

# Journal of the House

TWENTY-EIGHTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, February 16, 2023, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Probst, Robinson, L. Ruiz, Turk and Winn excused on excused absence by the Speaker.

Present later: Rep. Turk.

Prayer by guest chaplain, Pastor Rob Self, Lakeview Church of the Nazarene, Topeka:

Lord, we thank You for this day,  
and all the gifts that have come with being here at this moment.

May we be an example, a leader,  
and most of all, united as we come together today  
for the needs of Kansas, and those of this nation.

May Your sovereignty be extended in the discussion and debates  
that will occur in this House.

Let us be mindful of the needs of others,  
as near as our own neighborhoods, those suffering in Ohio,  
and as far away as those in the Ukraine.

In Jesus name, amen.

The Pledge of Allegiance was led by Rep. Boyd.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2423**, AN ACT concerning civil actions and civil procedure; enacting the act against abusive access litigation; creating a civil action for determining whether litigation that alleges any access violation under the Americans with disabilities act or similar law constitutes abusive litigation and authorizing penalties for such abusive litigation, by Committee on Taxation.

**HB 2424**, AN ACT concerning taxation; relating to income, privilege and premium tax credits; establishing a refundable income tax credit for direct payments made by employers to student loans on behalf of a qualified employee, by Committee on Taxation.

**HB 2425**, AN ACT concerning income taxation; relating to credits; establishing a refundable income tax credit for tuition payments made to postsecondary educational institutions, by Committee on Taxation.

**HB 2426**, AN ACT concerning criminal procedure; relating to grand juries; authorizing appeals from certain decisions related to citizen-initiated grand juries; amending K.S.A. 2022 Supp. 22-3001 and 22-3008 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2427**, AN ACT concerning school districts; relating to school sponsored travel and activities; requiring separate overnight accommodations for students of each biological sex, by Committee on Federal and State Affairs.

**HB 2428**, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; providing for membership affiliation for certain security officers of the department of corrections and certain law enforcement officers and employees of the Kansas department of wildlife and parks; establishing employee and employer contributions, by Committee on Appropriations.

**HB 2429**, AN ACT concerning abortion; establishing the alternatives to abortion program and the alternatives to abortion public awareness program; providing services that promote childbirth to women facing unplanned pregnancies; promoting public awareness of such services, by Committee on Appropriations.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Appropriations: **HB 2418**.

Federal and State Affairs: **HB 2417, HB 2422**.

Taxation: **HB 2419, HB 2420, HB 2421**.

#### **CHANGE OF REFERENCE**

Speaker pro tem Carpenter announced the withdrawal of **HB 2168** from Committee on Agriculture and Natural Resources and referral to Committee on Appropriations.

#### **MESSAGES FROM THE SENATE**

Announcing passage of **SB 18, SB 59, SB 73, SB 143**.

#### **INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

The following Senate bills were thereupon introduced and read by title:

**SB 18, SB 59, SB 73, SB 143**.

#### **CONSENT CALENDAR**

No objection was made to **HB 2089, HB 2090, HB 2284, HB 2285** appearing on the Consent Calendar for the second day.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2021**, AN ACT concerning children and minors; relating to risk and needs assessment for certain children in need of care; allowing for overall case length limit extensions for certain juvenile offenders; requiring the department of corrections to create juvenile justice data systems; increasing use of evidence-based programs account money; authorizing detention sanctions for probation violations; increasing the cumulative detention cap; amending K.S.A. 38-2203, 38-2304, 38-2361, 38-2391, 38-2392, 75-52,162 and 75-52,164 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 35; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Alcalá, Amyx, Ballard, Boyd, Carlin, Carmichael, Carr, Curtis, Featherston, Haskins, Haswood, Helgerson, Highberger, Houglund, Hoye, Martinez, Melton, Meyer, Miller, D., Miller, S., Miller, V., Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Poskin, Ruiz, S., Clayton, Schlingensiepen, Stogsdill, Vaughn, Weigel, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Probst, Robinson, Ruiz, L., Turk, Winn.

The bill passed, as amended.

**HB 2060**, AN ACT concerning education; relating to special education and related services; establishing the special education and related services funding task force; repealing K.S.A. 72-3441, was considered on final action.

On roll call, the vote was: Yeas 83; Nays 37; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Alcalá, Amyx, Ballard, Boyd, Carlin, Carmichael, Carr, Curtis, Fairchild, Featherston, Haskins, Haswood, Highberger, Houglund, Hoye, Jacobs, Martinez, Melton, Meyer, Miller, D., Miller, S., Miller, V., Ohaebosim, Oropeza, Osman, Ousley, Poetter, Poskin, Rhiley, Ruiz, S., Sawyer, Clayton, Schlingensiepen, Stogsdill, Vaughn, Weigel, Xu.

Present but not voting: None.

Absent or not voting: Probst, Robinson, Ruiz, L., Turk, Winn.

The bill passed.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2060**. I always vote against creating new task forces, because I view it as being an expansion of government. There's always some expense involved with creating a new task force, and I believe that the issues that are studied in

the task force could be studied during the regular session. However, I certainly appreciate all the hard work that the representative from Augusta has done on the special education issue. She's worked very hard at providing us with valuable information on the special education issue, and I certainly appreciate that. – BRETT FAIRCHILD, BILL RHILEY, TREVOR JACOBS

MR. SPEAKER: I VOTE NO ON **HB 2060**. The Kansas SPED funding distribution system has been in statute since 1974. Since 1983 there have been 13 LPA reports, at least two independent studies, reviewed in Kansas Supreme Court cases, and the distribution system has never been deemed inadequate, only the level of funding. We do not need another report. We need to fully fund SPED. – JARROD OUSLEY, LINDA FEATHERSTON, MARI-LYNN POSKIN, HEATHER MEYER, LINDSAY VAUGHN, DENNIS "BOOG" HIGHBERGER, ALLISON HOUGLAND, MELISSA OROPEZA, TOBIAS SCHLINGENSIEPEN, VIC MILLER

**HB 2234**, AN ACT relating to state construction or building improvement projects; increasing the cost threshold for the mandatory convening of a negotiating committee by the secretary of administration or agency head and the selection of architectural, engineering or land surveying services from a list of qualified firms; providing such cost threshold be increased annually based on the percentage increase in the consumer price index; changing the measure of the cost threshold from "total project cost" to "construction cost"; amending K.S.A. 75-1253 and 75-5804 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 4; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Boyd, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Highberger, Hoffman, Hoheisel, Houglan, Houser, Howe, Howell, Howerton, Hoyer, Humphries, Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Owens, F. Patton, Penn, Pickert, Poetter, Poskin, Proctor, Rahjes, Resman, Roth, Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoie, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Woodard, Xu, Younger.

Nays: Helgerson, Hill, Jacobs, Rhiley.

Present but not voting: None.

Absent or not voting: Probst, Robinson, Ruiz, L., Turk, Winn.

The bill passed, as amended.

**HCR 5004**, 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, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Boyd, Bryce, Buehler, Butler, Carlin, Carmichael, B.

Carpenter, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Highberger, Hill, Hoffman, Hoheisel, Houglan, Houser, Howe, Howell, Howerton, Hoye, Humphries, Jacobs, Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Owens, F. Patton, Penn, Pickert, Poetter, Poskin, Proctor, Rahjes, Resman, Rhiley, Roth, Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Woodard, Xu, Younger.

Nays: Helgerson.

Present but not voting: None.

Absent or not voting: Probst, Robinson, Ruiz, L., Turk, Winn.

The resolution was adopted, as amended.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2100**, **HB 2096**, **HB 2093**, **HB 2262** be passed.

On motion of Rep. Owens, **HB 2314** be amended on page 1, in line 26, after "means" by inserting ":

(A)";

Also on page 1, in line 29, after "TikTok" by inserting ";

(B) an application or website that is owned or controlled by ByteDance, Ltd., a subsidiary or a successor company to ByteDance, Ltd. or a company directly or indirectly controlled by ByteDance, Ltd"

and the bill be passed as amended.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Croft pursuant to House Rule 2311, **HB 2093**, **HB 2096**, **HB 2100**, **HB 2262** and **HB 2314** were advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**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, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Boyd, Bryce, Buehler, Butler, Carlin, Carmichael, B.

Carpenter, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Highberger, Hill, Hoffman, Hoheisel, Hougland, Houser, Howe, Howell, Howerton, Hoye, Humphries, Jacobs, Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Owens, F. Patton, Penn, Pickert, Poetter, Poskin, Proctor, Rahjes, Resman, Rhiley, Roth, Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Woodard, Xu, Younger.

Nays: None.

Present but not voting: None.

Absent or not voting: Probst, Robinson, Ruiz, L., Winn.

The bill passed.

**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, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Boyd, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Highberger, Hill, Hoffman, Hoheisel, Hougland, Houser, Howe, Howell, Howerton, Hoye, Humphries, Jacobs, Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Owens, F. Patton, Penn, Pickert, Poetter, Poskin, Proctor, Rahjes, Resman, Rhiley, Roth, Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Woodard, Xu, Younger.

Nays: None.

Present but not voting: None.

Absent or not voting: Probst, Robinson, Ruiz, L., Winn.

The bill passed.

**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, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Amyx, Anderson, Averkamp, Ballard, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Boyd, Bryce, Buehler, Butler, Carlin, B. Carpenter, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Highberger, Hill, Hoffman, Hoheisel, Houglan, Houser, Howe, Howell, Howerton, Hoye, Humphries, Jacobs, Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Owens, F. Patton, Penn, Pickert, Poetter, Poskin, Proctor, Rahjes, Resman, Rhiley, Roth, Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoë, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Woodard, Xu, Younger.

Nays: Carmichael.

Present but not voting: None.

Absent or not voting: Probst, Robinson, Ruiz, L., Winn.

The bill passed.

**HB 2314**, AN ACT concerning state-issued devices and networks; relating to social media platforms; prohibiting the use of social media platforms of concern on such devices and networks, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 12; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Amyx, Anderson, Averkamp, Ballard, Barth, Bergkamp, Bergquist, Blex, Bloom, Borjon, Boyd, Bryce, Buehler, Butler, Carlin, B. Carpenter, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Hawkins, Helgerson, Hill, Hoffman, Hoheisel, Houglan, Houser, Howe, Howell, Howerton, Humphries, Jacobs, Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Oropeza, Osman, Owens, F. Patton, Penn, Pickert, Poetter, Poskin, Proctor, Rahjes, Resman, Rhiley, Roth, Sanders, Schlingensiepen, Schmoë, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Xu, Younger.

Nays: Blew, Carmichael, Haswood, Highberger, Hoye, Miller, S., Ohaebosim, Ousley, Ruiz, S., Sawyer, Clayton, Woodard.

Present but not voting: None.

Absent or not voting: Probst, Robinson, Ruiz, L., Winn.

The bill passed, as amended.

**HB 2262**, AN ACT concerning public health; relating to embalmer educational requirements; allowing an individual to complete six months of an embalmer apprenticeship prior to enrolling in a school of mortuary science; amending K.S.A. 65-1701a and 65-1703 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Boyd, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Highberger, Hill, Hoffman, Hoheisel, Hougland, Houser, Howe, Howell, Howerton, Hoye, Humphries, Jacobs, Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neely, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Owens, F. Patton, Penn, Pickert, Poetter, Poskin, Proctor, Rahjes, Resman, Rhiley, Roth, Ruiz, S., Sanders, Sawyer, Clayton, Schlingensiepen, Schmoe, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Woodard, Xu, Younger.

Nays: None.

Present but not voting: None.

Absent or not voting: Probst, Robinson, Ruiz, L., Winn.

The bill passed.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2159**, **HB 2332** be passed.

Committee on **Agriculture and Natural Resources** recommends **HB 2047** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 65-163 is hereby amended to read as follows: 65-163. (a) (1) No person shall operate a public water supply system within the state without a public water supply system permit from the secretary. An application for a public water supply system permit shall be submitted for review and approval prior to construction and shall include:

(A) A copy of the plans and specifications for the construction of the public water supply system or the extension thereof;

(B) a description of the source from which the water supply is to be derived;

(C) the proposed manner of storage, purification or treatment for the supply; and

(D) such other data and information as required by the secretary of health and environment. No source of water supply in substitution for or in addition to the source described in the application or in any subsequent application for which a public water supply system permit is issued shall be used by a public water supply system, nor shall any change be made in the manner of storage, purification or treatment of the water supply without an additional public water supply system permit obtained in a manner similar to that prescribed by this section from the secretary.

(2) Whenever application is made to the secretary for a public water supply system



permit under the provisions of this section, it shall be the duty of the secretary to examine the application without delay and, as soon as possible thereafter, to grant or deny the public water supply system permit subject to any conditions ~~which~~ that may be imposed by the secretary to protect the public health and welfare.

(3) The secretary may adopt rules and regulations establishing a program of annual certification by public water supply systems that have staff qualified to approve the extension of distribution systems or the replacement of segments of distribution systems without the necessity of securing an additional permit for the extension or replacement provided the plans for the extension or replacement are prepared by a professional engineer as defined by K.S.A. 74-7003, and amendments thereto.

(b) (1) Whenever a complaint is made to the secretary by any city of the state, by a local health officer, or by a county or joint board of health concerning the sanitary quality of any water supplied to the public within the county in which the city, local health officer or county or joint board of health is located, the secretary shall investigate the public water supply system about which the complaint is made. Whenever the secretary has reason to believe that a public water supply system within the state is being operated in violation of an applicable state law or an applicable rule and regulation of the secretary, the secretary may investigate the public water supply system.

(2) Whenever an investigation of any public water supply system is undertaken by the secretary, it shall be the duty of the supplier of water under investigation to furnish to the secretary information to determine the sanitary quality of the water supplied to the public and to determine compliance with applicable state laws and rules and regulations. The secretary may issue an order requiring changes in the source or sources of the public water supply system or in the manner of storage, purification or treatment utilized by the public water supply system before delivery to consumers, or distribution facilities, collectively or individually, as may in the secretary's judgment be necessary to safeguard the sanitary quality of the water and bring about compliance with applicable state law and rules and regulations. The supplier of water shall comply with the order of the secretary.

(c) (1) As used in this subsection ~~(e)~~, "municipal water treatment residues" means any solid, semisolid or liquid residue generated during the treatment of water in a public water supply system treatment works.

(2) A public water supply system may place or store municipal water treatment residues resulting from sedimentation, coagulation or softening treatment processes in basins on land under the ownership and control of the public water supply system operator provided that such storage or placement is approved and permitted by the secretary under this section as part of the public water supply system.

(3) The secretary shall adopt uniform and comprehensive rules and regulations for the location, design and operation of such basins. Such rules and regulations shall require permit applications by the public water suppliers for such basins to include a copy of the plans and specifications for the location and construction of each basin, the means of conveyance of the treatment residues to such basins, the content of treatment residues, the proposed method of basin operation and closure, the method of any anticipated expansion and any other data and information required by the secretary.

(4) Whenever complaint is made to the secretary by the mayor of any city of the state, by a local health officer or by a county or joint board of health, or whenever an

investigation is undertaken at the initiative of the secretary, relating to any alleged violation of the provisions of the permit for placement or storage of municipal water treatment residues in such basins, the public water supply system operator shall furnish all information the secretary requires. If the secretary finds that there is any violation of the terms of the permit, that the means of placement and storage exceed the terms of the permit or that any other condition exists by reason of the means of placement and storage that may be detrimental to the health of any inhabitants of the state or to the environment, the secretary shall have the authority to issue an order amending the permit or otherwise requiring the operator to perform remedial measures to curtail or prevent such detrimental conditions.

(d) Orders of the secretary under this section, and hearings thereon, shall be subject to the provisions of the Kansas administrative procedure act. Any action of the secretary pursuant to this section is subject to review in accordance with the Kansas judicial review act. The court on review shall hear the case without delay.

(e) The secretary shall establish by rule and regulation a system of fees for the inspection and regulation of public water supplies. No such fee shall exceed \$.002 per 1,000 gallons of water sold at retail by a public water supply system. All such fees shall be paid quarterly in the manner provided for fees imposed on retail sales by public water supply systems pursuant to K.S.A. 82a-954, and amendments thereto. The secretary shall remit all moneys collected for such fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the public water supply fee fund created by K.S.A. 65-163c, and amendments thereto.

(f) There is hereby created an advisory committee to make recommendations regarding:

- (1) Fees to be adopted by the secretary under subsection (e);
- (2) means of strengthening on-site technical assistance to public water supply systems;
- (3) standards for on-site and classroom water treatment operator certification programs;

(4) other matters concerning public water supplies; and

(5) to advise the secretary regarding expenditure of moneys in the public water supply fee fund created by K.S.A. 65-163c, and amendments thereto. Such advisory committee shall consist of one member appointed by the secretary to represent the department of health and environment, one member appointed by the director of the Kansas water office to represent such office and two members appointed by the secretary as follows: One from three nominations submitted by the Kansas section of the American waterworks association, and one from three nominations submitted by the Kansas rural water association. Members of the advisory committee shall serve without compensation or reimbursement of expenses. The advisory committee shall meet at least four times each year on call of the secretary or a majority of the members of the committee.";

On page 2, in line 3, after "K.S.A." by inserting "65-163 and"; also in line 3, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to water

infrastructure projects; authorizing the secretary of health and environment to adopt rules and regulations for an annual certification program for the replacement of distribution systems segments"; in line 3, after "K.S.A." by inserting "65-163 and"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **HB 2160** be amended on page 1, in line 24, after "bales" by inserting "transported by the producer"; in line 25, by striking "within 150 miles"; in line 31, by striking "a minimum of four feet" and inserting "not less than 12 inches"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2329** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2398** be amended on page 2, in line 34, after the period by inserting:

"(2)";

Also on page 2, in line 35, by striking all before the comma and inserting "includes";

On page 4, in line 4, after "include" by inserting ":

(A)";

Also on page 4, in line 6, after "thereto" by inserting " or

(B) any materials used or intended for use to test a substance for the presence of fentanyl, a fentanyl analog, ketamine or gamma hydroxybutyric acid";

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

On page 1, in the title, in line 3 after the semicolon by inserting "excluding materials used to detect the presence of fentanyl, ketamine or gamma hydroxybutyric acid from the definition of drug paraphernalia"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2081**, **HB 2238** be passed.

Committee on **Education** recommends **HB 2080** be amended on page 1, in line 17, after "(3)" by inserting "the assessment administered in the virtual setting shall be the same assessment administered to students enrolled in a virtual school but taking the assessment in an in-person setting;

(4)";

Also on page 1, in line 32, after "(b)" by inserting "Any costs incurred by the state department of education in implementing the provisions of this section shall be paid for from the department's funds for administering all statewide assessments.

(c)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Energy, Utilities and Telecommunications** recommends **HB 2226** be passed.

Committee on **Federal and State Affairs** recommends **HB 2269** be passed.

Committee on **Financial Institutions and Pensions** recommends **HB 2102** be amended on page 1, in line 12, by striking the first "the"; in line 14, by striking "accrued interest and"; also in line 14, after "costs" by inserting "and excluding accrued interest"; in line 20, after "at" by inserting "a price or"; also in line 20, by striking "reflecting a discount up to 75%" and inserting "not to exceed 79.5%"; in line 21, after "bonds" by inserting ", excluding accrued interest,"; also in line 21, by striking "paying" and inserting "taking into account the payment"; in line 22, by striking "the" and inserting

"of any transaction"; also in line 22, by striking "of" and inserting "in excess of \$500,000 for"; in line 29, by striking "which" and inserting "such"; following line 30, by inserting:

"Sec. 2.

#### STATE TREASURER

(a) Any unencumbered balance in the 2021K bond repurchase account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024: *Provided*, That expenditures from the 2021K bond repurchase account shall be made by the above agency for the purpose of paying the costs of purchasing, including transaction costs and excluding accrued interest, some or all of the outstanding portion of the Kansas development finance authority taxable revenue bonds (state of Kansas – KPERS) series 2021K, of any one or more maturity or maturities, in whole or in part for each maturity, pursuant to one or more purchases, tender offers or other transactions by the above agency or the Kansas development finance authority, at the direction of the above agency, at a price or prices not to exceed 79.5% of the principal amount at maturity of such 2021K bonds, excluding accrued interest, after taking into account the payment from such account of any transaction costs in excess of \$500,000 for purchasing such 2021K bonds: *Provided further*, That all such purchases of such 2021K bonds shall be on the terms of and pursuant to all necessary and appropriate agreements by, between or among any of the above agency, the Kansas development finance authority, the department of administration and such other agencies or parties as deemed by the above agency or the Kansas development finance authority to be necessary or appropriate to complete such purchases of such 2021K bonds, and all such 2021K bonds purchased shall be retired by the above agency.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "year" and inserting "years"; in line 2, after "2023," by inserting "and June 30, 2024,"; and the bill be passed as amended.

Committee on **Financial Institutions and Pensions** recommends **HB 2197** be amended on page 1, following line 11, by inserting:

"New Section 1. (a) The state treasurer may have non-exclusive authority to market the first-time home buyer savings account program to account holders and financial institutions throughout the state and may report on the marketing initiatives in the state treasurer's office annual report.

(b) This section shall be a part of and supplemental to the first-time home buyer savings account act.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, after the semicolon by inserting "authorizing the state treasurer to market the first-time home buyer savings account program to account holders and financial institutions,"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2259** be amended on page 1, in line 23, by striking "physician" and inserting "prescriber"; in line 32, by striking "physician" and inserting "prescriber"; in line 33, by striking "prescribing physicians" and inserting "prescribers";

On page 2, in line 14, by striking "physician" and inserting "prescriber"; in line 19,

by striking "prescribing physician's" and inserting "prescriber's"; in line 26, by striking "physician" and inserting "prescriber"; in line 40, by striking "physician" and inserting "prescriber";

On page 3, following line 4, by inserting:

"(g) As used in this section, "prescriber" means the same as defined in K.S.A. 65-1626, and amendments thereto."; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2288** be amended on page 1, in line 6, before "Section" by inserting "New";

On page 20, following line 17, by inserting:

"Sec. 2. K.S.A. 2022 Supp. 65-5808 is hereby amended to read as follows: 65-5808. (a) The board may ~~fix~~ set the following fees, and any such fees shall be established by rules and regulations adopted by the board:

- (1) For application for licensure as a professional counselor, not more than \$100;
- (2) for an original license as a professional counselor, not more than \$175;
- (3) for a temporary license as a professional counselor, not more than \$175;
- (4) for renewal for licensure as a professional counselor, not more than \$150;
- (5) for application for licensure as a clinical professional counselor, not more than \$175;

(6) for licensure as a clinical professional counselor, not more than \$175;

(7) for renewal for licensure as a clinical professional counselor, not more than \$175;

(8) for a home-state license with privilege to practice under the counseling compact, not more than \$25 in addition to any other applicable fee;

(9) for late renewal penalty, an amount equal to the fee for renewal of a license;

~~(9)~~(10) for reinstatement of a license, not more than \$175;

~~(10)~~(11) for replacement of a license, not more than \$20;

~~(11)~~(12) for a wallet card license, not more than \$5; and

~~(12)~~(13) for application as a board-approved clinical supervisor, not more than \$50.

(b) Fees paid to the board are not refundable.

Sec. 3. K.S.A. 2022 Supp. 65-5808 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "privileges" by inserting "; authorizing the behavioral sciences regulatory board to establish a fee for a home-state license with interstate practice privileges; amending K.S.A. 2022 Supp. 65-5808 and repealing the existing section"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2094**, **HB 2097**, **HB 2098** be passed.

Committee on **K-12 Education Budget** recommends **HB 2261** be passed.

Committee on **K-12 Education Budget** recommends **HB 2271** be amended on page 1, following line 9, by inserting:

"New Section 1. (a) On or before August 15 of each year, each school district in this state shall establish a link on the school district's website homepage titled "Parent Portal" and shall post and make the following information available on the parent portal:

- (1) The number of nonresident student transfers approved and denied by the board of education of the school district in each grade level pursuant to K.S.A. 72-3123, and

amendments thereto, and whether the denials were based on capacity or pursuant to the policy adopted by the board under K.S.A. 2022 Supp. 72-3126, and amendments thereto;

(2) a copy of each nonacademic test, questionnaire, survey or examination that is required to be posted on the school district's website pursuant to K.S.A. 72-6316, and amendments thereto; and

(3) a list organized by grade level that includes the district-wide curriculum content adopted by the board of education of the school district, including textbooks, required reading books and units of study by theme, chapter or subject matter. Such list shall provide the title, author, publishing company and year of publication for any such textbook or book. A school district shall only be required to post such information once per school year unless the board of education of the school district makes substantial changes to the district's adopted curriculum content during the school year. This paragraph shall not be construed to require posting of teacher lesson plans.

(b) The publication of information and updates to such information on the parent portal shall be an administrative function of the school district and shall not be a duty or obligation imposed upon teachers.";

On page 2, following line 30, by inserting:

"(4) Any child who is experiencing homelessness shall be permitted to enroll in and attend the school district of origin or the school district of residence.";

On page 3, in line 1, after the period by inserting "Prior to making any determination to deem a nonresident student as not in good standing, a district shall consider a student's status as a homeless child and the resulting factors of homelessness on such student's standing."; in line 5, after "families" by inserting "or a child who is experiencing homelessness"; in line 13, after the period by inserting "A school district shall ensure that transportation for nonresident homeless students is provided comparably to that of housed students."; in line 15, after "education" by inserting "the school district's policy adopted pursuant to K.S.A. 2022 Supp. 72-3126, and amendments thereto."; in line 16, after "board" by inserting "in each grade level"; in line 17, by striking "section 9" and inserting "K.S.A. 2022 Supp. 72-3126"; following line 37, by inserting:

"Sec. 3. K.S.A. 2022 Supp. 72-3126 is hereby amended to read as follows: 72-3126. (a) (1) On or before January 1, 2024, each board of education of a school district shall adopt a policy to determine the number of nonresident students that the school district has the capacity to accept in each grade level for each school of the school district pursuant to K.S.A. 72-3123, and amendments thereto. Such policies shall clearly specify the reasons that the board may use to deny continued enrollment of a nonresident student who is not in good standing. Such reasons for a denial of continued enrollment may include, but shall not be limited to, the nonresident student's record of school absenteeism and repeated suspensions or expulsions.

(2) A school district's policy adopted pursuant to this section shall consider the adverse impact of homelessness on a student's attendance and any resulting suspensions or expulsions before making a determination on the continued enrollment of a student who is homeless. A district shall consider the obstacles a homeless student faces to arrive at school on time or each day due to housing instability, lack of transportation or

lack of other basic resources that can hinder consistent attendance.

(b) Prior to adopting such policy, the board of education shall call and hold a hearing on the proposed policy. The board of education shall provide notice of such hearing, which shall include the time, date and place of the public hearing to be held on the proposed policy. Such notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district and shall also be posted on the school district's website.

(c) At such hearing, a representative of the board shall present the board's proposal for the policy and the board shall hear testimony regarding the proposed policy. Following the public hearing, after consideration of the testimony and evidence presented or submitted at such public hearing, the board shall determine whether to adopt or revise the proposed policy at a subsequent public meeting of the board.

(d) The policy adopted pursuant to subsection (a) shall be published on the school district's website.

(e) The provisions of this section shall not apply to any school located on a military installation; as defined in K.S.A. 72-8268, and amendments thereto.

~~(f) This section shall take effect and be in force from and after July 1, 2023.~~;

Also on page 3, in line 39, by striking "is" and inserting "and K.S.A. 2022 Supp. 72-3126 are";

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 the semicolon and inserting "school districts; requiring certain information to be posted on a school district's website"; in line 5, after the semicolon by inserting "requiring consideration of homelessness when determining enrollment status;"; in line 7, after "and" by inserting "K.S.A. 2022 Supp. 72-3126 and"; also in line 7, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2083** be amended on page 1, in line 18, by striking the second comma and inserting "or"; also in line 18, by striking the third comma; in line 19, by striking all before "of"; also in line 19, after "property" by inserting "or any legal or equitable mortgagee or lienholder with an interest in any vacant property"; in line 20, by striking all after "(1)"; by striking all in lines 21 and 22; in line 23, by striking "(2)"; in line 25, by striking "or"; in line 27, after "means" by inserting "; or

(3) impose any responsibility of property ownership, such as repair, maintenance or security, on a legal or equitable mortgagee or lienholder";

Also on page 1, in line 28, after "Any" by inserting "provision of any"; also in line 28, after "regulation" by inserting "that requires the payment of any tax, fee or other charge that is"; in line 31, by striking all after "vacancy"; in line 32, by striking all before the period;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2036**, **HB 2135** be passed.

Committee on **Transportation** recommends **HB 2298** be amended on page 1, in line 8, by striking "Johnson" and inserting "Holliday"; and the bill be passed as amended.

## REPORT OF STANDING COMMITTEE

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

**Request No. 21**, by Representative Dodson, congratulating the Manhattan Kansas Football Team and Coaches for being crowned Kansas State Champions for Division 6A;

**Request No. 22**, by Representative Dodson, honoring the Kyle Family for three generations of exemplary service in Kansas Law Enforcement;

**Request No. 23**, by Speaker Hawkins, congratulating Helen V. Vought on her 90<sup>th</sup> birthday, February 25, 2023;

**Request No. 24**, by Representative Blew, honoring Kraig Westhoff for all his hard work as an educator, finding new exciting ways to make Kansas History interesting got his students;

**Request No. 25**, by Representative Dodson, congratulating Kansas State University Football Team and Coaches;

**Request No. 26**, by Representative Pickert, congratulating Bree Gray, 10<sup>th</sup> Grade Second Place Winner of the Happy Birthday Kansas! Student Photo Contest;

**Request No. 27**, by Representative White, commending George Michael McCarty for 35 years of service on the Board of Supervisors for Clark County Conservation District;

**Request No. 28**, by Representative Roth, congratulating Winfield Emergency Management System;

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 Representative Croft, the committee report was adopted.

## COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Carpenter announced the appointment of Rep. Bergkamp to replace Rep. Borjon on Committee on Commerce, Labor and Economic Development for February 16, 2023.

Also, the appointment of Rep. Hill to replace Rep. Corbet on Committee on Taxation for February 16, 2023.

Also, the appointment of Rep. Averkamp to replace Rep. Borjon on Committee on Commerce, Labor and Economic Development for February 20, 2023.

Also, the appointment of Rep. Blake Carpenter to replace Rep. Kessler on Committee on Federal and State Affairs for February 21, 2023.

Also, the appointment of Rep. Averkamp to replace Rep. Kessler on Committee on Commerce, Labor and Economic Development for February 21, 2023.

Also, the appointment of Rep. Haskins to replace Rep. Carlin on Committee on Agriculture and Natural Resources for February 16, 2023.

Also, the appointment of Rep. Ousley to replace Rep. Louis Ruiz on Committee on Education for February 16, 2023.

Also, the appointment of Rep. Winn to replace Rep. Sawyer on Committee on Higher Education Budget for February 17, 2023.



**REPORT ON ENGROSSED BILLS**

**HB 2021, HB 2234** reported correctly engrossed February 15, 2023.

**REPORT ON ENGROSSED RESOLUTIONS**

**HCR 5004** reported correctly engrossed February 15, 2023.

On motion of Rep. Croft the House adjourned pro forma until 8:30 a.m. on Friday, February 17, 2023.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

