

Journal of the House

TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 13, 2023, 11:00 a.m.

The House met session pro forma pursuant to adjournment with Speaker Hawkins in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2410, AN ACT concerning income taxation; relating to taxable income; increasing taxable income amounts by a cost-of-living adjustment in determining Kansas income tax; amending K.S.A. 2022 Supp. 79-32,110 and repealing the existing section, by Committee on Taxation.

HB 2411, AN ACT concerning income taxation; relating to withholding and remittance of employee income taxes by employers; decreasing the penalties for failing to timely remit; amending K.S.A. 79-32,107 and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2397**.

Appropriations: **SB 42**.

Child Welfare and Foster Care: **HB 2407**.

Commerce, Labor and Economic Development: **HB 2399**, **HB 2400**, **HB 2401**.

Corrections and Juvenile Justice: **HB 2398**.

Energy, Utilities and Telecommunications: **SCR 1603**.

Federal and State Affairs: **HB 2402**, **HB 2403**, **HB 2404**, **HB 2405**, **HB 2406**.

Health and Human Services: **HB 2408**.

Insurance: **SB 14**, **SB 15**, **SB 17**, **SB 19**, **SB 26**.

Judiciary: **HB 2395**, **HB 2396**, **HB 2409**.

Legislative Modernization: **SB 11**.

Veterans and Military: **HB 2392**, **SB 39**.

Welfare Reform: **HB 2393**, **HB 2394**.

MESSAGES FROM THE SENATE

Announcing passage of **SB 25**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 25**REPORTS OF STANDING COMMITTEES**

Committee on **Corrections and Juvenile Justice** recommends **HB 2073** be amended on page 1, in line 22, after the period by inserting "The provisions of this paragraph apply to court ordered fines, fees, costs, court expenses, reimbursements and other financial obligations that are currently being collected utilizing the services of a contracting agent pursuant to K.S.A. 20-169, and amendments thereto.";

On page 15, in line 10, after "(2)" by inserting "(A)"; following line 13, by inserting: "(B) For the purpose of collecting outstanding restitution, the following persons shall have access to the expunged case file notwithstanding any expungement:

- (i) The clerk of the court;
- (ii) a contracting agent as defined in K.S.A. 20-169, and amendments thereto;
- (iii) the petitioner and the petitioner's attorney;
- (iv) the beneficiary under an order of restitution as defined in K.S.A. 20-169, and amendments thereto, and such beneficiary's attorney; and
- (v) any other person authorized by a court order if the court finds it is necessary for the person to have access to the expunged case file for the purpose of collecting the outstanding restitution.";

On page 44, in line 43, after "38-2321," by inserting "38-2322,";

On page 1, in the title, in line 9, after "38-2321" by inserting ", 38-2322"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2132** be amended on page 5, in line 10, by striking "is"; in line 14, before "minus" by inserting "for the academic year in which the student is enrolled and receiving the scholarship"; in line 17, by striking "mandatory" and inserting "required"; in line 18, after "and" by inserting "required";

On page 6, in line 18, by striking "Kansas register" and inserting "statute book"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2087** be passed.

Committee on **Elections** recommends **HB 2086** be amended on page 4, in line 29, after the period by inserting "Within six months after taking the oath of office, the newly appointed election commissioner shall become a qualified elector of the same county.";

On page 21, following line 30, by inserting:

"Sec. 27. K.S.A. 25-1115 is hereby amended to read as follows: 25-1115. (a) "General election" means the elections held on the Tuesday following the first Monday in November of both even-numbered and odd-numbered years, and in the case of ~~special elections~~ an election of any officers to fill vacancies held on a date other than the Tuesday following the first Monday in November, the election at which any such officer is finally elected.

(b) "Primary election" means the elections held on the first Tuesday in August of both even-numbered and odd-numbered years; and any other preliminary election held on a date other than the first Tuesday in August at which part of the candidates for ~~special~~ election to any national, state, county, city, school or other municipal office are

eliminated by the process of the election but at which no officer is finally elected.

(c) "Special election" means any election that is not a general or primary election, including, but not limited to, any mail ballot election conducted pursuant to K.S.A. 25-431 et seq., and amendments thereto. A special election shall not be held within 45 days of a general or primary election but may be held on the same day as a general or primary election.";

On page 24, in line 40, by striking "two" and inserting "four";

On page 30, following line 17, by inserting:

"Sec. 37. K.S.A. 25-2502 is hereby amended to read as follows: 25-2502. (a) "General election" means the elections held on the Tuesday following the first Monday in November of both even-numbered and odd-numbered years, and in the case of ~~special elections~~ an election of any officers to fill vacancies held on a date other than the Tuesday following the first Monday in November, the election at which any such officer is finally elected.

(b) "Primary election" means the elections held on the first Tuesday in August of both even-numbered and odd-numbered years; and any other preliminary election held on a date other than the first Tuesday in August at which part of the candidates for ~~special~~ election to any national, state, county, township, city, school or other municipal office are eliminated by the process of the election but at which no officer is finally elected.

(c) "Special election" means any election that is not a general or primary election, including, but not limited to, any mail ballot election conducted pursuant to K.S.A. 25-431 et seq., and amendments thereto. A special election shall not be held within 45 days of a general or primary election but may be held on the same day as a general or primary election.";

On page 46, in line 9, by striking "such" and inserting "the"; in line 20, after the period by inserting:

"(b)";

Also on page 46, also in line 20, by striking "(b)" and inserting "(c)"; in line 22, by striking "promptly"; also in line 22, by striking all after "chairperson"; in line 23, by striking the first "that" and inserting "for"; in line 24, by striking "such" and inserting "the"; in line 28, after "appointments" by inserting "and include the name, address, email address, if available, and a phone number or phone numbers, including a mobile phone number, if available, of each appointee in such notification"; in line 29, by striking all after the period; by striking all in lines 30 and 31; in line 32, by striking "(b)" and inserting "(c)";

On page 47, following line 2, by inserting:

"(d) If a precinct committeeman or committeewoman is elected as a write-in candidate, the county clerk shall request from the appropriate county chairperson the name, address, email address, if available, and a phone number or phone numbers, including a mobile phone number, if available, of such elected precinct committeeman or committeewoman.

(e) Each precinct committeeman and committeewoman shall report any changes in such person's name, address, email address and phone numbers to the county election officer not later than 10 days after such change.

(f) The county election officer shall send to the secretary of state within seven days after each primary election in even-numbered years a list of who holds the office of

precinct committeeman or committeewoman along with the name, address, phone number and email address, if available, of each such person. The county officer shall report all updates of such information at the time such updates are received to the secretary of state. The secretary of state shall keep an updated list of all precinct committeepersons, including their names, addresses, phone numbers and their email addresses, if available.

(g) As used in this section, "primary election" means the election held on the first Tuesday in August of even-numbered years.";

On page 53, in line 5, after the first comma by inserting "25-1115,;" in line 6, after the fourth comma by inserting "25-2502,;"

And by renumbering sections accordingly;

On page 1, in the title, in line 6, after the first comma by inserting "25-1115,;" in line 7, after the third comma by inserting "25-2502,;" and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2127**, **HB 2130**, **HB 2131**, **HB 2144**, **HB 2172** be passed.

Committee on **Judiciary** recommends **HB 2029** be amended on page 3, in line 30, by striking "two years" and inserting "one year"; in line 33, by striking "two years" and inserting "one year"; in line 39, by striking "two" and inserting "one"; also in line 39, by striking "years" and inserting "year";

On page 5, in line 31, by striking "two years" and inserting "one year"; in line 34, by striking "two years" and inserting "one year"; and the bill be passed as amended.

Committee on **K-12 Education Budget** recommends **HB 2218** be amended on page 1, in line 26, before "Section" by inserting "New";

On page 2, in line 22, before "Sec." by inserting "New"; in line 43, before "Sec." by inserting "New";

On page 3, in line 40, before "Sec." by inserting "New"; in line 42, by striking "direct" and inserting "advise";

On page 4, in line 5, by striking "and receives" and inserting "to receive"; in line 12, by striking all after "(8)"; by striking all in lines 13 and 14; in line 15, by striking all before "an" and inserting "establish"; in line 17, by striking all before "audits" and inserting "(9) conduct or contract to conduct financial"; in line 19, by striking all before "for" and inserting "(10) establish or contract"; in line 21, by striking all before "for"; and inserting "(11) establish or contract with a private entity"; also in line 21, by striking "mobile" and inserting "commercially viable and user friendly"; in line 22, by striking "and" and inserting "or"; also in line 22, after "will" by inserting "establish digital spending accounts on behalf of qualified students and"; in line 24, by striking "(i)" and inserting "(A)"; also in line 24, by striking the semicolon; by striking all in line 25; in line 26, by striking all before the semicolon and inserting "by the treasurer and parent of a qualified student";

(B) payment processing by electronic funds transfer to a qualified school or other entity approved by the board;

(C) reimbursement by electronic funds transfer to a qualified school, tutor or other entity approved by the board;

(D) the ability for the treasurer to monitor and create reports of transaction activity in real time;

(E) the ability for the treasurer to put an account on a temporary hold status;

(F) a design that reduces the possibility of fraud, waste and abuse; and
 (G) meet best standards as determined by the board for data privacy and cyber security";

Also on page 4, in line 27, by striking all before "a" and inserting "(12) require";

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

Also on page 4, in line 43, before "Sec." by inserting "New";

On page 5, following line 21, by inserting:

"New Sec. 6. (a) For school year 2023-2024, a qualified student may participate in the program if such student meets the requirements of this act and:

(1) (A) Was enrolled in and attending public school in school year 2022-2023 for kindergarten or any of the grades one through 12, or preschool if such student has a disability; or

(B) is eligible to enroll in kindergarten in school year 2023-2024; or

(2) if the student does not meet the requirements of paragraph (1) but has an annual family income that is less than or equal to 300% of the federal poverty guidelines as determined annually in the federal register by the United States department of health and human services under 42 U.S.C. § 9902(2), except that the number of students eligible to participate in the program pursuant to this paragraph shall not exceed 2,000 students.

(b) For school year 2024-2025, a qualified student may participate in the program if such student meets the requirements of this act and:

(1) (A) Participated in the program in the immediately preceding school year;

(B) was enrolled in and attending public school in school year 2023-2024 for kindergarten or any of the grades one through 12, or preschool if such student has a disability; or

(C) is eligible to enroll in kindergarten in school year 2024-2025; or

(2) if the student does not meet the requirements of paragraph (1) but has an annual family income that is less than or equal to 400% of the federal poverty guidelines as determined annually in the federal register by the United States department of health and human services under 42 U.S.C. § 9902(2), except that the number of students eligible to participate in the program pursuant to this paragraph shall not exceed 4,000 students.

(c) For school year 2025-2026, a qualified student may participate in the program if such student meets the requirements of this act and:

(1) Meets the requirements of subsection (a)(1) or (b)(1); or

(2) if the student does not meet the requirements of subsection (a)(1) or (b)(1), the student may still participate, except that the number of students participating pursuant to this paragraph shall not exceed 8,000.

(d) Beginning in school year 2026-2027, all qualified students who meet the requirements of this act may participate in the program.

(e) If the number of applicants exceeds the number of qualified students allowed to

participate in the program in a particular school year, the treasurer shall accept such students into the program on a first come, first served basis.";

Also on page 5, in line 22, before "Sec." by inserting "New";

On page 6, in line 16, after the semicolon by inserting "or"; in line 17, by striking "or"; by striking all in lines 18 through 22; in line 25, after "(5) " by inserting "any payments from an account for tuition shall only be made to a qualified school or a postsecondary educational institution;

(6)";

Also on page 6, in line 34, by striking "establish" and inserting "authorize";

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

On page 7, in line 29, before "Sec." by inserting "New"; in line 38, by striking "from or through" and inserting "as required for attendance at";

On page 8, in line 31, before "Sec." by inserting "New";

On page 10, in line 10, after "annual" by inserting "financial"; in line 11, after "quarterly" by inserting "financial"; in line 14 before "Sec." by inserting "New"; in line 33, before "Sec." by inserting "New";

On page 11, in line 2, by striking "English language arts, English language proficiency" and inserting "reading, grammar"; in line 4, before "Sec." by inserting "New"; in line 28, before "Sec." by inserting "New";

On page 12, in line 11, before "Sec." by inserting "New"; following line 15, by inserting:

"Sec. 15. K.S.A. 2022 Supp. 72-3120 is hereby amended to read as follows: 72-3120. (a) Subject to the other provisions of this section, every parent or person acting as parent in the state of Kansas, who has control over or charge of any child who has reached the age of seven years and is under the age of 18 years and has not attained a high school diploma, a general educational development credential or a high school equivalency credential, shall require such child to be regularly enrolled in and attend continuously each school year:

(1) A public school for the duration of the school term provided for in K.S.A. 72-3115, and amendments thereto;

(2) a private, denominational or parochial school taught by a competent instructor for a period of time which is substantially equivalent to the period of time public school is maintained in the school district in which the private, denominational or parochial school is located; or

(3) a combination of a public school and a private, denominational or parochial school for the periods of time referred to in paragraphs (1) and (2).

(b) If the child is 16 or 17 years of age, the child shall be exempt from the compulsory attendance requirements of this section if:

(1) The child is regularly enrolled in and attending a program recognized by the local board of education as an approved alternative educational program;

(2) the parent or person acting as parent provides written consent to allow the child to be exempt from the compulsory attendance requirements of this section and the child and the parent or person acting as parent attend a final counseling session conducted by the school during which a disclaimer to encourage the child to remain in school or to pursue educational alternatives is presented to and signed by the child and the parent or person acting as parent. The disclaimer shall include information regarding the

academic skills that the child has not yet achieved, the difference in future earning power between a high school graduate and a high school drop out and a listing of educational alternatives that are available for the child;

(3) the child is regularly enrolled in a school as required by subsection (a) and is concurrently enrolled in a postsecondary educational institution, as defined by K.S.A. 74-3201b, and amendments thereto; or

(4) the child is subject to a court order that allows or requires the child to be exempt from the compulsory attendance requirements.

(c) A child that is a qualified student participating in the sunflower education equity program pursuant to section 1 et seq., and amendments thereto, shall be deemed to meet the requirements of this section.

(d) Any child who is under the age of seven years, but who is enrolled in school, shall be subject to the compulsory attendance requirements of this section. Any such child may be withdrawn from enrollment in school at any time by a parent or person acting as parent of the child and thereupon the child shall be exempt from the compulsory attendance requirements of this section until the child reaches the age of seven years or is re-enrolled in school.

~~(e)~~(e) Any child who is determined to be an exceptional child, except for an exceptional child who is determined to be a gifted child, under the provisions of the special education for exceptional children act shall be subject to the compulsory attendance requirements of such act and exempt from the compulsory attendance requirements of this section.

~~(f)~~(f) Any child who has been admitted to, and is attending, the Kansas academy of mathematics and science, as provided in K.S.A. 72-3903 et seq., and amendments thereto, shall be exempt from the compulsory attendance requirements of this section.

~~(g)~~(g) No child attending public school in this state shall be required to participate in any activity which is contrary to the religious teachings of the child if a written statement signed by one of the parents or a person acting as parent of the child is filed with the proper authorities of the school attended requesting that the child not be required to participate in such activities and stating the reason for the request.

~~(h)~~(h) When a recognized church or religious denomination that objects to a regular public high school education provides, offers and teaches, either individually or in cooperation with another recognized church or religious denomination, a regularly supervised program of instruction that is approved by the state board of education, for children of compulsory school attendance age who have successfully completed the eighth grade, participation in such a program of instruction by any such children whose parents or persons acting as parents are members of the sponsoring church or religious denomination shall be regarded as acceptable school attendance within the meaning of this act. Approval of such programs shall be granted by the state board of education, for two-year periods, upon application from recognized churches and religious denominations, under the following conditions:

(1) Each participating child shall be engaged, during each day on which attendance is legally required in the public schools in the school district in which the child resides, in at least five hours of learning activities appropriate to the adult occupation that the child is likely to assume in later years;

(2) acceptable learning activities, for the purposes of this subsection, shall include projects supervised by a parent or person acting as parent in agriculture and

homemaking, work-study programs in cooperation with local business and industry and correspondence courses from schools accredited by the national home study council, recognized by the United States office of education as the competent accrediting agency for private home study schools;

(3) at least 15 hours per week of classroom work under the supervision of an instructor shall be provided, at which time students shall be required to file written reports of the learning activities they have pursued since the time of the last class meeting, indicating the length of time spent on each one, and the instructor shall examine and evaluate such reports, approve plans for further learning activities and provide necessary assignments and instruction;

(4) regular attendance reports shall be filed as required by law and students shall be reported as absent for each school day on which they have not completed the prescribed minimum of five hours of learning activities;

(5) the instructor shall keep complete records concerning instruction provided, assignments made and work pursued by the students, and these records shall be filed on the first day of each month with the state board of education and the board of education of the school district in which the child resides;

(6) the instructor shall be capable of performing competently the functions entrusted thereto; and

(7) in applying for approval under this subsection a recognized church or religious denomination shall certify its objection to a regular public high school education and shall specify, in such detail as the state board of education may reasonably require, the program of instruction that it intends to provide and no such program shall be approved unless it fully complies with standards specified by the state board of education.

If the sponsors of an instructional program approved under this subsection fail to comply at any time with the provisions of this subsection, the state board of education shall rescind, after a written warning has been served and a period of three weeks allowed for compliance, approval of the programs, even though the two-year approval period has not elapsed, and thereupon children attending such program shall be admitted to a high school of the school district.

~~(b)(1)~~ (1) Each board of education of a school district shall allow any child to enroll part-time in the school district to allow the student to attend any courses, programs or services offered by the school district if the child:

(A) Is also enrolled in a nonaccredited private elementary or secondary school pursuant to K.S.A. 72-4345, and amendments thereto, or in any other private, denominational or parochial school pursuant to the provisions of subsection (a);

(B) requests to enroll part-time in the school district; and

(C) meets the age of eligibility requirements for school attendance pursuant to K.S.A. 72-3118, and amendments thereto.

(2) Each board of education of a school district shall adopt a policy regarding the part-time enrollment of students pursuant to this subsection and shall publish such policy on the school district's website. The board of education of a school district shall make a good faith attempt to accommodate scheduling requests of students enrolling in the school district pursuant to this subsection but shall not be required to make adjustments to accommodate every such request.

~~(b)(j)~~ (j) As used in this section:

(1) "Educational alternatives" means an alternative learning plan for the student

that identifies educational programs that are located in the area where the student resides and are designed to aid the student in obtaining a high school diploma, general educational development credential or other certification of completion, such as a career technical education industry certification. Such alternative learning plans may include extended learning opportunities such as independent study, private instruction, performing groups, internships, community service, apprenticeships and online coursework.

(2) "Parent" and "person acting as parent" mean the same as such terms are defined in K.S.A. 72-3122, and amendments thereto.

(3) "Private school" includes competent, private instruction of a child directed by a parent or person acting as parent. "Private school" does not include instruction provided pursuant to subsection (c).

(4) "Regularly enrolled" means enrolled in five or more hours of instruction each school day. For the purposes of subsection (b)(3), hours of instruction received at a postsecondary educational institution shall be counted.

Sec. 16. K.S.A. 2022 Supp. 72-3120 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "fund" by inserting "; amending K.S.A. 2022 Supp. 72-3120 and repealing the existing section"; and the bill be passed as amended.

Committee on **Legislative Modernization** recommends **HB 2314** be passed.

Committee on **Taxation** recommends **HB 2066** be amended on page 2, in line 38, by striking "firefighter as defined" and inserting "volunteer member of a fire district, fire department or fire company as provided"; in line 40, by striking "firefighter" and inserting "volunteer member of a fire district, fire department or fire company"; in line 42, after "(F)" by inserting "a volunteer member serving as";

On page 3, in line 1, after "as" by inserting "a volunteer member serving as";

On page 1, in the title, in line 2, after the second "for" by inserting "volunteer"; and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGE

Speaker Hawkins announced the appointment of Rep. Robinson to replace Rep. Martinez on Committee on Corrections and Juvenile Justice for February 13 and 14, 2023.

On motion of Rep. Croft, the House adjourned until 11:00 a.m., Tuesday, February 14, 2023.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

