

# Journal of the House

TWENTY-NINTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, February 21, 2022, 11:00 a.m.

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

The roll was called with 124 members present.

Rep. Finney was excused on verified illness.

Prayer by Rep. Brubaker:

Jehovah God,  
we thank You for this new week – this new day  
in which You so graciously give us new mercies.  
Today, Presidents' Day, as we reflect upon  
the leaders of this great nation,  
we think of those traits which made them such great leaders:  
compassion, patience, drive, attention to detail,  
strong sense of responsibility, firm moral conscience,  
honesty, humility, courage, justice, and grace.  
These traits enabled Presidents Washington and Lincoln  
to lead our nation during difficult and trying times.  
Today, I pray that these same traits be manifested  
in our leaders as they make serious and life-changing decisions  
for the people of our great state.  
And may it all glorify You.  
I pray this in Christ's Name, Amen.

The Pledge of Allegiance was led by Rep. Neighbor.

## INTRODUCTION OF GUESTS

There being no objection, the following words of Rep. Adam Smith are spread upon the Journal:

Rep. Smith asked fellow representatives who had sponsored 4-H members in attendance to join him at the well.

Thank you Mr. Speaker. Colleagues, it is my pleasure to welcome the future to the House of Representatives this morning!

In the gallery and around the Capitol, we have young adults from across the state joining us today as a part of the Citizenship In Action conference. This two-day event is organized and sponsored by the State 4-H Youth Leadership Council, and was designed to be a hands-on learning experience about the legislative process and objective decision making.

It began yesterday afternoon at the hotel as they discussed several key issues in a committee format and then the groups gathered in the House and Senate chambers last night for the final debate and voting. Today, they will be touring the Capitol and visiting with their elected officials to finish up the event.

I am honored to have these young adults in our Capitol today. They are already leaders in their local communities, showing by example what it means to have a strong work ethic, integrity, and grit.

I have high hopes for their futures and the future of Kansas. Who knows, perhaps some of them will even be sitting at these desks someday... or maybe even a desk on the second floor of the Capitol!

Rest assured, Kansas is in good hands.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was introduced and read by title:

**HB 2715**, AN ACT relating to elections; requiring a certificate program be established for county election officials, by Committee on Federal and State Affairs.

### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Children and Seniors: **SB 12**.

Federal and State Affairs: **HB 2714**.

Insurance and Pensions: **SB 335**, **SB 392**.

### **MESSAGES FROM THE GOVERNOR**

February 14, 2022

*Messages to the Kansas House of Representatives:*

Enclosed herewith is Executive Directive No. 22-550 for your information.

EXECUTIVE DIRECTIVE NO. 22-550  
Concerning Affirming State Law in Agency CMS Compliance

LAURA KELLY  
*Governor*

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

### **COMMITTEE OF THE WHOLE**

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

Recommended that committee report to **HB 2594** be adopted.

Also, on motion of Rep. Delperdang, **HB 2594** be amended as amended by House Committee, on page 2, in line 20, by striking "statute book" and inserting "Kansas register" and the bill be passed as amended.

Committee report to **HB 2607** be adopted; and the bill be passed as amended.

Committee report to **HB 2517** be adopted; and the bill be passed as amended.

**REPORTS OF STANDING COMMITTEES**

Committee on **Commerce, Labor and Economic Development** recommends **HB 2701, HB 2703** be passed.

Committee on **Elections** recommends **HB 2555, HB 2576, HB 2577** be passed.

Committee on **Elections** recommends **HB 2486** be amended on page 6, by striking all in lines 9 through 29;

On page 8, in line 41, by striking "25-4409,";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, by striking all after the semicolon; in line 7, by striking all before "providing"; in line 13, by striking "25-4409,"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2579** be amended on page 1, in line 12, after the first "state" by inserting "in a form prescribed by the secretary of state"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HCR 5027** be adopted.

Committee on **Federal and State Affairs** recommends **SB 2** be amended on page 1, in line 9, by striking "2020 Supp."; in line 16, after "K.S.A." by inserting "41-1201 or"; in line 17, by striking all after the first comma; in line 18, by striking all before "for";

On page 2, in line 2, by striking "2020 Supp."; in line 29, after "41-308b" by inserting "or 41-354"; line 30, by striking all after "thereto"; in line 31, by striking "thereto"; in line 35, by striking "2020 Supp.";

On page 3, in line 19, by striking "2020 Supp.";

On page 4, in line 6, by striking "2020 Supp.";

On page 5, in line 10, by striking "2020 Supp."; in line 12, by striking "2020 Supp."; in line 27, after "(d)" by inserting "(1)"; following line 38, by inserting:

"(2) No city, county or township shall charge more than a \$25 non-refundable fee for each day for which the permit is issued.";

On page 6, in line 41, by striking "or" and inserting a comma; also in line 41, by striking the comma; in line 42, by striking "both," and inserting "other alcoholic liquor";

On page 7, in line 2, by striking the first "or" and inserting a comma; also in line 2, by striking the comma; also in line 2, by striking "both" and inserting "other alcoholic liquor"; in line 8, by striking the first "or" and inserting a comma; also in line 8, by striking the first comma; also in line 8, by striking "both" and inserting "other alcoholic liquor"; in line 10, by striking the first "or" and inserting a comma; also in line 10, by striking the first comma; also in line 10, by striking "both," and inserting "other alcoholic liquor"; in line 16, by striking the first "or" and inserting a comma; also in line 16, by striking the first comma; also in line 16, by striking "both," and inserting "other alcoholic liquor"; in line 17, by striking "or" and inserting a comma; also in line 17, after "beer" by inserting "or other alcoholic liquor"; in line 27, by striking the first "or" and inserting a comma; also in line 27, by striking the first comma; also in line 27, by striking "both," and inserting "other alcoholic liquor"; in line 32, by striking the first "or" and inserting a comma; also in line 32, by striking the comma; in line 33, by striking "both," and inserting "other alcoholic liquor"; in line 42, by striking "four" and inserting "12";

On page 8, in line 14, by striking the second "or"; in line 19, after "thereto" by

inserting "; or

(6) the applicant has not remitted all liquor drink taxes due from a previous temporary permit";

On page 11, in line 27, after the first "K.S.A." by inserting "41-719, 41-1201,"; also in line 27, by striking all after "79-41a03"; in line 28, by striking all before "are";

On page 1, in the title, in line 1, after "concerning" by inserting "alcoholic liquor; relating to"; also in line 1, by striking all after the first semicolon; in line 5, after the first "K.S.A." by inserting "41-719, 41-1201,"; also in line 5, by striking all after "79-41a03"; in line 6, by striking "1201"; and the bill be passed as amended.

Committee on **K-12 Education Budget** recommends **HB 2511** be amended on page 4, following line 2, by inserting:

"Sec. 3. K.S.A. 72-3120 is hereby amended to read as follows: 72-3120. (a) Subject to the other provisions of this section, every parent or person acting as parent in the state of Kansas, who has control over or charge of any child who has reached the age of seven years and is under the age of 18 years and has not attained a high school diploma ~~or~~, a general educational development-(GED) credential or a high school equivalency credential, shall require such child to be regularly enrolled in and attend continuously each school year;

(1) A public school for the duration of the school term provided for in K.S.A. 72-3115, and amendments thereto;~~or~~

(2) a private, denominational or parochial school taught by a competent instructor for a period of time which is substantially equivalent to the period of time public school is maintained in the school district in which the private, denominational or parochial school is located. ~~If the child is 16 or 17 years of age, the parent or person acting as parent, by written consent, or the court, pursuant to a court order, may allow the child to be exempt from the compulsory attendance requirements of this section; or~~

(3) a combination of a public school and a private, denominational or parochial school for the periods of time referred to in paragraphs (1) and (2).

(b) If the child is 16 or 17 years of age, the child shall be exempt from the compulsory attendance requirements of this section if:

(1) The child is regularly enrolled in and attending a program recognized by the local board of education as an approved alternative educational program;

(2) the parent or person acting as parent provides written consent to allow the child to be exempt from the compulsory attendance requirements of this section and the child and the parent or person acting as parent attend a final counseling session conducted by the school during which a disclaimer to encourage the child to remain in school or to pursue educational alternatives is presented to and signed by the child and the parent or person acting as parent. The disclaimer shall include information regarding the academic skills that the child has not yet achieved, the difference in future earning power between a high school graduate and a high school drop out; and a listing of educational alternatives that are available for the child;~~or~~

(3) the child is regularly enrolled in a school as required by subsection (a) and is concurrently enrolled in a postsecondary educational institution, as defined by K.S.A. 74-3201b, and amendments thereto. ~~The provisions of this clause (3) shall be applicable to children from and after July 1, 1997, and shall relate back to such date; or~~

(4) the child is subject to a court order that allows or requires the child to be exempt from the compulsory attendance requirements.

(c) Any child who is under the age of seven years, but who is enrolled in school, ~~is~~ shall be subject to the compulsory attendance requirements of this section. Any such child may be withdrawn from enrollment in school at any time by a parent or person acting as parent of the child and thereupon the child shall be exempt from the compulsory attendance requirements of this section until the child reaches the age of seven years or is re-enrolled in school.

(d) Any child who is determined to be an exceptional child, except for an exceptional child who is determined to be a gifted child, under the provisions of the special education for exceptional children act ~~is~~ shall be subject to the compulsory attendance requirements of such act and ~~is~~ exempt from the compulsory attendance requirements of this section.

(e) Any child who has been admitted to, and is attending, the Kansas academy of mathematics and science, as provided in K.S.A. 72-3903 et seq., and amendments thereto, ~~is~~ shall be exempt from the compulsory attendance requirements of this section.

(f) No child attending public school in this state shall be required to participate in any activity which is contrary to the religious teachings of the child if a written statement signed by one of the parents or a person acting as parent of the child is filed with the proper authorities of the school attended requesting that the child not be required to participate in such activities and stating the reason for the request.

(g) When a recognized church or religious denomination that objects to a regular public high school education provides, offers and teaches, either individually or in cooperation with another recognized church or religious denomination, a regularly supervised program of instruction, ~~which that~~ is approved by the state board of education, for children of compulsory school attendance age who have successfully completed the eighth grade, participation in such a program of instruction by any such children whose parents or persons acting as parents are members of the sponsoring church or religious denomination shall be regarded as acceptable school attendance within the meaning of this act. Approval of such programs shall be granted by the state board of education, for two-year periods, upon application from recognized churches and religious denominations, under the following conditions:

(1) Each participating child shall be engaged, during each day on which attendance is legally required in the public schools in the school district in which the child resides, in at least five hours of learning activities appropriate to the adult occupation that the child is likely to assume in later years;

(2) acceptable learning activities, for the purposes of this subsection, shall include ~~parent (or person acting as parent) supervised~~ parent or person acting as parent supervised projects supervised by a parent or person acting as parent in agriculture and homemaking, work-study programs in cooperation with local business and industry; and correspondence courses from schools accredited by the national home study council, recognized by the United States office of education as the competent accrediting agency for private home study schools;

(3) at least 15 hours per week of classroom work under the supervision of an instructor shall be provided, at which time students shall be required to file written reports of the learning activities they have pursued since the time of the last class meeting, indicating the length of time spent on each one, and the instructor shall examine and evaluate such reports, approve plans for further learning activities; and provide necessary assignments and instruction;

(4) regular attendance reports shall be filed as required by law; and students shall be

reported as absent for each school day on which they have not completed the prescribed minimum of five hours of learning activities;

(5) the instructor shall keep complete records concerning instruction provided, assignments made; and work pursued by the students, and these records shall be filed on the first day of each month with the state board of education and the board of education of the school district in which the child resides;

(6) the instructor shall be capable of performing competently the functions entrusted thereto; and

(7) in applying for approval under this subsection a recognized church or religious denomination shall certify its objection to a regular public high school education and shall specify, in such detail as the state board of education may reasonably require, the program of instruction that it intends to provide and no such program shall be approved unless it fully complies with standards ~~therefor which shall be~~ specified by the state board of education.

If the sponsors of an instructional program approved under this subsection fail to comply at any time with the provisions of this subsection, the state board of education shall rescind, after a written warning has been served and a period of three weeks allowed for compliance, approval of the programs, even though the two-year approval period has not elapsed, and thereupon children attending such program shall be admitted to a high school of the school district.

(h) (1) Each board of education of a school district shall allow any child to enroll part-time in the school district to allow the student to attend any courses, programs or services offered by the school district if the child:

(A) Is also enrolled in a nonaccredited private elementary or secondary school pursuant to K.S.A. 72-4345, and amendments thereto, or in any other private, denominational or parochial school pursuant to the provisions of subsection (a);

(B) requests to enroll part-time in the school district; and

(C) meets the age of eligibility requirements for school attendance pursuant to K.S.A. 72-3118, and amendments thereto.

(2) Each board of education of a school district shall adopt a policy regarding the part-time enrollment of students pursuant to this subsection and shall publish such policy on the school district's website. The board of education of a school district shall make a good faith attempt to accommodate scheduling requests of students enrolling in the school district pursuant to this subsection but shall not be required to make adjustments to accommodate every such request.

(i) As used in this section:

(1) "Educational alternatives" means an alternative learning plan for the student that identifies educational programs that are located in the area where the student resides; and are designed to aid the student in obtaining a high school diploma, general educational development credential or other certification of completion, such as a career technical education industry certification. Such alternative learning plans may include extended learning opportunities such as independent study, private instruction, performing groups, internships, community service, apprenticeships and online coursework.

(2) "Parent" and "person acting as parent" ~~have the meanings respectively ascribed thereto~~ mean the same as such terms are defined in K.S.A. 72-3122, and amendments thereto.

(3) "Regularly enrolled" means enrolled in five or more hours of instruction each school day. For the purposes of subsection (b)(3), hours of instruction received at a postsecondary educational institution shall be counted.";

Also on page 4, in line 3, by striking "is" and inserting "and 72-3120 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the Kansas state high school activities association" and inserting "schools and school activities"; in line 2, after "in" by inserting "interscholastic"; in line 5, after the semicolon by inserting "authorizing school districts to allow for part-time enrollment of certain students;"; also in line 5, after "38-2223" by inserting "and 72-3120"; in line 6, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **K-12 Education Budget** recommends **HB 2615** be amended by substituting with a new bill to be designated as "Substitute for HOUSE BILL NO. 2615," as follows:

"Substitute for HOUSE BILL NO. 2615

By Committee on K-12 Education Budget

"AN ACT concerning education; relating to public and private schools; creating the student empowerment act to authorize the establishment of education savings accounts for certain students to attend private schools and pay for other educational services; authorizing the state board of education and school districts to allow students to earn course credit through alternative educational opportunities outside of the traditional classroom; permitting students to transfer to and attend school in any school district in the state based on capacity limitations of school districts; amending K.S.A. 72-13,101, 72-3122, 72-3123, 72-3124, 72-3125 and 72-5134 and K.S.A. 2021 Supp. 79-32,117 and repealing the existing sections."; and the substitute bill be passed.

(**Sub HB 2615** was thereupon introduced and read by title.)

Committee on **K-12 Education Budget** recommends **HB 2662** be amended by substituting with a new bill to be designated as "Substitute for HOUSE BILL NO. 2662," as follows:

"Substitute for HOUSE BILL NO. 2662

By Committee on K-12 Education Budget

"AN ACT concerning education; relating to schools and school districts; establishing the parents' bill of rights and academic transparency act; affirming certain parental rights relating to the education and upbringing of a child; requiring school districts to adopt policies to promote transparency and parental involvement in a child's education; requiring each school district to establish an academic transparency portal on the school district's website to provide information on learning materials and activities in each school; prohibiting teachers from being negatively evaluated for refusal to teach through critical pedagogy philosophies or against sincerely held religious beliefs; establishing requirements for the administration of certain nonacademic tests, questionnaires, surveys and examinations; amending K.S.A. 72-2410 and 72-6316 and repealing the existing sections."; and the substitute bill be passed.

(**Sub HB 2662** was thereupon introduced and read by title.)

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 2716**, AN ACT concerning educational benefits for spouses and dependents of deceased, injured or disabled public safety officers and employees and certain deceased, injured or disabled military personnel and prisoners of war; definitions; increasing the limitation on reimbursements to Kansas educational institutions; amending K.S.A. 2021 Supp. 75-4364 and repealing the existing section, by Committee on Appropriations.

### INTRODUCTION OF ORIGINAL MOTION

Having voted on the prevailing side, pursuant to House Rule 2303, Rep. Finch moved that the House reconsider its adverse action in not adopting **HCR 5014** on Final Action on Bills and Concurrent Resolution. See previous action, HJ p. 1721. The motion prevailed.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HCR 5014**, A PROPOSITION to amend article 1 of the constitution of the state of Kansas by adding a new section thereto, concerning oversight by the legislature of certain executive branch actions, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 39; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Alcala, Amyx, Baker, Ballard, Burroughs, Byers, Carlin, Carmichael, Clayton, Coleman, Curtis, Featherston, Gartner, Haswood, Helgerson, Henderson, Highberger, Hoye, Kuether, Meyer, Neighbor, Ohaebosim, Orr, Osman, Ousley, Poskin, Ruiz, L., Ruiz, S., Sawyer, Schmidt, Stogsdill, Vaughn, Victors, Weigel, Wheeler, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Finney.

A two-thirds majority of the members elected to the House having voted in the affirmative, the resolution was adopted.

On motion of Rep. Hawkins, the House adjourned until 10:00 a.m., Tuesday, February 22, 2022.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*