

# Journal of the House

TWENTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, February 14, 2020, 8:30 a.m.

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

The roll was called with 104 members present.

Reps. Corbet, Lusk, Neighbor and Ousley were excused on verified illness.

Rep. Blex was excused on legislative business.

Reps. B. Carpenter, Delperdang, Donohoe, Eplee, Frownfelter, Hodge, Holscher, Mason, Phillips, L. Ruiz, Samsel, Seiwert, Straub, Thimesch, Ward and Yeager were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker,

All merciful and loving God,  
thank You for this new day.  
Today is Valentine's Day and it behooves us to remember  
that You are the very definition of love.  
You give Your love to each and every one of us  
even when we are not deserving nor worthy of it.  
May we have the power to understand,  
as all God's people should,  
how wide, how long, how high,  
and how deep Your love is.  
May we be filled with that kind of love  
that we may share it with others—  
even to those we may not "like" at times.  
So much more could be accomplished  
if we would only show that love, kindness and grace  
to one another in every aspect of our lives.  
Your love endures forever, and for that we are grateful!  
This I pray in Your loving Name,  
Amen.

The Pledge of Allegiance was led by Rep. Lynn.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2691**, AN ACT concerning electric utilities; relating to the state corporation commission; authorizing the approval and issuance of K-EBRA bonds; financing costs of electric utility property, by Committee on Taxation.

**HB 2692**, AN ACT concerning emergency medical services; relating to the emergency medical services board; transferring the powers, duties and functions of the board to the secretary of health and environment; making the board advisory to the secretary; establishing the division of emergency medical services within the department of health and environment; amending K.S.A. 65-4941, 65-4946, 65-5733, 65-6103, 65-6113, 65-6121, 65-6128, 65-6132, 65-6134, 65-6136, 65-6138, 65-6139, 65-6140, 65-6144, 65-6149a, 65-6151, 65-6153, 65-6154, 65-6155, 65-6157, 74-120, 75-1508, 75-1514, 75-3036, 75-37,121 and 75-5664 and K.S.A. 2019 Supp. 8-1404, 8-2010, 12-5364, 21-6324, 65-4915, 65-6102, 65-6110, 65-6111, 65-6112, 65-6120, 65-6126, 65-6127, 65-6129, 65-6129a, 65-6129b, 65-6129d, 65-6130, 65-6133 and 65-6135 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2693**, AN ACT concerning civil actions; relating to victims of certain alcohol-related incidents; creating a civil cause of action, by Committee on Judiciary.

**HB 2694**, AN ACT concerning sales and compensating use tax; relating to exemptions; animal shelters; amending K.S.A. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2695**, AN ACT concerning law enforcement; relating to the commission on peace officers' standards and training; Kansas law enforcement training act; definitions; lapsing certification; amending K.S.A. 74-5602 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2696**, AN ACT concerning property tax; relating to cities and counties; approval of budgets, transportation construction projects; election; exception; amending K.S.A. 79-2925c and repealing the existing section, by Committee on Taxation.

**HB 2697**, AN ACT concerning postsecondary educational institutions; creating the campus intellectual diversity act; requiring an office of public policy events at each postsecondary educational institution, by Committee on Education.

**HB 2698**, AN ACT concerning taxation; authorizing counties to impose an earnings tax; amending K.S.A. 2019 Supp. 19-101a and repealing the existing section, by Committee on Taxation.

**HB 2699**, AN ACT concerning children and minors; relating to the revised Kansas code for care of children; children in state custody; court services officer assistance; amending K.S.A. 2019 Supp. 38-2255 and repealing the existing section, by Committee on Judiciary.

**HB 2700**, AN ACT concerning dependent persons; relating to the reporting of abuse, neglect or financial exploitation of such persons; amending K.S.A. 39-1438 and 39-1441 and K.S.A. 2019 Supp. 39-1430, 39-1431, 39-1433 and 39-1443 and repealing the existing sections; also repealing K.S.A. 2019 Supp. 39-1431b, by Committee on Children and Seniors.

**HB 2701**, AN ACT concerning public employees; relating to hiring and promotion preferences; providing for a preference for persons with a disability, by Committee on Commerce, Labor and Economic Development.

**HB 2702**, AN ACT concerning economic development; relating to the high performance incentive fund; workforce training program participation requirements; workforce training tax credit; amending K.S.A. 74-50,133 and 79-32,160a and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

**HB 2703**, AN ACT concerning building, construction and related standards and codes; relating to preemption of local codes more stringent than national model codes; exceptions, by Committee on Commerce, Labor and Economic Development.

**HB 2704**, AN ACT concerning employment security law; relating to disqualification for benefits; disqualification begin dates, illness or injury, receipt of pension or retirement pay, part-time employment for an educational institution; amending K.S.A. 2019 Supp. 44-706 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

**HB 2705**, AN ACT concerning employment security law; relating to employers and employees subject to the law; petroleum landmen; amending K.S.A. 2019 Supp. 44-703 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

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

The following bills were referred to committees as indicated:

Agriculture and Natural Resources Budget: **HB 2688**.

Appropriations: **HB 2673, HB 2682**.

Commerce, Labor and Economic Development: **HB 2689**.

Corrections and Juvenile Justice: **HB 2686**.

Education: **HB 2676, HB 2690**.

Elections: **HB 2687**.

Energy, Utilities and Telecommunications: **HB 2679**.

Federal and State Affairs: **HB 2671, HB 2672**.

Financial Institutions and Pensions: **HB 2678**.

Health and Human Services: **HB 2680, HB 2681**.

Judiciary: **HB 2674, HB 2675**.

Rural Revitalization: **HB 2677**.

Taxation: **HB 2683, HB 2684, HB 2685**.

#### **COMMUNICATIONS FROM STATE OFFICERS**

From Martha K. Gabehart, Executive Director, Kansas Commission on Disability Concerns, Annual Report FY 2019.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

#### **CONSENT CALENDAR**

No objection was made to **HB 2490** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2524, HB 2527** appearing on the Consent Calendar for the second day.

**REPORTS OF STANDING COMMITTEES**

Committee on **Corrections and Juvenile Justice** recommends **HB 2485** be passed.

Committee on **Federal and State Affairs** recommends **HB 2411** be amended on page 1, in line 6, by striking "2018 Supp.";

On page 2, in line 17, by striking ", expressed as a single dollar figure.";

On page 3, following line 5, by inserting:

"(4) The implementation and compliance costs determined under subsection (b)(1) (C)(vi) shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units and members of the public. In determining total additional costs of such proposed rules and regulations, the state agency shall not account for any actual or estimated cost savings that may be realized by the implementing state agency or by members of the public.";

On page 4, in line 30, by striking "2018 Supp."; in line 33, by striking "before" and inserting "after";

On page 5, in line 37, by striking all after "regulation"; by striking all in line 38; in line 39, by striking all before the period;

On page 6, in line 13, by striking "that has"; in line 14, by striking all before the comma; in line 15, after "general" by inserting "and the director of the budget as required"; in line 26, by striking all before "been"; in line 28, after "(c)" by inserting a comma; also in line 28, by striking "adopted or filed" and inserting "submitted to the director of the budget as required under this section,";

On page 7, following line 18, by inserting:

"Sec. 3. K.S.A. 77-420a is hereby amended to read as follows: 77-420a. No rule and regulation shall be adopted prior to the effective date of the statute authorizing its adoption, but prior to the effective date of such statute, the proposed rule and regulation may be submitted to ~~the director of the budget~~, the secretary of administration ~~and to~~, the attorney general and to the director of the budget for approval as required by K.S.A. 77-420, and amendments thereto, and notice of the proposed rule and regulation may be given and a hearing held thereon in the manner provided by K.S.A. 77-421, and amendments thereto.

Sec. 4. K.S.A. 77-421 is hereby amended to read as follows: 77-421. (a) (1) Except as provided by subsection (a)(2), subsection (a)(3) or subsection (a)(4), prior to the adoption of any permanent rule and regulation or any temporary rule and regulation which is required to be adopted as a temporary rule and regulation in order to comply with the requirements of the statute authorizing the same and after any such rule and regulation has been approved by ~~the director of the budget~~, the secretary of administration ~~and~~, the attorney general and the director of the budget, the adopting state agency shall give at least 60 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations established by K.S.A. 77-436, and amendments thereto. The notice shall be provided to the secretary of state and to the chairperson, vice chairperson, ranking minority member of the joint committee and legislative research department and shall be published in the Kansas register. A complete copy of all proposed rules and regulations and the complete economic impact statement required by K.S.A. 77-416, and amendments thereto, shall accompany the notice sent to the secretary of state. The notice shall contain:

- (A) A summary of the substance of the proposed rules and regulations;
- (B) a summary of the economic impact statement indicating the estimated economic impact on governmental agencies or units, persons subject to the proposed rules and regulations and the general public;
- (C) a summary of the environmental benefit statement, if applicable, indicating the need for the proposed rules and regulations;
- (D) the address where a complete copy of the proposed rules and regulations, the complete economic impact statement, the environmental benefit statement, if applicable, required by K.S.A. 77-416, and amendments thereto, may be obtained;
- (E) the time and place of the public hearing to be held; the manner in which interested parties may present their views; and
- (F) a specific statement that the period of 60 days' notice constitutes a public comment period for the purpose of receiving written public comments on the proposed rules and regulations and the address where such comments may be submitted to the state agency. Publication of such notice in the Kansas register shall constitute notice to all parties affected by the rules and regulations.

(2) Prior to adopting any rule and regulation which establishes seasons and fixes bag, creel, possession, size or length limits for the taking or possession of wildlife and after such rule and regulation has been approved by the secretary of administration and the attorney general, the secretary of wildlife, parks and tourism shall give at least 30 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection (a)(1)(E) shall state that the period of 30 days' notice constitutes a public comment period on such rules and regulations.

(3) Prior to adopting any rule and regulation which establishes any permanent prior authorization on a prescription-only drug pursuant to K.S.A. 39-7,120, and amendments thereto, or which concerns coverage or reimbursement for pharmaceuticals under the pharmacy program of the state medicaid plan, and after such rule and regulation has been approved by the director of the budget, the secretary of administration and the attorney general, the secretary of health and environment shall give at least 30 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection (a)(1)(E) shall state that the period of 30 days' notice constitutes a public comment period on such rules and regulations.

(4) Prior to adopting any rule and regulation pursuant to subsection (c), the state agency shall give at least 60 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection (a)(1)(E) shall state that the period of notice constitutes a public comment period on such rules and regulations.

(b) (1) On the date of the hearing, all interested parties shall be given reasonable opportunity to present their views or arguments on adoption of the rule and regulation,

either orally or in writing. At the time it adopts or amends a rule and regulation, the state agency shall prepare a concise statement of the principal reasons for adopting the rule and regulation or amendment thereto, including:

(A) The agency's reasons for not accepting substantial arguments made in testimony and comments; and

(B) the reasons for any substantial change between the text of the proposed adopted or amended rule and regulation contained in the published notice of the proposed adoption or amendment of the rule and regulation and the text of the rule and regulation as finally adopted.

(2) Whenever a state agency is required by any other statute to give notice and hold a hearing before adopting, amending, reviving or revoking a rule and regulation, the state agency, in lieu of following the requirements or statutory procedure set out in such other law, may give notice and hold hearings on proposed rules and regulations in the manner prescribed by this section.

(3) Notwithstanding the other provisions of this section, the secretary of corrections may give notice and an opportunity to be heard to any inmate in the custody of the secretary with regard to the adoption of any rule and regulation.

(c) (1) The agency shall initiate new rulemaking proceedings under this act, if a state agency proposes to adopt a final rule and regulation that:

(A) Differs in subject matter or effect in any material respect from the rule and regulation as originally proposed; and

(B) is not a logical outgrowth of the rule and regulation as originally proposed.

(2) For the purposes of this provision, a rule and regulation is not the logical outgrowth of the rule and regulation as originally proposed if a person affected by the final rule and regulation was not put on notice that such person's interests were affected in the rule making.

(d) When, pursuant to this or any other statute, a state agency holds a hearing on the adoption of a proposed rule and regulation, the agency shall cause written minutes or other records, including a record maintained on sound recording tape or on any electronically accessed media or any combination of written or electronically accessed media records of the hearing to be made. If the proposed rule and regulation is adopted and becomes effective, the state agency shall maintain, for not less than three years after its effective date, such minutes or other records, together with any recording, transcript or other record made of the hearing and a list of all persons who appeared at the hearing and who they represented, any written testimony presented at the hearing and any written comments submitted during the public comment period.

(e) No rule and regulation shall be adopted by a board, commission, authority or other similar body except at a meeting which is open to the public and notwithstanding any other provision of law to the contrary, no rule and regulation shall be adopted by a board, commission, authority or other similar body unless it receives approval by roll call vote of a majority of the total membership thereof.

Sec. 5. K.S.A. 77-422 is hereby amended to read as follows: 77-422. (a) A rule and regulation may be adopted by a state agency as a temporary rule and regulation if the state agency and the state rules and regulations board finds that the preservation of the public peace, health, safety or welfare necessitates or makes desirable putting such rule and regulation into effect prior to the time it could be put into effect if the agency were to comply with the notice, hearing and publication requirements of this act or prior to

the effective date prescribed by K.S.A. 77-426, and amendments thereto.

(b) Temporary rules and regulations may be adopted without the giving of notice and the holding of a hearing thereon.

(c) (1) A temporary rule and regulation shall take effect:

(A) After approval by ~~the director of the budget~~, the secretary of administration ~~and~~, the attorney general and the director of the budget as provided by K.S.A. 77-420, and amendments thereto;

(B) after approval by the state rules and regulations board as provided by K.S.A. 77-423, and amendments thereto; and

(C) upon filing with the secretary of state.

(2) The effective date of all or specific parts of a temporary rule and regulation may be delayed to a date later than its filing date if the delayed effective date of such rule and regulation, or specific parts thereof, is clearly expressed in the body of such rule and regulation.

(3) A temporary rule and regulation shall be effective for a period not to exceed 120 days except that, for good cause, a state agency may request that a temporary rule and regulation may be renewed one time for an additional period not to exceed 120 days.

(d) A temporary rule and regulation which amends an existing rule and regulation shall have the effect of suspending the force and effect of the existing rule and regulation until such time as the temporary rule and regulation is no longer effective. In such case, at the time the temporary rule and regulation ceases to be effective, the existing permanent rule and regulation which was amended by the temporary rule and regulation shall be in full force and effect unless such existing rule and regulation is otherwise amended, revoked or suspended as provided by law.

(e) Temporary rules and regulations shall be numbered in accordance with the numbering arrangement approved by the secretary of state and otherwise shall conform to the approval, adoption and filing requirements of this act, insofar as the same can be made applicable.";

Also on page 7, in line 19, by striking "2018 Supp."; also in line 19, by striking "and" and inserting a comma; also in line 19, after "77-420" by inserting ", 77-420a, 77-421 and 77-422"; in line 21, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "2018 Supp."; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "77-420" by inserting ", 77-420a, 77-421 and 77-422"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2528** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **General Government Budget** recommends to the House of Representatives the approval of **ERO 45** and the introduction and adoption of the House resolution that accompanies this report.

HOUSE RESOLUTION No. **HR 6034**—

By Committee on General Government Budget

**HR 6034**—A RESOLUTION approving executive reorganization order No. 45 that transfers certain powers, duties and functions to the division of the state employee health benefits plan within the department of administration.

A RESOLUTION approving Executive Reorganization Order No. 45, transferring the powers, duties and functions of the state employee health benefits plan and the state workers compensation self-insurance fund from the department of health and environment to the division of the state employee health benefits plan within the department of administration.

*Be it resolved by the House of Representatives of the State of Kansas:* That Executive Reorganization Order No. 45 is hereby approved; and

*Be it further resolved:* That the chief clerk of the house of representatives shall transmit a copy of this resolution to the governor and the secretary of state; and

*Be it further resolved:* That the secretary of state shall cause this resolution to be published in the session laws to show permanently the approval of Executive Reorganization Order No. 45 by the House of Representatives.

**HR 6034** was introduced and read by title.

#### **REPORT OF STANDING COMMITTEE**

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

**Request No. 28**, by Representative Cindy Neighbor, congratulating, Becky Tate, on being named 2019 National Yearbook Advisor of the Year.

**Request No. 29**, by Representative Cindy Neighbor, congratulating, Jack Eaton, on 2<sup>nd</sup> place entry in the Student Photo Contest for the Happy Birthday Kansas Competition.

**Request No. 30**, by Representative Ron Highland, congratulating, 2019 Wabaunsee High School Women's Volleyball Team, for winning the State Championship.

**Request No. 31**, by Representative Barb Wasinger, congratulating, Shaun and Heather Musil, Paisley Pear Wine Bar, Bistro and Market for receiving the 2020 FHSU Existing Business of the Year.

**Request No. 32**, by Representative Dennis “Boog” Highberger, congratulating, 100<sup>th</sup> Anniversary League of Women Voters.

**Request No. 33**, by Representative Kellie Warren, congratulating, Neeka Morelli on receiving the Girl Scout Gold Award.

**Request No. 34**, by Representative Ken Collins, congratulating, Frontenac High School Softball Team, for winning the 2019 KSHSAA Class 3A Championship.

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.

On motion of Rep. Hawkins, the House recessed until 12:00 p.m.

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NOON SESSION

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

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2706**, AN ACT concerning labor; relating to the department of labor industrial safety and health program; public employee safety and health; establishing the public safety and health program; investigation of public employee deaths or serious injury; discrimination against employees who report dangerous conditions; amending K.S.A. 2019 Supp. 44-636 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

**HB 2707**, AN ACT concerning military service members; relating to termination of rental and lease agreements; specifying when effective; prohibiting fees; amending K.S.A. 58-2570 and repealing the existing section, by Committee on Judiciary.

**HB 2708**, AN ACT concerning crimes, punishment and criminal procedure; relating to diversion agreements; creating a certified drug abuse treatment program for people on diversion; supervision by court services or community corrections; amending K.S.A. 22-2907, 75-5291 and 75-52,144 and K.S.A. 2019 Supp. 22-2909 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2709**, AN ACT concerning controlled substances; relating to cannabis; removing certain products that contain a delta-9 tetrahydrocannabinol concentration of up to 0.3% on a dry weight basis from the list of controlled substances listed in schedule I of the uniform controlled substances act; amending K.S.A. 2019 Supp. 21-5701, 65-4101 and 65-4105 and repealing the existing sections, by Committee on Agriculture.

**HB 2710**, AN ACT concerning labor; relating to petrochemical manufacturing facilities and petroleum refineries; requiring a skilled and trained workforce; contracting requirements, exceptions; legislative findings; unlawful act and penalty, by Committee on Energy, Utilities and Telecommunications.

**HB 2711**, AN ACT concerning health and healthcare; relating to health insurance coverage; expanding medical assistance eligibility; implementing a health insurance plan reinsurance program; directing the department of health and environment to study certain medicaid expansion topics; adding meeting days to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight to monitor implementation; making and concerning appropriations for the fiscal years ending June 30, 2020, June 30, 2021, and June 30, 2022; amending K.S.A. 65-6207, 65-6208, 65-6209, 65-6210, 65-6211, 65-6212, 65-6217 and 65-6218 and K.S.A. 2019 Supp. 39-7,160 and 40-3213 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2712**, AN ACT concerning the state board of pharmacy; relating to powers, duties and functions thereof; investigations; inspections and audits; telepharmacy; amending K.S.A. 65-1627, 65-1631, 65-1643, 65-1657, 65-1658, 65-1663 and 65-1676 and K.S.A. 2019 Supp. 65-1626 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2713**, AN ACT enacting the revised uniform law on notarial acts; amending K.S.A. 16-1611, 58-2209 and 58-2211 and K.S.A. 2019 Supp. 49-512 and 58-4403 and repealing the existing sections; also repealing K.S.A. 53-101, 53-102, 53-103, 53-104, 53-105, 53-105a, 53-106, 53-107, 53-109, 53-113, 53-114, 53-115, 53-116, 53-117, 53-118, 53-119, 53-120, 53-121, 53-501, 53-502, 53-503, 53-504, 53-505, 53-506, 53-507, 53-508, 53-509, 53-510 and 53-511, by Committee on Judiciary.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Monday, February 17, 2020.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

