

Journal of the House

TWENTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 17, 2023, 8:30 a.m.

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **SB 73**.

Education: **HB 2427**.

Financial Institutions and Pensions: **HB 2428**.

Health and Human Services: **HB 2429**.

Insurance: **SB 18**.

Interstate Cooperation: **HB 2426**.

Judiciary: **HB 2423**.

Legislative Modernization: **SB 59**.

Taxation: **HB 2424, HB 2425**.

Transportation: **SB 143**.

CHANGE OF REFERENCE

Speaker Hawkins announced the withdrawal of **HB 2154** from Committee on Energy, Utilities and Telecommunications and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2401** from Committee on Commerce, Labor and Economic Development and referral to Committee on Appropriations.

MESSAGES FROM THE SENATE

Announcing passage of **SB 44, SB 106, SB 116, SB 130**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 44, SB 106, SB 116, SB 130.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2191** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Child Welfare and Foster Care** recommends **HB 2024** be amended as recommended by the House Committee on Child Welfare and Foster Care as reported in the Journal of the House on February 1, 2023, and the bill, as printed As Amended by House Committee, be further amended on page 1, following line 7, by inserting:

"Section 1. K.S.A. 2022 Supp. 21-5605 is hereby amended to read as follows: 21-5605. (a) Abandonment of a child is leaving a child under the age of 16 years, in a place where such child may suffer because of neglect by the parent, guardian or other person to whom the care and custody of such child shall have been entrusted, when done with intent to abandon such child.

(b) Aggravated abandonment of a child is abandonment of a child, as defined in subsection (a), which results in great bodily harm.

(c) (1) Abandonment of a child is a severity level 8, person felony.

(2) Aggravated abandonment of a child is a severity level 5, person felony.

(d) No parent or other person having lawful custody of an infant shall be prosecuted for a violation of subsection (a), if such parent or person surrenders custody of an infant in the manner provided by K.S.A. 38-2282, and amendments thereto, and if such infant has not suffered great bodily harm.

(e) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any form of battery or homicide.";

On page 3, in line 28, after "is" by inserting "not more than"; also in line 28, by striking "or younger"; in line 29, after "suffered" by inserting "great"; also in line 29, after "harm" by inserting "as determined by a person licensed to practice medicine and surgery, advanced practice registered nurse or licensed physician assistant";

On page 4, in line 11, by striking "been abused or neglected" and inserting "suffered great bodily harm"; in line 34, after "shall" by inserting "report the surrender of the infant to the secretary and"; in line 42, by striking "for action taken pursuant to this section only";

On page 5, in line 5, after the semicolon by inserting "and"; in line 6, by striking all after "old"; by striking all in lines 7 through 9; in line 10, by striking all before the period and inserting "and has not suffered great bodily harm as determined by a person licensed to practice medicine and surgery, advanced practice registered nurse or licensed physician assistant";

On page 6, following line 20, by inserting:

"(l) (1) A facility described in subsection (c)(1)(A) that receives an infant surrendered under this section shall make available, if possible, information to the relinquishing parent, but such parent shall not be required to accept such information.

(2) Such information to be made available shall include:

(A) A notice stating that 60 days after the surrender of the infant to the facility, the secretary shall commence proceedings for termination of parental rights and placement of the infant for adoption;

(B) a list of providers that provide counseling services on grief, pregnancy and adoption or other placement or care regarding an infant;

(C) a copy of this statute, the rights of birth parents, a questionnaire that a birth parent may answer questions about the medical or background information of the child and any information required by subsection (k); and

(D) a brochure on postpartum health.

(3) The form and manner of the information under this subsection shall be

prescribed by the secretary. The secretary shall maintain the questionnaire under paragraph (2)(C) on a public website.

(m) Except as otherwise provided by law, the following individuals shall not disclose any information concerning the relinquishment of the infant and individuals involved in the relinquishment:

- (1) Persons licensed to practice medicine and surgery, advanced practice registered nurse or licensed physician assistant;
- (2) employees of a facility described in subsection (c)(1)(A);
- (3) operators of a newborn safety device; or
- (4) persons employed or involved with any location where an infant may be surrendered under this section.";

Also on page 6, in line 21, before "are" by inserting "and K.S.A. 2022 Supp. 21-5605";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "adding the requirement of great bodily harm to the crime of child abandonment to qualify for immunity;"; in line 5, after the second "and" by inserting "K.S.A. 2022 Supp. 21-5605 and"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2138** be amended on page 1, in line 12, after "district" by inserting ", community college, technical college or the Washburn institute of technology"; in line 13, after "students" by inserting "who are enrolled in any of the grades 9 through 12 and"; in line 16, after "district" by inserting ", community college, technical college or the Washburn institute of technology"; in line 17, after "district" by inserting "or college"; in line 23, after "district" by inserting "or college"; in line 26, after "districts" by inserting "and colleges"; in line 34, after "districts" by inserting "and colleges";

On page 2, in line 1, after "district" by inserting "or college"; in line 2, after "district" by inserting "or college"; in line 3, after "district" by inserting "or college"; in line 7, after the period by inserting "Upon receipt of the warrant, the treasurer of the college shall credit the amount thereof to the general fund of the college, except that, of the amount credited to such fund, the college shall expend such moneys first for the cost of assessments for those credentials described in subsection (c)."; in line 8, by striking ", the term" and inserting ":

(1) "College" means any community college, technical college or the Washburn institute of technology; and

(2)";

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

On page 1, in the title, in line 4, after "districts" by inserting ", community and technical colleges and the Washburn institute of technology"; also in line 4, after "students" by inserting "enrolled in high school"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2340** be amended on page 1, by striking all in lines 21 through 36;

On page 2, by striking all in lines 1 through 13; following line 13, by inserting:

"New Section 1. (a) Within 15 business days after receipt of an application for any license, registration, permit or certificate issued by the behavioral sciences regulatory

board, the board shall notify the applicant whether the board believes that the application is complete. If the application is determined to be incomplete, the board shall notify the applicant of the information needed in order to complete the application. Once the application is determined to be complete, the board shall complete the review of the application and issue a decision thereon within 30 business days.

(b) (1) The behavioral sciences regulatory board shall adopt rules and regulations to establish an expedited application process for any license, registration, permit or certificate issued by the board. Upon request on the application to expedite the processing of such application and payment of the fee, the board shall complete the review of the application and issue a decision thereon within 15 business days.

(2) (A) The board shall set the fee for an expedited application process by adopting rules and regulations. Such fee shall be in addition to any other fee established for the application but shall not exceed \$100. The board shall not charge such fee for an expedited application process to any applicant who is a military servicemember or military spouse.

(B) As used in this paragraph:

(i) "Military servicemember" means a current member of the army, navy, marine corps, air force, coast guard, space force, air or army national guard of any state or any branch of the military reserves of the United States or a former member who separated from service by honorable discharge or general discharge under honorable conditions.

(ii) "Military spouse" means the spouse of an individual who is a current member of the army, navy, marine corps, air force, coast guard, space force, air or army national guard of any state or any branch of the military reserves of the United States.";

On page 7, following line 35, by inserting:

"(j) (1) An individual may apply to the board for a community-based professional counselor license to practice professional counseling in the scope of employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto.

(2) A community-based professional counselor license may be issued by the board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based professional counselor license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based professional counselor license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice professional counseling; or

(ii) 24 months after the date of issuance of the community-based professional counselor license.

(B) No community-based professional counselor license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.

(4) A person practicing professional counseling with a community-based professional counselor license may use the title "licensed professional counselor" or the initials "LPC" independently.

(5) No person may practice professional counseling under a community-based

professional counselor license except under the supervision of a person licensed by the board to practice at the independent level.";

On page 8, in line 11, by striking the comma and inserting "and"; in line 12, by striking "and"; by striking all in lines 13 through 16; in line 17, by striking all before the period;

On page 11, in line 3, after "(10)" by inserting "for a community-based professional counselor license, not more than \$175;

(11)";

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

On page 15, in line 10, by striking "15" and inserting "3"; in line 13, by striking "the"; in line 14, by striking all before "psychopathology"; also in line 14, by striking all after "psychopathology"; by striking all in line 15; in line 16, by striking all before the semicolon; in line 18, after "including" by inserting ", but not limited to,"; in line 19, after "diagnosis" by inserting "or diagnostic impressions"; in line 28, after "contact" by inserting ", including, but not limited to,"; in line 29, after "groups" by inserting "integrating diagnosis or diagnostic impressions and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual";

On page 17, following line 14, by inserting:

"(i) (1) An individual may apply to the board for a community-based social work license to practice social work in the scope of employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto.

(2) A community-based social work license may be issued by the board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based social work license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based social work license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice social work; or

(ii) 24 months after the date of issuance of the community-based social work license.

(B) No community-based social work license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.

(4) A person practicing social work with a community-based social work license may use the title "licensed baccalaureate social worker" or "licensed master social worker" or the initials "LBSW" or "LMSW" independently.

(5) No person may practice social work under a community-based social work license except under the supervision of a person licensed by the board to practice at the independent level.";

On page 21, in line 2, after "(10)" by inserting "Community-based license fee for a baccalaureate social worker, master social worker or social work specialty shall be not more than \$175.

(11)";

Also on page 21, by striking all in lines 11 and 12;

On page 26, following line 28, by inserting:

"(c) (1) An individual may apply to the board for a community-based marriage and family therapist license to practice marriage and family therapy in the scope of

employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto.

(2) A community-based marriage and family therapist license may be issued by the board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based marriage and family therapist license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based marriage and family therapist license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice marriage and family therapy; or

(ii) 24 months after the date of issuance of the community-based marriage and family therapist license.

(B) No community-based marriage and family therapist license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.

(4) A person practicing marriage and family therapy with a community-based marriage and family therapist license may use the title "licensed marriage and family therapist" or the initials "LMFT" independently.

(5) No person may practice marriage and family therapy under a community-based marriage and family therapist license except under the supervision of a person licensed by the board to practice at the independent level.";

On page 29, in line 7, by striking the comma and inserting "and"; in line 8, by striking "and"; by striking all in lines 9 through 12; in line 13, by striking all before the period;

On page 31, in line 5, after "(10)" by inserting "for community-based licensure as a marriage and family therapist, not to exceed \$175;

(11)";

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

On page 40, in line 18, by striking the colon; in line 19, by striking "(1)" and inserting a comma; in line 21, by striking the semicolon; by striking all in lines 22 through 28; in line 29, by striking all before the period;

On page 47, following line 20, by inserting:

"(c) (1) An individual may apply to the board for a community-based psychologist license to practice psychology in the scope of employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto.

(2) A community-based psychologist license may be issued by the board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based psychologist license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based psychologist license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice psychology; or

(ii) 24 months after the date of issuance of the community-based psychologist license.

(B) No community-based psychologist license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be

construed to limit the number of times an applicant may take the examination.

(4) A person practicing psychology with a community-based psychologist license may use the title "licensed psychologist" or the initials "LP" independently.

(5) No person may practice psychology under a community-based psychologist license except under the supervision of a person licensed by the board to practice at the independent level.

(6) The board shall adopt rules and regulations to set the fee, if required by the board, for the issuance of a community-based psychologist license in an amount not to exceed \$225.";

On page 49, in line 40, by striking the comma and inserting "and"; in line 41, by striking "and"; by striking all in lines 42 and 43;

On page 50, by striking all in lines 1 and 2; in line 3, by striking all before the period;

On page 56, in line 7, by striking the comma and inserting "and"; in line 8, by striking all after "ethics"; by striking all in lines 9 through 12; in line 13, by striking all before the period;

On page 60, in line 8, by striking "13" and inserting "12"; in line 17, by striking all before "and";

On page 1, in the title, in line 1, by striking all after the semicolon; in line 2, by striking all before "relating" and inserting "requiring the behavioral sciences regulatory board to process applications within a certain time and establish an expedited application process;"; in line 6, by striking all after the semicolon; in line 7, by striking all before "providing"; also in line 7, by striking "additional" and inserting "reduced diagnosis and treatment"; in line 11, after the semicolon by inserting "establishing a community-based license for professional counselors, social workers, marriage and family therapists and psychologists;"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2390** be amended on page 2, in line 37, after "agencies" by inserting ", boards"; in line 38, after "agency" by inserting ", board";

On page 3, in line 3, by striking "and"; in line 4, after "board" by inserting "; and

(J) board of nursing";

Also on page 3, in line 16, by striking "and"; in line 17, after "(9)" by inserting "one member appointed by the secretary of health and environment from a list of up to three nominees submitted by the Kansas hospital association; and

(10)";

On page 4, in line 11, after "legislature," by inserting "house of representatives standing committee on health and human services and senate standing committee on public health and welfare or any successor committees thereto,";

On page 7, following line 10, by inserting:

"(j) Any person who knowingly discloses any information or record made or kept confidential pursuant to the Kansas overdose fatality review board act shall be guilty of a class A nonperson misdemeanor.";

On page 1, in the title, in line 6, after "records;" by inserting "providing criminal penalties for the unauthorized disclosure of such records;"; and the bill be passed as amended.

Committee on **Water** recommends **HB 2279** be amended on page 1, in line 15, by striking all after "prepared"; in line 16, by striking all before the period and inserting "in

accordance with K.S.A. 75-1120a, and amendments thereto"; in line 28, after "conservation" by inserting "and reduced consumptive use"; in line 33, by striking all after "(a)"; by striking all in lines 34 through 36;

On page 2, by striking all in lines 1 through 4; in line 5, by striking "(b)"; in line 6, after "all" by inserting "priority"; in line 8, after the period by inserting "Subject to the approval of the chief engineer, the board of each district may request an extension of up to six months to identify such priority areas of concern upon good cause shown and upon any terms or conditions required by the chief engineer. Priority"; in line 9, by striking ", but are not limited to,"; following line 9, by inserting:

- (A) The estimated usable lifetime of groundwater is 50 years or less; or
- (B) an unreasonable deterioration of the quality of groundwater is occurring.
- (2) Priority areas of concern may also include areas where:";

Also on page 2, in line 13, by striking "; or"; in line 14, by striking "is"; in line 15, by striking all before "may"; also in line 15, after "occur" by inserting "; or

(E) other areas identified by the board of a district and approved by the chief engineer.

(3) After the board of each district identifies priority areas of concern, the board shall submit a report to the chief engineer detailing the priority areas of concern, the nature of such concern and how the areas identified and developed";

Also on page 2, in line 16, by striking "(2)" and inserting "(4)"; in line 17, after "each" by inserting "priority"; also in line 17, after "to" by inserting "reasonably"; in line 19, by striking all after "area"; by striking all in line 20; in line 21, by striking all before the period; also in line 21, by striking "incorporated"; in line 22, by striking all before "submitted"; in line 24, after "plan" by inserting ", or any subsequent updates to such action plans as described in subparagraph (C),"; in line 26, after the first "plan" by inserting "and identified priority areas of concern"; also in line 26, by striking "is" and inserting "and priority areas are"; in line 30, after "practicable" by inserting "and incorporate the action plan and priority areas into the district's management program at the next annual review"; in line 31, by striking all after "(C)"; by striking all in lines 32 through 36; in line 37, by striking all before the period and inserting "Every five years, the board of each district shall review the priority areas of concern, any action plans previously adopted and the district at large to identify any new areas that meet the priority area conditions. Upon such review, the board shall update its action plan as necessary and shall submit such findings and any updates to the chief engineer"; in line 38, after "identify" by inserting "priority"; in line 39, by striking "a management program that includes a" and inserting "an action"; in line 40, after the comma by inserting "or subsequent updates to such action plans,"; also in line 40, by striking "adequately" and inserting "reasonably"; in line 41, after "may" by inserting ":

- (1) Designate priority areas of concern in accordance with subsection (a);
- (2) create an action plan in accordance with subsection (a); and
- (3)";

Also on page 2, in line 42, after "take" by inserting "such"; also in line 42, after "actions" by inserting "necessary";

On page 3, in line 1, after "act" by inserting "to carry out the action plan"; in line 4, after the period by inserting "All areas within a local enhanced management area established pursuant to K.S.A. 82a-1041, and amendments thereto, on July 1, 2023, shall be considered to be in compliance with the requirements of this section until the

first action plan review pursuant to subsection (a)(4)(C)."; in line 12, after the period by inserting "The Kansas water authority shall consider the efforts of such agencies to assist the districts when recommending appropriations of the state water plan fund.";

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

Committee on **Water** recommends **HB 2302** be amended on page 2, in line 36, after "by" by inserting "the";

On page 3, in line 1, by striking "to municipalities"; also in line 1, after "for" by inserting "the"; in line 7, after "or" by inserting "special district related to water or the Kansas water office"; in line 9, by striking all after "municipality" and inserting "or special district related to water"; in line 13, by striking "and" and inserting a comma; in line 14, after "districts" by inserting ", groundwater management districts and all special districts related to water"; in line 20, by striking "with greater than 2,000 residents" and inserting "of different populations including the prioritization of small municipalities as required by subsection (b)(2)"; following line 26, by inserting:

"(d) The Kansas water authority shall encourage funding requests from state and local entities that cooperate with qualified nonprofit entities on projects that provide a direct benefit to water quantity and quality, including water infrastructures that are both natural and manmade, and include matching funds from non-state sources.";

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

Also on page 3, in line 42, after "district" by inserting "related to water";

On page 4, in line 11, after "grants" by inserting "from the water projects grant fund. Such rules and regulations shall include any necessary criteria"; also in line 11, after "to" by inserting "the selection of"; following line 34, by inserting:

"(e) The Kansas water office and the department of health and environment shall coordinate the sharing of information regarding applicants for loans from the public water supply loan fund established in K.S.A. 65-163e, and amendments thereto, and the Kansas pollution control revolving fund established in K.S.A. 65-3322, and amendments thereto, and shall take into consideration the approval or likely approval of a grant by the Kansas water office when considering the eligibility of any municipality to receive moneys from such funds."; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2314 reported correctly engrossed February 16, 2023.

REPORT ON ENROLLED RESOLUTIONS

HR 6011 reported correctly enrolled and properly signed on February 17, 2023.

On motion of Rep. Croft the House adjourned pro forma until 11:00 a.m. on Monday, February 20, 2023.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

