

# Journal of the House

## EIGHTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, January 19, 2023, 11:00 a.m.

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

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2080**, AN ACT concerning virtual schools; relating to state assessments; authorizing students enrolled in virtual school to take virtual state assessments; amending K.S.A. 72-3711 and repealing the existing section, by Committee on Education.

**HB 2081**, AN ACT establishing the aspiring future teacher of the year scholarship program; making and concerning appropriations for the fiscal years ending June 30, 2024, June 30, 2025, June 30, 2026, June 30, 2027, and June 30, 2028, for the department of education for such scholarships, by Committee on Education.

**HB 2082**, AN ACT concerning counties; allowing counties to create a code inspection and enforcement fund and expanding the county equipment reserve fund to include electronic technology; allowing counties to create a municipalities fight addiction fund for the expenditure of opioid settlement monies received pursuant to the Kansas fights addiction act; amending K.S.A. 19-119 and repealing the existing section, by Committee on Local Government.

**HB 2083**, AN ACT concerning real property; creating the Kansas vacant property act; prohibiting municipalities from imposing certain fees and other requirements on vacant property, by Committee on Local Government.

**HB 2084**, AN ACT concerning food products; regulating the preparation, distribution and sale of kratom products; prohibiting the preparation, distribution and sale of adulterated or contaminated kratom products; establishing fines and penalties; requiring the secretary of agriculture to adopt rules and regulations to administer the act, by Committee on Federal and State Affairs.

**HB 2085**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; including certain juvenile corrections officer positions in the definition of "security officer" for purposes of determining retirement dates, benefits and the employer contribution rate for certain employees of the department of corrections; amending K.S.A. 74-4914a and 74-4914e and repealing the existing sections, by Representative Proctor.

**HB 2086**, AN ACT concerning elections; relating to election procedures; clarifying duties and qualifications of certain election officials; redefining certain election crimes; amending K.S.A. 10-120, 15-809, 19-303, 19-804, 19-3419, 19-3422, 19-3439, 25-105, 25-203, 25-208a, 25-211, 25-212, 25-213, 25-303, 25-305, 25-308, 25-321, 25-432, 25-433, 25-604, 25-610, 25-901, 25-1122, 25-1214, 25-1903, 25-2005, 25-2008, 25-2018, 25-2021, 25-21a02, 25-2310, 25-2507, 25-26a03, 25-2702, 25-2703, 25-2704, 25-2705, 25-2706, 25-2805, 25-2812, 25-2905, 25-3002, 25-3005, 25-3005a, 25-3104, 25-3107, 25-3201, 25-3301, 25-3303, 25-3304, 25-3801, 25-4004, 25-4005, 25-4148d, 25-4322, 25-4612, 25-4703, 25-4709 and 71-1415 and K.S.A. 2022 Supp. 19-3424, 25-3009 and 25-4414 and repealing the existing sections; also repealing K.S.A. 25-222, 25-305b, 25-1709, 25-1710, 25-2601, 25-4502, 25-4503, 25-4505, 25-4506, 25-4507 and 25-4508, by Committee on Elections.

**HB 2087**, AN ACT concerning elections; relating to selection of presidential electors; directing political parties to have procedures for the selection of presidential electors; amending K.S.A. 25-301, 25-801, 25-802, 25-804 and 25-1435 and repealing the existing sections; also repealing K.S.A. 25-803, by Committee on Elections.

**HB 2088**, AN ACT concerning the state capitol; relating to permanent displays and murals; directing the capitol preservation committee to develop and approve plans for a mural honoring the 1st Kansas (Colored) Voluntary Infantry regiment; creating the 1st Kansas (Colored) Voluntary Infantry regiment mural fund; amending K.S.A. 75-2264 and repealing the existing section, by Representative Winn.

**HB 2089**, AN ACT concerning insurance; relating to prepaid service plans; certificates of registration; discontinuing annual registration fees for such plans; modifying the requirement to report individuals who solicit memberships on behalf of such plans from semi-annually to annually and upon application for registration; amending K.S.A. 40-4209 and repealing the existing section; also repealing K.S.A. 40-4203, by Committee on Insurance.

**HB 2090**, AN ACT concerning insurance; relating to the uniform insurance agents licensure act; public adjusters licensing act; authorizing the commissioner of insurance to set the amount of certain fees; requiring information obtained from background checks, fingerprinting and criminal history records checks be used solely for the purpose of verifying the identification of an applicant and the fitness of an applicant to be issued a license as an insurance agent; amending K.S.A. 40-4905, 40-4906 and 40-5505 and repealing the existing sections, by Committee on Insurance.

**HB 2091**, AN ACT concerning agriculture; relating to the Kansas department of agriculture; requiring the secretary of agriculture to establish a division of sustainable agriculture that shall apply for federal grant funds under the greenhouse gas reduction fund to assist farmers in converting to renewable energy and sustainable agriculture practices, by Representatives Murphy, Seiwert and Highberger.

**HB 2092**, AN ACT concerning municipal universities; relating to the membership of the Washburn university board of regents; reapportioning the districts of certain members thereof; amending K.S.A. 13-13a04 and 13-13a05 and repealing the existing sections, by Representatives Miller, V., Alcalá, Borjon, Corbet, Haskins, F. Patton, Schlingensiepen and Weigel.

**HB 2093**, AN ACT concerning insurance; relating to certain group-funded insurance pools; discontinuing payments paid to the group-funded pools fee fund and the group-funded workers' compensation fee fund; transferring such balances and abolishing such

funds; establishing the group-funded pools refund fund; refunding the balance thereof and abolishing such fund on July 1, 2024; amending K.S.A. 44-588 and repealing the existing section; also repealing K.S.A. 12-2623 and 44-587, by Committee on Insurance.

**HB 2094**, AN ACT concerning insurance; relating to health maintenance organizations and medicare provider organizations; applications for certificates of authority; specifying certain requirements necessary to demonstrate fiscal soundness; amending K.S.A. 40-3203 and repealing the existing section, by Committee on Insurance.

**HB 2095**, AN ACT concerning insurance; relating to coverage for autism spectrum disorder; changing the required number of employees contained in the definitions of "large employer" and "small employer"; amending K.S.A. 40-2,194 and repealing the existing section, by Committee on Insurance.

**HB 2096**, AN ACT concerning insurance; relating to premium tax; adjusting the basis upon which certain premium tax calculations are made; requiring such premium taxes to be paid 90 days after each calendar year and basing such premium taxes upon the gross premiums collected for the previous calendar year; amending K.S.A. 12-2624 and 44-588 and repealing the existing sections, by Committee on Insurance.

**HB 2097**, AN ACT concerning insurance; relating to penalties; failure of agents or brokers to pay premiums; removing the requirement of a documented written demand for premiums as part of a prima facie case; amending K.S.A. 40-247 and repealing the existing section, by Committee on Insurance.

**HB 2098**, AN ACT concerning insurance; relating to insurance laws and enforcement thereof; adding certain legal entities to the definition of "person"; amending K.S.A. 40-2,125 and repealing the existing section, by Committee on Insurance.

**HB 2099**, AN ACT concerning insurance; relating to third party administrators; discontinuing certain exemptions from the pharmacy benefits manager licensure act; amending K.S.A. 2022 Supp. 40-3821 and repealing the existing section, by Committee on Insurance.

**HB 2100**, AN ACT concerning insurance; relating to risk-based capital requirements; updating the version of instructions in effect; amending K.S.A. 2022 Supp. 40-2c01 and repealing the existing section, by Committee on Insurance.

**HB 2101**, AN ACT concerning real estate transactions; regulating contract for deed transactions; making certain deceptive actions violations of the consumer protection act, by Committee on Financial Institutions and Pensions.

**HB 2102**, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2023, for the state treasurer; relating to the repurchase of certain revenue bonds issued to finance the unfunded actuarial pension liability of the Kansas public employees retirement system, by Committee on Financial Institutions and Pensions.

**HB 2103**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; Kansas public employees retirement fund; investment standards; eliminating the statutory 15% alternative investment percentage limit thereto; requiring the board of trustees to set alternative investment percentage limit; amending K.S.A. 2022 Supp. 74-4921 and repealing the existing section, by Committee on Financial Institutions and Pensions.

**HB 2104**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; probation or assignment to community corrections; setting maximum

supervision terms; defining early discharge options; amending K.S.A. 2022 Supp. 21-6608 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2105**, AN ACT concerning financial institutions; relating to earned wage access services; enacting the Kansas earned wage access services act; establishing the administration of such act by the office of the state bank commissioner; providing for registration, bond requirements; duties, prohibited acts, reports, records retention, orders, civil fines, penalties and fees, by Committee on Financial Institutions and Pensions.

**HB 2106**, AN ACT concerning taxation; relating to sales and compensating use tax; providing for a sales tax exemption for sales of property and services used in the provision of communications services; amending K.S.A. 2022 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2107**, AN ACT concerning income taxation; relating to the determination of Kansas adjusted gross income; increasing the income limit to qualify for the subtraction modification for social security income; amending K.S.A. 2022 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

**HB 2108**, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for sales of certain school supplies, computers and clothing during an annual sales tax holiday, by Committee on Taxation.

**HB 2109**, AN ACT concerning income taxation; relating to the determination of Kansas adjusted gross income; increasing the income limit to qualify for a subtraction modification for social security income; amending K.S.A. 2022 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

**HB 2110**, AN ACT concerning income taxation; relating to apportionment of business income; allowing sales factor for certain taxpayers; election; requiring the secretary of revenue to report to the legislature; amending K.S.A. 79-3271 and 79-3279 and repealing the existing sections, by Committee on Taxation.

**HB 2111**, AN ACT concerning taxation; relating to sales and compensating use tax; reducing the rate of tax on sales of food and food ingredients; providing an exemption for sales of children's diapers and feminine hygiene products; relating to STAR bonds; establishing the STAR bonds food sales tax revenue replacement fund and providing certain transfers thereto; altering the calculation for STAR bond districts; relating to income tax; discontinuing the food sales tax credit; amending K.S.A. 12-17,162 and K.S.A. 2022 Supp. 79-32,271, 79-3603, 79-3603d, 79-3606, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. **HCR 5004**—

By Representatives K. Williams, Thomas, Boyd, Donohoe, Estes, Featherston, Goddard, Haskins, Hill, Johnson, Landwehr, S. Miller, Murphy, Ousley, Poskin, Rhiley, L. Ruiz, Sanders, Schmoe, Schreiber, Stogsdill, Winn and Younger

A CONCURRENT RESOLUTION urging the U.S. Congress to fully fund the federal government's original funding promise under the individuals with disabilities education act.

WHEREAS, The federal education for all handicapped children act of 1975 was enacted by the congress of the United States and signed into law by the president of the

United States to address the failure of states to meet the educational needs of children with disabilities; and

WHEREAS, This act, known as the federal individuals with disabilities education act (IDEA) since 1990, remains the cornerstone of federal statutory mandates governing special education; and

WHEREAS, The purpose of the act was to ensure that all children with disabilities have available to them within specified time periods "a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist states and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities"; and

WHEREAS, The federal government committed to pay 40% of the average per-student expenditures for the provision of special education services in public elementary and secondary schools in the United States; and

WHEREAS, Since 1975, including in the most recent amendments to IDEA in 2004, the congress of the United States has maintained the federal funding authorization at 40% of the average per-student expenditures for the provision of special education services; and

WHEREAS, The federal government has never paid its promised 40% share of the IDEA mandate, which forces states and local educational agencies to cover the remaining costs of the provision of special education services; and

WHEREAS, State legislatures, schools, disability groups and parent groups have been fighting for years to obtain full IDEA funding by urging the congress of the United States to bring federal IDEA appropriations up to the federal government's commitment to fund 40% of average per-student expenditures; and

WHEREAS, Because the promised federal funding level continues to not be met, the funding burden falls on states and local school districts, which leads to cuts in other state and educational programs and necessitates state and local tax increases: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Kansas legislature urges the congress of the United States to enact legislation to fulfill its original promise to pay 40% of the average per-student expenditures in public elementary and secondary schools in the United States to fully fund the federal IDEA mandate; and

*Be it further resolved:* That the secretary of state shall send an enrolled copy of this resolution to the presiding officers of each house of Congress and each member of Congress from Kansas.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources Budget: **HB 2079**.

Appropriations: **HB 2077, HB 2078**.

Child Welfare and Foster Care: **HB 2076**.

Commerce, Labor and Economic Development: **HB 2063, HB 2064**.

Corrections and Juvenile Justice: **HB 2067, HB 2068, HB 2069, HB 2070, HB 2071, HB 2072, HB 2073**.

Elections: **HB 2052, HB 2053, HB 2054, HB 2055, HB 2056, HB 2057, HB 2075.**  
 Federal and State Affairs: **HB 2051, HB 2058, HB 2059.**  
 Health and Human Services: **HB 2049, HB 2050.**  
 Judiciary: **HB 2065, HB 2074.**  
 K-12 Education Budget: **HB 2060.**  
 Taxation: **HB 2061, HB 2062, HB 2066.**

#### **COMMUNICATION FROM STATE OFFICER**

From: S. Craig Neuenswander, Ed.D.; Deputy Commissioner, Fiscal and Administrative Services; Kansas State Department of Education; in accordance with K.S.A. 72-5178 and 72-1167, Performance and Finance Accountability Reports for each school and each school operated by a school district.

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

#### **MESSAGE FROM THE SENATE**

Announcing adoption of **HCR 5003**, a concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

The following escorts are appointed for the State of the State:

To escort the Governor: Senators McGinn and Ware

To escort the Lt. Governor: Senators Dietrich and Faust-Goudeau

To escort the Supreme Court: Senators Warren and Haley

#### **COMMITTEE ASSIGNMENT CHANGES**

Speaker pro tem Carpenter announced the appointment of Rep. V. Miller to replace Rep. Osman on Committee on Judiciary for January 23 – January 27, 2023.

Also, the appointment of Rep. Winn to replace Rep. Osman on Committee on Commerce, Labor and Economic Development for January 23 – January 27, 2023.

On motion of Rep. Croft the House adjourned pro forma until 8:30 a.m. on Friday, January 20, 2023.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

