

Journal of the House

TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 15, 2022, 11:00 a.m.

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

The roll was called with 118 members present.

Reps. Donohoe, Finney and Poetter Parshall were excused on verified illness.

Reps. Lynn, Samsel, Toplikar and Xu were excused on excused absence by the Speaker.

Present later: Rep. Toplikar.

Prayer by guest chaplain, Rev. Rachael Pryor, Chairman of Kansas Interfaith Action, and guest of Rep. Ousley:

Let us pray. Across the differences of our many faiths, across divides of conscience and culture, we call with varied names upon the holy presence that inspires and surrounds us; and one name we give this holiness, is Truth. As witnesses we swear to tell the whole truth and nothing but the truth; it is a reference to the sacred words of Exodus 23:3: “Don’t take sides with important people to do wrong. And when you act as a witness, don’t stretch the truth to favor important people.” Some of us call upon a God who demands truth even in the most hidden places; some of us seek salvation through a rabbi who said “you will know the truth, and the truth will set you free.”

Truth distorted is a bully; truth sanitized is manipulation; truth censored or stretched is no truth at all. We are living in a moment when the very existence of truth is called into question; yet, who is God if not the source of truth? When we speak of what we hold sacred, no matter the convictions of our faith or conscience, we are speaking of truth.

The whole truth is wisdom and life. Where lies sow hate and build barricades, truth nurtures trust, compassion, and unity. Truth can be costly, but it is the price of freedom. So may the work of this House, of these who serve the cause of liberty and justice, be guided by an unaltered truth that favors *all* Kansans, important and unimportant, of equal human dignity. May we speak truth, know truth, and live truth, whether in this lofty chamber, behind closed doors, or in the hidden depths of our own hearts. May truth be our way and our life, for the sake of whatever we hold sacred. Amen.

The Pledge of Allegiance was led by by Rep. Chuck Smith.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

HB 2707, AN ACT concerning elections; relating to the crime of corrupt political advertising; expanding the scope of the crime and clarifying the application thereof; amending K.S.A. 25-2407 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2708, AN ACT concerning medical marijuana; relating to laboratory testing and licensure of persons; establishing standards for laboratory licenses that test medical marijuana, by Committee on Federal and State Affairs.

HB 2709, AN ACT concerning taxation; relating to sales and compensating use tax; providing for sales tax exemption for a not-for-profit corporation operating a community theater; amending K.S.A. 2021 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. HCR 5029—

By Representatives Sutton, W. Carpenter, Clifford, Fairchild, Murphy, Owens, Resman, Sanders, Tarwater and Waggoner

A CONCURRENT RESOLUTION making application to the Congress of the United States for a limited national convention for the exclusive purpose of proposing an amendment to the Constitution of the United States establishing term limits for members of Congress.

WHEREAS, The framers of the Constitution of the United States of America intended that the U.S. House of Representatives and the U.S. Senate of the United States of America should be "dependent on the people alone" (James Madison, Federalist 52); and

WHEREAS, Throughout American history, this dependency has evolved from a dependency on the American people alone to a dependency on powerful special interests, through spending by third-party groups, campaigns or out-of-state donors, which have created a fundamental imbalance in our representative democracy and eroded the people's trust in government; and

WHEREAS, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportional influence of special interests and fair enough that any citizen can be elected into office; and

WHEREAS, The Constitution of the State of Kansas states that "all political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit" (Bill of Rights, Section 2); and

WHEREAS, Article V of the Constitution of the United States requires the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States upon the application of two-thirds of the legislatures of the several states; and

WHEREAS, The Kansas Legislature perceives the need for a convention in order to ensure balance and integrity in our elections by proposing an amendment to the Constitution of the United States that will establish term limits for members of Congress to prevent the accumulation of inordinate power in members with longevity who are able to amass high amounts of funds for reelection; and

WHEREAS, A national convention would give the American people an opportunity to come together as a nation, by discussing solutions on how to ensure the integrity of our elections and renew the American people's trust in government; and

WHEREAS, Article V of the Constitution of the United States clearly states that any amendment, whether proposed by the Congress of the United States or by a convention, must be ratified by 75% of the states, presently 38 states, ensuring that only the most reasonable proposals with widespread support shall become part of the Constitution of the United States; and

WHEREAS, Notwithstanding any federal or Kansas law to the contrary, the State of Kansas desires its delegates to such a national convention to be composed equally of individuals currently elected to state and local offices or to be selected by election in each congressional district in Kansas, except that all individuals elected or appointed to federal office, now or in the past, shall be prohibited from serving as Kansas delegates. The State of Kansas intends to retain the ability to enforce the responsibility and conduct of its delegation within the limits herein expressed: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the people of the State of Kansas, speaking through its legislature and pursuant to Article V of the Constitution of the United States, hereby apply to the Congress of the United States to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the U.S. House of Representatives and the U.S. Senate; and

Be it further resolved: That the Secretary of State shall send enrolled copies of this resolution to the President of the United States, the Vice President of the United States in the Vice President's capacity as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, each Senator and Representative from Kansas in the Congress of the United States, with the respectful request that the full and complete text of this resolution be printed in the *Congressional Record*, the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the Constitution of the United States.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 2706, SB 346.**

Corrections and Juvenile Justice: **HB 2705.**

Judiciary: **SB 300.**

Taxation: **SB 327.**

CONSENT CALENDAR

No objection was made to **HB 2480, HB 2564** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2480, AN ACT concerning water; relating to the financing of public water supply projects; allowing financing for projects that are related to the diversion or transportation of water acquired through a water transfer; amending K.S.A. 65-163d and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Finney, Lynn, Poetter, Samsel, Toplikar, Xu.

The bill passed.

HB 2564, AN ACT concerning insurance; relating to risk-based capital requirements; updating the version of instructions in effect; amending K.S.A. 40-2c01 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Finney, Lynn, Poetter, Samsel, Toplikar, Xu.

The bill passed.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Arnberger-Blew, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2537**, **SB 337** be passed.

Committee report to **HB 2489** be adopted.

Also, on motion of Rep. Wasinger to amend **HB 2489**, the motion did not prevail; and the bill be passed as amended.

CHANGE OF REFERENCE

Speaker pro tem Finch announced the withdrawal of **HB 2559** from the Calendar and re-referral to Committee on Agriculture.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2607** be amended on page 2, following line 35, by inserting:

"(g) The amendments made to subsection (f) by this act shall not bar actions under this section that are brought within one year of the effective date of this act.";

Also on page 2, in line 38, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2154** be amended on page 1, in line 12, by striking "2020" and inserting "2021"; in line 19, by striking "2020" and inserting "2021";

On page 2, in line 11, by striking "2020" and inserting "2021"; in line 17, by striking "2020" and inserting "2021"; in line 20, by striking "department of education" and inserting "Kansas highway patrol"; in line 21, by striking all after "working"; in line 22, by striking "education" and inserting "under the supervision of the Kansas highway patrol"; in line 23, by striking "department of education's" and inserting "Kansas highway patrol's"; in line 32, by striking "2020" and inserting "2021"; in line 35, by striking "2020" and inserting "2021";

On page 3, in line 7, by striking "2020" and inserting "2021"; in line 11, by striking "2020" and inserting "2021"; in line 22, by striking "2020" and inserting "2021"; in line 33, by striking "2020" and inserting "2021";

On page 4, in line 13, by striking "2020" and inserting "2021"; in line 15, by striking "2020" and inserting "2021"; in line 20, by striking "2020" and inserting "2021"; in line 26, by striking "2026" and inserting "2027"; in line 28, by striking "2026" and inserting "2027"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2597** be passed.

Committee on **Water** recommends **SB 358** be passed.

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 2710, AN ACT concerning alcoholic beverages; increasing the percentage of alcohol by volume in domestic table wine and domestic fortified wine; amending K.S.A. 41-102 and 41-501 and repealing the existing sections, by Committee on Federal and State Affairs.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Wednesday, February 16, 2022.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

