

Journal of the House

TWENTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 8, 2022, 11:00 a.m.

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

The roll was called with 121 members present.

Reps. Baker and Finney were excused on verified illness.

Reps. Henderson and Houser were excused on excused absence by the Speaker.

Prayer by Rep. Brubaker:

Dear Lord,

Thank You for this new day with new mercies and opportunities.

Be with our leaders as we discuss the serious issues before 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 a glass darkly –
but with your insight.

May we see hope and promise of ways to work together.

This I ask in the name of Jesus, Amen.

The Pledge of Allegiance was led by Rep. Schreiber.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2622, AN ACT concerning financial institutions; relating to the financing of motor vehicles; enacting the motor vehicle financial protection products act; providing definitions, requirements and procedures for offering debt waivers and vehicle value protection agreements; administration and enforcement by the consumer and mortgage lending division of the office of the state bank commissioner, by Committee on Financial Institutions and Rural Development.

HB 2623, AN ACT concerning rural development; relating to employment in rural areas; enacting the rural remote worker incentive act; establishing administrative responsibilities, powers, duties and rules and regulations authority with the secretary of commerce; providing definitions, requirements, procedures and incentives; creating the rural remote worker incentive fund in the state treasury. , by Committee on Financial Institutions and Rural Development.

HB 2624, AN ACT concerning civil actions; relating to the protection from abuse act; protection from stalking, sexual assault or human trafficking act; restraining orders issued pursuant to acts; time limitations; amending K.S.A. 2021 Supp. 60-3107 and 60-31a06 and repealing the existing sections, by Committee on Judiciary.

HB 2625, AN ACT concerning elections; relating to election crimes; creating the crime of elector fraud and providing penalties therefor, by Representatives Ruiz, S., Carlin, Clayton, Featherston, Osman, Probst, Sawyer, Schmidt, Winn and Woodard.

HB 2626, AN ACT concerning the teacher service scholarship program; making and concerning appropriations for the fiscal years ending June 30, 2023, June 30, 2024, June 30, 2025, June 30, 2026, and June 30, 2027, for the state board of regents to fund such scholarships, by Representatives Poskin, Byers, Featherston, Schmidt, Schreiber, Stogsdill, Alcalá, Amyx, Ballard, Clayton, Clifford, Esau, Finney, Francis, Gartner, Haswood, Helmer, Highberger, Hoheisel, Howe, Hoye, T. Johnson, Kuether, Lynn, Meyer, Neighbor, Ohaebosim, Osman, Ousley, Probst, Ruiz, S., Victors, Waggoner, Winn, Wolfe Moore and Xu.

HB 2627, AN ACT establishing the aspiring future teacher of the year scholarship and grant program; making and concerning appropriations for the fiscal years ending June 30, 2023, June 30, 2024, June 30, 2025, June 30, 2026, and June 30, 2027, for the department of education for such scholarships and grants, by Representative Poskin.

HB 2628, AN ACT concerning the regulation of traffic; relating to reckless driving; expanding the definition of reckless driving to include operating a vehicle at a speed of 100 miles per hour or more; amending K.S.A. 8-1566 and repealing the existing section, by Committee on Transportation.

HB 2629, AN ACT concerning driver's licenses; relating to habitual violators; removing mandatory jail time for a habitual violator convicted of driving while the driver's license of the person is canceled, suspended or revoked; amending K.S.A. 2021 Supp. 8-262 and 8-287 and repealing the existing sections, by Committee on Transportation.

HB 2630, AN ACT concerning transportation; relating to the transportation of radioactive materials; establishing fees for the transportation of certain radioactive materials through and within the state; establishing the radioactive materials transportation operating fund, by Committee on Transportation.

HB 2631, AN ACT concerning education; relating to career technical education; enacting the career technical education credential and transition incentive for employment success act; providing state aid to school districts for students obtaining a credential; establishing the career technical education credential and transition incentive fund, by Committee on Appropriations.

HB 2632, AN ACT concerning children and minors; relating to procedures in investigations of child abuse or neglect; requiring a child abuse review and evaluation examination; creating a program in the department of health and environment for the training and payment for child abuse review and evaluation examinations; defining child abuse review and evaluation providers, networks and examinations and child abuse medical resource centers; amending K.S.A. 38-2202 and 38-2226 and repealing the existing sections, by None.

HB 2633, AN ACT concerning motor vehicles; relating to license plates; providing for the city of Hutchinson and the city of Topeka distinctive license plates, by Representatives Probst, Clifford, Gartner, Helmer, Kuether, Miller, Murphy, Seiwert, Stogsdill, Waggoner and Weigel.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **HB 2607, HB 2620.**

Education: **HB 2621.**

Federal and State Affairs: **HB 2610, HB 2611, HB 2613, HB 2614.**

Health and Human Services: **HB 2617.**

Insurance and Pensions: **HB 2612.**

Judiciary: **HB 2608.**

K-12 Education Budget: **HB 2615.**

Local Government: **HB 2619.**

Taxation: **HB 2616, HB 2618.**

Transportation: **HB 2609.**

CONSENT CALENDAR

No objection was made to **HB 2480, HB 2564** appearing on the Consent Calendar for the first day.

Objection was made to **HB 2500** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

On motion of Rep. Hawkins, the House recessed until 12:15 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2634, AN ACT concerning crimes, punishment and criminal procedure; relating to conditions of release; release prior to trial; requiring a waiver of extradition proceedings; amending K.S.A. 2021 Supp. 22-2802 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2635, AN ACT concerning insurance; relating to the unfair trade practices act; adopting the national association of insurance commissioner's amendments thereto; excluding commercial property and casualty insurance producers, brokers and insurers from prohibitions on giving rebates, discounts, gifts or other valuable consideration as an inducement to sales; amending K.S.A. 40-966, 40-2404 and 40-4909 and repealing the existing sections, by Committee on Insurance and Pensions.

HB 2636, AN ACT concerning the disposition of state real property; authorizing the state board of regents on behalf of Pittsburg state university to sell certain real property in the city of Pittsburg, Crawford county, Kansas, by Committee on Higher Education Budget.

HB 2637, AN ACT concerning insurance; relating to accident and health insurance; pertaining to health maintenance organizations; enacting the health maintenance organization preauthorization exemption act; establishing an exemption for certain physicians and other providers from certain preauthorization requirements when providing certain healthcare services, by Committee on Insurance and Pensions.

HB 2638, AN ACT concerning service contracts; amending the definition thereof; adding automobile windshield repair and replacement to the list of covered services; amending K.S.A. 40-201a and repealing the existing section, by Committee on Insurance and Pensions.

HB 2639, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; reducing the required waiting period to 30 days for a period ending June 30, 2023; amending K.S.A. 74-4937 and K.S.A. 2021 Supp. 74-4914 and repealing the existing sections, by Committee on Insurance and Pensions.

HB 2640, AN ACT concerning asset forfeiture; relating to criminal forfeiture of property with a value of less than \$100,000; enacting the criminal forfeiture act; amending K.S.A. 2021 Supp. 60-4103 and repealing the existing section, by Representative Osman.

HB 2641, AN ACT concerning state educational institutions; relating to the fixing of tuition, fees and charges; prohibiting the state board of regents from fixing higher rates for nonresident students; amending K.S.A. 76-719 and repealing the existing section; also repealing K.S.A. 76-729, 76-730, 76-731 and 76-731a, by Representatives Howe, Bergkamp, Garber, Helmer, Rhiley and Sanders.

HB 2642, AN ACT concerning courts; relating to judges; nonpartisan selection of judges of the district court; allowing a proposition related to the method of selecting judges to be submitted to the voters more than once every eight years; amending K.S.A. 20-2901 and repealing the existing section, by Representative Toplikar.

HB 2643, AN ACT concerning alcoholic and cereal malt beverages; prohibiting the sale or consumption of such beverages on the premises of any sexually oriented business; prohibiting the issuance of a club and drinking establishment license to persons with a beneficial interest in such business; amending K.S.A. 41-2623 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2644, AN ACT designating the Sandhill plum as the official state fruit, by Committee on Federal and State Affairs.

HB 2645, AN ACT concerning elections; relating to county election officers ensuring security of electronic data and digital images; requiring digital images of ballots to be open records and searchable by precinct, by Committee on Federal and State Affairs.

HB 2646, AN ACT concerning elections; establishing specifications for paper ballots used in state and federal elections; requiring reimbursement of county expenditures, by Committee on Federal and State Affairs.

HB 2647, AN ACT concerning family law; relating to legal custody, residency and parenting time; factors for the court to consider; requiring a court to consider evidence of sexual abuse or the commission of any sex offense against a child; creating a rebuttable presumption against awarding parenting time to a parent who is subject to certain sex offender registration requirements; amending K.S.A. 2021 Supp. 23-3203 and 23-3205 and repealing the existing sections, by Committee on Judiciary.

HB 2648, AN ACT concerning seizure and forfeiture of property; relating to property seized by law enforcement officers; offenses giving rise to forfeiture under the Kansas standard asset seizure and forfeiture act; requiring a criminal conviction; remitting proceeds to the state general fund; removing provision making motor vehicles with altered vehicle identification numbers contraband; amending K.S.A. 2021 Supp. 8-116, 22-2512, 60-4104, 60-4105, 60-4106, 60-4107, 60-4112, 60-4113, 60-4117 and 60-4127 and repealing the existing sections, by Committee on Judiciary.

HB 2649, AN ACT concerning education; relating to virtual schools; prohibiting virtual schools from offering or providing any financial incentive for a student to enroll in a virtual school; amending K.S.A. 72-3713 and repealing the existing section, by Committee on K-12 Education Budget.

HB 2650, AN ACT concerning health and healthcare; relating to healthcare providers; permitting advanced practice registered nurses to sign do not resuscitate orders or directives; amending K.S.A. 65-4941 and 65-4942 and repealing the existing sections, by Committee on Children and Seniors.

CHANGE OF REFERENCE

Speaker Ryckman announced the withdrawal of **HB 2569** from Committee on Taxation and referral to Committee on Financial Institutions and Rural Development.

Also, the withdrawal of **HB 2620** from Committee on Corrections and Juvenile Justice and referral to Committee on Judiciary.

On motion of Rep. Hawkins, the House resolved into the Committee of the Whole, with Rep. Hoffman in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **SB 347** be adopted.

Also, on motion of Rep. Tarwater, **H Sub for SB 347** be amended on page 3, in line 35, after "is" by inserting "granted,";

On page 6, by striking all in line 22; in line 25, after "thereto" by inserting "; and (5) reimbursement of a percentage of relocation expenses and incentives for relocation of employees to Kansas pursuant to sections 12 and 13, and amendments thereto";

On page 10, in line 20, after "firm" by inserting "or qualified supplier"; in line 21, after "firm" by inserting "or qualified supplier";

On page 63, in line 13, by striking "is" and inserting "are"

Also, on further motion of Rep. Tarwater, **H Sub for SB 347** be amended on page 9, in line 10, after "approve" by inserting ", prior to the finalization of an agreement by the secretary,"; in line 13, after "effective." by inserting "Prior to the finalization of an agreement by the secretary, the state finance council shall also affirmatively approve any additional portions or installments of the investment tax credit as provided by section 5(h), and amendments thereto, otherwise such increase in the portions or installments shall not be effective.";

On page 14, following line 35, by inserting:

"(h) Prior to finalization of an agreement pursuant to section 2, and amendments thereto, the state finance council may allow for a qualified firm or qualified supplier to be allowed to take one or more additional portions or installments of the tax credit that such qualified firm or qualified supplier is entitled pursuant to this subsection, as provided in section 2(e), and amendments thereto. No additional portions or installments of the tax credit shall be allowed in any taxable year unless the requested increase in the portions or installments has been so reviewed and approved by the affirmative vote of the governor and by a majority vote of the legislative members of the state finance council. This matter is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c, and amendments thereto, except that the state finance council is expressly granted the authority to act on this matter at any time, including when the legislature is in session. Upon an affirmative vote, the qualified firm or qualified supplier shall be allowed to take the additional portions or installments of the tax credit approved by the state finance council in the taxable year in which such portions or installments were approved, as shall be set forth in the agreement pursuant to section 2, and amendments thereto. The portions or installments remaining on such credit shall decrease accordingly in the event that additional portions or installments are taken by a qualified firm or qualified supplier."

On page 1, in the title, in line 13, after "agreements" by inserting "and certain benefit provisions"

Also, on motion of Rep. Jacobs, **H Sub for SB 347** be amended on page 5, in line 31, by striking "\$120" and inserting "\$60"; also in line 31, by striking "\$300" and inserting "\$150"

and the substitute bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2215** be passed.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 15, by Representative Pam Curtis, congratulating Tao Tao's Chef Annie for an outstanding Kansas City , Ks. restaurant providing traditional Chinese Cuisine for 50 years;

Request No. 16, by KC Ohaebosim, in memory of Tochi Pius Egu, for a life well lived. Our thoughts and prayers are with the entire Egu Family. May his gentle soul rest in peace;

Request No. 17, by Representatives Kristey Williams and Barbara Ballard, congratulating the outstanding Kansas students who are part of the Jobs for American Graduates program. JAG students are developing academic and life skills for post-graduate success;

Request No. 18, by Representative Leo Delperdang, honoring Officer T. J. Ohlemeier for meritorious conduct in the line of duty, August 29, 2020;

Request No. 19, by Representative Bill Sutton, commending Nicholas Johnson in recognition for achieving the rank of Eagle Scout;

Request No. 20, by Representative Proctor, in memory of Colonel Chuck Rambo for a lifetime of exemplary service to his nation and community. He was a US Army Aviator, a combat veteran having served in Iraq and Afghanistan. He was also active in his community, coaching his little league team to the most championships in league history. It is with deep gratitude we remember and honor his life of service;

Request No. 21, by Representative Jim Kelly, congratulating Shane Ferguson in recognition for being named Kansas Coaches Association, Coach of the Year, Tennis – Boys 2020-2021;

Request No. 22, by Representative Jim Kelly, congratulating Ken D. Brown in recognition for induction into the Kansas Tennis Coaches Association Hall of Fame;

Request No. 23, by Representative Jim Kelly, congratulating Independence High School as Class 4A State Champions – Boys Tennis;

Request No. 24, by Representative Jim Kelly, congratulating Jay Herkelman in recognition for being named the National Junior College Athletic Association (NJCAA) Division 1, Men's Basketball Coach of the Year;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Hawkins, the committee report was adopted.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2651, AN ACT concerning the uniform act regulating traffic on highways; relating to fees, fines and court costs; permitting people to petition the court for a payment plan; amending K.S.A. 2021 Supp. 8-2110 and repealing the existing section, by Committee on Judiciary.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

On emergency motion of Rep. Hawkins pursuant to House Rule 2311, **H Sub for SB 347** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H Sub for SB 347, AN ACT concerning economic development; enacting the attracting powerful economic expansion act; relating to tax and other incentives for projects in specified industries or for a national corporate headquarters with specified capital investment requirements of at least \$1,000,000,000; providing for a refundable income, privilege and premium tax credit for a portion of such investment; reimbursement of certain payroll costs and training and education costs; retention of certain payroll withholding taxes; sales tax exemption for project construction; adjusting the income tax on corporations by reducing the rate by 0.5% after a firm enters into an agreement under this act; limiting the number of agreements under this

act with a qualified firm to one per year for two years; requiring state finance council approval of agreements; providing for reports to legislative committees; establishing the attracting powerful economic expansion payroll incentive fund, the attracting powerful economic expansion new employee training and education fund and the attracting powerful economic expansion Kansas residency incentive fund; amending K.S.A. 79-32,110 and K.S.A. 2021 Supp. 79-3606 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 80; Nays 41; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcala, Amyx, Arnberger-Blew, Ballard, Barker, Borjon, Burroughs, Byers, Carlin, Carlson, Carpenter, W., Clark, Clayton, Clifford, Concannon, Croft, Curtis, Delperdang, Dodson, Eplee, Featherston, Finch, Francis, Gartner, Haswood, Hawkins, Highberger, Highland, Hoffman, Hoheisel, Howell, Howerton, Hoye, Humphries, Johnson, S., Kelly, Kessler, Kuether, Landwehr, Long, Lynn, Mason, Miller, Minnix, Neighbor, Ohaebosim, Osman, Ousley, Owens, Patton, Penn, Poskin, Proctor, Proehl, Rahjes, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Sawyer, Schmidt, Schreiber, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thompson, Vaughn, Victors, Wasinger, Waymaster, Weigel, Wheeler, Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Anderson, Awerkamp, Bergkamp, Bergquist, Blex, Burris, Carmichael, Coleman, Collins, Corbet, Donohoe, Ellis, Esau, Estes, Fairchild, French, Garber, Helgerson, Helmer, Howe, Huebert, Jacobs, Johnson, T., Lee, Meyer, Moser, Murphy, Neely, Newland, Orr, Poetter Parshall, Probst, Rhiley, Samsel, Sanders, Seiwert, Smith, C., Thomas, Toplikar, Turner, Waggoner.

Present but not voting: none.

Absent or not voting: Baker, Finney, Henderson, Houser.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **H Sub for SB 347**. My thoughts on this matter are best summarized in an excerpt of Bruce Hornsby's song, "Look Out Any Window."

...Far away, they bend the rules so secretly - Close their eyes - And let it all out into the sea - Hoping nobody else would see.

...Look out, look out for the big boys - Telling you everything they're gonna do - Look out, look out for the fat cat builder man - Turning this into a wasteland - Look out, look out for the back room boys - That say the smoke is gonna blow away - Look out, look out for the men who say it's okay. Sitting in a building far away. - STEVEN K. HOWE

MR. SPEAKER: I vote no on **H Sub Senate Bill 347** not because of the financial bill, but because the implementation of this will negatively affect my district and goes against the people's wishes in the 38th District. - TIMOTHY JOHNSON

MR. SPEAKER: Although I am an advocate of economic development for the State of Kansas I feel that I should not vote in favor of **House Sub for Senate Bill 347**. I would like to see more transparency, I do understand that non-disclosure agreements have their place but the citizens should know more about who this corporation is. The majority of my constituents that I have heard from on this bill would like to know more. - KEN COLLINS, CHARLES E. SMITH

MR. SPEAKER: I vote No on **House Sub for SB 347**. Paying \$1.2 to \$1.5 billion in public cash incentives to win a \$4.0 billion private investment is two to three times the going rate. Kansas tax burden on established firms is one of the worst in the nation. The legislature should devote time and resources to fixing that existing tax problem rather than pursuing the dubious eco-devo strategy that is strong on headlines but weak on actual results. The taxpayers and existing businesses in our districts deserve better than the “deal” they got with H Sub for SB 347. – PAUL WAGGONER, CARL TURNER

MR. SPEAKER: I vote “NO” on **H Sub for SB 347**. It was once said, “We have to pass the bill so we can find out what is in it, away from the fog of controversy.” To take hard earned Kansas taxpayers’ money in the tune of over \$1Billion to benefit a nameless faceless business is atrocious. So, is this how it is when government puts local and loyal businesses on the backburner and gambles with out of state businesses first in economic incentives? Disappointing...“Government is not a solution to our problem; government is the problem...government does not solve problems it subsidizes them.” Ronald Reagan. – TREVOR JACOBS

COMMITTEE ASSIGNMENT CHANGE

Speaker Ryckman announced the appointment of Rep. Osman to replace Rep. Henderson on Committee on General Government Budget on February 8, 2022.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Wednesday, February 9, 2022.

JENNY HAUGH, JULIA WERNER, *Journal Clerks*.

SUSAN W. KANNARR, *Chief Clerk*.

