

Journal of the House

TWENTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 14, 2023, 11:00 a.m.

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

The roll was called with 124 members present.
Rep. Martinez was excused on verified illness.

Prayer by guest chaplain, Rev. Lillian Flegle, Pastor, Morganville-Ebenezer United Methodist Churches, Morganville and Clay Center, and guest of Representative Blew:

Let us bow our heads in humble prayer for our leaders, their staff,
constituents and families who support them.

We give thanks, Lord, for all who have followed their calling into
leadership. May your Spirit be the voice of wisdom as our leaders
work toward one common goal... representing those who placed
their vote of confidence in them.

We thank you for the support staff. May they know the importance
of their contributions to their leaders and people they serve. Give
them the strength and energy to fulfill their responsibilities.

Dear Father in Heaven, we thank you for family support; their
patience; understanding; and most importantly, their gracious love
for their husbands and wives who serve the people.

We're blessed to live in a democracy where we can work
respectfully across party lines. As it is written in Galatians 5:22-23,
may our leaders share the Spirit of love, patience, kindness &
forbearance; with the ultimate goal of peace upon completing the
legislative work that benefits our people and the economy.

We thank you, Almighty Creator, that our leaders bravely and
boldly represent, with the discerning Spirit of the Lord, the people,
be they rich or poor, so all may have a blessed quality of life. Amen

The Pledge of Allegiance was led by Rep. Winn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2412, AN ACT concerning the personal and family protection act; removing state agency fees for licenses to carry concealed handguns; amending K.S.A. 2022 Supp. 75-7c05 and 75-7c08 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2413, AN ACT concerning firearms; requiring safe storage of firearms; establishing criminal penalties for violations, by Committee on Federal and State Affairs.

HOUSE CONCURRENT RESOLUTION No. HCR 5011—

By Representatives Garber, Awerkamp, Blex, Bryce, Corbet, Droge, Ellis, Fairchild, Goddard, Goetz, Hill, Jacobs, Murphy, Poetter Parshall, Rhiley, Roth, Sanders, Seiwert, A. Smith and Sutton

A PROPOSITION to amend section 1 of the bill of rights of the constitution of the state of Kansas; relating to the right to abortion.

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: Section 1 of the bill of rights of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 1. Equal rights. All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness. *Nothing in this section or any other provision of this constitution protects or secures a natural right to abortion.*"

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 clarify that the equal and inalienable natural rights protected under the constitution of the state of Kansas do not include the right to an abortion.

"A vote for this proposition would amend the constitution of the state of Kansas to state there is no natural right to abortion.

"A vote against this proposition would make no change to the constitution of the state of Kansas regarding protected natural rights."

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 2024, 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:

Insurance: **SB 25**.

Taxation: **HB 2410, HB 2411**.

CHANGE OF REFERENCE

Speaker pro tem Carpenter announced the withdrawal of **HB 2123** from Committee on Commerce, Labor and Economic Development and referral to Committee on Appropriations.

On motion of Rep. Croft, the House resolved into the Committee of the Whole, with Rep. Humphries in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2027, HB 2214** be passed.

Committee report to **HB 2125** be adopted.

Also, on motion of Rep. Jacobs, **HB 2125** be amended on page 4, following line 12, by inserting:

"Sec. 5. K.S.A. 65-1946 is hereby amended to read as follows: 65-1946. Licensed practicing tattoo artists, cosmetic tattoo artists and body piercers shall meet the following standards and any others the board may adopt by rules and regulations:

(a) Tattoo artists, cosmetic tattoo artists and body piercers, and their establishments shall comply with all applicable sanitation standards adopted by the secretary pursuant to K.S.A. 65-1,148, and amendments thereto;

(b) practicing tattoo artists, cosmetic tattoo artists and body piercers shall be equipped with appropriate sterilizing equipment, with availability of hot and cold running water and a covered waste receptacle; and

(c) case history cards shall be kept for each client for a period of ~~five~~ three years."; Also on page 4, in line 13, by striking "is" and inserting "and 65-1946 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 8, after the semicolon by inserting "requiring tattoo artists, cosmetic tattoo artists and body piercers to keep case history cards for three years instead of five years;"; also in line 8, after "65-1941" by inserting "and 65-1946"; in line 9, by striking "section" and inserting "sections" and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2253** be amended on page 1, in line 6, before "Section" by inserting "New"; in line 8, before "Sec." by inserting "New"; in line 33, before "Sec." by inserting "New";

On page 2, in line 1, after "veteran" by inserting ", surviving spouse of a deceased disabled veteran or spouse or surviving spouse of a prisoner of war"; in line 20, by striking "or"; in line 22, after "counselor" by inserting ";

(5) United States department of veterans affairs benefits summary letter or form 2055 statement from the benefit payment record, indicating a service-connected disability; or

(6) military service physical evaluation board decision document, as provided by 10 U.S.C. 1222(a), with a finding of unfit for duty";

On page 3, following line 6, by inserting:

"Sec. 4. K.S.A. 73-201 is hereby amended to read as follows: 73-201. (a) As used in this act: (1) "Veteran" means:

(A) Any person who entered the armed forces before October 15, 1976, and separated from the armed forces under honorable conditions, if such person served: (i) On active duty during any war (the official dates for war service are April 6, 1917 through July 2, 1921, and December 7, 1941 through April 28, 1952); (ii) during the period April 28, 1952 through July 1, 1955; (iii) in any campaign or expedition for which a campaign badge or service medal has been authorized; or (iv) for more than 180 consecutive days since January 31, 1955, but before October 15, 1976, excluding an initial period of active duty for training under the "six-month" reserve or national guard program;

(B) any person who entered the armed forces on or after October 15, 1976, and separated from the armed forces under honorable conditions, if such person was awarded a service medal or campaign badge;

(C) any person who separated from the armed forces under honorable conditions and has a disability certified by the United States department of veterans affairs as being service connected, has been issued the purple heart by the United States government or has been released from active service with a service-connected disability;

(D) the spouse of a veteran who has a ~~100%~~ service connected disability of 30% or greater as determined by the United States department of veteran affairs;

(E) ~~the unmarried surviving spouse, whether remarried or not remarried,~~ of a veteran who died while, and as a result of, serving in armed forces; and

(F) the spouse or, whether remarried or not remarried, the surviving spouse of a prisoner of war, as defined by K.S.A. 75-4364, and amendments thereto.

Notwithstanding the foregoing, the term "veteran" shall not apply to any person who retired from the active military with the pay grade of 04 or above unless the person retired due to wounds received in combat or is a disabled veteran.

(2) "Competent" means a good faith determination that the person is likely to successfully meet the performance standards of the position based on what a reasonable person knowledgeable in the operation of the position would conclude from all information available at the time the decision is made. The basis for such determination shall include experience, training, education, licensure, certification and/or other factors determined by the decision making authority as appropriate to determine the applicant's overall qualification and ability to successfully meet the performance standards of the position. The decision making authority shall document such factors prior to the initiation of the selection process.

(3) "Disabled veteran" means a person who has served on active duty in the armed forces, has been separated therefrom under honorable conditions, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the department of veterans affairs or a military department.

(b) In grateful recognition of the services, sacrifices and sufferings of veterans who served in the army, navy, air force, coast guard or marine corps of the United States in world war I and world war II, and of persons who have served with the armed forces of the United States during the military, naval and air operations in Korea, Viet Nam, Iraq, Afghanistan or other places under the flags of the United States and the United Nations or under the flag of the United States alone, and have been honorably discharged therefrom, the provisions of this section are enacted.

(c) Veterans shall be preferred for initial employment and first promotion in the state government of Kansas, and in the counties and cities of this state, if competent to perform such services. Any veteran thus preferred shall not be disqualified from holding any position in such service on account of the veteran's age or by reason of any physical or mental disability as long as such age or disability does not render the veteran incompetent to perform the duties of the position applied for. When any veteran shall apply for appointment to any such position, place, or employment, the officer, board or person whose duty it is or may be to appoint a person to fill such place shall, if the applicant be a veteran of good reputation, and can competently perform the duties of the position applied for by the veteran, consider the veteran for appointment to such position, place, or employment. Within 30 days of filling a position, eligible veterans who have applied and are not hired shall be notified by certified mail or personal service that they are not being hired. Such notice also shall advise the veteran of any administrative appeal available.

(d) The provisions of this act shall not be applicable to any persons classed as conscientious objectors. The provisions of this act shall not be controlling over the provisions of any statute, county resolution or city ordinance relating to retirement, or termination on the basis of age, of employees of the state or any county or city. Whenever under any statute, county resolution or city ordinance retirement, or termination on the basis of age, of any employee is required at a certain age, or is optional with the employer at a certain age, such provisions of such statute, resolution or ordinance shall be controlling and shall not be limited by this section.

(e) All notices of job openings, if any, and all applications for employment, if any, by the state and any city or county in this state shall state that the job is subject to a veteran's preference, how the preference works and how veterans may take advantage of the preference and post a written statement of: (1) The qualifications for such position; (2) any preferred qualifications of such position; (3) performance standards for the position; and (4) the process that will be used for selection. A veteran, or a spouse who qualifies for the veteran's preference, desiring to use a veteran's preference shall provide the hiring authority with a copy of the veteran's DD214 form or the DD214 form of the veteran under which the spouse qualifies for the preference.

(f) Every employment center of the state and any city or county human resources department, if any, shall openly display documents that indicate that veterans are eligible for a preference in their initial employment and any first promotion within the employment of the governmental entity.

(g) Any veteran who alleges that a state agency, city or county has not provided the veterans preference as required by this act, after exhausting any available administrative remedy, may bring an action in the district court.

Sec. 5. K.S.A. 73-201 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; in line 2, by striking all before "hiring"; also in line 2, after "preferences" by inserting "for state employment"; in line 3, after "disability" by inserting "; expanding the veterans preference to include remarried spouses of a deceased veteran who died while, and as a result of, serving in the armed forces and to include surviving spouses, whether remarried or not remarried of a prisoner of war; amending K.S.A. 73-201 and repealing the existing section"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2291** be amended on page 1, in line 9, by striking "48-201" and inserting "41-102"; in line 10, by striking "48-308b" and inserting "41-308b"; in line 11, after "dogs" by inserting "in outside and inside areas"; in line 12, by striking "(b)" and inserting "(c)"; following line 12, by inserting:

"(b) Notwithstanding any other provisions of state law, a food establishment, as defined in K.S.A. 2022 Supp. 65-656, and amendments thereto, that is not a microbrewery as defined in K.S.A. 41-102, and amendments thereto, may allow live dogs in outside areas on the premises, if the conditions as specified in subsection (c) are met.";

Also on page 1, in line 13, by striking all after "met"; in line 14, by striking all before "by"; also in line 14, by striking all after "establishment"; in line 15, by striking all before "for"; in line 16, by striking "pursuant to this section" and inserting "as permitted by subsections (a) and (b)"; in line 29, after "(3)" by inserting "with respect to a food establishment that is a microbrewery, as provided by subsection (a).";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 1, in the title, in line 1, by striking "that are microbreweries"; in line 2, by striking "such"; also in line 2, after "dogs" by inserting "in outside areas"; also in line 2, after "premises" by inserting "and food establishments that are microbreweries to allow dogs in outside and inside areas on the premises"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2264** be amended on page 1, in line 27, after "from" by inserting "any person designated by the patient, if the patient has the capacity to make such designation, or any person designated by the patient's agent for healthcare decisions established by a durable power of attorney for healthcare decisions pursuant to K.S.A 58-625 et seq., and amendments thereto, if the patient does not have such capacity. Such visitor may include, but shall not be limited to"; in line 28, after "member" by inserting ", domestic partner or significant other";

On page 2, in line 1, after "(d)" by inserting "A patient may refuse in-person visitation or revoke previously granted in-person visitation from any person at any time. (e)";

Also on page 2, also in line 1, by striking "shall" and inserting "may"; in line 2, by striking "that shall include" and inserting ", including"; also in line 2, by striking "be"; in line 23, by striking "medical" and inserting "patient"; in line 38, by striking "or"; in line 41, after "behavior" by inserting "; or

(6) notwithstanding subsection (g), require a visitor to adhere to infection control procedures, including wearing personal protective equipment";

On page 3, following line 2, by inserting:

"(j) A patient care facility shall be immune from civil liability for damages for acts taken in compliance with this section unless such act constitutes gross negligence or willful, wanton or reckless conduct.

(k) Nothing in this section shall be construed to:

(1) Supersede any federal law, rules, regulations or guidance regarding patient care facilities; or

(2) prohibit a patient care facility from taking actions necessary to ensure that such patient care facility remains eligible for federal financial participation, federal funds or participation in federal programs and for reimbursement for services provided in such patient care facility.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 1, in the title, in line 4, by striking "requiring" and inserting "authorizing"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2089**, **HB 2090**, **HB 2284**, **HB 2285** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Local Government** recommends **HB 2082** be passed.

Committee on **Local Government** recommends **HB 2092** be amended on page 3, in line 1, by striking all after "districts"; in line 2, by striking "three" and inserting "two, three and four"; in line 3, by striking "four" and inserting "one"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2106** be passed.

Committee on **Transportation** recommends **HB 2267** be amended on page 2, in line 39, by striking all after "prevent"; in line 40, by striking all before "from" and inserting "a qualified facility"; in line 41, by striking all after "such"; in line 42, by striking "home" and inserting "qualified facility"; also in line 42, by striking "adult"; in line 43, by striking all before "is" and inserting "qualified facility";

On page 3, following line 1, by inserting:

"(i) For purposes of this section, a "qualified facility" means:

(1) An adult care home, as defined in K.S.A. 39-923, and amendments thereto;

(2) a center approved by the centers for medicare and medicaid services as a program for all-inclusive care for the elderly (PACE) under 42 C.F.R. § 460 et seq. that provides services only to PACE participants; or

(3) any other licensed facility that provides transportation services for the elderly or persons with a disability.";

Also on page 3, in line 4, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 2, by striking all before "to" and inserting "a qualified facility"; and the bill be passed as amended.

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 2414, AN ACT concerning postsecondary education; relating to the university

engineering initiative act; expanding the act to include certain private postsecondary educational institutions; amending K.S.A. 76-7,138, 76-7,140, 76-7,141, 76-7,142 and 76-7,143 and K.S.A. 2022 Supp. 76-7,137 and 76-7,139 and repealing the existing sections, by Committee on Appropriations.

HB 2415, AN ACT concerning health and healthcare; establishing the KanCare bridge to a healthy Kansas program; relating to medical assistance; expanding income limits for eligibility to 138% of the federal poverty level, by Committee on Appropriations.

HB 2416, AN ACT concerning taxation; relating to sales and compensating use tax; providing for a sales tax exemption for area agencies on aging; amending K.S.A. 2022 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Carpenter announced the appointment of Rep. Blake Carpenter to replace Rep. Maughn on Committee on Corrections and Juvenile Justice for February 15, 2023.

Also, the appointment of Rep. Meyer to replace Rep. Susan Ruiz on Committee on Health and Human Services for February 15, 2023.

Also, the appointment of Rep. Neighbor to replace Rep. Probst on Committee on Commerce, Labor and Economic Development for February 16, 2023.

Also, the appointment of Rep. Silas Miller to replace Rep. Probst on Committee on Agriculture and Natural Resources for February 16, 2023.

Also, the appointment of Rep. Osman to replace Rep. Poskin on Committee on Veterans and Military Affairs for February 16, 2023.

Also, the appointment of Rep. Vic Miller to replace Rep. Oropeza on Committee on Elections for February 16, 2023.

REPORT ON ENROLLED RESOLUTIONS

HR 6009, HR 6010 reported correctly enrolled and properly signed on February 14, 2023.

On motion of Rep. Croft, the House adjourned until 11:00 a.m., Wednesday, February 15, 2023.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

