

Journal of the House

FIFTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 24, 2021, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Howard was excused on verified illness.

Reps. Schreiber and Vaughn were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Almighty God,
thank You for this a new day.
Remind each of us today
that You are our refuge and strength,
an ever-present help in trouble.
Therefore, we will not fear.
No matter the tasks which lie ahead,
we can trust You to equip and empower
us to complete them.
All we need to do is to
be still and know that You are God--
to relax and cease from our own efforts,
and allow You to be who You can be.
This gives us hope to endure
because when all is said and done,
You will be exalted
and Your people will be cared for correctly and rightly.
In Christ's Name, I pray, Amen.

The Pledge of Allegiance was led by Rep. Xu.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2449, AN ACT concerning governmental response to public health; relating to the state of disaster emergency powers of the governor and certain public officials; providing certain limitations and restrictions; prohibiting stay-at-home orders and curfews; requirement of vaccinations by certain public and private entities; requiring the capitol and legislative meetings be open to the public; protecting the freedom of worship and operation of private businesses, by Committee on Federal and State Affairs.

HB 2450, AN ACT concerning gaming; authorizing the Kansas lottery to offer sports wagering with an existing contract provider; issue a request for proposal for an interactive sports wagering platform provider; report to the legislature, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Children and Seniors: **HB 2448**.

Federal and State Affairs: **HCR 5018**.

Judiciary: **HB 2447**.

MESSAGE FROM THE GOVERNOR

March 22, 2021

Message to the Kansas House of Representatives:

Enclosed herewith is Executive Order No. 21-08 for your information.

EXECUTIVE ORDER NO. 21-08

Establishing the Advantage Kansas Coordinating Council

LAURA KELLY
Governor

MESSAGES FROM THE SENATE

Announcing passage of **HB 2008**, **HB 2014**, **HB 2321**.

The Senate adopts the Conference Committee report on **HB 2022**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hawkins, the House acceded to the request of the Senate for a conference on **H Sub SB 26**.

Speaker Ryckman thereupon appointed Reps. Proehl, Delperdang and Helgerson as conferees on the part of the House.

On motion of Rep. Hawkins, the House acceded to the request of the Senate for a conference on **H Sub SB 63**.

Speaker Ryckman thereupon appointed Reps. Williams, Hoffman and Winn as conferees on the part of the House.

On motion of Rep. Hawkins, the House acceded to the request of the Senate for a conference on **SB 67**.

Speaker Ryckman thereupon appointed Reps. Proehl, Delperdang and Helgerson as conferees on the part of the House.

On motion of Rep. Hawkins, the House acceded to the request of the Senate for a conference on **SB 95**.

Speaker Ryckman thereupon appointed Reps. Proehl, Delperdang and Helgerson as

conferees on the part of the House.

On motion of Rep. Hawkins, the House acceded to the request of the Senate for a conference on **H Sub SB 99**.

Speaker Ryckman thereupon appointed Reps. Proehl, Delperdang and Helgerson as conferees on the part of the House.

CONSENT CALENDAR

No objection was made to **SB 64** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 64, AN ACT concerning postsecondary education; relating to the regulation of private and out-of-state educational institutions by the state board of regents; certificates of approval; student protections; rules and regulations; amending K.S.A. 74-32,162, 74-32,163, 74-32,164, 74-32,165, 74-32,167, 74-32,168, 74-32,169, 74-32,170, 74-32,171, 74-32,172, 74-32,173, 74-32,175, 74-32,177, 74-32,178, 74-32,181, 74-32,182, 74-32,184, 74-32,194, 74-32,417 and 74-32,419 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, 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, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, 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, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Fairchild, Rhiley.

Present but not voting: None.

Absent or not voting: Howard, Schreiber, Vaughn.

The bill passed.

HB 2329, AN ACT concerning pipeline safety; relating to the state corporation commission; pipeline safety program; entities who are subject to the program; amending K.S.A. 66-1,150 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, 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, Howe, Hoye, 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, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Rhiley.

Present but not voting: None.

Absent or not voting: Howard, Schreiber, Vaughn.

The bill passed, as amended.

HB 2406, AN ACT concerning alcoholic liquor; restricted hours and days of sales; authorizing issuance of cereal malt beverage retailers' licenses to producers; sale in retail liquor stores; relating to the sale of cereal malt beverage in the original package; amending K.S.A. 2020 Supp. 41-712, 41-2703, 41-2704 and 41-2911 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 80; Nays 42; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Averkamp, Ballard, Barker, Bergkamp, Borjon, Burroughs, Byers, Carlin, Carlson, B. Carpenter, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Dodson, M., Eplee, Fairchild, Featherston, Finch, Finney, French, Gartner, Haswood, Hawkins, Highberger, Hoheisel, Houser, Howe, Hoye, S. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Miller, Neelly, Neighbor, Ousley, Owens, Parker, F. Patton, Poetter, Poskin, Probst, Proctor, Proehl, Ralph, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Seiwert, Smith, C., Stogsdill, Sutton, Tarwater, Thomas, Turner, Victors, Wasinger, Waymaster, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Baker, Bergquist, Bishop, Blex, Burris, Carmichael, W. Carpenter, Clark, Delperdang, Donohoe, Ellis, Esau, Estes, Francis, Garber, Helgerson, Helmer, Henderson, Highland, Hoffman, Huebert, Humphries, Jacobs, Jennings, T. Johnson, Mason, Minnix, Moser, Murphy, Newland, Ohaebosim, Orr, Penn, Rahjes, Resman, Rhiley, Smith, A., Smith, E., Thompson, Toplikar, Waggoner, Weigel.

Present but not voting: None.

Absent or not voting: Howard, Schreiber, Vaughn.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER – I vote no on **HB 2406** for the following reason: The four Ps. Pee Poor Prior Planning – RONALD HIGHLAND

MR. SPEAKER: I'm not opposed of someone drinking if they choose to stay on their side of the road and conduct themselves in a responsible fashion. But I do believe that

the state of Kansas has gone too far by opening alcohol sales and encouraging consumption as early as 9:00 in the morning on Sundays. I'm amazed that enough is not enough when it comes to expanding gambling, drugs, alcohol, and sexual deviances in this state. I hope there will be a day when we will say enough is enough before it is too late. I vote "No" on **HB 2406**. – TREVOR JACOBS, JOHN CARMICHAEL, BILL RHILEY

MR. SPEAKER – I vote no on **HB 2406** allowing alcohol sales on Sunday mornings as we must respect the religious institutions in our communities. If you need alcohol during this time period please join me in church for some sacramental wine. – TIMOTHY JOHNSON, PATRICK PENN

HCR 5015, A CONCURRENT RESOLUTION urging the United States Congress to reject legislation to federalize elections in the United States of America and oppose the For the People Act of 2021, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 38; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anderson, Aramberger, Awerkamp, Baker, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Carlson, B. Carpenter, W. Carpenter, Clark, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Finch, Francis, French, Garber, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Houser, Howe, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Newland, Orr, Owens, F. Patton, Penn, Poetter, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Sanders, Seiwert, Smith, A., Smith, C., Smith, E., Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams.

Nays: Alcalá, Amyx, Ballard, Bishop, Burroughs, Byers, Carlin, Carmichael, Clayton, Coleman, Curtis, Day, Featherston, Finney, Gartner, Haswood, Helgeson, Henderson, Highberger, Hoye, Kuether, Miller, Neighbor, Ohaebosim, Ousley, Parker, Poskin, Probst, Ruiz, L., Ruiz, S., Sawyer, Stogsdill, Victors, Weigel, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Howard, Schreiber, Vaughn.

The resolution was adopted, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I support portions of HR 1, I vote for **HCR 5015** because I oppose the nationalization of elections. I cite unintended consequences of the National Voter Registration Act of 1993. Motor voter made it easier for citizens to register to vote, which was very beneficial. It also added an extended waiting period to remove inactive from the rolls. It is harder for states to remove people from the rolls who have moved. I encounter parents who say their children have grown and moved away, and homeowners report owning their homes for many years and receiving election mail for the previous owner(s). – SUSAN ESTES, LISA M. MOSER, CHARLOTTE ESAU

MR. SPEAKER: I vote NO on **House Concurrent Resolution 5015**. Voting is our civic duty and one of the most important rights and responsibilities that we have as American citizens. There is nothing "tedious" about protecting voter rights. This Resolution is nothing more than a political move that supports disenfranchising and suppressing

voters, allowing for partisan gerrymandering, and loose ethic laws. The Legislature should be working to ensure everyone has the ability to vote rather than focus on these partisan political games. Condemning the Voting Acts of 1965 made it unfortunately clear that this body would rather move backwards than forward. – TOM SAWYER, CINDY NEIGHBOR, BRANDON WOODARD, JO ELLA HOYE, LINDA FEATHERSTON, JIM GARTNER, PAM CURTIS, SUSAN RUIZ, JENNIFER DAY, STEPHANIE BYERS, PONKA-WE VICTORS, CHRISTINA HASWOOD, ELIZABETH BISHOP, LOUIS RUIZ, TOM BURROUGHS, JERRY STOGSDILL, BRODERICK HENDERSON, JOHN ALCALA, GAIL FINNEY, MIKE AMYX, VIRGIL WEIGEL

MR. SPEAKER: Yesterday, I sat and listened to the hypocrisy and deliberate indifference to what we know to be fact. After watching a political “gang” relentlessly attack our president for 4 years, trying to find some way to connect him to election tampering, yet OVERNIGHT declare NO election fraud when they get their candidate elected; after watching two blatantly failed impeachments by this same POLITICAL “GANG,” it should not surprise anyone we are more than a little gun-shy to let that same mentality fundamentally change our election processes and take even more power from the states. I vote in favor of **HCR 5015**. – ERIC SMITH, TREVOR JACOBS, CHUCK SMITH, PATRICK PENN

MR. SPEAKER: The For the People Act is a bill in the United States Congress to expand voting rights, change campaign finance laws to reduce the influence of money in politics, limit partisan gerrymandering, and create new ethics rules for federal officeholders.

Since the founding of our country, some of us were considered lesser than others—3/5 of a person.

Since the ratification of the 15th Amendment in 1870, voter suppression has permeated parts of our country in the name of “states’ rights.”

I support all efforts to overcome these impediments to voting and vote NO on **HCR 5015**. – VIC MILLER.

MR. SPEAKER: I vote Yes on **HCR 5015**. The preamble to the resolution lays out the facts accurately and damningly about HB 1 and SB 1 in the U.S. Congress. Those federal bills strike at sensible voter ID laws, state laws requiring advance voter registration, and institute Federal mandates in their place. Not only is HB 1/SB 1 unconstitutional it is an insult to the body politic and the ability of our state to set our own election laws. **HCR 5015** is wise and prudent and it saddened me deeply we had to listen to spurious, lengthy, non-factual, and irrational attacks in the chamber on this legislation. – PAUL WAGGONER, BILL RHILEY, CLARKE SANDER, STEPHEN OWENS

SB 24, AN ACT concerning municipalities; prohibiting any requirements that impact a customer's use of energy; relating to the retail provision of natural gas and propane; creating the Kansas energy choice act, was considered on final action.

On roll call, the vote was: Yeas 93; Nays 29; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anderson, Amberger, Awerkamp, Baker, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Finch, Finney, Francis, French, Garber, Gartner, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Houser, Howe, Huebert, Humphries, Jacobs,

Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Orr, Owens, F. Patton, Penn, Poetter, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ryckman, Samsel, Sanders, Sawyer, Seiwert, Smith, A., Smith, C., Smith, E., Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Victors, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams.

Nays: Alcalá, Amyx, Ballard, Bishop, Byers, Carlin, Clayton, Coleman, Curtis, Day, Featherston, Haswood, Helgerson, Henderson, Highberger, Hoye, Miller, Ohaebosim, Ousley, Parker, Poskin, Probst, Ruiz, S., Stogsdill, Weigel, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Howard, Schreiber, Vaughn.

The bill passed, as amended.

SB 36, AN ACT concerning motor vehicles; relating to salvage vehicles; requiring the Kansas highway patrol to make multiple vehicle checks within a set time period upon application by a salvage vehicle pool; allowing salvage vehicle pools and salvage vehicle dealers to apply to the division of vehicles for ownership documents; providing application and notice requirements therefor; amending K.S.A. 2020 Supp. 8-116a and 8-198 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 6; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, 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, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jennings, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Owens, Parker, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Fairchild, Highberger, Jacobs, Lee-Hahn, Ousley, Rhiley.

Present but not voting: None.

Absent or not voting: Howard, Schreiber, Vaughn.

The bill passed, as amended.

SB 55, AN ACT concerning the healing arts; relating to healing arts schools; professional services performed thereby; authorization thereof; amending K.S.A. 2020 Supp. 17-2707, 17-7668 and 65-2877a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker,

Bergkamp, Bergquist, Bishop, 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, Howe, Hoye, 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, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Howard, Schreiber, Vaughn.

The bill passed, as amended.

SB 86, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and retirement systems thereunder; conforming certain KPERS provisions with the federal CARES act; amending K.S.A. 74-49,123 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Bishop, 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, Howe, Hoye, 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, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Howard, Schreiber, Vaughn.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 37** be passed.

HB 2122 be passed over and retain a place on the calendar.

Committee report to **SB 107** be adopted; and the bill be passed as amended.

Committee report to **SB 175** be adopted; and the bill be passed as amended.

Committee report to **HB 2150** be adopted; and the bill be passed as amended.

Committee report to **Sub SB 238** be adopted; and the bill be passed as amended.

Committee report to **SB 58** be adopted; and the bill be passed as amended.

Committee report to **SB 103** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 38**, as amended by Senate Committee, be amended on page 4, in line 31, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Agriculture** recommends **SB 89** be amended on page 1, in line 20, after "storage" by inserting "or from a place of storage to a place of use"; and the bill be passed as amended.

Committee on **Agriculture** recommends **SB 142**, as amended by Senate Committee, be amended on page 1, in line 21, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Agriculture** recommends **SB 143**, as amended by Senate Committee, be amended on page 9, in line 16, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Agriculture** recommends **SB 160** be amended on page 2, in line 33, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2417** be passed.

Committee on **Federal and State Affairs** recommends **HB 2025**, as reported in the Journal of the House on March 1, 2021, and the bill, as printed with amendments by House Committee, be further amended on page 1, by striking all in lines 25 through 36;

On page 2, by striking all in lines 1 through 8;

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Insurance and Pensions** recommends **HB 2380** be amended on page 12, in line 12, after "(1)" by inserting "(1)"; in line 14, by striking "paragraph (1)" and

inserting "subparagraph (A)"; in line 19, by striking "paragraph (2)" and inserting "subparagraph (B)"; in line 26, after the period by inserting "A medical care facility or a healthcare facility deemed qualified as a self-insurer under K.S.A. 40-3414(a), and amendments thereto, may opt out of the requirements set forth in subparagraph (B) if such medical care facility or healthcare facility substantially meets the minimum coverage requirements of this section through coverage provided by the captive insurance company of such medical care facility or healthcare facility.";

On page 13, in line 5, by striking the first "(1)"; also in line 5, after "(A)" by inserting "(i)"; in line 10, by striking "(B)" and inserting "(ii)"; in line 15, by striking "(C)" and inserting "(iii)"; in line 20, by striking "(2) (A)" and inserting "(B) (i)"; in line 25, by striking "(B)" and inserting "(ii)"; following line 29, by inserting:

"(2) The board of governors shall have the authority to adjust the amounts provided in subparagraph (B) as the board deems necessary to effectuate the provisions of the healthcare provider insurance availability act, except that the minimum coverage for a healthcare provider shall not be less than \$1,000,000 per claim and \$3,000,000 in the aggregate.";

On page 15, following line 29, by inserting:

"Sec. 4. K.S.A. 40-3409 is hereby amended to read as follows: 40-3409. (a) (1) In any action filed in this state for personal injury or death arising out of the rendering of or the failure to render professional services by any ~~health care~~ healthcare provider covered by the fund or any inactive ~~health care~~ healthcare provider covered by the fund, the plaintiff shall serve a copy of the petition upon the board of governors by registered mail, certified mail, priority mail, commercial delivery service or first class mail within ~~10 30 calendar~~ days from filing the same, and if such service is not made the fund shall not be liable for any amount due from a judgment or a settlement nor, in such case, shall the ~~health care~~ healthcare provider or the provider's insurer or the inactive ~~health care~~ healthcare provider or the provider's insurer be liable for such amount that, if such service had been made, would have been paid by the fund; (2) in any action filed outside of this state for personal injury or death arising out of the rendering of or the failure to render professional services by any ~~health care~~ healthcare provider or any inactive ~~health care~~ healthcare provider covered by the fund, the inactive ~~health care~~ healthcare provider, the self-insurer or the insurer of a ~~health care~~ healthcare provider or an inactive ~~health care~~ healthcare provider shall notify the board of governors, as soon as it is reasonably practicable, that such summons or petition has been filed. If the petition names as a defendant in the action a ~~health care~~ healthcare provider who is licensed, registered or certified by the state board of healing arts, the board of governors shall forward a copy of the petition to the state board of healing arts.

(b) Such action shall be defended by the insurer or the self-insurer, but if the board of governors believes it to be in the best interests of the fund, the board of governors may employ independent counsel to represent the interests of the fund. The cost of employing such counsel shall be paid from the fund. The board of governors is authorized to employ independent counsel in any such action against an inactive ~~health care~~ healthcare provider covered by the fund.

(c) The attorneys of record and the board of governors shall submit to the state board of healing arts expert witness reports which have been made available to the opposing parties in the case and, upon the request of the state board of healing arts, any depositions, interrogatories, admissions or other relevant information concerning the

case which has been made available to the opposing parties in the case shall also be submitted. The board of governors shall not be required to furnish information not in the possession of the board of governors. Any report or other information made available to the state board of healing arts in accordance with this subsection shall be subject to K.S.A. 65-2898a and amendments thereto. Reasonable expenses incurred in reproducing such reports or other information shall be paid by the state board of healing arts.

Sec. 5. K.S.A. 2020 Supp. 40-3414 is hereby amended to read as follows: 40-3414. (a) (1) Any health care healthcare provider or any health care healthcare system organized and existing under the laws of this state which owns and operates more than one medical care facility or more than one healthcare facility, as defined in K.S.A. 40-3401, and amendments thereto, licensed by the state of Kansas, whose aggregate annual insurance premium is or would be \$100,000 \$150,000 or more for basic coverage calculated in accordance with rating procedures approved by the commissioner pursuant to K.S.A. 40-3413, and amendments thereto, may qualify as a self-insurer by obtaining a certificate of self-insurance from the board of governors. Upon application of any such health care healthcare provider or health care healthcare system, on a form prescribed by the board of governors, the board of governors may issue a certificate of self-insurance if the board of governors is satisfied that the applicant is possessed possesses and will continue to be possessed of possess the ability to pay any judgment for which liability exists equal to the amount of basic coverage required of a health care healthcare provider obtained against such applicant arising from the applicant's rendering of professional services as a health care healthcare provider.

(2) In making such determination the board of governors shall consider:

(1)(A) The financial condition of the applicant;

(2)(B) the procedures adopted and followed by the applicant to process and handle claims and potential claims;

(3)(C) the amount and liquidity of assets reserved for the settlement of claims or potential claims; and

(4)(D) any other relevant factors the board deems relevant.

(3) Any applicant for self-insurance that owns and operates more than one medical care facility or more than one healthcare facility shall be deemed qualified by the board of governors if such applicant is insured by a captive insurance company, as defined in K.S.A. 40-4301, and amendments thereto, or under the laws of the state of domicile of any such captive insurance company.

(4) The certificate of self-insurance may contain reasonable conditions prescribed by the board of governors. Upon notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, the board of governors may cancel a certificate of self-insurance upon reasonable grounds therefor. Failure to pay any judgment for which the self-insurer is liable arising from the self-insurer's rendering of professional services as a health care healthcare provider, the failure to comply with any provision of this act or the failure to comply with any conditions contained in the certificate of self-insurance shall be reasonable grounds for the cancellation of such certificate of self-insurance. The provisions of this subsection shall not apply to the Kansas soldiers' home, the Kansas veterans' home or to any person individual who is a self-insurer pursuant to subsection (d) or (e).

(b) Any such ~~health care~~ healthcare provider or ~~health care~~ healthcare system that holds a certificate of self-insurance shall pay the applicable surcharge set forth in K.S.A. 40-3402(c), and amendments thereto.

(c) The Kansas soldiers' home and the Kansas veterans' home shall be self-insurers and shall pay the applicable surcharge set forth in K.S.A. 40-3402(c), and amendments thereto.

(d) ~~Persons~~Individuals engaged in residency training as provided in K.S.A. 40-3401(r)(1) and (2), and amendments thereto, shall be self-insured by the state of Kansas for occurrences arising during such training, and such ~~person~~ individual shall be deemed a self-insurer for the purposes of the ~~health care~~ healthcare provider insurance availability act. Such self-insurance shall be applicable to ~~a person~~ an individual engaged in residency training only when such ~~person~~ individual is engaged in medical activities which do not include extracurricular, extra-institutional medical service for which such ~~person~~ individual receives extra compensation and which have not been approved as provided in K.S.A. 40-3401(r)(1) and (2), and amendments thereto.

(e) (1) ~~A person~~An individual engaged in a postgraduate training program approved by the state board of healing arts at a medical care facility or mental health center in this state may be self-insured by such medical care facility or mental health center in accordance with this subsection ~~(e)~~ and in accordance with such terms and conditions of eligibility therefor as may be specified by the medical care facility or mental health center and approved by the board of governors. ~~A person~~An individual self-insured under this subsection ~~(e)~~ by a medical care facility or mental health center shall be deemed a self-insurer for purposes of the ~~health care~~ healthcare provider insurance availability act. Upon application by a medical care facility or mental health center, on a form prescribed by the board of governors, the board of governors may authorize such medical care facility or mental health center to self-insure ~~persons~~ individuals engaged in postgraduate training programs approved by the state board of healing arts at such medical care facility or mental health center if the board of governors is satisfied that the medical care facility or mental health center is possessed and will continue to be possessed of ability to pay any judgment for which liability exists equal to the amount of basic coverage required of a ~~health care~~ healthcare provider obtained against ~~a person~~ an individual engaged in such a postgraduate training program and arising from such ~~person's~~ individual's rendering of or failure to render professional services as a ~~health care~~ healthcare provider.

(2) In making such determination the board of governors shall consider:

- (A) The financial condition of the medical care facility or mental health center;
- (B) the procedures adopted by the medical care facility or mental health center to process and handle claims and potential claims;
- (C) the amount and liquidity of assets reserved for the settlement of claims or potential claims by the medical care facility or mental health center; and
- (D) any other factors the board of governors deems relevant.

The board of governors may specify such conditions for the approval of an application as the board of governors deems necessary. Upon approval of an application, the board of governors shall issue a certificate of self-insurance to each ~~person~~ individual engaged in such postgraduate training program at the medical care facility or mental health center who is self-insured by such medical care facility or mental health center.

(3) Upon notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, the board of governors may cancel, upon reasonable grounds therefor, a certificate of self-insurance issued pursuant to this subsection~~(e)~~ or the authority of a medical care facility or mental health center to self-insure ~~persons~~ individuals engaged in such postgraduate training programs at the medical care facility or mental health center. Failure of ~~a person~~ an individual engaged in such postgraduate training program to comply with the terms and conditions of eligibility to be self-insured by the medical care facility or mental health center, the failure of a medical care facility or mental health center to pay any judgment for which such medical care facility or mental health center is liable as self-insurer of such ~~person~~ individual, the failure to comply with any provisions of the ~~health care~~ healthcare provider insurance availability act or the failure to comply with any conditions for approval of the application or any conditions contained in the certificate of self-insurance shall be reasonable grounds for cancellation of such certificate of self-insurance or the authority of a medical care facility or mental health center to self-insure such ~~persons~~ individuals.

(4) A medical care facility or mental health center authorized to self-insure ~~persons~~ individuals engaged in such postgraduate training programs shall pay the applicable surcharge set forth in K.S.A. 40-3402(c), and amendments thereto, on behalf of such ~~persons~~ individuals.

(5) As used in this subsection~~(e)~~, "medical care facility" does not include the university of Kansas medical center or those community hospitals or medical care facilities described in K.S.A. 40-3401(r)(2), and amendments thereto.

(f) For the purposes of subsection (a), "~~health care~~ healthcare provider" may include each health care provider in any group of ~~health care~~ healthcare providers who practice as a group to provide physician services only for a health maintenance organization, any professional corporations, partnerships or not-for-profit corporations formed by such group and the health maintenance organization itself. The premiums for each such provider, health maintenance organization and group corporation or partnership may be aggregated for the purpose of being eligible for and subject to the statutory requirements for self-insurance as set forth in this section.

(g) The provisions of subsections (a) and (f), relating to ~~health care~~ healthcare systems, shall not affect the responsibility of individual ~~health care~~ healthcare providers as defined in K.S.A. 40-3401(f), and amendments thereto, or organizations whose premiums are aggregated for purposes of being eligible for self-insurance from individually meeting the requirements imposed by K.S.A. 40-3402, and amendments thereto, with respect to the ability to respond to injury or damages to the extent specified therein and K.S.A. 40-3404, and amendments thereto, with respect to the payment of the ~~health care~~ healthcare stabilization fund surcharge.

(h) Each private practice corporation or foundation and their full-time physician faculty employed by the university of Kansas medical center and each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed a self-insurer for the purposes of the ~~health care~~ healthcare provider insurance availability act. The private practice corporation or foundation of which the full-time physician faculty is a member and each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas

school of medicine shall pay the applicable surcharge set forth in K.S.A. 40-3404(a), and amendments thereto, on behalf of the private practice corporation or foundation and their full-time physician faculty employed by the university of Kansas medical center or on behalf of a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine.

(i) (1) Subject to the provisions of paragraph (4), for the purposes of the ~~health care~~ healthcare provider insurance availability act, each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed to have been a ~~health care~~ healthcare provider as defined in K.S.A. 40-3401, and amendments thereto, from and after July 1, 1997.

(2) Subject to the provisions of paragraph (4), for the purposes of the ~~health care~~ healthcare provider insurance availability act, each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed to have been a self-insurer within the meaning of subsection (h), and amendments thereto, from and after July 1, 1997.

(3) Subject to the provisions of paragraph (4), for the purposes of the ~~health care~~ healthcare provider insurance availability act, the election of fund coverage limits for each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed to have been effective at the highest option, as provided in K.S.A. 40-3403(l), and amendments thereto, from and after July 1, 1997.

(4) No nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be required to pay to the fund any annual premium surcharge for any period prior to the effective date of this act. Any annual premium surcharge for the period commencing on the effective date of this act and ending on June 30, 2001, shall be prorated.";

Also on page 15, in line 38, after the period by inserting:

"(b)";

Also on page 15, in line 42, by striking "(b)";

On page 16, in line 5, before "K.S.A." by inserting "K.S.A. 40-3409 and"; also in line 5, after "40-3408" by inserting ", 40-3414";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "service of notice thereon,"; also in line 3, after "amending" by inserting "K.S.A. 40-3409 and"; in line 4, after "40-3408" by inserting ", 40-3414"; and the bill be passed as amended.

Committee on **Insurance and Pensions** recommends **SB 78** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 78," as follows:

"House Substitute for SENATE BILL NO. 78

By Committee on Insurance and Pensions

"AN ACT concerning insurance; relating to the regulation of the business thereof;

reinsurance of risk; updating the national association of insurance commissioners credit for reinsurance model law; insurance company holding act; codifying the national association of insurance commissioners credit for reinsurance model regulation; updating certain definitions relating to service contracts and surplus lines insurance; interest rates calculations relating to nonforfeiture law for individual deferred annuities; application requirements for certification of utilization review organizations; requirements for out-of-state risk retention groups to do business in state; applications for registration of professional employer organizations; abolishing the automobile club services act; amending K.S.A. 40-22a04, 40-22a06 and 40-4103 and K.S.A. 2020 Supp. 40-201a, 40-221a, 40-246i, 40-4,104, 40-22a05, 40-3302, 40-3304, 40-3306 and 44-1704 and repealing the existing sections; also repealing K.S.A. 40-2405, 40-2501, 40-2502, 40-2503, 40-2504, 40-2505, 40-2506, 40-2507, 40-2508, 40-2509, 40-2510, 40-2511, 40-2512 and 40-2513."; and the substitute bill be passed.

(**H Sub SB 78** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **HB 2366** be passed.

Committee on **Judiciary** recommends **SB 56** be amended on page 2, in line 27, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 106**, as amended by Senate Committee of the Whole, be amended on page 33, in line 14, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 52**, as amended by Senate Committee, be passed.

Committee on **Local Government** recommends **SB 53** be passed.

Committee on **Local Government** recommends **HB 2176** be amended on page 2, following line 6, by inserting:

"(c) As an alternative to any other vacation process established by law, a city may follow the notice and public hearing procedures set out in subsection (a) for the vacation of any public reservation."; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

HOUSE RESOLUTION No. **HR 6014**—

By Representatives Mason, Anderson, Amberger, Bergkamp, Bergquist, Blex, Borjon, Burris, Carlin, Carlson, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Croft, Curtis, Day, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Featherston, Finch, Finney, French, Garber, Gartner, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Houser, Howe, Hoye, Huebert, Humphries, Jennings, S. Johnson, T. Johnson, Kessler, Landwehr, Long, Lynn, Minnix, Moser, Murphy, Neely, Neighbor, Newland, Owens, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Sanders, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler and K. Williams

HR 6014—A RESOLUTION strengthening the sister-state ties between the State of Kansas and Taiwan, supporting the signing of a bilateral trade agreement between Taiwan and the United States and reaffirming support for increasing Taiwan's international participation.

WHEREAS, The State of Kansas and Taiwan entered into a sister-state relationship in 1989; and

WHEREAS, Taiwan shares many of the same values with Kansas, including freedom, democracy, the rule of law and respect for human rights; and

WHEREAS, In May 2020, Taiwan donated 100,000 surgical masks and 10,000 N95 masks to support Kansas medical workers on the frontlines, demonstrating Taiwan's solidarity with Kansas in the COVID-19 pandemic; and

WHEREAS, In August 2020, Taiwan lifted restrictions on the import of beef from U.S. cattle aged 30 months or older and pork fed with permissible Ractopamine feed, providing greater access to Taiwan's meat markets for Kansas' farmers and ranchers; and

WHEREAS, Kansas and Taiwan enjoy a mutually beneficial bilateral trade relationship, with Taiwan ranking as Kansas' 3rd largest import country and 10th largest export destination in 2020; and

WHEREAS, Taiwan sent an Agricultural Trade Goodwill Mission to Kansas in September 2019 for meat purchase, which has further promoted the bilateral trade relationship between Kansas and Taiwan; and

WHEREAS, Negotiations for a fair and reciprocal bilateral trade agreement between Taiwan and the United States is an important step toward further strengthening bilateral trade, which will increase Kansas' exports to Taiwan; and

WHEREAS, Taiwan, as a responsible stakeholder in the international community, is seeking to meaningfully participate in the World Health Organization and International Civil Aviation Organization: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That Kansas praises Taiwan's vibrant democracy and celebrates the 32nd anniversary of its sister-state relations with Taiwan; and

Be it further resolved: That Kansas supports the signing of a bilateral trade agreement with Taiwan and welcomes even closer bilateral trade and investment ties; and

Be it further resolved: That Kansas supports Taiwan's appropriate participation in international organizations, which is significant to the health, safety and well-being of its people; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative Mason.

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 2451, AN ACT concerning tobacco products; relating to the sale thereof; remitting certain payments from tobacco product manufacturers to the credit of the

Kansas endowment for youth fund rather than deposit into escrow upon certification by the attorney general; amending K.S.A. 50-6a01 and 50-6a03 and K.S.A. 2020 Supp. 50-6a04 and 50-6a09 and repealing the existing sections, by Committee on Taxation.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Hoffman to replace Rep. Howard on committee on Agriculture and Natural Resources Budget on March 24, 2021.

Also, the appointment of Rep. Owens to replace Rep. Hoffman on committee on Commerce Labor and Economic Development on March 24, 2021.

Also, the appointment of Rep. Ballard to replace Rep. Victors on committee on Transportation and Public Safety Budget on March 24, 2021.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Thursday, March 25, 2021.

JENNY HAUGH, JULIA WERNER, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

