

Journal of the House

THIRTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 26, 2023, 11:00 a.m.

The House met pursuant to adjournment with Speaker Hawkins in the chair.
The roll was called with 119 members present.
Reps. Neighbor and Waggoner were excused on verified illness.
Reps. Bloom, Donohoe, Helgerson and Osman were excused on excused absence
by the Speaker.
Present later: Rep. Bloom.
Prayer by Chaplain Brubaker:

God in Heaven,
thank You for the gift of this day.
I come to You today asking for wisdom and guidance.
For these leaders I pray the prayer of King David:
“Show *us* your ways, Lord,
teach *us* your paths.
Guide *us* in your truth and teach *us*,
for you are God *our* Savior,
and *our* hope is in you all day long...
He guides the humble in what is right
and teaches them his way.
All the ways of the Lord are loving and faithful
toward those who keep the demands of his covenant.”
Nothing we face today comes as a surprise to You.
So, I ask that You give our leaders your matchless wisdom
and may they listen and respond.
I pray in Christ’s Name, Amen.
(Psalm 25:4-5; 9-10)

The Pledge of Allegiance was led by Rep. Curtis.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2184, AN ACT concerning the judicial council; abolishing the judicial council fund; transferring all moneys and liabilities of such fund to the state general fund; repealing the transfer of funds from docket fees to the judicial council fund; transferring annually unencumbered funds from the publications fee fund to the state general fund; amending K.S.A. 2022 Supp. 20-362, 20-2207 and 20-2208 and repealing the existing sections, by Committee on General Government Budget.

HB 2185, AN ACT concerning certain protection orders; relating to the protection from abuse act and the protection from stalking, sexual assault or human trafficking act; permitting short form notification service and alternative methods of service; clarifying precedence of child-related orders issued under the protection from abuse act; amending K.S.A. 2022 Supp. 60-3104, 60-3107 and 60-31a04 and repealing the existing sections, by Committee on Judiciary.

HB 2186, AN ACT concerning crimes, punishment and criminal procedure; relating to sex offenses; unlawful voluntary sexual relations; modifying the criminal penalties; removing registration requirements for offense; Kansas offender registration act; amending K.S.A. 2022 Supp. 21-5507 and 22-4902 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2187, AN ACT concerning the Kansas commission on peace officers' standards and training; relating to membership; adding more members; requiring that certain appointments be made with a preference to increase diversity; amending K.S.A. 74-5606 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2188, AN ACT concerning food products; relating to the Kansas food, drug and cosmetic act; regulating the sale and distribution of kratom products; amending K.S.A. 2022 Supp. 65-656 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2189, AN ACT concerning children and minors; relating to children in the custody of the secretary for children and families; providing for an extension or re-entry of custody for persons up to 21 years of age; amending K.S.A. 38-2202 and 38-2203 and repealing the existing sections, by Representative Thomas.

HB 2190, AN ACT concerning elections; relating to election procedures; clarifying duties of certain election officials; defining special elections; creating the crime of interference with an election official and the crime of failure to comply with the statewide voter registration database requirement; expanding the crimes of intimidation of voters and unauthorized voting disclosure; eliminating the criminal prosecution authority of the secretary of state; amending K.S.A. 25-1114, 25-1115, 25-2110a, 25-2303, 25-2304, 25-2320, 25-2415, 25-2422, 25-2435, 25-2501 and 25-2502 and repealing the existing sections, by Committee on Elections.

HB 2191, AN ACT concerning the children's cabinet; authorizing the cabinet to establish a nonprofit corporation to raise funds to benefit the Dolly Parton's imagination library book gifting program, by Committee on Appropriations.

HB 2192, AN ACT concerning state agencies; requiring the secretary of administration to include on the Kansas taxpayer transparency act website certain information concerning grants, grant awardees and grant applications; amending K.S.A. 74-72,123 and repealing the existing section, by Committee on Appropriations.

HB 2193, AN ACT concerning the investment of state moneys; reestablishing the provisions of law authorizing the state treasurer to certify and transfer a portion of state moneys, equivalent to the aggregate net amount received for unclaimed property, available for investment to the KPERs board of trustees; amending K.S.A. 2022 Supp. 75-2263 and repealing the existing section, by Committee on Appropriations.

HB 2194, AN ACT concerning children and minors; relating to the revised Kansas code for care of children; enacting the Representative Gail Finney memorial foster care bill of rights; establishing certain rights for children in need of care and foster parents, by Committee on Child Welfare and Foster Care.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2168**.
 Commerce, Labor and Economic Development: **HB 2173**.
 Corrections and Juvenile Justice: **HB 2180**.
 Education: **HB 2163**.
 Elections: **HB 2164, HB 2165, HB 2166, HB 2167**.
 Federal and State Affairs: **HB 2170, HB 2177, HB 2178, HCR 5006**.
 Health and Human Services: **HB 2171, HB 2181**.
 Judiciary: **HB 2169, HB 2172, HB 2183**.
 Local Government: **HB 2174**.
 Taxation: **HB 2175, HB 2176, HB 2182**.
 Welfare Reform: **HB 2179**.

COMMUNICATIONS FROM STATE OFFICERS

From: Laura Howard, Secretary, Kansas Department for Children and Families; pursuant to K.S.A. 65-176; DCF's inspection report for the State of Kansas children's institutions.

From: Erin Hayter, LBSW, Kansas Department for Children and Families; inspection report of Kansas State School for the Blind, concerning sanitary conditions and adequate health supervision.

From: Rebecca Kruse, LBSW, Foster Care Licensing, Kansas Department for Children and Families; Annual Review and inspection of the Kansas Juvenile Correctional Complex.

From: Erin Hayter, LBSW, Licensing Division, Kansas Department for Children and Families; inspection of Kansas State School for the Deaf, concerning sanitary conditions and adequate health supervision.

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HCR 5002, A CONCURRENT RESOLUTION adopting joint rules for the Senate and the House of Representatives for the 2023-2024 biennium, was considered on final action.

On roll call, the vote was: Yeas 80; Nays 39; Present but not voting: 0; Absent or not voting: 6.

Yeas: Anderson, Awerkamp, Barth, Bergkamp, Bergquist, Blew, Blex, Borjon, Bryce, Buehler, Butler, B. Carpenter, W. Carpenter, Clifford, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Droge, Ellis, Eplee, Essex, Estes, Francis, Garber, Gardner, Goddard, Goetz, Hawkins, Hill, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Humphries, Johnson, Kessler, Landwehr, Lewis, Mason, Maughan, Minnix, Moser, Murphy, Neelly, Owens, F. Patton, Penn, Pickert, Poetter Parshall, Proctor, Rahjes, Resman, Rhiley, Roth, Sanders, Schmoe, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Wasinger, Waymaster, White, Williams, K., Williams, L., Younger.

Nays: Alcalá, Amyx, Ballard, Boyd, Carlin, Carmichael, Carr, Curtis, Fairchild, Featherston, Haskins, Haswood, Highberger, Hougland, Hoye, Jacobs, Martínez, Melton, Meyer, Miller, D., Miller, S., Miller, V., Ohaebosim, Oropeza, Ousley, Poskin, Probst, Robinson, Ruiz, L., Ruiz, S., Sawyer, Sawyer Clayton, Schlingensiepen, Stogsdill, Vaughn, Weigel, Winn, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Bloom, Donohoe, Helgerson, Neighbor, Osman, Waggoner.

The resolution was adopted.

EXPLANATION OF VOTE

MR. SPEAKER: Last year we saw extreme examples of the abuse of the conference committee process, with content that had never been seen by any committee in either house inserted in education and sports gambling bills that were considered in the middle of the night, and a tax bill with TWENTY-NINE different bills bundled together. We had an opportunity to make sure that these abuses don't happen again, but we squandered it. I vote NO on **HR 5002**. – DENNIS “BOOG” HIGHBERGER, TREVOR JACOBS

HR 6004, A RESOLUTION adopting the permanent rules of the House of Representatives for the 2023-2024 biennium, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 41; Present but not voting: 0; Absent or not voting: 5.

Yeas: Anderson, Averkamp, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Bryce, Buehler, Butler, B. Carpenter, W. Carpenter, Clifford, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Droge, Ellis, Eplee, Essex, Estes, Francis, Garber, Gardner, Goddard, Goetz, Hawkins, Hill, Hoffman, Hoheisel, Howe, Howell, Howerton, Humphries, Johnson, Kessler, Landwehr, Lewis, Mason, Maughan, Minnix, Moser, Murphy, Neelly, Owens, F. Patton, Penn, Pickert, Proctor, Rahjes, Resman, Rhiley, Roth, Sanders, Schmoe, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Wasinger, Waymaster, White, Williams, K., Williams, L., Younger.

Nays: Alcalá, Amyx, Ballard, Boyd, Carlin, Carmichael, Carr, Curtis, Fairchild, Featherston, Haskins, Haswood, Highberger, Hougland, Houser, Hoye, Jacobs, Martínez, Melton, Meyer, Miller, D., Miller, S., Miller, V., Ohaebosim, Oropeza, Ousley, Poetter Parshall, Poskin, Probst, Robinson, Ruiz, L., Ruiz, S., Sawyer, Sawyer Clayton, Schlingensiepen, Stogsdill, Vaughn, Weigel, Winn, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Donohoe, Helgerson, Neighbor, Osman, Waggoner.

The resolution was adopted, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I have gotten used to an unwillingness on the part of the majority party to make our rules more fair and transparent, but this year takes the cake. In addition to rejecting simple changes, like recording committee votes and limiting our ability to work in the middle of the night when our constituents can't watch, this body voted to shut the majority of our members of both parties out of any meaningful participation in

budget discussions and refused to adopt basic principles of fairness, like proportional representation on committees. Today is a sad day in the history of this body. I vote NO on **HR 6004**.— DENNIS “BOOG” HIGHBERGER

MR. SPEAKER: The majority party talks a big game about doing things in “a better way.” However, yesterday’s actions and the final version of **HR 6004** reveals that most of their members support the same old worn out processes our constituents revile. Unrecorded votes reflect a lack of transparency and working past midnight reflects a poor way of crafting new laws. There is a better way to do business in this chamber. This is not it. I vote NO on **HR 6004**. — VIC MILLER

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2015**, **HB 2016**, **HB 2017**, **HB 2018** be passed.

REPORT OF STANDING COMMITTEE

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

Request No. 1, by Representative Buehler, honoring the 100th year of the University of St. Mary, Leavenworth, Kansas;

Request No. 2, by Representative Johnson, honoring Clyde Wilbur Grisham on his 100th birthday. He is recognized for his service to his country in the United States Army from 1941-1945;

Request No. 3, by Representative Francis, honoring Randy Malin for his exemplary service as County Commissioner to the citizens of Seward County, Kansas;

Request No. 4, by Representative Francis, honoring Katherine Romine for service as County Treasurer, Seward, Kansas and wishing her the best in her retirement;

Request No. 5, by Representative Francis, honoring Ada Linenbroker for her service as County Commissioner and County Commission Chair for Seward, Kansas;

Request No. 6, by Representative Francis, honoring Nathan McCaffrey for his service as County Commissioner and County Commission Chair for Seward, Kansas;

Request No. 7, by Representative Mari-Lynn Poskin, honoring Gary W. Swanson in recognition as the recipient of The Daughters of the American Revolution Medal of Honor for his work with Kansas City veterans;

Request No. 8, by Representative Vaughn, commending Shannon Kenyon, District Manager, Ground Water Management District, No. 4, for outstanding work promoting groundwater conservation to extend the usable life of the Ogallala Aquifer through the implementation of Local Enhanced Management Areas;

Request No. 9, Representative Vaughn, commending Katie Durham, District Manager, Ground Water Management District, No. 1, for outstanding work promoting groundwater conservation to extend the usable life of the Ogallala Aquifer through the implementation of Local Enhanced Management Areas;

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. Croft the committee report was 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 2195, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; increasing the amount of retirant compensation subject to the statutory employer contribution rate; requiring participating employers to pay only the statutory employer contribution rate on all compensation of a retirant employed in a covered position for a period commencing July 1, 2023, and ending December 31, 2024; amending K.S.A. 74-4937 and K.S.A. 2022 Supp. 74-4914 and repealing the existing sections, by Committee on Financial Institutions and Pensions.

HB 2196, AN ACT concerning retirement and pensions; relating to the Kansas deferred retirement option program act; expanding such program membership to all members of the Kansas police and firemen's retirement system; amending K.S.A. 2022 Supp. 74-4986l and 74-4986p and repealing the existing sections, by Committee on Financial Institutions and Pensions.

HB 2197, AN ACT concerning financial institutions; relating to the first-time home buyer savings account act; providing a procedure for the distribution of the account balance upon the death of an account holder; changing the term "transfer on death" to "payable on death" regarding beneficiaries; resolving a conflict when beneficiaries differ on a financial institution's account records and on first-time home buyer savings account tax forms required by the secretary of revenue; amending K.S.A. 2022 Supp. 58-4903, 58-4904, 58-4906 and 79-32,117 and repealing the existing sections, by Committee on Financial Institutions and Pensions.

HB 2198, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; providing for membership affiliation for certain law enforcement officers and employees of the Kansas department of wildlife and parks; establishing employee and employer contributions, by Committee on Financial Institutions and Pensions.

HB 2199, AN ACT concerning taxation; relating to sales tax; authorizing for the purchase of up to two motor vehicles owned by resident disabled veterans or surviving spouses thereof to be exempt from the tax imposed by the Kansas retailers' sales tax act, by Committee on Taxation.

HB 2200, AN ACT concerning property taxation; relating to exemptions; establishing a property tax exemption for homestead property of certain retired and disabled veterans, by Committee on Taxation.

HB 2201, AN ACT concerning property taxation; relating to the classification and appraised valuation notice; providing information on prior year tax valuations; amending K.S.A. 2022 Supp. 79-1460 and repealing the existing section, by Committee on Taxation.

HB 2202, AN ACT concerning taxation; relating to sales and compensating use tax; providing for a sales tax exemption for sales of over-the-counter drugs; amending K.S.A. 2022 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2203, AN ACT concerning taxation; relating to sales and compensating use tax; providing for a sales tax exemption for purchases made by sleep in heavenly peace, inc.; amending K.S.A. 2022 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2204, AN ACT concerning income taxation; relating to credits; establishing a refundable family caregivers of disabled veterans tax credit, by Committee on Taxation.

HB 2205, AN ACT creating the Udall area public library district act; requiring an election to create such district; authorizing a tax levy therefor; amending K.S.A. 75-2554 and repealing the existing section, by Representatives Rhiley and Roth.

On motion of Rep. Croft the House adjourned pro forma until 8:30 a.m. on Friday, January 27, 2023.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

