

Journal of the House

EIGHTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 7, 2020, 9:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Finch in the chair.

The roll was called with 123 members present.
Reps. Alcalá and Victors were excused on legislative business.

Prayer by Chaplain Brubaker,

Almighty God,
You have created all of us in Your image,
we ask that you give grace to each of us.
Remove our pride and make us humble.
Help us to listen more than we speak.
Adjust our hearts from self-preservation
to others-centered love.
Fill us with your grace so that we will reflect Your kingdom.
Bestow upon us a spirit of unity
and endow us with Your mercy and wisdom.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Corbet.

On motion of Rep. Hawkins, the House recessed until 10:00 a.m.

LATE MORNING 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 2589, AN ACT concerning the Kansas state high school activities association; relating to member schools; student athletes; requiring participation to be based upon a student's biological gender at birth, by Representatives Capps, Blex, French, Garber, Helmer, Howard and Newland.

HB 2590, AN ACT concerning children and minors; relating to the revised Kansas code for the care of children; access to information by law enforcement; amending K.S.A. 2019 Supp. 38-2210, 38-2211 and 38-2212 and repealing the existing sections, by Representative Capps.

HB 2591, AN ACT concerning courts; relating to closed courtrooms; members of the legislature, by Representative Capps.

HB 2592, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the American legion, knights of Columbus and proud educator license plates; providing for lowered license plate commitments and costs prior to production of plates; amending K.S.A. 2019 Supp. 8-1,141 and 8-1,142 and repealing the existing sections, by Committee on Transportation.

HB 2593, AN ACT concerning taxation; relating to income, premiums and privilege tax; providing a credit for contributions to technical colleges; amending K.S.A. 79-32,261 and repealing the existing section, by Committee on Taxation.

HB 2594, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing, by Committee on Appropriations.

HB 2595, AN ACT concerning state surplus property; eliminating a 30-day waiting period before sale thereof to the general public; amending K.S.A. 75-6602 and repealing the existing section, by Committee on General Government Budget.

HB 2596, AN ACT concerning alcoholic beverages; relating to the club and drinking establishment act; authorizing the issuance of drinking establishment licenses to licensed manufacturers; amending K.S.A. 41-2632 and K.S.A. 2019 Supp. 41-2623 and 41-2642 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 2575**.

Appropriations: **HB 2588, SB 258**.

Commerce, Labor and Economic Development: **HB 2584, HB 2586**.

Education: **HB 2572, HB 2573**.

Energy, Utilities and Telecommunications: **HB 2585**.

Federal and State Affairs: **HB 2571**.

Health and Human Services: **HB 2570, HB 2574, HB 2579**.

Judiciary: **HB 2587, SB 157**.

K-12 Education Budget: **HB 2582**.

Local Government: **HB 2580, HB 2581, HB 2583**.

Taxation: **HB 2576, HB 2577, HB 2578**.

Transportation: **HB 2568, HB 2569**.

MESSAGE FROM THE GOVERNOR

February 6, 2020

Message to the Kansas House of Representatives:

Enclosed is Executive Order No. 20-02 for your information.

EXECUTIVE ORDER NO. 20-02
Reorganizing the Kansas Early Childhood Advisory Council

LAURA KELLY
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

COMMUNICATIONS FROM STATE OFFICERS

From Derek Schmidt, Kansas Attorney General, as required by K.S.A. 60-4117(d)(1); Annual Report for Attorney General's State Medicaid Fraud Forfeiture Fund.

From Earl Lewis, Director, as per K.S.A. 82a-1307; Kansas Water Marketing Program water supply contracts.

From Dave Heinemann, Chair, Board of Directors, Kansas Guardianship Program; 2019 Annual Report.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

CONSENT CALENDAR

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SCR 1613, A PROPOSITION to amend the bill of rights of the constitution of the state of Kansas by adding a new section thereto stating that there is no constitutional right to abortion, and reserving to the people the ability to regulate abortion through the elected members of the legislature of the state of Kansas, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 80; Nays 43; Present but not voting: 0; Absent or not voting: 2.

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, Frownfelter, Gartner, Helgerson, Henderson, Highberger, Hineman, Hodge, Holscher, Horn, Kessinger, Kuether, Lusk, Murnan, Neighbor, 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, Victors.

The resolution was not adopted.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote yes on **SCR 1613**. Today's vote was about saving 15 Kansas lives a day by giving Kansas voters a chance to keep the regulations currently in place. The fate of the pro-life movement in Kansas has never rested on a single vote, and I am confident the battle for the sanctity of life will continue far into the future. Today is not the end. As an unapologetically pro-life legislator, I am dedicated to ensuring that we do not return to a time when “self-policing” abortion clinics did everything in their power to avoid complying with the most reasonable restrictions and medical standards. – DAN HAWKINS, RON HIGHLAND, JOHN E. BARKER, STEPHEN OWENS, BLAKE CARPENTER, SUSAN HUMPHRIES

MR. SPEAKER: I vote no on **SCR 1613** because of my opposition to placing the constitutional amendment on the primary ballot. When the legislature decides to place a change to our state constitution before the electorate, I believe we must ensure an electoral process that guarantees the largest voter turnout. – TOM PHILLIPS

MR. SPEAKER: We live in divided times and no topic is more divisive than abortion. This amendment, especially with its August primary date serves to solidify the divide among Kansas citizens. The number of abortions in Kansas is too high. Even if this resolution leads to a complete ban on abortion, it will not stop abortion. There is a better way to reduce the number of abortions.

The better solution is to provide low cost/no cost birth control in order to reduce the large number of abortions used to end unplanned pregnancy. I respect the rights of women and I vote no on **SCR 1613**. – JAN KESSINGER

MR. SPEAKER: I am voting “Yes” on **SCR 1613** because I believe the Kansas Supreme Court failed to identify a right to an abortion in our Kansas Constitution last April. The primary right of all Kansans is Life and all life must be protected by our ultimate efforts.

Some say abortion is a fundamental right in our country. How can the murder of 62 million innocent babies in this country be a fundamental right? How can the murder of 15 babies today, and who knows how many a day after this court decision is put into action. How can that be justified? I vote YES on **SCR 1613**. – DAVID FRENCH

MR. SPEAKER: I am voting No on this proposed Constitutional Amendment, **SCR 1613**. When modifying the constitution, it should be absolutely clear. I find it unfair to women to alter our bedrock constitutional laws on abortion without protecting, at a minimum, the life of an endangered mother, and victims of rape or incest in any future abortion regulations. – JEFF PITTMAN

MR. SPEAKER: I vote in favor of **SCR 1613**. A poll of Kansans in 2017 was reported in the Wichita Eagle stating that 81% of Kansans favor some level of regulation on abortion, including only 16% who favor a ban on abortion. Conversely, 19% favor no regulation on abortion. Saying this could result in a total ban is fear-mongering when faced with this poll.

When the people of Kansas are divided on an issue of values, they should be allowed to decide how their state constitution reflects those values. 81% say this amendment is necessary so that their elected representatives can represent their values. God is in control. – ERIC L. SMITH

MR. SPEAKER: The representative from the 57th district could not be here today. He's attending a NCSL conference on prison reform that was scheduled back in January. By not being present today, he will become a NO vote on **SCR 1613** and he stated that's the vote he would've cast. – TIM HODGE

MR. SPEAKER: This amendment creates a double standard. We value the right to self-defense in the U.S. in regard to firearms and protect it with the Second Amendment.

But this amendment makes no exception for the life of a woman who has a life-threatening pregnancy complication. This amendment will permanently strip away a Kansas pregnant woman's right to choose to save her own life, if need be. Once Roe v. Wade is reversed, it will be the will of government that will dominate, and not the will of the individual. I cannot in good conscience support **SCR 1613**. – NANCY LUSK

MR. SPEAKER: I vote yes on **SCR 1613**. There have been times throughout the history of this nation where people have not been bestowed their basic human rights. Slaves were considered property with no more rights than common livestock, and native Americans were slaughtered with savage intentions of eradication. Thankfully, we have progressed beyond these barbaric and unconscionable ways...almost. I believe that every person has authority over their own medical choices, however, once a pregnancy begins, there is another body and life to consider. One that has no voice. I long for the day we view abortion with the same vilification as other societal abominations. – ADAM SMITH

MR. SPEAKER: For my wife, Teresa, and our family, I vote yes on **SCR 1613**. We are forever thankful that because of the selfless love and courage of 3 birth mothers we have 4 children, 5 granddaughters. It is right to give Kansans the opportunity to vote and decide if current laws protecting life should be kept or made void. Lawmakers must have that same courage and give young women like our three birth mothers the ability to know their options. They deserve the benefit of debated, carefully constructed Kansas laws when they are facing extremely difficult life decisions. – JENE VICKREY

MR. SPEAKER: I have had the privilege of witnessing the incredible beauty and intricacies of fetal development as a former developmental biologist. I stand in constant awe at how our bodies are created, and how much value there is in life from its early beginnings. I recognize there is concern and fear on both sides - this is an emotional and personal issue. But having borne witness to the forming vasculature, the blood cells pumping throughout an embryo, the development of the head, organs, and limbs, I have greater respect for the beauty and wonder of all life. Therefore, Mr. Speaker, I vote yes on **SCR 1613**. – MEGAN LYNN

MR. SPEAKER: I stand in support of **SCR 1613** because life is a gift from our creator and is protected by the oath I took to uphold the Constitution of the State of Kansas and the United States. I represent those who are not yet born, and all Kansans. – EMIL BERGQUIST

MR. SPEAKER: If there is a question of right or wrong, life or death, I choose the pathway which offers the greatest opportunity for life and transparency to women. If there's a question of whether or not our Legislature maintains the ability to reasonably regulate abortions, I choose allowing Kansans the opportunity to vote on maintaining this regulatory authority by elected officials. If over 6,000 babies lose their lives in Kansas every year, in some cases out of fear or inconvenience – I choose providing mothers with valuable protections such as informed consent, clean health clinics, and a waiting period. I choose life, Mr. Speaker, I vote yes on **SCR 1613**. – KRISTEY WILLIAMS

MR. SPEAKER: Our support for **SCR 1613** sits entirely in our trust for the legislative process. This language will allow our previous laws to remain relevant. It allows the legislature to pass laws, regulate and exercise oversight of abortion. A constitutional right to an abortion, will compel us to spend Medicaid dollars on the procedure – something we have clearly stated would never happen. This amendment does not ban abortion. It allows this new language to be on the ballot for the people of Kansas to have a voice. I trust the people of our state to make the decision on what is right for Kansas. – SUSAN CONCANNON, TROY L. WAYMASTER, SUZI CARLSON

MR. SPEAKER: I voted yes in support of **SCR 1613**. My yes is to protect the women of our state from unregulated clinics and our unborn children from being dismembered. This amendment gives women autonomy and the respect due to them to make their choice with safeguards in place for their health. The voters deserve to be heard and I believe that Kansans have asked each of us to trust us with that right. – BARB WASINGER

MR. SPEAKER: I voted YES on **SCR 1613**. The solemn duty of each of us is to be representative of the people we are elected to serve. If you're like me, you have heard from voters on both sides of the question now before us. The message is: everyone wants to be heard. And they're right. Our State Constitution wisely allows the people to be the final arbiter in deciding changes to it. Regardless of my personal position on this question, I am faithful to the spirit of our framers by sending this choice to the people of Kansas. – KELLIE WARREN, BILL SUTTON

MR. SPEAKER: I vote yes on **SCR 1613**. Some 53 years ago a young 14 year old carried a little boy to birth. I thank my biological mother for that. I thank my adoptive parents who gave me a family and loved me as one of their own since day 1. I vote yes for my wife and our children. I vote yes to give the citizens a voice on Life in Kansas. I would do it again given the opportunity. – KEN RAHJES

MR. SPEAKER: I vote no on **SCR 1613**. Throughout my legislative career I have maintained a staunch pro-life record. My no vote today doesn't contradict that. It is a recognition that amending the constitution is a matter of utmost importance. Maximum citizen input must be achieved and is best attained in the November general election. To do otherwise raises questions about the sincerity of the call to let people decide. This shouldn't and cannot be the end of discussion. Options remain. We can regroup and place the measure on the November ballot. I will trust the good citizens of this great state to pass the measure at that time. – DON HINEMAN

MR. SPEAKER: I vote yes on **SCR 1613**. I believe we are called to protect the lives of innocent babies in their mother's womb from being murdered. I stand with Kansans for the Kansas Bill of Rights, and its original intent of "Life, Liberty and the Pursuit of Happiness." There is not a right given by the God of the Bible for an abortion, but there is healing and forgiveness in the Name of Jesus for one. "A government that cannot or does not protect the humblest citizen in his right to Life, Liberty and the pursuit of happiness, should be reformed or overthrown without delay." Fredrick Douglass. – TREVOR JACOBS

MR. SPEAKER: The people of Kansas lost today. They lost their right to vote on the direction of our state's future. They lost their ability to exercise the state's system of judicial checks and balances. Today's vote sets our state down a disappointing path – one where the people have no say in whether Kansans will be a pro-life or pro-choice state; and one where the state may no longer have the authority to implement common-sense regulations, such as parental notification for minors, limitations on late-term/partial birth abortions, or health & safety precautions for clinics. I stand with Kansans. I stand for life. I vote Yes on **SCR 1613**. – RON RYCKMAN, BRENDA LANDWEHR, SEAN TARWATER, KYLE D. HOFFMAN, BLAINE FINCH, ADAM THOMAS

MR. SPEAKER: I vote NO on **SCR 1613**. Our job as legislators is to protect and preserve the constitutional rights of the citizens that we represent. **SCR 1613** strips Kansans who can get pregnant of their constitutional rights and puts their rights in the hands of legislators. Big government intrusion into the private lives of Kansans is wrong. I vote NO. – STEPHANIE CLAYTON

MR. SPEAKER: As written, **SCR 1613** opens the door to a future outright ban on abortion, even "in circumstances of pregnancy resulting from rape or incest, or when necessary to save the life of the mother." Otherwise put, we are amending the Bill of Rights to allow a future revocation of the rights of people who can become pregnant. I swore an oath to support the constitution of the State of Kansas, not to rewrite it when I disagree with a co-equal branch of government. I vote no on **SCR 1613**. – BRANDON WOODARD

MR. SPEAKER: In addition to the reasons stated by my colleagues, I vote NO on **SCR 1613** because the explanation of the amendment includes what I think is clearly an incorrect statement of law and therefore I do not believe I could vote to place this statement on an election ballot without violating the rules of professional ethics for Kansas attorneys. – DENNIS "BOOG" HIGHBERGER

MR. SPEAKER: I vote “YES” on **SCR 1613**. The right to life is the preeminent of all rights. Without life, no other right can be exercised or enjoyed. Section 1 of the Bill of Rights of the Kansas Constitution, in which “life” is the first of the expressly enumerated “equal and inalienable natural rights,” arguably recognizes this. Unlike Kansas courts, I will support the “natural right” to “life” which Section 1 of our Bill of Rights broadly protects. – JESSE BURRIS

MR. SPEAKER: I proudly vote “Yes” for **SCR 1613**. The Kansas Supreme Court does not have the final say on any issue. The legislature and the people ultimately define the reality of the Kansas Constitution. That reality includes the “right to life” and the duty to protect the unborn and defenseless. Crisis pregnancy centers flourish across this state because Kansans care about women and they care about the unborn. The real tragedy today is not allowing those Kansans a voice in this matter. – PAUL WAGGONER

MR. SPEAKER: The vote today was to correct an error made by 6 of 7 judges on our Supreme Court. Those judges destroyed the meaning of the Right to Life guaranteed by our Constitution. They replaced it with an absolute right to destroy life through abortion, all the way up to the baby's birth. The vote today was to allow the people to override the Court by voting in an election. I voted Yes on **SCR 1613** to allow Kansans to overturn the Court's terrible decision. – JOHN TOPLIKAR

SB 155, AN ACT concerning certain cemetery districts and the deannexation of territory located within a city, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Hodge.

Present but not voting: None.

Absent or not voting: Alcalá, Ballard, Finney, Mason, Victors.

The bill passed.

HB 2467, AN ACT concerning crimes, punishment and criminal procedure; relating to domestic battery; batterer intervention programs; sex offenses; sexual battery; spouses; amending K.S.A. 2019 Supp. 21-5414 and 21-5505 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 15; Present but not voting: 0; Absent or not voting: 5.

Yeas: Amyx, Arnberger, Baker, Benson, Bergquist, Bishop, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Frownfelter, Gartner, Hawkins, Helgerson, Helmer, Henderson, Highberger, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Humphries, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Moore, Murnan, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Sawyer, Schreiber, Seiwert, Stogsdill, Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, K. Williams, Winn, Wolfe Moore, Woodard, Xu, Yeager.

Nays: Awerkamp, Barker, Blex, Burris, Dove, Garber, Highland, Huebert, Jacobs, Mastroni, Samsel, Smith, A., Smith, E., Vickrey, Wheeler.

Present but not voting: None.

Absent or not voting: Alcalá, Ballard, Finney, Mason, Victors.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2487**, **HB 2488** be passed.

Committee on **Transportation** recommends **HB 2501** be amended on page 6, in line 28, by striking "paragraph" and inserting "subsection"; in line 31, by striking "or" and inserting "and";

On page 7, in line 4, by striking "paragraph" and inserting "subsection"; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 26, by Representative Ken Collins, congratulating Jake Holmes, for participation in the Junior World Finals Rodeo 12 & under.

Request No. 27, by Representative Will Carpenter, congratulating Goodwill, for their mission work, such as career-oriented adult programs, statewide digital skills training and working with individuals with disabilities.

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 2597, AN ACT making and concerning appropriations for fiscal years ending June 30, 2020, June 30, 2021, and June 30, 2022, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 75-2263, 75-4209, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and K.S.A. 2019 Supp. 2-223, 12-1775a, 12-5256, 55-193, 74-50,107 and 74-99b34 and repealing the existing sections, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2467 reported correctly engrossed February 6, 2020.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Monday, February 10, 2020.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

