

Journal of the House

THIRTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 8, 2022, 11:00 a.m.

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

The roll was called with 122 members present.

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

Rep. Alcalá was excused on excused absence by the Speaker.

Excused later: Rep. Baker.

Prayer by guest chaplain, Pastor Brian Hardee, Rock Creek Bible Church, Meriden, and guest of Rep. Ellis:

God of all the stars in the universe:

Today we call upon you to direct us in our affairs to the stars and beyond. There will be that which is trivial today. Help it not to distract us from that which is significant and lasting. Help us to see those with whom we disagree as you do, souls in need of grace. Help us to see ourselves as you do, souls in need of grace. Thank you for the provisions of order, humanity, and intelligence. May we exhibit all three. Thank you even more for sending your own Son into this world to make a way to knowing You and finding forgiveness from all our errors. Guide us so at the end of this day we may be nearer to you.

The Pledge of Allegiance was led by by Rep. Stogsdill.

INTRODUCTION OF GUESTS

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

The Shawnee Mission East Boys Swim and Dive Team captured the 6A KSHSAA State title. At the State meet, they had 17 swimmers and divers score points, one member of the First Team All-State, and two members of the Second Team All-State. They also broke 3 school records. On their way to the State title, they also won the Sunflower League Championship.

We have the following seniors here on the floor with us today: Evan Broaddus, Evan Deedy, Bo Kimmel, Max Peterson, Aaron Ralstrom, Will Roberts, James Shipfer, Brady Smith, Carson Welch, and Max Wilson. Their teammates are in the gallery. Special congratulations go to Coach Wiley Wright.

Please join me in honoring the Kansas 6-A Boy Swim & Dive Team Champions from Shawnee Mission East.

Rep. Clayton presented Coach Wright of the Shawnee Mission East Swim and Dive team with a framed House certificate in recognition of their great achievements.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2730, AN ACT concerning governmental action; relating to freedom of worship; prohibiting certain restrictions on such freedom by governmental entities and public officials; limiting related state of disaster emergency powers of the governor and state of local disaster emergency powers of counties and cities; related powers of the secretary of health and environment; local health officers to making recommendations; amending K.S.A. 2021 Supp. 48-925, 48-932, 65-101, 65-201 and 65-202 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2731, AN ACT concerning consumer protection; relating to online third-party marketplaces and the sale of stolen merchandise; requiring such marketplaces to verify and authenticate the identity of third parties who sell products on their platforms; providing for enforcement by the attorney general, by Committee on Federal and State Affairs.

HB 2732, AN ACT concerning economic development; enacting the Gage park improvement authority act; providing for the creation of the Gage park improvement authority; permitting a sales tax within the boundaries of Shawnee county for the purpose of benefiting Gage park, the Topeka zoo and the Kansas children's discovery center thereof; requiring approval by the electors of the county to establish the sales tax and authority, by Committee on Taxation.

HB 2733, AN ACT concerning insurance; relating to the regulation of pharmacy benefits managers; requiring licensure rather than registration of such entities; enacting the pharmacy benefits manager licensure act; amending K.S.A. 40-3821, 40-3822, 40-3823, 40-3824, 40-3826, 40-3827 and 40-3829 and repealing the existing sections, by Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hawkins, the House acceded to the request of the Senate for a conference on **SB 62**.

Speaker Ryckman thereupon appointed Reps. Huebert, Thomas and Stogsdill 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 for SB 101**.

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

CONSENT CALENDAR

No objection was made to **HB 2710** appearing on the Consent Calendar for the second day.

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

COMMITTEE OF THE WHOLE

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

Recommended that: Committee report to **HB 2548** be adopted; and the bill be passed as amended.

Roll call was demanded on motion of Rep. Hoye to amend **HCR 5027** on page 1, following line 32, by inserting:

"Be it further resolved: The majority of Kansas delegates to the convention of the states shall be women; and"

On roll call, the vote was: Yeas 35; Nays 84; Present but not voting: 1; Absent or not voting: 5.

Yeas: Amyx, Ballard, Burroughs, Byers, Carlin, Clayton, Curtis, Featherston, Gartner, Haswood, Henderson, Highberger, Hoye, Kuether, Meyer, Miller, Neighbor, Ohaebosim, Osman, Ousley, Poskin, Probst, Ruiz, L., Ruiz, S., Sawyer, Schmidt, Stogsdill, Toplikar, Vaughn, Victors, Weigel, Winn, Wolfe Moore, Woodard, Xu.

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

Present but not voting: Coleman.

Absent or not voting: Alcalá, Finney, Lynn, Poetter, Smith, A.

The motion of Rep. Hoye to amend did not prevail.

Also, roll call was demanded on motion of Rep. Houser to amend **HCR 5027** on page 1, following line 14, by inserting:

"WHEREAS, Section 13 of Article 2 of the Constitution of the state of Kansas requires a two-thirds vote of each house voting in the affirmative to ratify any amendment to the Constitution of the United States or to make any application for Congress to call a convention of the states for proposed amendments to the Constitution of the United States; and"

On roll call, the vote was: Yeas 64; Nays 53; Present but not voting: 0; Absent or not voting: 8.

Yeas: Amyx, Anderson, Awerkamp, Ballard, Burroughs, Byers, Carlin, Carmichael, Clayton, Clifford, Coleman, Collins, Corbet, Dodson, M., Ellis, Esau, Estes, Fairchild, Featherston, French, Garber, Gartner, Haswood, Helgerson, Helmer, Henderson, Highberger, Houser, Hoye, Huebert, Jacobs, Kuether, Landwehr, Lee-Hahn, Long, Meyer, Miller, Neighbor, Newland, Ohaebosim, Orr, Osman, Ousley, Poskin, Probst, Rahjes, Ralph, Rhiley, Ruiz, L., Ruiz, S., Samsel, Sanders, Sawyer, Schmidt, Smith, C., Stogsdill, Toplikar, Vaughn, Victors, Weigel, Wheeler, Winn, Wolfe Moore, Xu.

Nays: Arnberger, Barker, Bergquist, Blex, Borjon, Burris, Carlson, W. Carpenter, Clark, Concannon, Croft, Delperdang, Donohoe, Eplee, Finch, Francis, Hawkins, Highland, Hoffman, Hoheisel, Howe, Howell, Howerton, Humphries, S. Johnson, T. Johnson, Kelly, Kessler, Mason, Minnix, Moser, Murphy, Neelly, Owens, F. Patton, Penn, Proctor, Proehl, Resman, Ryckman, Schreiber, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thomas, Thompson, Turner, Waggoner, Wasinger, Waymaster, K. Williams.

Present but not voting: None.

Absent or not voting: Alcalá, Baker, Bergkamp, Curtis, Finney, Lynn, Poetter, Woodard.

Also, on motion of Rep. Arnberger-Blew, **HCR 5027** be amended on page 1, following line 5, by inserting:

"Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:"

Also, roll call was demanded on motion of Rep. S. Ruiz to amend **HCR 5027**, on page 1, following line 32, by inserting:

"Be it further resolved: The Kansas delegation to the convention of the states shall include a current or former member of the Kansas House of Representatives or the Kansas Senate who identifies as lesbian, gay, bisexual, transgender or queer; and"

On roll call, the vote was: Yeas 33; Nays 83; Present but not voting: 0; Absent or not voting: 9.

Yeas: Amyx, Ballard, Burroughs, Byers, Carlin, Clayton, Curtis, Featherston, Gartner, Haswood, Helgerson, Henderson, Highberger, Hoye, Kuether, Miller, Neighbor, Ohaebosim, Osman, Ousley, Poskin, Probst, Ruiz, L., Ruiz, S., Sawyer, Schmidt, Stogsdill, Victors, Weigel, Winn, Wolfe Moore, Woodard, Xu.

Nays: Anderson, Arnberger, Averkamp, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Carlson, Carmichael, 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, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Minnix, Moser, Murphy, Neelly, Newland, Orr, Owens, F. Patton, Penn, 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, Wheeler, K. Williams.

Present but not voting: None.

Absent or not voting: Alcalá, Baker, Coleman, Finney, Kelly, Mason, Meyer, Poetter, Vaughn.

The motion of Rep. S. Ruiz to amend did not prevail.

Also, on motion of Rep. Jacobs to amend **HCR 5027**, the motion did not prevail.

Roll call was demanded on the motion to recommend **HCR 5027** favorably for adoption.

On roll call, the vote was: Yeas 78; Nays 42; Present but not voting: 0; Absent or not voting: 5.

Yeas: Anderson, Arnberger, Barker, Bergkamp, Bergquist, Blex, Burris, Burroughs, Carlson, W. Carpenter, Clifford, Concannon, Corbet, Croft, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Finch, Francis, French, Garber, Hawkins, Helgerson, Helmer, Highland, Hoffman, Hoheisel, Howe, Howell, Howerton, Huebert, Humphries, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Newland, Orr, Osman, Owens, F. Patton, Penn, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Sanders, Seiwert, Smith, A., Smith, C., Smith, E., Sutton, Tarwater, Thomas, Toplikar, Turner, Waggoner,

Wasinger, Waymaster, K. Williams.

Nays: Amyx, Awerkamp, Ballard, Borjon, Byers, Carlin, Carmichael, Clark, Clayton, Coleman, Collins, Curtis, Featherston, Gartner, Haswood, Henderson, Highberger, Houser, Hoye, Jacobs, Kuether, Lee-Hahn, Meyer, Neighbor, Ohaebosim, Ousley, Poskin, Ruiz, L., Ruiz, S., Samsel, Sawyer, Schmidt, Schreiber, Stogsdill, Thompson, Vaughn, Weigel, Wheeler, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Alcala, Baker, Finney, Poetter, Victors.

The motion prevailed and **HCR 5027** be adopted as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2541** be passed.

Committee on **Federal and State Affairs** recommends **HB 2570** be passed.

Committee on **Financial Institutions and Rural Development** recommends **Substitute for SB 400** be passed.

Committee on **Financial Institutions and Rural Development** recommends **HB 2618** be amended on page 1, in line 23, after "(c)" by inserting "As used in this section, "incubator" means a property under public ownership that would provide temporary tenancy to start-up rural microentrepreneurs, microenterprises, new technology development entities or commercial entities at below market rates for a term of five years or less.

(d) It is the intent of the legislature to provide temporary tenancy for the initial five years, and after such term, the tenant can remain in the space and pay property taxes based on the square footage of the space being leased or move out of the space and allow the governmental entity owning the property to establish a new business incubator space for a new business.

(e)";

Also on page 1, in line 24, after the period by inserting "No new exemptions shall be granted pursuant to subsection (a) after December 31, 2025."; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 343**, as amended by Senate Committee of the Whole, be passed.

Committee on **Health and Human Services** recommends **SB 348**, as amended by Senate Committee of the Whole, be amended on page 3, in line 9, by striking "any part of the body" and inserting "the front of the neck"; in line 12, after "wax" by inserting "or the manipulation of thread using teeth"; and the bill be passed as amended.

Committee on **Insurance and Pensions** recommends **SB 335**, **SB 392** be passed.

Committee on **Insurance and Pensions** recommends **SB 331** be amended on page 2, in line 31, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Insurance and Pensions** recommends **SB 421** be amended on page 1, in line 14, by striking "\$253,866,022" and inserting "\$746,133,978"; in line 16, by striking all after "system"; by striking all in lines 17 and 18; in line 19, by striking all before the period; following line 19, by inserting:

"Sec. 2.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:
KPERs layering payment (652-00-1000-0120).....\$253,866,022

Provided, That expenditures shall be made by the above agency from the KPERs layering payment account to pay the actuarial cost of delayed employer contributions from participating employers under K.S.A. 74-4931, and amendments thereto, in fiscal years 2017 and 2019.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "2022" by inserting ", for the department of education; relating to certain employer contribution payments"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2582** be amended as recommended by the House Committee on Children and Seniors as reported in the Journal of the House on February 11, 2022, and the bill, as printed as amended by House Committee, be further amended on page 6, in line 13, after the period by inserting "Such records shall only be used for the purposes of investigating the alleged or substantiated report or investigation of abuse or neglect."; and the bill be passed as further amended.

Committee on **Judiciary** recommends **HB 2674** be amended as recommended by the House Committee on Corrections and Juvenile Justice as reported in the Journal of the House on February 17, 2022, and the bill, as printed as amended by House Committee, be further amended on page 1, in line 11, after the period by inserting "If the defendant is charged with a felony offense, the sheriff shall enter such warrant into the national crime information center's index within 14 days of issuance of the warrant. If such warrant is not entered into such index, the sheriff shall notify the court thereof."; in line 36, by striking all after "(C)";

On page 2, by striking all in lines 1 through 5; in line 6, by striking all before the semicolon and inserting "a warrant that is required to be entered into the national crime information center's index pursuant to subsection (a) was not entered within 14 days of issuance, unless there is good cause shown for the failure to enter such warrant into the index"; and the bill be passed as further amended.

REPORT OF STANDING COMMITTEE

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

Request No. 33, Representative Stephanie Clayton, congratulating Shawnee Mission East High School boy's Swim and Dive Team for winning the 6A State Champions in 2022;

Request No. 34, by Representative Lisa Moser, congratulating Frankfort High School Boy's Golf team for 2021 State Championship;

Request No. 35, by Representative Lisa Moser, congratulating the Axtell High School Football Team 2021 State Football Champions;

Request No. 36, by Representative Blaine Finch, honoring the National Automatic Merchandising Association on National Vending Day, March 3, 2022 for contributions of the vending and convenience services for their efforts throughout the Covid-19 pandemic serving front-line heroes;

Request No. 37, by Representative Barbara Wasinger, honoring Gina Johnson in recognition of her being named Master Teacher 2022 and her service to the children of Kansas;

Request No. 38, by Representative Lance Neelly and Representative Timothy Johnson, congratulating Tonganoxie Men's High school Wrestling Team for winning the 2022 Kansas High School Team Wrestling championship;

Request No. 39, by Representative Lisa Moser, congratulating Hanover Boy's Track Team, 2021 1A State Track Champions;

Request No. 40, by Representative Lisa Moser, congratulating Hanover High School Volleyball Team 2021 1A DII State Volleyball Champions;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Hawkins, the committee report was adopted.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2734, AN ACT concerning the behavioral sciences regulatory board; relating to licensure of health professions and practices; allowing board-approved postgraduate supervised experience to count toward graduate level supervised clinical practicum of supervised professional experience; permitting current master's and clinical level licensees to take the addiction counselor test; amending K.S.A. 2021 Supp. 65-6306 and 65-6610 and repealing the existing sections, by Committee on Appropriations.

MESSAGES FROM THE SENATE

The Senate announced the appointment of Senators Erickson and Dietrich to replace Senators Olson and Steffen as conferees on **H Sub for SB 91**.

Announcing passage of **SB 276**, **SB 282**, **SB 326**, **SB 479**.

Announcing passage of **HB 2075**, as amended; **HB 2237**, as amended.

Announcing passage of **HB 2591**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 276, **SB 282**, **SB 326**, **SB 479**.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Finch announced the appointment of Rep. Howerton to replace Rep. Rahjes on Committee on Appropriations on March 9, 2022.

Also, the appointment of Rep. Miller to replace Rep. Alcalá on Committee on Taxation on March 8, 2022.

Also, the appointment of Rep. Haswood to replace Rep. Winn on Committee on K-12 Education Budget on March 8, 2022.

Also, the appointment of Rep. Stogsdill to replace Rep. Carlin on Committee on Appropriations on March 9, 2022.

Also, the appointment of Rep. Ousley to replace Rep. Carlin on Committee on Appropriations on March 10, 2022.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Wednesday, March 9, 2022.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

