woodard, Xu, Yeager.

Present but not voting: None.

Absent or not voting: Awerkamp, Barker, Donohoe, Mastroni, Moore, Parker, Schreiber.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Carmichael to refer **HB 2016** to the committee on Judiciary, the motion did not prevail.

Also, on motion of Rep. Ward to amend **HB 2016** Rep. Landwehr requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Rep. Ward challenged the ruling of the Rules Chair.

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

On roll call, the vote was: Yeas 76; Nays 43; Present but not voting: 0; Absent or not voting: 6.

Yeas: Arnberger, Awerkamp, Baker, Bergquist, Blex, Burris, Capps, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Concannon, Corbet, Cox, Croft, Delperdang, Dietrich, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helmer, Highland, Hineman, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Landwehr, Long, Lynn, Mason, Newland, Orr, Owens, Pannbacker, F. Patton, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Seiwert, Smith, A., Smith, E., Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Wheeler, K. Williams.

Nays: Alcalá, Amyx, Ballard, Bishop, Burroughs, Carlin, Carmichael, Clayton, Curtis, Day, Dierks, Finney, Frownfelter, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phillips, Pittman, Probst, Ruiz, L., Ruiz, S., Sawyer, Stogsdill, Victors, Ward, Warfield, Weigel, Winn, Wolfe Moore, Woodard, Xu, Yeager.

Present but not voting: None.

Absent or not voting: Barker, Donohoe, Mastroni, Moore, Schreiber, Toplikar.

The Rules Chair was sustained.

Also, roll call was demanded on motion of Rep. Curtis to amend **HB 2016** on page 6, by striking all in lines 39 through 43;

By striking all on pages 7 through 9;

On page 10, by striking all in lines 1 through 12;

On page 49, in line 41, by striking "33" and inserting "25";

And by renumbering sections accordingly;

On page 1, in the title, in line 11, by striking all after the semicolon; by striking lines 12 through 15; in line 16, by striking all before "enacting"

On roll call, the vote was: Yeas 38; Nays 81; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Amyx, Ballard, Bishop, Burroughs, Carlin, Carmichael, Clayton, Curtis, Day, Finney, Frownfelter, Gartner, Henderson, Highberger, Hodge, Holscher, Horn, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Probst, Ruiz, L., Ruiz, S.,

Sawyer, Stogsdill, Victors, Ward, Warfield, Weigel, Winn, Wolfe Moore, Woodard, Xu, Yeager.

Nays: Arnberger, Awerkamp, Baker, Bergquist, Blex, Burris, Capps, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Concannon, Corbet, Cox, Croft, Delperdang, Dierks, Dietrich, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helgerson, Helmer, Highland, Hineman, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Landwehr, Long, Lynn, Mason, Newland, Orr, Owens, Pannbacker, F. Patton, Phillips, Pittman, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Seiwert, Smith, A., Smith, E., Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Wheeler, K. Williams.

Present but not voting: None.

Absent or not voting: Barker, Donohoe, Mastroni, Moore, Parker, Schreiber.

The motion of Rep. Curtis did not prevail.

Also, on motion of Rep. Rhiley to amend **HB 2016**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Pittman to amend **HB 2016** on page 57, following line 11, by inserting:

"Sec. 41. K.S.A. 2019 Supp. 44-5a01 is hereby amended to read as follows: 44-5a01. (a) Where the employer and employee or ~~workman~~ worker are subject by law or election to the provisions of the ~~workmen's workers~~ compensation act, the disablement or death of an employee or ~~workman~~ worker resulting from an occupational disease as defined in this section shall be treated as the happening of an injury by accident, and the employee or ~~workman~~ worker or, in case of death, ~~his~~ the employee's or worker's dependents shall be entitled to compensation for such disablement or death resulting from an occupational disease, in accordance with the provisions of the ~~workmen's workers~~ compensation act as in cases of injuries by accident ~~which that~~ are compensable thereunder, except as specifically provided otherwise for occupational diseases, including as provided for the occupational disease of COVID-19 pursuant to subsection (g). In no circumstances shall an occupational disease be construed to include injuries caused by repetitive trauma as defined in K.S.A. 44-508, and amendments thereto.

(b) "Occupational disease" ~~shall mean means~~ only a disease arising out of and in the course of the employment resulting from the nature of the employment in which the employee was engaged under such employer, and ~~which that~~ was actually contracted while so engaged, except as provided by subsection (g). "Nature of the employment" ~~shall mean means~~, for purposes of this section, that to the occupation, trade or employment in which the employee was engaged, there is attached a particular and peculiar hazard of such disease ~~which that~~ distinguishes the employment from other occupations and employments; and ~~which that~~ creates a hazard of such disease ~~which that~~ is in excess of the hazard of such disease in general. Except as provided by subsection (g), the disease must appear to have had its origin in a special risk of such disease connected with the particular type of employment and to have resulted from that source as a reasonable consequence of the risk. Ordinary diseases of life and conditions ~~to which that~~ the general public is or may be exposed to outside of the particular employment, and hazards of diseases and conditions attending employment in general, shall not be compensable as occupational diseases, except that compensation shall not

be payable for pulmonary emphysema or other types of emphysema unless it is proved, by clear and convincing medical evidence to a reasonable probability, that such emphysema was caused, solely and independently of all other causes, by the employment with the employer against whom the claim is made, except that, if it is proved to a reasonable medical probability that an existing emphysema was aggravated and contributed to by the employment with the employer against whom the claim is made, compensation shall be payable for the resulting condition of the workman, but only to the extent such condition was so contributed to and aggravated by the employment.

(c) In no case shall an employer be liable for compensation under this section unless disablement results within one year or death results within three years in case of silicosis, or one year in case of any other occupational disease, after the last injurious exposure to the hazard of such disease in such employment, or, in case of death, unless death follows continuous disability from such disease, commencing within the period above limited, for which compensation has been paid or awarded or timely claim made as provided in the workmen's compensation act, and results within seven years after such last exposure. Where payments have been made on account of any disablement from which death shall thereafter result such payments shall be deducted from the amount of liability provided by law in case of death. The time limit prescribed by this section shall not apply in the case of an employee whose disablement or death is due to occupational exposure to ionizing radiation., the motion did not prevail.

(d) Except as provided by subsection (g), where an occupational disease is aggravated by any disease or infirmity, not itself compensable, or where disability or death from any other cause, not itself compensable, is aggravated, prolonged, accelerated or in any wise contributed to by an occupational disease, the compensation payable shall be reduced and limited to such proportion only of the compensation that would be payable if the occupational disease were the sole cause of the disability or death, as such occupational disease, as a causative factor, bears to all the causes of such disability or death, such reduction in compensation to be effected by reducing the number of weekly or monthly payments or the amounts of such payments, as under the circumstances of the particular case may be for the best interest of the claimant or claimants.

(e) No compensation for death from an occupational disease shall be payable to any person whose relationship to the deceased employee or workman arose subsequent to the beginning of the first compensable disability save only to afterborn children.

(f) The provisions of K.S.A. 44-570, and amendments thereto, shall apply in case of an occupational disease.

(g) (1) Notwithstanding any provisions of the workers compensation act to the contrary, the following provisions shall apply to a claim for compensation for death involving a diagnosis of the occupational disease of COVID-19 where the employer against whom the claim is made by the employee's or worker's dependents is the department of corrections and where the deceased employee or worker was engaged in work that involved contact with or work in proximity to or in the same space as a prisoner or inmate.

(A) There shall be a rebuttable presumption that the COVID-19 disease arose out of and in the course of the employment in which the employee was engaged and was contracted while the employee was so engaged, and that the employment was the

prevailing factor in causing the COVID-19. In any event in such a case, a requirement that the COVID-19 resulted from the nature of the employment, as defined in subsection (b), shall not apply. The claimant shall not be required to prove that the COVID-19 resulted from the nature of the employment, as defined in subsection (b), and had its origin in a special risk of such disease connected with the particular type of employment and resulted from that source.

(B) A claim shall not be denied on the basis that the disease of COVID-19 is considered an ordinary disease of life or a hazard of disease attending employment in general.

(C) There shall be a conclusive presumption that the COVID-19 was the sole cause of the death.

(2) The provisions of this subsection shall be effective retroactively to January 1, 2020.

(3) The provisions of this subsection shall expire on May 1, 2021, unless the legislature acts to reauthorize such provisions.

(4) The provisions of this subsection shall not be construed so as to limit or exclude any claim for compensation based on an occupational disease.

(5) If any provision of this subsection or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this subsection that can be given effect without the invalid provision or application, and to this end the provisions of this subsection are declared to be severable.";

Also on page 57, in line 14, after the second comma by inserting "44-5a01,";

And by renumbering sections accordingly;

On page 2, in the title, in line 12, after the second semicolon by inserting "workers compensation; relating to occupational diseases, department of corrections employees, COVID-19;"; in line 15, after the second comma by inserting "44-5a01,"

On roll call, the vote was: Yeas 57; Nays 63; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Amyx, Ballard, Bishop, Burroughs, Carlin, Carmichael, Clayton, Cox, Curtis, Day, Delperdang, Dove, Ellis, Esau, Finney, French, Frownfelter, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Howard, Karleskint, Kuether, Lusk, Murman, Neighbor, Ohaebosim, Ousley, Owens, Parker, Phillips, Pittman, Probst, Rahjes, Resman, Rhiley, Ruiz, L., Ruiz, S., Sawyer, Smith, E., Stogsdill, Thomas, Victors, Waggoner, Ward, Warfield, Weigel, Winn, Wolfe Moore, Woodard, Xu, Yeager.

Nays: Arnberger, Awerkamp, Baker, Bergquist, Blex, Burris, Capps, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Concannon, Corbet, Croft, Dierks, Dietrich, Eplee, Erickson, Finch, Francis, Garber, Hawkins, Helmer, Highland, Hineman, Hoffman, Hoheisel, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, Kelly, Kessinger, Landwehr, Long, Lynn, Mason, Newland, Orr, Pannbacker, F. Patton, Proehl, Ralph, Ryckman, Samsel, Seiwert, Smith, A., Straub, Sutton, Tarwater, Thimesch, Thompson, Toplikar, Vickrey, Warren, Wasinger, Waymaster, Wheeler, K. Williams.

Present but not voting: None.

Absent or not voting: Barker, Donohoe, Mastroni, Moore, Schreiber.

The motion of Rep. Pittman did not prevail.

Also, on motion of Rep. Carmichael to amend **HB 2016**, the motion did not prevail.

Also, on motion of Rep. Ousley to amend **HB 2016**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Clayton to amend **HB 2016** on page 18, following line 43, by inserting:

"New Sec. 24. (a) As used in this section:

(1) "Financial hardship resulting from the COVID-19 pandemic" means: (A) A significant loss of income, significant increase in necessary expenses or inability to work suffered by an individual or a family as a result of the COVID-19 pandemic; and

(B) the individual's or the family's financial resources are depleted to the extent that making mortgage or rent payments would leave the individual or family unable to purchase food, medicine or other goods, supplies or services necessary to the individual's or family's health and safety.

(2) "Default payment list" means a list maintained by each bank, financial entity, or landlord, as such term is referenced in subsection (b)(3), operating in Kansas of individuals and families that have experienced financial hardship resulting from the COVID-19 pandemic.

(b) (1) No bank or financial entity operating in Kansas shall foreclose on a residential property in Kansas when all defaults or violations of the mortgage are substantially caused by a financial hardship resulting from the COVID-19 pandemic;

(2) No bank or financial entity operating in Kansas shall evict a residential tenant when all defaults or violations of the rental agreement are substantially caused by a financial hardship resulting from the COVID-19 pandemic; and

(3) No landlord, whether an individual, company, bank, financial lending entity, nursing home, long-term care facility or other such entity shall evict a residential tenant when all defaults or violations of the rental agreement are substantially caused by a financial hardship resulting from the COVID-19 pandemic.

(4) The provisions of paragraphs (2) and (3) shall not apply to a foreclosure on any multi-family residential property in which residential tenants rent from a landlord, so long as the foreclosure will not result in the eviction of any tenants.

(5) (A) This section shall not prohibit the continuation of any judicial foreclosure or judicial eviction proceedings filed before July 1, 2020; and

(B) an eligible lending institution initiating judicial foreclosure or judicial eviction proceedings on and after July 1, 2020, shall have the burden of pleading and proving that the foreclosure or eviction proceeding is not being initiated solely because of defaults or violations of mortgages or rental agreements substantially caused by a financial hardship resulting from the COVID-19 pandemic.

(6) This section shall not be construed to:

(A) Relieve mortgage borrowers or tenants who have not suffered a financial hardship resulting from the COVID-19 pandemic from the obligation to comply with mortgage or rental agreements, or to continue making required mortgage or rent payments;

(B) prevent foreclosures or evictions for mortgage or rental agreement violations not due to a financial hardship resulting from the COVID-19 pandemic; or

(C) otherwise replace or supersede any other law or rule or regulation relating to foreclosures.

(c) This section shall not apply to foreclosures initiated by the United States

government.

(d) (1) Each bank, financial entity or landlord, as such term is referenced in subsection (b)(3), operating in Kansas, shall maintain a default payment list.

(2) Each bank, financial entity or landlord, as such term is referenced in subsection (b)(3), operating in Kansas, shall review its default payment list with the state treasurer, or the state treasurer's designee, to verify that each individual or family is eligible to remain on the list for the upcoming year. If an individual or family has been determined by the state treasurer or the state treasurer's designee as being ineligible to remain on the default payments list, the bank, financial entity or landlord, as such term is referenced in subsection (b)(3), operating in Kansas shall make a good faith effort to negotiate payment plans with such individual or family to address moneys owed before instituting judicial proceedings against such individual or family.

(3)(A) The state treasurer shall develop guidelines for determining eligibility to remain on an eligible lending institution's default payment list and for annually reviewing each eligible lending institution's default payment list.

(B)(i) The program described under this section shall cease 90 days following a determination by the governor of Kansas, in consultation with such experts as the governor deems necessary, that financial hardships resulting from the COVID-19 pandemic have abated to an acceptable level. The governor shall announce such determination on the date that such determination is made.

(ii) The state treasurer shall provide at least 90 days' prior notice before suspending any program initiated by any bank, financial entity or landlord, as such term is referenced in subsection (b)(3), operating in Kansas, with regard to this section.":

On page 49, in line 42, by striking "33" and inserting "34";

On page 57, in line 18, by striking "33" and inserting "34";

And by renumbering sections accordingly;

In the title, on page 1, in line 35, after the semicolon by inserting "prohibiting certain entities from foreclosing or evicting individuals and families experiencing financial hardship resulting from the COVID-19 pandemic; on page 2, in line 17, by striking "33" and inserting "34"

On roll call, the vote was: Yeas 40; Nays 76; Present but not voting: 0; Absent or not voting: 9.

Yeas: Alcalá, Amyx, Ballard, Bishop, Burroughs, Carlin, Carmichael, Clayton, Cox, Curtis, Day, Finney, Frownfelter, Gartner, Henderson, Highberger, Hodge, Holscher, Horn, Howard, Kuether, Murnan, Neighbor, Ohaebosim, Ousley, Pittman, Probst, Ruiz, L., Ruiz, S., Sawyer, Stogsdill, Victors, Ward, Warfield, Weigel, Winn, Wolfe Moore, Woodard, Xu, Yeager.

Nays: Arnberger, Awerkamp, Baker, Blex, Burris, Capps, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Concannon, Corbet, Croft, Delperdang, Dierks, Dietrich, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helgeson, Helmer, Highland, Hineman, Hoffman, Hoheisel, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Landwehr, Long, Lynn, Mason, Newland, Orr, Owens, Pannbacker, F. Patton, Phillips, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Seiwert, Smith, A., Smith, E., Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Wheeler, K. Williams.

Present but not voting: None.

Absent or not voting: Barker, Bergquist, Carlson, Donohoe, Lusk, Mastroni, Moore, Parker, Schreiber.

The motion of Rep. Clayton did not prevail.

Also, on motion of Rep. Hodge to amend **HB 2016**, Rep. B. Carpenter requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Rep. Hodge challenged the ruling, the question being “Shall the Rules Chair be sustained?” The Rules Chair was sustained.

Also, on motion of Rep. Ralph, **HB 2016** be amended on page 49, in line 38, by striking "of"

### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2016**, AN ACT concerning governmental response to the 2020 COVID-19 pandemic in Kansas; providing certain relief related to health, welfare, property and economic security during this public health emergency; making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for the governor's department; requiring the state finance council's approval for certain expenditures; relating to the state of disaster emergency; powers of the governor and executive officers; providing certain limitations and restrictions; business and commercial activities; violations of the Kansas emergency management act; relating to the closure of schools by executive order; requiring state board of education approval prior to any such closure; enacting the COVID-19 response and reopening for business liability protection act; relating to limitations on liability associated with the COVID-19 public health emergency; providing immunity from civil liability for certain healthcare providers during the COVID-19 public health emergency; providing an affirmative defense for adult care homes; enacting the COVID-19 contact tracing privacy act; relating to privacy of persons whose information is collected through contact tracing and the confidentiality of contact data; authorizing the secretary of health and environment and local health officers to establish and operate systems of contact tracing during the COVID-19 pandemic; validating certain notarial acts performed while the requirements that a person must appear before a notary public are suspended; requiring local health officers to share certain information with first responder agencies and 911 call centers; imposing requirements on the Kansas department for aging and disability services related to infection prevention and control practices and recommendations, infection control inspections and providing personal protective equipment; authorizing the expanded use of telemedicine in response to the COVID-19 public health emergency and imposing requirements related thereto; suspending certain requirements related to medical care facilities and expiring such provisions; providing for temporary suspension of certain healthcare professional licensing and practice requirements; delegation and supervision requirements; conditions of licensure and renewal and reinstatement of licensure; relating to authorized use of two-way electronic audiovisual communication by courts to secure the health and safety of court users, staff and judicial officers; authorizing the temporary sale of alcoholic liquor for consumption off of certain licensed premises; relating to changes in the employment security law in response to the COVID-19 public health emergency; eligibility for benefits; contribution rates; federal reimbursement; employer notifications; shared work plan



eligibility; authorizing counties to adopt orders relating to public health that are less stringent than statewide executive orders; relating to review, amendment or revocation of local disaster orders by the board of county commissioners; review, amendment or revocation of local disaster orders of a mayor by a city governing body; relating to local health officers; appointment, removal, powers and duties; providing for severability of this act; amending section 1 of 2020 House Substitute for Senate Bill No. 102, K.S.A. 48-924, 48-932, 48-939, 65-201, 65-202 and 65-468 and K.S.A. 2019 Supp. 19-101a, 41-2653, 44-702, 44-705, as amended by section 2 of 2020 Senate Bill No. 27, 44-709, 44-710, 44-757, 48-925 and 48-925, as amended by section 33 of this act, and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 12; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Amyx, Arnberger, Averkamp, Baker, Ballard, Bergquist, Bishop, Blex, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Day, Delperdang, Dierks, Dietrich, Dove, Ellis, Eplee, Erickson, Finch, Finney, Francis, French, Frownfelter, Gartner, Hawkins, Helgerson, Helmer, Henderson, Highberger, Hineman, Hoffman, Hoheisel, Holscher, Horn, Howard, Huebert, Humphries, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Seiwert, Smith, A., Smith, E., Stogsdill, Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Burris, Burroughs, Curtis, Esau, Garber, Highland, Hodge, Houser, Jacobs, Newland, Rhiley, Yeager.

Present but not voting: None.

Absent or not voting: Barker, Donohoe, Mastroni, Moore, Parker, Schreiber.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote “yes” on **HB 2016**. “People talk about the middle of the road as though it were unacceptable. Actually, all human problems, excepting morals, come into the gray areas. Things are not all black and white. There have to be compromises. The middle of the road is all of the usable surface. The extremes, right and left, are in the gutters.” – President Dwight D. Eisenhower. This bill is not perfect. But it is the result of a better process, and collaboration, and difficult compromise. It is the middle of the road. Which leads Kansas to 2021. To the stars, through difficulties. – MARK SAMSEL

MR. SPEAKER: I vote “NO” on **HB 2016**. I support parts of this bill. However, a COVID-19 emergency is not occurring and does not seem sufficiently likely to occur in Kansas. Also, through her prior exercise of emergency powers, the Governor seriously damaged our state's economy. I therefore find it inappropriate to even limitedly approve and extend any of the Governor's emergency proclamations. Further, the Governor's blatant disregard for our religious freedoms expressly protected by Section 7 of the Kansas Constitution's Bill of Rights through her mass gatherings prohibitions causes me to question whether she'll respect limitations imposed on her by statute. –

-JESSE BURRIS, RANDY GARBER, BILL RHILEY

MR. SPEAKER: I reluctantly vote Yes today on HB 2016. This bill should have had a committee hearing and vote before it came to the floor. The governmental reaction to the Covid-19 pandemic has been an epic public policy failure so far. The overreaction by public officials has helped kill the once thriving American economy and the livelihoods of millions. I believe this bill will help in areas of business liability, governmental accountability, and the elimination of one-person “emergency” rule by state governors and county health officials. On that basis I saw HB2016 as in the best interest of my constituents. – PAUL WAGGONER

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 2017**, AN ACT concerning health and healthcare; enacting the Kansas equal access act; relating to medical cannabis; providing for the licensure and regulation of the manufacture, transportation and sale of medical cannabis; amending K.S.A. 44-1009, 44-1015, 79-5201 and 79-5210 and K.S.A. 2019 Supp. 8-1567, 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 21-6109, 23-3201, 38-2269, 44-501, 44-706 and 65-1120 and repealing the existing sections, by Representatives Holscher, Bishop, Curtis, Frownfelter, Pittman, Ruiz, S., Xu and Yeager.

**HB 2018**, AN ACT concerning workers compensation; relating to occupational diseases; COVID-19; amending K.S.A. 2019 Supp. 44-5a01 and repealing the existing section, by Representative Sawyer.

**HB 2019**, AN ACT establishing the office of the child advocate for children's protection and services within the department of administration; prescribing certain powers, duties and functions; amending K.S.A. 2019 Supp. 38-2211, 38-2212, 38-2213, 38-2309 and 38-2310 and repealing the existing sections, by Representative Ousley.

**HB 2020**, AN ACT concerning employment security law; relating to disqualification for benefits; disqualification begin dates, illness or injury, receipt of pension or retirement pay, part-time employment for an educational institution; penalties during declaration of state of disaster emergency; amending K.S.A. 2019 Supp. 44-706 and repealing the existing section, by Representative Ousley.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Thursday, June 4, 2020.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

