

Journal of the House

THIRTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 28, 2021, 11:00 a.m.

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

The roll was called with 123 members present.

Rep. Bishop was excused on verified illness.

Rep. L. Ruiz was excused on legislative business.

Prayer by Chaplain Brubaker,

Loving God in heaven,
we come before You today
asking that you have mercy upon us.
For our leaders I pray that
when they are weak, You will give them strength.
When they doubt, You will build their faith.
When they are confused, You will give them direction.
When they are unsure, You will give them wisdom.
Strengthen their will that they may live in Your way.
And remind them often that
they can do all things through Christ who strengthens them.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Concannon.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2162, AN ACT concerning census data; relating to data used in adopting senatorial and representative district boundaries; conforming law with certain amendments to the Kansas constitution and repealing certain obsolete provisions; making conforming revisions to certain references; amending K.S.A. 11-210 and K.S.A. 2020 Supp. 11-201, 17-2205 and 45-229 and repealing the existing sections; also repealing K.S.A. 11-204, 11-205, 11-206, 11-207, 11-208, 11-301, 11-302, 11-303, 11-304, 11-305, 11-306 and 11-307, by Committee on Elections.

HB 2163, AN ACT repealing K.S.A. 25-222, 25-1709, 25-1710, 25-4506, 25-4507 and 25-4508 and K.S.A. 2020 Supp. 25-4502, 25-4503 and 25-4505; concerning elections; relating to presidential preference primary; election-related contributions by certain corporations and stockholders, by Committee on Elections.

HB 2164, AN ACT concerning traffic regulations; relating to the duty of drivers approaching stationary vehicles; penalty for unlawful passing; amending K.S.A. 2020 Supp. 8-2118 and repealing the existing section; also repealing K.S.A. 2020 Supp. 8-2118c, by Committee on Transportation.

HB 2165, AN ACT concerning motor vehicles; relating to antique vehicles; providing that all vehicles that are more than 35 years old qualify as antique vehicles for registration purposes; amending K.S.A. 2020 Supp. 8-166 and repealing the existing section, by Committee on Transportation.

HB 2166, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Braden's hope for childhood cancer license plate; changing the requirements to begin production on distinctive license plates; amending K.S.A. 2020 Supp. 8-1,141 and 8-1,142 and repealing the existing sections, by Committee on Transportation.

HB 2167, AN ACT concerning motor vehicles; relating to license plates; permitting concrete mixer trucks and requiring dump trucks to display license plates on the front of vehicles; amending K.S.A. 2020 Supp. 8-133 and repealing the existing section, by Committee on Transportation.

HB 2168, AN ACT concerning motor vehicles; relating to license plates; providing for decreased license plate commitments and costs prior to distinctive license plate production; amending K.S.A. 2020 Supp. 8-1,141 and repealing the existing section, by Committee on Transportation.

HB 2169, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the proud educator license plate; decreasing license plate commitments prior to the production of plates; amending K.S.A. 2020 Supp. 8-1,141 and repealing the existing section, by Committee on Transportation.

HB 2170, AN ACT concerning the Kansas rural housing incentive district act; permitting the use of bond proceeds for vertical renovations of certain buildings for residential purposes; amending K.S.A. 12-5249 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2171, AN ACT concerning economic development; relating to the high performance incentive fund; providing for the transferability of tax credits; amending K.S.A. 79-32,160a and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2172, AN ACT concerning water; relating to the division of water resources of the department of agriculture; modifying multi-year flex accounts, base average usage calculation and fees; permitting alternative base average usage calculation and prorated terms; amending K.S.A. 82a-736 and repealing the existing section, by Committee on Water.

HB 2173, AN ACT concerning taxation; relating to marketplace facilitators; requiring the collection and remittance for sales, compensating use and transient guest taxes and prepaid wireless 911 fees made on platforms; providing nexus for certain retailers and removing click-through nexus provisions; amending K.S.A. 79-3702 and repealing the existing section, by Committee on Taxation.

HB 2174, AN ACT concerning hospitals; relating to rural hospitals; providing grant assistance to hospitals in certain counties; prescribing powers, duties and functions of the secretary of health and environment related thereto; establishing the rural hospital

innovation grant program and rural hospital innovation grant fund, by Committee on Appropriations.

HB 2175, AN ACT creating the Dwayne Peaslee technical training center district act, by Committee on Local Government.

HB 2176, AN ACT concerning cities; relating to the vacation or exclusion of territory or easements; providing procedure to challenge certain decisions of a city; amending K.S.A. 12-504 and 12-505 and repealing the existing sections, by Committee on Local Government.

HB 2177, AN ACT concerning municipalities; relating to the dissolution of special districts and assumption of responsibilities by cities or counties, by Committee on Local Government.

HB 2178, AN ACT concerning cities; relating to the vacation of certain blocks in the original town plat in the city of Americus, by Committee on Local Government.

HB 2179, AN ACT concerning the Kansas dental board; relating to the practice of dental therapy; education requirements; scope of practice; providing for the licensure of dental therapists; requiring adoption of rules and regulations; requiring a submission of a joint report to the legislature by the department of health and environment and the Kansas dental board: amending K.S.A. 65-1421, 65-1424, 65-1431, 65-1434, 65-1436, 65-1441, 65-1447, 65-1449, 65-1456, 65-1460, 65-1462, 65-1469, 65-4921, 65-5912, 65-7304, 74-1405, 74-1406, 75-2935 and 75-6102 and K.S.A. 2020 Supp. 65-4915 and repealing the existing sections, by Committee on Health and Human Services.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and Executive Reorganization Orders were referred to committees as indicated:

Agriculture: **HB 2155, HB 2156.**

Appropriations: **ERO 47.**

Children and Seniors: **HB 2149, HB 2150, HB 2151.**

Commerce, Labor and Economic Development: **ERO 48.**

Corrections and Juvenile Justice: **HB 2146, HB 2147.**

Health and Human Services: **HB 2157, HB 2158, HB 2159, HB 2160, HB 2161.**

Judiciary: **HB 2152, HB 2153, HB 2154.**

Taxation: **HB 2148.**

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Croft, **HR 6008**, by Reps. Croft, Alcalá, Amyx, Anderson, Aramberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, Blex, Borjon, Burris, Burroughs, Carlin, Carlson, Carmichael, Carpenter, Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Curtis, Day, Delperdang, Dodson, Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgersen, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, Johnson, Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, Ruiz, Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, Smith, Smith, Stogsdill, Sutton, Tarwater,

Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, Williams, Winn, Wolfe Moore, Woodard and Xu, as follows, was introduced and adopted:

HR 6008—A RESOLUTION urging the President of the United States to honor the last surviving World War II Medal of Honor recipient with a designated state funeral.

WHEREAS, World War II began in 1939 and ended in 1945; and

WHEREAS, Over 16 million Americans served their country alongside the Allied powers over the course of the war; and

WHEREAS, The men and women who served our country in World War II have been called the "greatest generation" for their selfless sacrifice; and

WHEREAS, The Medal of Honor is the highest military decoration awarded by the United States government; and

WHEREAS, The Medal of Honor is only conferred upon members of the United States Armed Forces who distinguish themselves through conspicuous gallantry at the risk of life above and beyond the call of duty while engaged in action against an enemy of the United States; and

WHEREAS, More than 3,400 Medals of Honor have been awarded to our nation's bravest soldiers, sailors, airmen, marines and coast guardsmen since the creation of the award in 1861; and

WHEREAS, The Medal of Honor was awarded to 353 Americans during World War II; and

WHEREAS, Only two of these 353 Americans are alive today; and

WHEREAS, These courageous servicemen, Charles H. Coolidge of Tennessee and Hershel Woodrow Williams of West Virginia, risked their lives while serving their country with gallantry and therefore, deserve the gratitude of the American people; and

WHEREAS, The President of the United States presents the Medal of Honor in the name of Congress; and

WHEREAS, The President of the United States has the sole authority to designate a state funeral; and

WHEREAS, Historically, the President of the United States has designated state funerals for former presidents, generals and other extraordinary Americans; and

WHEREAS, Our nation is currently divided and longs for a unifying national event; and

WHEREAS, Designating a state funeral upon the passing of the last surviving World War II Medal of Honor recipient would be a fitting way for the American people to unite and to honor all of the 16 million soldiers, sailors, airmen, marines and coast guardsmen who served in our Armed Forces from 1941 to 1945: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the President of the United States to honor the last surviving World War II Medal of Honor recipient with a designated state funeral; and

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

There being no objection, the following remarks of Rep. Croft are spread upon the Journal:

Thank you...for the opportunity to speak on **House Resolution 6008**.

I want to thank my colleagues for the opportunity to be the voice of all 125 members of this chamber as we came together to unanimously sponsor this resolution to honor the "Greatest Generation."

I asked members prior to the beginning of the session to give me a word or two to describe the World War II generation. The words provided are below:

- Personal Responsibility
- Integrity
- Work Ethic
- Financial Prudence
- Faithful
- Committed
- Selfless
- Honorable
- Special
- Strong

The greatest generation is defined generally by AN event - World War II. That event unified the people of this nation, toward a common aim, freedom from tyranny.

We had the front lines and our Home fronts in America, all playing a role in preserving freedom all around the world.

This generation had several other outcomes:

- Establishing of the United Nations
- Beginning of the European Union
- Massive growth in the U.S. economy – leading the U.S. economy to be #1 in the world...
- Massive growth in U.S. manufacturing
- Established America as a leader in the world
- Built the strongest and most advanced military in the world;
- The youngest being a military member at 12, since the Civil War. There was such an incredible passion to serve.

They deserve our highest gratitude.

When I am told "thank you for your service," I feel like I am the one who should be saying thank you especially to those who came before and set the conditions for what we enjoy today. The best reply I can give is thank you for your support.

I'd like to take a moment to recognize all the veterans in the chamber and thank them for their service. Will all the veterans stand to be recognized.

When people tell me thank you for your service it comes with a lot of responsibility

- The WWII generation fought, and many died for our freedoms
- They built a foundation for us to reach for the stars
- It is our responsibility, it is our duty, to build upon that foundation and continue the journey

As President Kennedy once said, "as we express our gratitude we must never forget that the highest appreciation is not to utter words but to LIVE them."

The World War II generation made tremendous sacrifices to preserve our democratic way of life. It is that courageous sacrifice and love for our country that we cherish and honor with this unanimous request.

Four hundred and sixty-one (461) were awarded the Medal of Honor, eight (8) from Kansas, more than the combined number from all wars and conflicts since. Those 461 represent the nations heroes and the greatest generation. Unfortunately, there are only two remaining alive.

HR 6008 honors the greatest generation by asking President Biden to lay in state the last surviving World War II medal of honor recipient upon their passing.

Far too many of our Nation's heroes are all but forgotten to anyone other than their families. They are gone, but we shall never forget, and this resolution is our way to publicly say and demonstrate that we are grateful, thankful, appreciative, and, we are ONE TEAM, we are ONE NATION UNDER GOD!

Thank you all for this great honor to represent you today for this resolution.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Speaker pro tem Finch, **HCR 5005**, A RESOLUTION honoring COVID-19 frontline workers, was adopted.

There being no objection, the following remarks of Speaker pro tem Finch are spread upon the Journal:

Thank you, Mr. Speaker and members of the body. This resolution was originally planned to be our first vote of the session and I think that is important as it shows the priority we place on honoring those Kansans who are working on the frontlines throughout this pandemic. Front line workers have been called on to meet our state's basic needs. Frontline workers are defined as a subcategory of essential workers in occupation groups where a large majority of workers cannot feasibly work from home.

Frontline workers include: first responders and health care workers, like fire and police, emergency medical services, doctors, nurses and dentists; those working in education like our teachers, their support staff, and daycare employees who worked hard to keep educating and caring for the children of Kansas; food and agriculture workers, many of the outbreaks at the onset of the pandemic were in meatpacking facilities and other food-processing plants and we saw how important those operations were to our state; manufacturing and production which cannot be done from home; corrections workers; U.S. Postal Service workers; public transit workers; and grocery store workers who kept shelves stocked and saw numerous people come through their checkout lines with little between them and potential infection.

Our fellow Kansans have exhibited bravery and courage throughout this pandemic and kept our state running in the face of adversity. But if you asked them, they would — in stoic Kansas fashion — tell you that they are simply doing their jobs. I ask that you support **HCR 5005** with a yes vote, and that you stand with me to honor the hardworking men and women of Kansas. Thank you, Mr. Speaker.

CONSENT CALENDAR

No objection was made to **HB 2072** 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. E. Smith in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2008**, **HB 2022**, **HB 2026** be passed.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Hawkins pursuant to House Rule 2311, **HB 2008**, **HB 2022** and **HB 2026** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2022, AN ACT concerning oil and gas wells; relating to the state corporation commission; investigation and determination of responsibility for abandoned wells; plugging abandoned wells; abolishing the well plugging assurance fund and transferring all assets and liabilities to the abandoned oil and gas well fund; amending K.S.A. 55-150, 55-161, 55-168, 55-178, 55-179, 55-180, 55-192 and 75-3036 and K.S.A. 2020 Supp. 55-155 and repealing the existing sections; also repealing K.S.A. 55-163, 55-166 and 55-167 and K.S.A. 2020 Supp. 55-193, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcala, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neely, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Bishop, Ruiz, L..

The bill passed.

HB 2026, AN ACT concerning crimes, punishment and criminal procedure; relating to diversion agreements; creating a certified drug abuse treatment program for people on diversion; providing for supervision by court services or community corrections; amending K.S.A. 22-2907, 75-5291 and 75-52,144 and K.S.A. 2020 Supp. 22-2909 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not

voting: 2.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Averkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Bishop, Ruiz, L..

The bill passed.

HB 2008, AN ACT concerning the attorney general; providing for coordination of training on missing and murdered indigenous people for law enforcement agencies, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Averkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Bishop, Ruiz, L..

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2029, HB 2030, HB 2077** be passed.

Committee on **Elections** recommends **HB 2053** be passed.

Committee on **Elections** recommends **HB 2052** be amended on page 1, in line 19, by striking "\$120" and inserting "\$150";

Also on page 1, in the title, in line 2, by striking "\$120" and inserting "\$150"; 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. 3, by Representative Tim Johnson honoring Bob Wiley Memorial Veterans of Foreign Wars Post 11499 on his outstanding public service.

Request No. 4, by Representative Jim Kelly honoring Amber Hart a teacher at Lincoln-Central Elementary, for her heroic lifesaving actions providing the Heimlich maneuver to a first grade student.

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 bills were introduced and read by title:

HB 2180, AN ACT concerning electric public utilities; relating to the state corporation commission; approval of transmission delivery charges through electric rate proceedings; amending K.S.A. 66-1237 and repealing the existing section, by Committee on Energy, Utilities and Telecommunications.

HB 2181, AN ACT concerning the state corporation commission; relating to electric public utilities; regional electric rates; report to the legislature; amending K.S.A. 66-117b and repealing the existing section, by Committee on Energy, Utilities and Telecommunications.

HB 2182, AN ACT concerning workforce development; relating to education; establishing the Kansas promise scholarship act; authorizing payment of tuition for students who are dually or concurrently enrolled in high school and postsecondary school; requiring school districts to insure against injury or loss during work-based learning programs; amending K.S.A. 72-18,101, 72-18,102, 72-3220, 72-3221, 72-3222, 72-3223, 72-3224 and 75-53,112 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2183, AN ACT concerning elections; prohibiting the governor, the executive branch and the judicial branch from altering election laws; limiting the authority of the secretary of state from entering into consent decrees with any court without legislative coordinating council approval; repealing K.S.A. 25-622, by Committee on Elections.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Ballard to replace Rep. Bishop on Committee on Elections on January 28, 2021.

Also, the appointment of Rep. Stogsdill to replace Rep. L. Ruiz on Committee on Commerce, Labor and Economic Development on January 28, 2021.

On motion of Rep. Hawkins the House adjourned pro forma until 8:30 a.m. on Friday, January 29, 2021.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

