

Journal of the House

THIRTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 5, 2020, 11:00 a.m.

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

The roll was called with 115 members present.

Reps. Benson, Kuether and Mason were excused on verified illness.

Rep. B. Carpenter was excused on legislative business.

Reps. Alcalá, Bishop, Fownfelter, Pittman, Thimesch and Wolfe Moore were excused on excused absence by the Speaker.

Prayer by guest chaplain, Dr. Kent Duncan, Pastor, Jefferson Assembly of God, Meriden, and guest of Rep. Ellis:

Heavenly Father...

We begin this day with thanksgiving. We agree with your word – “This is the day the Lord has made. We will rejoice and be glad in it.” And so...

We declare our gratitude – for the breath of life that fills our lungs... the strength you give these sometimes frail bodies ... the purposeful calling that marks our days. Thank you for filling our days with purpose ... and for graciously granting us the capacity to do those things you've called us to do.

We are aware of the responsibilities our callings bring. So, today, we humbly ask for wisdom. We acknowledge that, in ourselves, we are not enough to accomplish the tasks at hand. The challenges are too complex ... the differences between us too great.

But we are aware, as well, that you have promised – your word will be “a lamp unto our feet, a light unto our path” ... and we are reminded that you have shown us what is required of us – to “do justly, and to love mercy, and to walk humbly before our God.”

So we submit ourselves to you ... and to the tasks you've given us ... asking that by your power – on us, in us, and through us – your compassionate and purposeful plan would be accomplished – that your kingdom would come, your will would be done – on earth as it is in heaven.

And as your purpose is accomplished in us today, may you receive the praise ... for yours is the Kingdom, and the power, and the glory forever, Amen.

The Pledge of Allegiance was led by Rep. Karleskint.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2733, AN ACT concerning firearms; relinquishment thereof pursuant to certain court orders; criminal penalties; amending K.S.A. 2019 Supp. 22-3426, 60-3107 and 60-31a06 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were referred to committees as indicated:

Agriculture: **SB 152, SB 153, SB 307, SB 308, SB 345, SCR 1614.**
 Commerce, Labor and Economic Development: **SB 42, SB 251, SB 424.**
 Corrections and Juvenile Justice: **SB 358.**
 Education: **SB 230, SB 271, SB 284, SB 335, SB 337, SB 354, SB 381, SB 384.**
 Elections: **SB 256.**
 Energy, Utilities and Telecommunications: **SB 126, SB 339, SB 380.**
 Federal and State Affairs: **HB 2732, SB 221, SB 254, SB 283.**
 Financial Institutions and Pensions: **SB 289.**
 Insurance: **SB 290, SB 292, SB 402.**
 Judiciary: **SB 253, SB 293, SB 319, SB 331, SB 334, SB 355, SB 371, SB 373, SB 404, SB 405, SB 420, SB 427.**
 K-12 Education Budget: **SB 382.**
 Taxation: **SB 262, SB 264, SB 265, SB 266, SB 272, SB 294, SB 295, SB 297.**
 Transportation: **SB 267, SB 275, SB 374, SB 377, SB 383, SB 390.**

CHANGE OF REFERENCE

Speaker pro tem Finch announced the withdrawal of **HB 2437** from Committee on Appropriations and rereferral to Committee on Agriculture.

Also, the withdrawal of **SB 285, SB 286, SB 287** from Committee on Appropriations and referral to Committee on Agriculture.

COMMUNICATIONS FROM STATE OFFICERS

From Delia Garcia, Secretary, Kansas Department of Labor, 2019 Annual Report.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Schreiber, **HR 6039**, by Reps. Schreiber, Amyx, Ballard, Capps, Claeys, Clark, Clayton, Collins, Cox, Croft, Dietrich, Ellis, Esau, Finney, French, Garber, Gartner, Highberger, Hoheisel, Howard, Jacobs, Jennings, Karleskint, Kessinger, Kuether, Long, Mastroni, Murnan, Ohaebosim, Ousley, Pittman, Resman, Rhiley, Samsel, Sawyer, Smith, Smith, Stogsdill, Straub, Tarwater, Thompson, Victors, Waggoner, Ward, Warfield, Wasinger, Waymaster, Weigel, Woodard, Xu and Yeager, as follows, was introduced and adopted:

HR 6039—A RESOLUTION recognizing the Kansas Small Business Development Center's 2020 Business of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (SBDC), an accredited member of the national organization, America's SBDC, is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting, training and the identification of appropriate resources; and

WHEREAS, The Kansas SBDC regional directors and staff selected eight Emerging Business of the Year award recipients, eight Existing Business of the Year award recipients and two Exporting Business of the Year award recipients; and

WHEREAS, The Kansas SBDC's Business of the Year awards are designed to recognize Kansas SBDC clients for superior performance; and

WHEREAS, Business of the Year award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and positive economic impact, which is based on a record of profitability and the Kansas SBDC Economic Impact Tracking spreadsheet, and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2020 Kansas SBDC Emerging Businesses of the Year are: EMP Shield in Burlington, Kansas, owned by Timothy Carty and Peter Keegan; Mind Sculpt Games, LLC, in Great Bend, Kansas, owned by Darcy Leech and Daniel Leech; LC BioPlastics, LLC, in Prairie Village, Kansas, owned by Paul Black; Julie Bear Don't Walk Acupuncture & Integrative Health in Lawrence, Kansas, owned by Julie Bear Don't Walk; Smallville CrossFit in Fort Scott, Kansas, owned by Lindsey and Aaron Watts; The Red Rock Experience & Venue in Ulysses, Kansas, owned by Tammy Lane-Reese; Ember Technology, LLC, in Wichita, Kansas, owned by Jonathan Sanchez and Tariq Azmi; and Anneal Initiative, Inc., in Topeka, Kansas, owned by Amy Billinger, Jeremy Jackson and Jennie Jackson; and

WHEREAS, The 2020 Kansas SBDC Existing Businesses of the Year are: The Sweet Granada in Emporia, Kansas, owned by Kim Redeker; Paisley Pear Wine Bar, Bistro & Market in Hays, Kansas, owned by Shaun and Heather Musil; Blue Valley Physical Therapy in Overland Park, Kansas, owned by Ann Todd-Cooper and Ryan Klusman; Young Sign Co., in Leavenworth, Kansas, owned by Ann and John Hoins; ADI, Inc., in Chanute, Kansas, owned by Merrill and Wendy Cunningham; Dodge City Brewing Company, LLC, in Dodge City, Kansas, owned by Larry and Sheri Cook; Connie's Mexico Café in Wichita, Kansas, owned by Carmen Rosales, Adele Jordan, Carla Rosales-Banuelos and Carmen Renteria; and The Marie Antoinette Gluten Free Baking Co., in Wathena, Kansas, owned by Rani Navarro-Force and Shawn Force; and

WHEREAS, The 2020 Kansas SBDC Exporting Businesses of the Year are: SkuTouch Solutions, LLC, in Lenexa, Kansas, owned by Doug Obershaw and Terry Obershaw; and Progressive Products, Inc., in Pittsburg, Kansas, owned by Todd Allison; and

WHEREAS, The Kansas SBDC Businesses of the Year serve as examples of the success that the Kansas SBDC and small business owners across Kansas can achieve: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize the Kansas Small Business Development Center's 2020 Emerging, Existing and Exporting Businesses of the Year and wish the Kansas SBDC and America's SBDC continued success in the future; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send 19 enrolled copies of this resolution to Representative Schreiber.

INTRODUCTION OF GUESTS

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

It is an honor to present the 2020 winners of the Kansas Small Business Development Center existing, emerging and exporting businesses of the year.

The Kansas Small Business Development Centers (KSBDCs) work with small businesses, start-ups and entrepreneurs to help them compete in today's highly competitive global economy. Eight regional centers and two outreach centers combine the resources of a professional staff, the state's best educational institutions, the private sector and government.

The mission of these centers is to help new entrepreneurs realize the dream of business ownership, and to assist existing businesses to remain competitive in the complex marketplace of a global economy.

Small business owners and aspiring entrepreneurs can go to their local center for free face-to-face business consulting and at-cost training, on topics including:

- Writing business plans
- Accessing capital
- Marketing
- Regulatory compliance
- Technology development
- International trade

They can also meet with people on the phone, or online no matter where they are located in the state.

In 2018, the impact of the Kansas SBDCs was:

- 3,834 jobs created/retained
- \$183.3M new business sales
- \$78.3M new business capital

The awards ceremony for this year's winners will be from 4 – 6 pm in the 2nd floor Rotunda. The businesses being recognized today are:

2020 Kansas SBDC Emerging Businesses of the Year are:

- EMP Shield in Burlington, Timothy Carty, owner, Peter Keegan, General Manager
- Mind Sculpt Games, LLC in Great Bend, Darcy and Daniel Leech, owner
- LC BioPlastics, LLC in Prairie Village, Paul Black, Owner
- Julie Bear Don't Walk Acupuncture & Integrative Health in Lawrence, Julie Bear Don't Walk, Owner
- Smallville CrossFit in Fort Scott, Lindsay and Aaron Watts, Owners
- The Red Rock Experience & Venue in Ulysses, Tammy Lane-Reese, Owner
- Ember Technology, LLC in Wichita, Jonathan Sanchez and Tariq Azmi, Owners
- Anneal Initiative, Inc. in Topeka, Amy Billinger, Jeremy Jackson and Jennie Jackson, Owners

2020 Kansas SBDC Existing Businesses of the Year are:

- The Sweet Granada, Emporia, Kim Redeker, Owner
- Paisley Pear Wine Bar, Bistro and Market in Hays, Shaun and Heather Musil, Owners
- Blue Valley Physical Therapy in Overland Park, Ann Todd-Cooper and Ryan Klusman, Owners
- Young Sign Co. in Leavenworth, Ann and John Hoins, Owners
- ADI, Inc. in Chanute, Merrill Cunningham and Scott Cunningham, Owners
- Dodge City Brewing Company, LLC in Dodge City, Larry and Sheri Cook, Owners
- Connie's Mexico Café in Wichita, Carmen Rosales, Adele Jordan, Carla Rosales-Banuelos, Carmen Renteria, Owners
- The Marie Antoinette Gluten Free Baking Co. in Wathena, Rani Navarro-Force and Shawn Force, Owners

2020 Kansas SBDC Exporting Businesses of the Year are:

- SkuTouch Solutions, LLC in Lenexa, Doug Obershaw and Terry Obershaw, Owners
- Progressive Products, Inc. in Pittsburg, Todd Allison, President

Please help me congratulate these outstanding owners who are seated in the center and the south end of the gallery.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2385** be amended on page 1, in line 5, by striking "is" and inserting "and the square dance, a dance that is a popular tradition enjoyed by diverse groups of people across the state, are"; in line 6, by striking "dance" and inserting "dances";

Also on page 1, in the title, in line 1, after "polka" by inserting "and the square dance"; also in line 1, by striking "dance" and inserting "dances"; and the bill be passed as amended.

Committee on **K-12 Education Budget** recommends **HB 2465** be amended by adoption of the amendments recommended by the House Committee on K-12 Education Budget, as reported in the Journal of the House on February 12, 2020; the bill, as printed with House Committee amendments, be further amended on page 6, following

line 11, by inserting:

"Sec. 4. K.S.A. 2019 Supp. 72-5462 is hereby amended to read as follows: 72-5462. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which is obligated to make payments from its capital improvements fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection.

(1) For general obligation bonds approved for issuance at an election held prior to July 1, 2015, the state board of education shall:

(A) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(1);

(B) determine the median AVPP of all school districts;

(C) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(D) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 72-5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

(E) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held prior to July 1, 2015; and

(F) multiply the amount determined under subsection (b)(1)(E) by the applicable state aid percentage factor.

(2) For general obligation bonds approved for issuance at an election held on or after July 1, 2015, the state board of education shall:

(A) Determine the amount of the AVPP of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(2);

(B) except as provided in subsection (b)(8), prepare a schedule of dollar amounts using the amount of the AVPP of the school district with the lowest AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in

equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts;

(C) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the lowest AVPP shown on the schedule and decreasing the state aid computation percentage assigned to the amount of the lowest AVPP by one percentage point for each \$1,000 interval above the amount of the lowest AVPP. Except as provided by K.S.A. 72-5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid computation percentage is 75%;

(D) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held on or after July 1, 2015; and

(E) multiply the amount determined under subsection (b)(2)(D) by the applicable state aid percentage factor.

(3) For general obligation bonds approved for issuance at an election held on or before June 30, 2016, the sum of the amount determined under subsection (b)(1)(F) and the amount determined under subsection (b)(2)(E) is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(4)(A) For general obligation bonds approved for issuance at an election held on or after July 1, 2016, the amount determined under subsection (b)(2)(E) is the amount of payment the school district shall receive from the school district capital improvements fund in the school year, except the total amount of payments school districts receive from the school district capital improvements fund in the school year for such bonds shall not exceed the six-year average amount of capital improvement state aid as determined by the state board of education.

~~(A)(B)~~ The state board of education shall determine the six-year average amount of capital improvement state aid by calculating the average of the total amount of moneys expended per year from the school district capital improvements fund in the immediately preceding six fiscal years, not to include the current fiscal year.

~~(B)(C)~~ (i) Subject to clause (ii), the state board of education shall prioritize the allocations to school districts from the school district capital improvements fund in accordance with the priorities set forth as follows in order of highest priority to lowest priority:

(a) Safety of the current facility and disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation;

(b) enrollment growth and imminent overcrowding as demonstrated by successive increases in enrollment of the school district in the immediately preceding three school years;

(c) impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology; and

(d) energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide architectural analysis or other similar evaluation.

(ii) In allocating capital improvement state aid, the state board shall give higher priority to those school districts with a lower AVPP compared to the other school districts that are to receive capital improvement state aid under this section.

~~(C)(D)~~ On and after July 1, 2016, the state board of education shall approve the amount of state aid payments a school district shall receive from the school district capital improvements fund pursuant to subsection (b)(5) prior to an election to approve the issuance of general obligation bonds.

(5) Except as provided in subsections (b)(6) ~~and (b)(7)~~ through (b)(8), the sum of the amounts determined under subsection (b)(3) and the amount determined or allocated to the district by the state board of education pursuant to subsection (b)(4), is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(6) A school district that had an enrollment of less than 260 students in the school year immediately preceding the school year in which an election is held to approve the issuance of general obligation bonds shall not be entitled to receive payments from the school district capital improvements fund unless such school district applied for and received approval from the state board of education to issue such bonds prior to holding an election to approve such bond issuance. The provisions of this paragraph shall apply to general obligation bonds approved for issuance at an election held on or after July 1, 2017, that are issued for the purpose of financing the construction of new school facilities.

(7) For general obligation bonds approved for issuance at an election held on or after July 1, 2017, in determining the amount under subsection (b)(2)(D), the state board shall exclude payments for any capital improvement project, or portion thereof, that proposes to construct, reconstruct or remodel a facility that would be used primarily for extracurricular activities, unless the construction, reconstruction or remodeling of such facility is necessary due to concerns relating to the safety of the current facility or disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation.

(8) For general obligation bonds approved for issuance at an election held on or after July 1, 2020, in preparing the schedule of dollar amounts under subsection (b)(2)(B), the state board shall exclude unified school district No. 207, Fort Leavenworth, from such schedule, and the amount of the AVPP of the school district with the lowest AVPP of all remaining school districts shall be the point of beginning.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, 2020, June 30, 2021, and June 30, 2022, shall be considered to be revenue transfers from the state general fund.

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of

accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

(f) On or before the first day of the legislative session in 2017, and each year thereafter, the state board of education shall prepare and submit a report to the legislature that includes information on school district elections held on or after July 1, 2016, to approve the issuance of general obligation bonds and the amount of payments school districts were approved to receive from the school district capital improvements fund pursuant to subsection ~~(b)(4)(C)~~, ~~(b)(4)(D)~~.";

Also on page 6, in line 12, by striking "and" and inserting a comma; also in line 12, after "72-5178" by inserting "and 72-5462";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "adjusting the schedule for determining school district capital improvements state aid;"; also in line 3, by striking "and" and inserting a comma; also in line 3, after "72-5178" by inserting "and 72-5462"; 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. 48, by Representative John Alcalá, commending, Officer Lamont Jackson, Capitol Police for his dedicated service in Law Enforcement and commitment to connecting with the community through song and music.

Request No. 49, by Representative Ponka-We Victors, honoring, Juan Victors, on his 70th Birthday and for being a valuable community member.

Request No. 50, by Representative Ponka-We Victors, commending, Ken E. Squires, for his dedication and commitment to our community and for donating backpacks to the back to school supplies drive.

Request No. 51, by Representative Delperdang, commending, Michael O'Brian, and honoring United States Service Members who were exposed and are victims to Agent Orange during and after the Vietnam War, under House Resolution – 6036.

Request No. 52, by Representative Holscher, congratulating, Blue Valley Northwest High School, for their outstanding work in the area of promoting civic competence and responsibility.

Request No. 53, by Representative Pittman, congratulating, Maralis Self on being named 2020 Fort Leavenworth Armed Forces Insurance Military Spouse of the Year.

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.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Finch announced the appointment of Rep. Adam Smith to replace Rep. Thimesch on Committee on Taxation on March 5, 2020.

Also, the appointment of Rep. Francis to replace Rep. Mason on Committee on Taxation on March 5, 2020.

Also, the appointment of Rep. Woodard to replace Rep. Wolfe Moore on Committee on Taxation on March 5, 2020.

Also, the appointment of Rep. Amyx to replace Rep. Alcalá on Committee on Taxation on March 5, 2020.

Also, the appointment of Rep. Woodard to replace Rep. Carlin on Committee on Appropriations on March 9, 2020.

On motion of Rep. Hawkins the House adjourned pro forma until 9:00 a.m. on Friday, March 6, 2020.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

