

Journal of the House

EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 21, 2021, 11:00 a.m.

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

The roll was called with 123 members present.

Reps. Ellis and Kessler were excused on excused absence by the Speaker.

Excused later: Rep. Weigel.

Prayer by Rep. Sawyer:

Dear Heavenly Father:

We thank you for this day that you have made.

We thank you for the opportunity to work in this beautiful building and to serve the people of Kansas.

We ask for your blessings on our work today, as we debate for the first time this session.

Please grant us the wisdom to create good laws for the people of Kansas.

Please give us the ability to debate civilly and with respect for each others views.

Please grant us the patience to work with each other, to wait on amendments and with the new voting system – Ahh the new voting system - please help us get through this with no major glitches.

We also ask for your blessings and guidance on the remainder of our meetings throughout the day.

Amen

The Pledge of Allegiance was led by Rep. Curtis.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2085, AN ACT concerning postsecondary education; creating the students' right to know act; relating to the publication of certain information regarding postsecondary education, by Committee on Education.

HB 2086, AN ACT concerning schools; relating to school districts and nonpublic schools; emergency medication kits for certain life-threatening conditions; requiring a prescription for distribution of emergency medication to schools; administration of emergency medication by school personnel, training; exempting certain persons from the practice of healing arts and civil liability if acting in good faith; amending K.S.A. 65-1680, 65-2872b and 72-6283 and repealing the existing sections, by Committee on Education.

HB 2087, AN ACT concerning administrative rules and regulations; relating to review by the director of the budget; amending K.S.A. 77-416, 77-420, 77-420a, 77-421 and 77-422 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2088, AN ACT concerning children and minors; relating to procedures in investigations of child abuse or neglect; amending K.S.A. 2020 Supp. 38-2226 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2089, AN ACT concerning firearms; relating to the personal and family protection act; authorizing the issuance of an alternative license during a declared state of disaster emergency; amending K.S.A. 75-7c03 and 75-7c05 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2090, AN ACT concerning elected officials; relating to military service; vacancy in elected office; appointment of acting official; amending K.S.A. 73-213, 73-214, 73-215, 73-218 and 73-219 and repealing the existing sections, by Committee on Elections.

HB 2091, AN ACT concerning taxation; relating to income tax; providing a refundable food sales tax credit; discontinuing the nonrefundable food sales tax credit; amending K.S.A. 79-32,271 and repealing the existing section, by Committee on Taxation.

HB 2092, AN ACT concerning the Kansas offender registration act; relating to removal of drug offenders from registration requirements; removing enhanced penalty for multiple nonpayments; amending K.S.A. 2020 Supp. 22-4902, 22-4903, 22-4905, 22-4906 and 22-4909 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2093, AN ACT concerning motor vehicles; relating to fleeing or attempting to elude a police officer; increasing penalties thereof when operating a stolen motor vehicle; relating to evidence of intent to deprive owner of property; amending K.S.A. 2020 Supp. 8-1568 and 21-5804 and repealing the existing sections, by Committee on Judiciary.

HB 2094, AN ACT establishing the wartime veteran and first responder survivors' grant program and fund; relating to the state board of regents; Kansas commission on veterans affairs office, by Committee on Appropriations.

HB 2095, AN ACT concerning the care and treatment act for mentally ill persons; relating to temporary custody orders; possession of a firearm; amending K.S.A. 59-2959 and K.S.A. 2020 Supp. 59-2966 and repealing the existing sections, by Committee on Judiciary.

HB 2096, AN ACT concerning the Kansas open records act; relating to exceptions to disclosure; public websites that identify home addresses or home ownership; restricting access to identifying information of employees of the department of corrections, local correctional officers or local detention officers, employees of the judicial branch, employees of a municipal court and administrative hearing officers; amending K.S.A.

2020 Supp. 45-221 and repealing the existing section, by Committee on Judiciary.

HB 2097, AN ACT concerning economic development; relating to the high performance incentive fund; workforce training program participation requirements; amending K.S.A. 74-50,133 and 79-32,160a and repealing the existing sections, by Representative Tarwater.

HB 2098, AN ACT concerning family law; relating to dissolution of marriage; change of name; allowing change to name other than former or maiden name; amending K.S.A. 2020 Supp. 23-2716 and repealing the existing section, by Committee on Judiciary.

HB 2099, AN ACT concerning the state board of tax appeals; hearings, permitting attendance at hearings by the use of audio or video electronic communication; amending K.S.A. 74-2433 and repealing the existing section, by Representative Rhiley.

HB 2100, AN ACT concerning roads and highways; designating a bridge on United States highway 166 as the SGT Tyler A Juden memorial bridge, by Representative Rhiley.

HB 2101, AN ACT concerning the university engineering initiative act; relating to goals; authorizing transfers from the expanded lottery act revenues fund for certain fiscal years; amending K.S.A. 74-8768 and 76-7,137 and repealing the existing sections, by Committee on Appropriations.

HB 2102, AN ACT concerning agriculture; relating to eggs; repackaging requirements for retailers; amending K.S.A. 2020 Supp. 2-2510 and repealing the existing section, by Committee on Agriculture.

HB 2103, AN ACT concerning agriculture; relating to environmental remediation; establishing the Kansas pesticide waste disposal program and the Kansas pesticide waste disposal fund; permitting annual transfers from the Kansas agricultural remediation fund to the Kansas pesticide waste disposal fund; amending K.S.A. 2-3702 and K.S.A. 2020 Supp. 2-3708 and repealing the existing sections, by Committee on Agriculture.

HB 2104, AN ACT concerning sales taxation; relating to exemptions; modifying the exemption for construction materials for educational institutions; amending K.S.A. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2105, AN ACT concerning income taxation; relating to withholding taxes; establishing withholding requirements for certain employees who work in multiple states; determination of employer penalties, by Committee on Taxation.

HB 2106, AN ACT concerning income taxation; relating to corporate tax returns; extending the dates when tax returns are required to be filed; amending K.S.A. 79-3221 and repealing the existing section, by Committee on Taxation.

HB 2107, AN ACT concerning funeral processions; relating to the regulation thereof; creating a violation for not yielding the right-of-way to funeral processions; amending K.S.A. 2020 Supp. 8-2118 and repealing the existing section; also repealing K.S.A. 2020 Supp. 8-2118c, by Representative Collins.

HOUSE CONCURRENT RESOLUTION No. **HCR 5006**—

By Committee on Judiciary

HCR 5006—A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the judiciary.

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:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 3 of the constitution of the state of Kansas is hereby revised to read as follows:

"Article 3.—JUDICIAL

"§ 1. Judicial power; seals; rules. The judicial power of this state shall be vested exclusively in one court of justice, which shall be divided into one supreme court, one court of appeals, district courts, and such other courts as are provided by law; and all courts of record shall have a seal. The supreme court shall have general administrative authority over all courts in this state.

"§ 2. Supreme court. The supreme court shall consist of not less than seven justices who shall be selected as provided by this article. All cases shall be heard with not fewer than four justices sitting and the concurrence of a majority of the justices sitting and of not fewer than four justices shall be necessary for a decision. The term of office of the justices shall be six years except as hereinafter provided. The justice who is senior in continuous term of service shall be chief justice, and in case two or more have continuously served during the same period the senior in age of these shall be chief justice. A justice may decline or resign from the office of chief justice without resigning from the court. Upon such declination or resignation, the justice who is next senior in continuous term of service shall become chief justice. During incapacity of a chief justice, the duties, powers and emoluments of the office shall devolve upon the justice who is next senior in continuous service.

"§ 3. Jurisdiction and terms. The supreme court shall have original jurisdiction in proceedings in quo warranto, mandamus, and habeas corpus; and such appellate jurisdiction as may be provided by law. It shall hold one term each year at the seat of government and such other terms at such places as may be provided by law, and its jurisdiction shall be co-extensive with the state.

"§ 4. Reporter; clerk. There shall be appointed, by the justices of the supreme court, a reporter and clerk of such court, who shall hold their offices two years, and whose duties shall be prescribed by law.

"§ 5. Selection of justices of the supreme court. (a) (1) Any vacancy occurring in the office of any justice of the supreme court, and any position to be open thereon as a result of enlargement of the court, or the retirement or failure of an incumbent to file such justice's declaration of candidacy to be retained in office as hereinafter required, or failure of a justice to be elected to be retained in office, shall be filled by appointment by the governor of one of three persons possessing the qualifications of office who shall be nominated and whose names shall be submitted to the governor by the supreme court nominating commission established as hereinafter provided.

(2) Whenever a vacancy occurs or will occur or a position opens on the supreme court, the clerk of the supreme court shall promptly give notice to the governor.

(3) In event of the failure of the governor to make the appointment within 60 days from the time the names of the nominees are submitted to the governor, the chief justice of the supreme court shall make the appointment from such nominees.

(4) Whenever a vacancy in the office of justice of the supreme court exists at the time the appointment to fill such vacancy is made pursuant to this section, the appointment shall be effective at the time it is made, but where an appointment is made pursuant to this section to fill a vacancy which will occur at a future date, such appointment shall not take effect until such date.

(b) (1) Each justice of the supreme court appointed pursuant to subsection (a) shall hold office for an initial term ending on the second Monday in January following the first general election that occurs after the expiration of 12 months in office.

(2) Not less than 60 days prior to the holding of the general election next preceding the expiration of such justice's term of office, any justice of the supreme court may file in the office of the secretary of state a declaration of candidacy for election to be retained in office. If a declaration is not so filed, the position held by such justice shall be open from the expiration of such justice's term of office. If such declaration is filed, such justice's name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows:

"Shall (Here insert name of justice.), Justice of the Supreme Court, be retained in office?"

(3) If a majority of those voting on the question vote against retaining such justice in office, the position or office which such justice holds shall be open upon the expiration of such justice's term of office; otherwise such justice shall, unless removed for cause, remain in office for the regular term of six years from the second Monday in January following such election. At the expiration of each term such justice shall, unless by law such justice is compelled to retire, be eligible for retention in office by election in the manner prescribed in this section.

(4) If a majority of those voting on the question vote against the justice's retention, the secretary of state, following the final canvass of votes on the question, shall certify the results to the clerk of the supreme court. Any such justice who has not been retained in office pursuant to this section shall not be eligible for nomination or appointment to the office of justice of the supreme court prior to the expiration of six years after the expiration of the justice's term of office.

(d) A nonpartisan nominating commission whose duty it shall be to nominate and submit to the governor the names of persons for appointment to fill vacancies in the office of any justice of the supreme court and any judge of the court of appeals is hereby established, and shall be known as the "supreme court nominating commission." The commission shall be organized as hereinafter provided.

(e) The supreme court nominating commission shall be composed as follows: One member, who shall be chairperson, chosen from among their number by the members of the bar who are residents of and licensed in Kansas;

one member from each congressional district chosen from among their number by the resident members of the bar in each such district; and one member, who is not a lawyer, from each congressional district, appointed by the governor from among the residents of each such district.

(f) The terms of office, the procedure for selection and certification of the members of the commission and provision for their compensation or expenses shall be as provided by the legislature.

(g) No member of the supreme court nominating commission shall, while a member, hold any other public office by appointment or any official position in a political party or for six months thereafter be eligible for nomination for the office of justice of the supreme court or judge of the court of appeals. The commission may act only by the concurrence of a majority of its members.

"§ 6. Court of appeals. (a) (1) The court of appeals shall consist of not less than 14 judges. Any vacancy occurring in the office of any judge of the court of appeals and any position to be open on the court of appeals as a result of enlargement of such court, or the retirement or failure of an incumbent to file such judge's declaration of candidacy to be retained in office as hereinafter required, or failure of a judge to be elected to be retained in office, shall be filled by appointment by the governor of one of three persons possessing the qualifications of office who shall be nominated and whose names shall be submitted to the governor by the supreme court nominating commission established by section 5 of this article.

(2) Whenever a vacancy occurs or will occur or a position opens on the court of appeals, the clerk of the supreme court shall promptly give notice to the governor.

(3) In event of the failure of the governor to make the appointment within 60 days from the time the names of the nominees are submitted to the governor, the chief justice of the supreme court shall make the appointment from such nominees.

(4) Whenever a vacancy in the office of judge of the court of appeals exists at the time the appointment to fill such vacancy is made pursuant to this section, the appointment shall be effective at the time it is made, but where an appointment is made pursuant to this section to fill a vacancy which will occur at a future date, such appointment shall not take effect until such date.

(b) (1) Each judge of the court of appeals appointed pursuant to subsection (a) shall hold office for an initial term ending on the second Monday in January following the first general election that occurs after the expiration of 12 months in office.

(2) Not less than 60 days prior to the holding of the general election next preceding the expiration of such judge's term of office, any judge of the court of appeals may file in the office of the secretary of state a declaration of candidacy for election to be retained in office. If a declaration is not so filed, the position held by such judge shall be open from the expiration of such judge's term of office. If such declaration is filed, such judge's name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows:

"Shall (Here insert name of judge.), Judge of the Court of Appeals, be retained in office?"

(3) If a majority of those voting on the question vote against retaining such judge in office, the position or office which such judge holds shall be open upon the expiration of such judge's term of office; otherwise such judge shall, unless removed for cause, remain in office for the regular term of four years from the second Monday in January following such election. At the expiration of each term such judge shall, unless by law such judge is compelled to retire, be eligible for retention in office by election in the manner prescribed in this section.

(4) If a majority of those voting on the question vote against the judge's retention, the secretary of state, following the final canvass of votes on the question, shall certify the results to the clerk of the supreme court. Any such judge who has not been retained in office pursuant to this section shall not be eligible for nomination or appointment to the office of judge of the court of appeals prior to the expiration of four years after the expiration of the judge's term of office.

(c) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.

"§ 7. District courts. (a) The state shall be divided into judicial districts as provided by law. Each judicial district shall have at least one district judge. The term of office of each judge of the district court shall be four years. District court shall be held at such times and places as may be provided by law. The district judges shall be elected by the electors of the respective judicial districts unless the electors of a judicial district have adopted and not subsequently rejected a method of nonpartisan selection. The legislature shall provide a method of nonpartisan selection of district judges and for the manner of submission and resubmission thereof to the electors of a judicial district. A nonpartisan method of selection of district judges may be adopted, and once adopted may be rejected, only by a majority of electors of a judicial district voting on the question at an election in which the proposition is submitted. Whenever a vacancy occurs in the office of district judge, it shall be filled by appointment by the governor until the next general election that occurs more than 30 days after such vacancy, or as may be provided by such nonpartisan method of selection.

(b) The district courts shall have such jurisdiction in their respective districts as may be provided by law.

(c) The legislature shall provide for clerks of the district courts.

(d) Provision may be made by law for judges pro tem of the district court.

(e) The supreme court or any justice thereof shall have the power to assign judges of district courts temporarily to other districts.

(f) The supreme court may assign a district judge to serve temporarily on the supreme court.

(g) The supreme court or the court of appeals may assign a district judge to serve temporarily on the court of appeals.

"§ 8. Qualifications of justices and judges. Justices of the supreme

court, judges of the court of appeals and judges of the district courts shall be at least 30 years of age and shall be duly authorized by the supreme court of Kansas to practice law in the courts of this state and shall possess such other qualifications as may be prescribed by law.

"§ 9. Prohibition of political activity by justices and certain judges. No justice of the supreme court who is appointed or retained under the procedure of section 5 of this article, nor any judge of the court of appeals who is appointed or retained under the procedure of section 6 of this article, nor any judge of the district court holding office under a nonpartisan method authorized in subsection (a) of section 7 of this article, shall directly or indirectly make any contribution to or hold any office in a political party or organization or take part in any political campaign.

"§ 10. Extension of terms until successor qualified. All judicial officers shall hold their offices until their successors shall have qualified.

"§ 11. Compensation of justices and judges; certain limitation. The justices of the supreme court, judges of the court of appeals and judges of the district courts shall receive for their services such compensation as may be provided by law, which shall not be diminished during their terms of office, unless by general law applicable to all salaried officers of the state. Such justices or judges shall receive no fees or perquisites nor hold any other office of profit or trust under the authority of the state, or the United States, except as may be provided by law, or practice law during their continuance in office.

"§ 12. Removal of justices and judges. Justices of the supreme court may be removed from office by impeachment and conviction as prescribed in article 2 of this constitution. In addition to removal by impeachment and conviction, justices may be retired after appropriate hearing, upon certification to the governor, by the supreme court that such justice is so incapacitated as to be unable to perform adequately such justice's duties. Other judges shall be subject to retirement for incapacity, and to discipline, suspension and removal for cause by the supreme court after appropriate hearing.

"§ 13. Savings clause. Nothing contained in this amendment to the constitution shall: (a) Shorten the term of office or abolish the office of any justice of the supreme court, any judge of the court of appeals, any judge of the district court, or any other judge of any other court who is holding office at the time this amendment becomes effective, or who is holding office at the time of adoption, rejection, or resubmission of a nonpartisan method of selection of district judges as provided in subsection (a) of section 7 of this article, and all such justices and judges shall hold their respective offices for the terms for which elected or appointed unless sooner removed in the manner provided by law; or (b) repeal any statute of this state relating to the supreme court, the supreme court nominating commission, the court of appeals, district courts, or any other court, or relating to the justices or judges of such courts, and such statutes shall remain in force and effect until amended or repealed by the legislature.

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to place the law concerning the court of appeals into the constitution and change the nomination and appointment process for judges of the court of appeals. This amendment would continue in effect the current provisions of Article 3 of the Kansas Constitution, including the provisions requiring the supreme court nominating commission to nominate and submit to the governor the names of three persons for appointment to fill any vacancy in the office of any justice of the supreme court and requiring the governor to appoint one of such persons. This amendment would change the nomination and appointment process for the office of judge of the court of appeals by requiring the supreme court nominating commission to nominate and submit to the governor the names of three persons for appointment to fill any vacancy in the office of any judge of the court of appeals and requiring the governor to appoint one of such persons.

"A vote for this proposition would place the law concerning the court of appeals into the constitution. The supreme court nominating commission would nominate and submit to the governor the names of three persons for appointment to fill any vacancy in the office of any judge of the court of appeals and the governor would appoint one of such persons. The supreme court nominating commission would continue to nominate and submit to the governor the names of three persons for appointment to fill any vacancy in the office of any justice of the supreme court and the governor would appoint one of such persons.

"A vote against this proposition would leave the law concerning the court of appeals in the Kansas statutes and continue in effect the current nomination and appointment process in which judges of the court of appeals are appointed by the governor, with the consent of the senate. The supreme court nominating commission would continue to nominate and submit to the governor the names of three persons for appointment to fill any vacancy in the office of any justice of the supreme court and the governor would appoint one of such persons."

Sec. 3. This resolution, if approved by 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 shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **HB 2081, HB 2083, HB 2084.**

Judiciary: **HB 2078, HB 2079, HB 2080, HB 2082.**

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 14** be passed.

Committee report to **HR 6004** be adopted.

Also, on motion of Rep. Rhiley to amend, the motion did not prevail.

Also, on motion of Rep. B.Carpenter, **HR 6004** be amended on page 36, in line 5, after the period by inserting "The Majority Whip may send electronic communications to all members of the majority party regarding relevant information on matters under consideration on the House floor. The Minority Whip may send electronic communications to all members of the minority party regarding relevant information on matters under consideration on the House floor. Any such electronic communications sent by the Majority Whip or Minority Whip shall not have an interactive communication function for caucus members to communicate with each other at once, including, but not limited to, a chat room or text messaging. If a caucus member responds to any such communication, no other caucus member shall receive such communication other than the Majority Whip or Minority Whip."

Also, on motion of Rep. Probst to amend, the motion did not prevail.

Also, roll call was demanded on handwritten motion of Rep. Parker to amend **HR 6004**, as amended by House Committee, on page 5, following line 36, by inserting:

"Rule 508. Masks. Every member shall wear a mask over their mouth and nose while present in the chamber.";

On page 12, in line 43, after the period by inserting "Every member shall wear a mask over their mouth and nose during committee meetings while the member is physically present."

On roll call the vote was was: Yeas 46; Nays 75; Present but not voting: 1; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Baker, Ballard, Bishop, Burroughs, Byers, Carlin, Carmichael, Clayton, Coleman, Concannon, Curtis, Day, Eplee, Featherston, Finney, Gartner, Haswood, Helgerson, Henderson, Highberger, Hoyer, Jennings, Kuether, Miller, Neighbor, Ohaebosim, Ousley, Parker, Poskin, Probst, Ralph, Ruiz, L., Ruiz, S., Samsel, Sawyer, Schreiber, Smith, C., Stogsdill, Vaughn, Victors, Winn, Wolfe Moore, Woodward, Xu.

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

Present: Thompson.

Absent or not voting: Ellis, Kessler, Weigel.

The motion did not prevail.

Also, on motion of Rep. Ousley to amend, the motion did not prevail and the resolution be adopted as amended.

Committee report to **HCR 5001** be adopted; and the House Concurrent Resolution be adopted as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Hawkins pursuant to House Rule 2311, **SB 14, HR 6004** and **HCR 5001** were advanced to Final Action on Bills and Concurrent Resolutions.

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, Carpenter, B., Carpenter, W., Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, Donohoe, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, Johnson, S., Johnson, T., Kelly, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, Parker, Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Wheeler, Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: none.

Absent or not voting: Ellis, Kessler, Weigel.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HR 6004, A RESOLUTION adopting permanent rules of the House of Representatives for the 2021-2022 biennium, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 12; 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, Byers, Carlin, Carlson, Carmichael, B. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Eplee, Esau, Estes, Featherston, Finch, Finney, Francis, French, Gartner, Haswood, Hawkins, Henderson, Highberger, Highland, Hoffman, Hoheisel, Howard, Howe, Hoyer, Huebert, Humphries, Jennings, S. Johnson, T. Johnson, Kelly, Kuether, Landwehr, Long, Lynn, Mason, Miller, Minnix, Moser, 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, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E.,

Stogsdill, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Burroughs, W. Carpenter, Fairchild, Garber, Helgerson, Helmer, Houser, Jacobs, Lee-Hahn, Murphy, Rhiley, Sutton.

Present but not voting: None.

Absent or not voting: Ellis, Kessler, Weigel.

The resolution was adopted, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HR 6004**. As a newly elected representative, I'm disappointed that my constituents can't be fairly heard in the house they paid for, the people's house. I'm disappointed that the public has no access to observe the proceedings on the house floor. The first amendment states that the people have the right to petition the government for a redress of grievances and observe the process to hold their representatives accountable, and I believe that needs to apply even during a pandemic. - TATUM LEE-HAHN, BRETT FAIRCHILD, MICHAEL MURPHY, MICHAEL HOUSER, BILL RHILEY.

HCR 5001, A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2021-2022 biennium, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 5; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Byers, Carlson, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoyer, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, 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, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Bishop, Burroughs, Carlin, Carmichael, Helgerson.

Present but not voting: None.

Absent or not voting: Ellis, Kessler, Weigel.

The resolution was adopted, as amended.

SB 14, AN ACT concerning governmental response to the COVID-19 pandemic in Kansas; providing certain relief related to health, welfare, property and economic security during this public health emergency; relating to the state of disaster emergency; powers of the governor and executive officers; providing certain limitations and restrictions; authorizing the temporary sale of alcoholic liquor for consumption off of certain licensed premises; authorizing the expanded use of telemedicine in response to

the COVID-19 public health emergency and imposing requirements related thereto; suspending certain requirements related to medical care facilities and expiring such provisions; providing for temporary suspension of certain healthcare professional licensing and practice requirements; delegation and supervision requirements; conditions of licensure and renewal and reinstatement of licensure; relating to limitations on business liability associated with the COVID-19 public health emergency; amending K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas and 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas, as amended by section 4 of this act, and K.S.A. 2020 Supp. 41-2653, 48-924, 48-924b, 48-925a, 48-963, 48-965, 48-966 and 60-5504 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Day, Delperdang, Dodson, M., Donohoe, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Howe, Hoye, Huebert, Humphries, Jacobs, Jennings, S. Johnson, T. Johnson, Kelly, 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, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Bishop, Burroughs, French.

Present but not voting: None.

Absent or not voting: Ellis, Kessler, Weigel.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HCR 5003** be 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 bills were introduced and read by title:

HB 2108, AN ACT concerning the department of health and environment; relating to the study and investigation of maternal deaths in the state of Kansas; amending K.S.A. 65-177 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2109, AN ACT concerning the board of indigents' defense services; relating to appointments to the board; increasing population threshold of a county required to have a lawyer member; increasing number of lawyer members; decreasing number of non-lawyer members; amending K.S.A. 22-4519 and repealing the existing section, by

Committee on Judiciary.

HB 2110, AN ACT concerning insurance; relating to the state employees health care commission; mandating coverage for pediatric acute-onset neuropsychiatric syndrome (PANS) and pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS); requiring submission of an impact report to the legislature, by Committee on Insurance and Pensions.

HB 2111, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; affiliation and membership of certain security officers of the department of corrections in the Kansas police and firemen's retirement system; providing for employee and employer contributions, by Committee on Insurance and Pensions.

HB 2112, AN ACT concerning self-storage rental units; relating to sales by operators of property due to abandonment or nonpayment of rent; occupant's designation of alternate contact; contractual value of property; amending K.S.A. 58-816 and K.S.A. 2020 Supp. 58-817 and repealing the existing sections, by Representative Tarwater.

CHANGE OF REFERENCE

Speaker Ryckman announced the withdrawal of **HB 2025** from Committee on Agriculture and referred to Committee on Federal and State Affairs.

On motion of Rep. Hawkins, the House recessed until 4:30 p.m.

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

REPORT ON ENROLLED RESOLUTIONS

HR 6001, HR 6002, HR 6003 reported correctly enrolled and properly signed on January 21, 2021.

On motion of Rep. Hoffman, the House adjourned until 8:30 a.m., Friday, January 22, 2021.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

