

Journal of the House

SEVENTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 6, 2020, 9:00 a.m.

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

The roll was called with 122 members present.

Reps. Alcala and Victors were excused on legislative business.

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

Prayer by Chaplain Brubaker,

Almighty God,
thank You for this day and the pleasure
of being back here with our leaders.
Thank you for handling well the pressure the Body put on You and me
to represent them at the Super Bowl
and to bring a victory back home!
There were a few lessons I was reminded of
at the game that can be applied here
as our leaders work together.
Never give up and quit.
When things are not going well, it is essential to
assess, adapt and overcome.
Perseverance always pays off.
So, it is imperative to get up whenever knocked down
and try again.
To reach the end goal,
one must keep focused on that goal.
Two people can be on opposite sides
and understand they will never change.
Yet, when all is said and done,
they can shake hands and have
mutual respect for each other.
Teach us these lessons, O Lord, I pray,
Amen.

The Pledge of Allegiance was led by Rep. Kuether.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2568, AN ACT concerning traffic regulations; relating to speed limits; allowing local authorities to decrease speed limits without an engineering and traffic investigation; decreasing limits allowed in certain districts; amending K.S.A. 8-1560 and repealing the existing section, by Committee on Transportation.

HB 2569, AN ACT concerning motor vehicles; relating to antique vehicles; allowing model year vehicle dealer license plates to be displayed on antique vehicles; amending K.S.A. 2019 Supp. 8-172 and repealing the existing section, by Committee on Transportation.

HB 2570, AN ACT concerning health and healthcare; relating to certain prescribers; limiting certain prescriptions to a seven-day supply; exceptions, by Committee on Health and Human Services.

HB 2571, AN ACT concerning licensure under the club and drinking establishment act; amending K.S.A. 2019 Supp. 41-311 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2572, AN ACT concerning teachers; creating the educator protection act; relating to excess professional liability insurance coverage for teachers; amending K.S.A. 75-4101 and repealing the existing section, by Committee on Education.

HB 2573, AN ACT concerning education; relating to curriculum for civics; requiring students to pass a civics examination for high school graduation; amending K.S.A. 72-3217 and repealing the existing section, by Committee on Education.

HB 2574, AN ACT concerning health and healthcare; relating to the school sports head injury prevention act; requiring schools to establish concussion management teams; standards of care protocols; required biennial education; amending K.S.A. 72-7119 and repealing the existing section, by Committee on Education.

HB 2575, AN ACT concerning public health; relating to the Kansas drycleaner environmental response act; the payment of certain costs of remediation of pollution from drycleaning activities; deductible amount; penalties for violations; amending K.S.A. 65-34,142, 65-34,147, 65-34,148, 65-34,149, 65-34,150, 65-34,151 and 65-34,154 and repealing the existing sections, by Committee on Agriculture.

HB 2576, AN ACT concerning property taxes; requiring tax bills be mailed before December 10 each year; amending K.S.A. 79-2001 and repealing the existing section, by Representative Smith, A..

HB 2577, AN ACT relating to the taxation of motor vehicle fuels; providing for a county option; amending K.S.A. 79-3424 and K.S.A. 2019 Supp. 12-194 and repealing the existing sections, by Representative Rhiley.

HB 2578, AN ACT concerning sales taxation; relating to exemptions; farm products sold at farmers' markets; amending K.S.A. 79-3606 and repealing the existing section, by Representatives Capps, Blex, Dove, Ellis, Erickson, Helmer, Hineman, Hoheisel, Horn, Houser, Howard, Moore, Newland, Pittman, Rhiley and Xu.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce, Labor and Economic Development: **HB 2565**, **HB 2566**.

Elections: **HB 2559**, **HB 2560**, **HB 2561**, **HB 2562**.

Federal and State Affairs: **HB 2563, HB 2564.**

Insurance: **HB 2557, HB 2558.**

Taxation: **HB 2567.**

MESSAGES FROM THE SENATE

Announcing passage of **SB 157, SB 258.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:
SB 157, SB 258.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Concannon, **HR 6030**, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6030**—

By Representative Concannon

HR 6030—A RESOLUTION recognizing February 6, 2020, as Wear Red Day at the Capitol.

WHEREAS, Heart disease and stroke kill one in three women in the United States, yet 80% of cardiac events may be prevented through education and lifestyle changes such as moving more, eating smart, and managing blood pressure; and

WHEREAS, Cardiovascular disease and stroke kill one woman every 80 seconds in the United States, and cardiovascular disease kills more women than the total combined deaths from cancer, accidents, and diabetes; and

WHEREAS, Nearly 45% of women aged 20 and older live with some form of cardiovascular disease. Women having heart attacks wait 30% longer than men from the moment they begin experiencing symptoms to the time they arrive at a hospital. From arrival at the hospital to the moment women start receiving care, women experience a 20% longer wait time than men, and women are also less likely than men to receive bystander cardiopulmonary resuscitation; and

WHEREAS, 57% of African-American women and 40% of Hispanic women aged 20 and older have cardiovascular disease; and

WHEREAS, For Caucasian women, cardiovascular disease claims the lives of more women than all forms of cancer – including breast cancer – Alzheimer's disease, Parkinson's disease, motor vehicle accidents, and unintentional injuries combined; and

WHEREAS, Heart disease and stroke can affect a woman at any age, and new research shows heart attacks are on the rise among younger women, which serves to emphasize the importance for women to take charge of their heart health: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize February 6, 2020, as Wear Red Day at the Capitol by wearing the color red to raise awareness of the importance of the ongoing fight against heart disease and stroke, and we urge all citizens to show their support for women by commemorating this day; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Concannon.

CONSENT CALENDAR

No objection was made to **HB 2466** appearing on the Consent Calendar for the first day.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 155** be passed.

On motion of Rep. Garber to amend **SCR 1613**, Rep. Humphries requested a ruling on the amendment being germane to the concurrent resolution. The Rules Chair ruled the amendment not germane.

Also, roll call was demanded on motion to recommend **SCR 1613** favorably for adoption.

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

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

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

Present but not voting: None.

Absent or not voting: Alcalá, Frownfelter, Neighbor, Victors.

The motion prevailed, and the concurrent resolution be adopted.

On motion of Rep. Holscher, **HB 2467** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2019 Supp. 21-5414 is hereby amended to read as follows: 21-5414. (a) Domestic battery is:

(1) Knowingly or recklessly causing bodily harm to a person with whom the offender is involved or has been involved in a dating relationship or a family or household member; or

(2) knowingly causing physical contact with a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.

(b) Aggravated domestic battery is:

(1) Knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner; or

(2) knowingly impeding the normal breathing or circulation of the blood by blocking the nose or mouth of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.

(c) (1) Domestic battery is:

(A) Except as provided in subsection (c)(1)(B) or (c)(1)(C), a class B person misdemeanor and the offender shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than \$200, nor more than \$500 ~~or in the court's discretion, and the court may shall~~ enter an order ~~which that~~ requires the offender to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program;

(B) except as provided in subsection (c)(1)(C), a class A person misdemeanor, if, within five years immediately preceding commission of the crime, an offender is convicted of domestic battery a second time and the offender shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. The five days' imprisonment mandated by this paragraph may be served in a work release program only after such offender has served 48 consecutive hours' imprisonment, provided such work release program requires such offender to return to confinement at the end of each day in the work release program. The offender shall serve at least five consecutive days' imprisonment before the offender is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the offender shall be required to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, unless otherwise ordered by the court; and

(C) a person felony, if, within five years immediately preceding commission of the crime, an offender is convicted of domestic battery a third or subsequent time, and the offender shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$7,500. The offender convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the offender has served at least 90 days' imprisonment. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the offender shall be required to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, unless otherwise ordered by the court. If the offender does not undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, the offender shall serve not less than 180 days nor more than one year's imprisonment. The 90 days' imprisonment mandated by this paragraph may be served in a work release program only after such offender has served 48 consecutive hours imprisonment, provided such work release program requires such offender to return to confinement at the end of each day in the work release program.

(2) Aggravated domestic battery is a severity level 7, person felony.

(d) In determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offense under this section, a court shall consider information presented to the court relating to any current or prior protective order issued against such person.

(e) As used in this section:

(1) "Dating relationship" means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since the termination of the relationship, if applicable;

(2) "family or household member" means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. "Family or household member" also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(3) "protective order" means:

(A) A protection from abuse order issued pursuant to K.S.A. 60-3105, 60-3106 or 60-3107, and amendments thereto;

(B) a protective order issued by a court or tribunal of any state or Indian tribe that is consistent with the provisions of 18 U.S.C. § 2265;

(C) a restraining order issued pursuant to K.S.A. 2019 Supp. 23-2707, 38-2243, 38-2244 or 38-2255, and amendments thereto, or K.S.A. 60-1607, prior to its transfer;

(D) an order issued in this or any other state as a condition of pretrial release, diversion, probation, suspended sentence, postrelease supervision or at any other time during the criminal case or upon appeal that orders the person to refrain from having any direct or indirect contact with a family or household member;

(E) an order issued in this or any other state as a condition of release after conviction or as a condition of a supersedeas bond pending disposition of an appeal, that orders the person to refrain from having any direct or indirect contact with another person; or

(F) a protection from stalking order issued pursuant to K.S.A. 60-31a05 or 60-31a06, and amendments thereto.

(f) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under subsection (c)(1):

(1) "Conviction" includes being convicted of a violation of K.S.A. 21-3412a, prior to its repeal, this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(2) "conviction" includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(3) only convictions occurring in the immediately preceding five years including

prior to July 1, 2001, shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(g) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of subsection (a) or (b) or an ordinance of any city or resolution of any county which prohibits the acts that subsection (a) or (b) prohibits only twice during any five-year period.";

Also on page 1, in line 28, after "Supp." by inserting "21-5414 and"; also in line 28, by striking "is" and inserting "are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, after "to" by inserting "domestic battery; batterer intervention programs;"; also in line 2, after "Supp." by inserting "21-5414 and"; in line 3, by striking "section" and inserting "sections" and **HB 2467** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2437** be amended on page 7, in line 1, by striking all after "labeling"; in line 2, by striking all after "labeling"; in line 4, after "stating" by inserting "one of the following: (A)"; in line 5, after "meat" by inserting ""; (B) "meatless"; or (C) "meat-free"; also in line 5, after "a" by inserting "menu or menu board or to";

On page 1, in the title, in line 2, by striking all after "labels"; in line 3, by striking "advertisements"; 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 2579, AN ACT concerning health professions and practices; relating to the board of pharmacy; prescription monitoring program act; pertaining to persons permitted to receive program data; data security; user and delegate access; increasing the number of members of the prescription monitoring program advisory committee; amending K.S.A. 65-1682, 65-1683, 65-1685, 65-1687 and 65-1689 and repealing the existing sections, by Committee on Health and Human Services.

HB 2580, AN ACT concerning cities; relating to annexation of territory; amending K.S.A. 2019 Supp. 12-520 and repealing the existing section, by Representative Dove.

HB 2581, AN ACT concerning zoning and subdivision regulations; requiring an election in certain instances; amending K.S.A. 12-715b, 12-749, 12-750 and 12-754 and repealing the existing sections, by Representative Dove.

HB 2582, AN ACT concerning education; relating to the Kansas school equity and enhancement act; creating the behavioral health intervention weighting; amending K.S.A. 2019 Supp. 72-5131, 72-5132 and 72-5171 and repealing the existing sections, by Committee on K-12 Education Budget.

HB 2583, AN ACT concerning cities; relating to the vacation of territory or easements; amending K.S.A. 12-504 and 12-505 and repealing the existing sections, by Committee on Local Government.

HB 2584, AN ACT concerning minimum wage laws; permitting cities, counties and local governments to set the minimum wage above federal or state levels by ordinance, resolution or law; amending K.S.A. 2019 Supp. 12-16,130 and repealing the existing section, by Committee on Local Government.

HB 2585, AN ACT concerning electric public utilities; relating to the state corporation commission; exempting retail sales of electricity through electric vehicle charging stations from commission jurisdiction; amending K.S.A. 66-104 and repealing the existing section, by Committee on Energy, Utilities and Telecommunications.

HB 2586, AN ACT concerning public employee and professional employees' organizations; relating to dues; commencement and cessation of withholding of dues; procedure; providing certain rights to employees; amending K.S.A. 72-2219, 72-2241, 75-4324, 75-4327 and 75-5501 and K.S.A. 2019 Supp. 44-319 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2587, AN ACT concerning the probate code; relating to adoption; venue; agency adoptions; amending K.S.A. 2019 Supp. 59-2126 and repealing the existing section, by Committee on Judiciary.

HB 2588, AN ACT concerning transportation; providing for the FORWARD transportation program; amending K.S.A. 68-416, 68-2315, 68-2316, 75-5035, 75-5048, 75-5061, 79-3603 and 79-3703 and repealing the existing sections, by Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Finch announced the appointment of Rep. Woodard to replace Rep. Alcalá on Committee on Taxation on Feb 6, 2020.

Also, the appointment of Rep. Parker to replace Rep. Victors on Committee on Transportation on Feb 6, 2020.

Also, the appointment of Rep. Finney to replace Rep. Victors on Committee on Transportation and Public Safety Budget on Feb 6, 2020.

Also, the appointment of Rep. Gartner to replace Rep. Horn on Joint Committee on State Building Construction on Feb 10, 2020.

REPORT ON ENROLLED RESOLUTIONS

HR 6028, HR 6029 reported correctly enrolled and properly signed on February 6, 2020.

On motion of Rep. Hawkins, the House adjourned until 9:00 a.m., Friday, February 7, 2020.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

