

Journal of the House

EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 20, 2022, 11:00 a.m.

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

The roll was called with 102 members present.

Reps. Alcala, Bergquist, Blex, Borjon, Carlin, Finney, Highberger, Houser, Humphries, Kessler, Landwehr, Lee, Lynn, Neighbor, Poetter Parshall, Resman, L.Ruiz, Toplikar and Victors were excused on verified illness.

Rep. Winn was excused on legislative business.

Reps. Baker, Donohoe and Howe were excused on excused absence by the Speaker.

Present later: Reps. Baker, Donohoe and Howe.

Excused later: Reps. Ellis, Henderson, Huebert, C. Smith and Williams.

Prayer by Representative Hoffman:

Dear Lord,

Thank You for this new day.

We thank you for your grace you give us on a daily basis.

Be with us as we discuss the serious issues,

help us to have the same grace to each other as you give to us.

May we not take lightly the awesome responsibility
that our constituents have entrusted to us.

As leaders, fill our hearts and minds with your vision and passion
for what is good and right.

May our eyes not see through dark and divisive glasses-
but with your insight,

may we see hope and promise and ways to work together.

Be with each one of us as we travel home this weekend,
renew our strength and enjoy time with our families.

This I ask in the name of Jesus, Amen.

The Pledge of Allegiance was led by Rep. Curtis.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2498, AN ACT concerning public health; relating to immunizations; childhood immunizations required for care at a child care facility or attendance at a school; prohibiting the secretary of health and environment from requiring a COVID-19 vaccine therefor; amending K.S.A. 65-508 and 72-6262 and repealing the existing

sections, by Representatives Fairchild, Burris, Garber, Howe, Jacobs, Lee-Hahn, Murphy, Proctor and Rhiley.

HB 2499, AN ACT concerning taxation; relating to sales and compensating use tax; providing for a refund of tax paid on sales of property used in video, internet access and telecommunications services, by Committee on Taxation.

HB 2500, AN ACT concerning sales and compensating use tax; relating to city and countywide retailers' sales tax; Wilson county, election and rates; amending K.S.A. 2021 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

HB 2501, AN ACT concerning the Kansas national guard; creating the defend the guard act; establishing when the national guard may be released into active duty combat; prohibiting COVID-19 vaccination requirements for national guard members, by Committee on Federal and State Affairs.

HB 2502, AN ACT concerning alcoholic beverages; relating to the sale and delivery by retail liquor stores of alcohol and cereal malt beverages to a caterer, public venue, club or drinking establishment located in any county; amending K.S.A. 41-308 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2503, AN ACT concerning motor vehicles; relating to antique vehicles; requiring applicants using a bill of sale for antique vehicle certificates of title to be licensed dealers unless providing proof of insurance and an application for registration; authorizing local county sheriffs to perform antique vehicle VIN inspections; amending K.S.A. 2021 Supp. 8-170 and repealing the existing section, by Committee on Transportation.

HB 2504, AN ACT concerning motor vehicles; relating to disabled veteran distinctive license plates; requiring that a service-connected disability be a physical disability to qualify for a disabled veteran distinctive license plate; amending K.S.A. 2021 Supp. 8-160 and repealing the existing section, by Committee on Transportation.

HB 2505, AN ACT concerning education; relating to college and career readiness assessments administered by national assessment providers; providing exemptions for such assessments under the student data privacy act and the student online personal protection act; amending K.S.A. 72-6316 and 72-6332 and repealing the existing sections, by Committee on Education.

HB 2506, AN ACT concerning property taxation; relating to exemptions; including certain uses of recreational off-highway vehicles as farm machinery and equipment; amending K.S.A. 79-201j and repealing the existing section, by Representative Rhiley.

HB 2507, AN ACT concerning crimes, punishment and criminal procedure; relating to crimes involving violations of personal rights; adding denial of civil rights based on a person's disability to the crime of denial of civil rights; amending K.S.A. 2021 Supp. 21-6102 and repealing the existing section, by Committee on Judiciary.

HB 2508, AN ACT concerning criminal history record information; requiring the retention of fingerprint information; participation in the rap back program; limiting access to fingerprints and records relating to fingerprints, by Committee on Judiciary.

HB 2509, AN ACT concerning retirement and pensions; relating to the Kansas deferred retirement option program act; expanding DROP membership to all members of the Kansas police and firemen's retirement system; amending K.S.A. 2021 Supp. 74-4986l and 74-4986p and repealing the existing sections, by Committee on Insurance and Pensions.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2492**.

Commerce, Labor and Economic Development: **HB 2497**.

Energy, Utilities and Telecommunications: **HCR 5023**.

Judiciary: **HB 2495, HB 2496**.

Taxation: **HB 2493, HB 2494**.

REPORTS OF STANDING COMMITTEES

Committee on **Taxation** recommends **HB 2464** be amended on page 1, in line 12, by striking "wildfires" and inserting "a wildfire, flood, tornado or other natural disaster"; in line 14, after the period, by inserting:

"(b) A taxpayer shall be eligible for the exemption pursuant to this section if the affected property containing the damaged or destroyed fencing is located within an area declared to be a disaster by the federal, state or local government.

(c)";

Also on page 1, in line 36 by striking "(b)" and inserting "(d) As used in this section, "wildfire" means a fire that spreads rapidly over grassland, woodland or brush creating unwanted and unplanned destruction.

(e)";

On page 1, in the title, in line 3, by striking "wildfires" and inserting "a wildfire, flood, tornado or other natural disaster"; 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 2510, AN ACT concerning insurance; relating to permissible investments made by life insurance companies; updating certain investment limitation requirements to provide increased options for Kansas domiciled life insurance companies investing in equity interests and preferred stock; amending K.S.A. 40-2b06 and 40-2b07 and repealing the existing sections, by Committee on Appropriations.

HB 2511, AN ACT concerning the Kansas state high school activities association; authorizing certain students to participate in activities offered by school districts; making members of or persons employed by the Kansas state high school activities association mandatory reporters of child abuse and neglect; amending K.S.A. 38-2223 and repealing the existing section, by Committee on K-12 Education Budget.

HB 2512, AN ACT concerning virtual schools; relating to diploma completion programs; authorizing virtual school state aid for students under 19 years of age who have dropped out of high school; amending K.S.A. 72-3715 and repealing the existing section, by Committee on K-12 Education Budget.

HB 2513, AN ACT concerning education; relating to the administration of certain tests, questionnaires, surveys and examinations in schools; establishing parental notification and written consent requirements; prohibiting the incorporation of certain tests, questionnaires, surveys and examinations into educational programs or curriculum; prohibiting collection of personally identifiable student data; amending K.S.A. 72-6316 and repealing the existing section, by Committee on K-12 Education Budget.

HB 2514, AN ACT concerning education; authorizing school districts to provide part-time enrollment options for certain students; amending K.S.A. 72-3120 and repealing the existing section, by Committee on K-12 Education Budget.

HB 2515, AN ACT concerning offender registration; relating to the Kansas offender registration act; providing a mechanism to seek relief from registration requirements for drug offenders; expungement for such offenses; amending K.S.A. 2021 Supp. 21-6614 and 22-4908 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2516, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing guidelines; criminal history calculation; requiring the journal entries used to establish criminal history to be attached to a criminal history worksheet and an offender who raises error in calculation for the first time on appeal to show prejudicial error; authorizing jurisdiction of the court to correct an illegal sentence while a direct appeal is pending; amending K.S.A. 2021 Supp. 21-6813, 21-6814 and 21-6820 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2517, AN ACT concerning the certified drug abuse treatment program; relating to program qualifications; transferring certification duties from the department of corrections to the Kansas sentencing commission; amending K.S.A. 2021 Supp. 21-6824 and 75-52,144 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2518, AN ACT concerning the city general improvement and assessment law; requiring notice by first class mail to property owners proposed to be included within an improvement district; eliminating the ability of property owners of one-half or more of an area proposed to be in an improvement district to petition to form such district; requiring disclosure in real estate contracts of any special assessments due; amending K.S.A. 12-6a06 and K.S.A. 2021 Supp. 12-6a04 and 12-6a20 and repealing the existing sections, by Committee on Local Government.

HB 2519, AN ACT concerning reapportionment; relating to congressional districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp. 4-137 and 4-143, by Committee on Redistricting.

HB 2520, AN ACT concerning reapportionment; relating to congressional districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp. 4-137 and 4-143, by Committee on Redistricting.

HB 2521, AN ACT concerning reapportionment; relating to congressional districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp. 4-137 and 4-143, by Committee on Redistricting.

HB 2522, AN ACT concerning reapportionment; relating to congressional districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp. 4-137 and 4-143, by Committee on Redistricting.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Anderson to replace Rep. Landwehr on Committee on Redistricting on Jan. 20 & 21, 2022.

Also, the appointment of Rep. Owens to replace Rep. Huebert on Committee on Redistricting on Jan. 20 & 21, 2022.

On motion of Rep. Hawkins, the House recessed until 4:30 p.m.

AFTERNOON SESSION

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

MESSAGES FROM THE SENATE

Announcing passage of **HB 2477**, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Patton, the House concurred in Senate amendments to **HB 2477**, AN ACT concerning governmental response to COVID-19; relating to health and healthcare; renewing provisions of law authorizing expanded practice by certain healthcare professionals; providing for exceptions thereto; suspending certain licensure and other requirements for adult care homes; extending the authority of the state board of healing arts to issue temporary emergency licenses; limiting the professions for which such licenses may be issued; amending K.S.A. 2021 Supp. 48-965 and 48-966 and repealing the existing sections.

On roll call, the vote was: Yeas 96; Nays 4; Present but not voting: 0; Absent or not voting: 25.

Yeas: Amyx, Anderson, Amberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Burroughs, Byers, Carlson, Carmichael, W. Carpenter, Clark, Clayton, Clifford, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Francis, Gartner, Haswood, Hawkins, Helgerson, Helmer, Highland, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoye, S. Johnson, T. Johnson, Kelly, Kuether, Long, Mason, Meyer, Miller, Minnix, Moser, Murphy, Neelly, Newland, Ohaebosim, Orr, Osman, Ousley, Owens, F. Patton, Penn, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Rhiley, Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schmidt, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Turner, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, Wolfe Moore, Woodard, Xu.

Nays: Burris, French, Garber, Jacobs.

Present but not voting: None.

Absent or not voting: Alcalá, Bergquist, Blex, Borjon, Carlin, Ellis, Finney, Henderson, Highberger, Houser, Huebert, Humphries, Kessler, Landwehr, Lee-Hahn, Lynn, Neighbor, Poetter, Resman, Ruiz, L., Smith, C., Toplikar, Victors, K. Williams, Winn.

EXPLANATIONS OF VOTE

MR. SPEAKER: I have voted No on **HB 2477** because although I know we have a critical shortage in health care providers, I do not believe this body should be facilitating the use of not fully trained professionals in our health care system when fully qualified professional health care workers are being forced out of the system because of government or employer mask and vaccine mandates. – DAVID FRENCH

MR. SPEAKER: The states' past failures of not protecting Doctors and medical professionals is the reason for the labor shortage. Now the state is allowing lesser qualified persons to practice medicine which in return will bring on less quality of care. The state is also guilty of pushing good doctors and nurses out because they stand for the liberty to choose alternative medicine not pushed by big pharma. "Realize that the doctor's fight against socialized medicine is your fight. We can't socialize the doctors without socializing the patients." Ronald Reagan. This is why I vote "NO" on **HB2477** – TREVOR JACOBS

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2523, AN ACT concerning the state board of veterinary examiners; relating to licensed veterinarians and registered veterinary technicians; penalties; fees; investigative and disciplinary proceedings; amending K.S.A. 47-816, 47-817, 47-820, 47-821, 47-829, 47-830, 47-834, 47-835, 47-840, 47-842, 47-847 and 47-852 and repealing the existing sections; also repealing K.S.A. 47-837, 47-843, 47-844, 47-846, 47-848, 47-849, 47-850, 47-851, 47-853 and 47-854, by Representative Highland.

HB 2524, AN ACT concerning health and healthcare; relating to the Kansas department for aging and disability services; requiring regulation of supplemental nursing services agencies thereby; creating the supplemental nursing services agency regulation fund, by Committee on Children and Seniors.

HB 2525, AN ACT concerning public assistance; relating to food and child care assistance; removing non-cooperation with child support from requirements for food and child care assistance eligibility; exempting qualifying adults enrolled in school from the 20-hour-per-week work requirement for child care assistance eligibility for a limited time; amending K.S.A. 39-709 and repealing the existing section, by Committee on Children and Seniors.

HOUSE CONCURRENT RESOLUTION No. **HCR 5024**—

By Representatives Probst, Alcalá, Amyx, Ballard, Burroughs, Byers, Carlin, Clayton, Curtis, Featherston, Finney, Gartner, Haswood, Henderson, Highberger, Hoye, Kuether, Meyer, Miller, Neighbor, Ohaebosim, Ousley, Poskin, Ruiz, L., Ruiz, S., Sawyer, Schmidt, Stogsdill, Vaughn, Victors, Weigel, Winn, Wolfe Moore, Woodard and Xu

A PROPOSITION to amend article 7 of the constitution of the state of Kansas by adding a new section thereto, providing medical assistance eligibility to the full extent authorized under federal law.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 7 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 7. Medical assistance eligibility. (a) Commencing on July 1, 2023, and thereafter, eligibility for medical assistance under title XIX of the social security act shall be provided to any resident adult whose household income does not exceed 138% of the federal poverty level to the full extent authorized under public law 111-148, the patient protection and affordable care act, and public law 111-152, the health care and education reconciliation act of 2010.

(b) The legislature shall enact laws to carry out the purposes of this section."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to expand Medicaid eligibility to the full extent authorized under federal law.

"A vote for this proposition would expand Medicaid eligibility commencing on July 1, 2023, to any resident adult whose household income does not exceed 138% of the federal poverty level to the full extent authorized under federal law. The amendment would require the legislature to enact laws to implement expanded eligibility.

"A vote against this proposition would make no changes to eligibility for Medicaid."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case, the proposed amendment shall be submitted to the electors of the state at the special election.

HOUSE CONCURRENT RESOLUTION No. **HCR 5025**—

By Representatives Probst, Alcala, Amyx, Byers, Carlin, Curtis, Finney, Gartner, Haswood, Henderson, Highberger, Hoye, Kuether, Meyer, Miller, Osman, Ousley, Ruiz, L., Ruiz, S., Sawyer, Vaughn, Woodard and Xu

A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, legalizing the recreational use of marijuana.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 15 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 17. **Recreational use of marijuana.** (a) Commencing on July 1, 2023, and thereafter, the recreational use of marijuana shall be legal in the state of Kansas.

(b) The legislature shall enact laws to carry out the purposes of this section."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to legalize the recreational use of marijuana commencing on July 1, 2023.

"A vote for this proposition would legalize the recreational use of marijuana commencing on July 1, 2023, and thereafter. The legislature would be directed to enact laws to provide for the legal use of recreational marijuana.

"A vote against this proposition would make no changes to current law concerning the use of recreational marijuana and would continue the current prohibition and penalties for the recreational use of marijuana as provided by law."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

HOUSE CONCURRENT RESOLUTION No. **HCR 5026**—

By Representatives Probst, Alcalá, Amyx, Ballard, Burroughs, Byers, Carlin, Clayton, Curtis, Featherston, Finney, Gartner, Haswood, Henderson, Highberger, Hoye, Kuether, Meyer, Miller, Neighbor, Ohaebosim, Osman, Ousley, Ruiz, L., Ruiz, S., Sawyer, Schmidt, Stogsdill, Vaughn, Victors, Winn, Wolfe Moore, Woodard and Xu

A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, legalizing the medicinal use of marijuana.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or

rejection: Article 15 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 17. **Medicinal use of marijuana.** (a) Commencing on July 1, 2023, and thereafter, the medicinal use of marijuana shall be legal in the state of Kansas.

(b) The legislature shall enact laws to carry out the purposes of this section."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"*Explanatory statement.* The purpose of this amendment is to legalize the medicinal use of marijuana commencing on July 1, 2023.

"A vote for this proposition would legalize the medicinal use of marijuana commencing on July 1, 2023, and thereafter. The legislature would be directed to enact laws to provide for the legal use of medicinal marijuana.

"A vote against this proposition would make no changes to current law concerning the use of medicinal marijuana and would continue the current prohibition and penalties for the medicinal use of marijuana as provided by law."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

On motion of Rep. Hawkins the House adjourned pro forma until 8:30 a.m. on Friday, January 21, 2022.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

