

# Journal of the House

## THIRTY-FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 21, 2023, 11:00 a.m.

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

The roll was called with 123 members present.

Rep. Owens was excused on verified illness.

Rep. Kessler was excused on excused absence by the Speaker.

Prayer by guest chaplain, Representative Schlingensiepen:

In the Gospel of Matthew, in chapter 5, verses 13-16, Jesus says:

“You are the salt of the earth; but if salt has lost its taste,  
how can its saltiness be restored? It is no longer good for anything,  
but is thrown out and trampled underfoot.

“You are the light of the world. A city built on a hill cannot be hid. No one after lighting a lamp puts it under the bushel basket, but on the lampstand, and it gives light to all in the house. In the same way, let your light shine before others, so that they may see your good works and give glory to your Father in heaven.”

Pray with me, please...

Through Jesus, O God, you tell us we ARE - NOT that we should be - “the salt of the earth” and “the light of the world.” You tell us we ARE, present tense.

We tend to take salt and light for granted, and yet both play a valuable role in our lives. Doesn't salt bring out the flavor of food, and light help us to see more clearly?

If we ARE salt and light, then surely You mean for us to bring flavor to the places of dullness and light to the lairs of despair.

And you don't ask us to be salt and light for ourselves alone but for the world in its entirety, for others who need to taste and see, as much as we do, the many gifts of grace we receive daily from your hand.

Too often, however, we prefer to forego our saltiness and our luminescence in favor of being agents of the dull and the dark. In doing so, we rob others of the flavor and illumination of the blessing you have bestowed upon all creatures great and small by the mere fact of your having called us all into being.

In this place and in this moment, remove any bushel baskets of self-indulgent dullness and darkness from among us, so that we may think and act favorably and illuminatingly on behalf of those who desperately need both to live truly and happily. May we thus be agents of your glory.

O Creator, Redeemer, and Sustainer of us all, for the sake of our neighbors and for ourselves, and for your sake, too, make us salty and lit. Amen.

The Pledge of Allegiance was led by Rep. Proctor.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2432**, AN ACT concerning postsecondary education; relating to tuition; providing for the waiver of tuition for certain children of qualifying public school teachers; deeming certain children of qualifying public school teachers as residents for tuition purposes; amending K.S.A. 76-729 and repealing the existing section, by Committee on Appropriations.

**HB 2433**, AN ACT concerning income taxation; relating to the determination of Kansas adjusted gross income; allowing a taxpayer to elect the taxable year in which a subtraction modification for contributions to a qualified tuition program would be applied; amending K.S.A. 2022 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

**HB 2434**, AN ACT concerning parimutuel wagering; relating to historical horse races; crediting tax revenue generated to the horse breeding development fund and the horse fair racing benefit fund; amending K.S.A. 2022 Supp. 74-8823 and repealing the existing section, by Committee on Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **HB 2431**.

Welfare Reform: **HB 2430**.

## CHANGE OF REFERENCE

Speaker pro tem Carpenter announced the withdrawal of **HB 2380** from Committee on Judiciary and referral to Committee on Appropriations.

## CONSENT CALENDAR

No objection was made to **HB 2191**, **SB 11** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2089**, **HB 2090**, **HB 2284**, **HB 2285** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Houglan, Houser, Howe, Howell, Howerton, Hoye, Humphries, Jacobs, T. Johnson, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, F. Patton, Penn, Pickert, Poetter Parshall, Poskin, Probst, Proctor, Rahjes, Resman, Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Sawyer Clayton, Schlingensiepen, Schmoie, 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., Winn, Woodard, Xu, Younger.

Nays: None.

Present but not voting: None.

Absent or not voting: Kessler, Owens.

The bill passed.

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

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Houglan, Houser, Howe, Howell, Howerton, Hoye, Humphries, Jacobs, T. Johnson, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, F. Patton, Penn, Pickert, Poetter Parshall, Poskin, Probst, Proctor, Rahjes, Resman, Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Sawyer Clayton, Schlingensiepen, Schmoie, 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., Winn, Woodard, Xu, Younger.

Nays: None.

Present but not voting: None.

Absent or not voting: Kessler, Owens.

The bill passed.

**HB 2284**, AN ACT concerning insurance; pertaining to the continuation of firefighter health insurance; adding fire districts to the definition of "municipality" for purposes of the payment of COBRA premiums under certain circumstances; amending K.S.A. 40-1709 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, T. Johnson, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, F. Patton, Penn, Pickert, Poetter Parshall, Poskin, Probst, Proctor, Rahjes, Resman, Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, 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., Winn, Woodard, Xu, Younger.

Nays: None.

Present but not voting: None.

Absent or not voting: Kessler, Owens.

The bill passed.

**HB 2285**, AN ACT concerning insurance; relating to insurance law; updating certain statutory references contained therein; amending K.S.A. 40-201, 40-216, 40-241 and 40-955 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, T. Johnson, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, F. Patton, Penn, Pickert, Poetter Parshall, Poskin, Probst, Proctor, Rahjes, Resman, Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, 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., Winn, Woodard, Xu, Younger.

Nays: None.

Present but not voting: None.

Absent or not voting: Kessler, Owens.

The bill passed.

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

### COMMITTEE OF THE WHOLE

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

Recommended that: **HB 2082**, **HB 2094**, **HB 2097**, **HB 2098** be passed.

Committee report to **HB 2024** be adopted; and the bill be passed as amended.

Committee report to **HB 2160** be adopted; and the bill be passed as amended.

Committee report to **HB 2092** be adopted; and the bill be passed as amended.

### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2331** be passed.

Committee on **Child Welfare and Foster Care** recommends **HB 2299** be amended on page 1, following line 7, by inserting:

"Section 1. K.S.A. 38-2203 is hereby amended to read as follows: 38-2203. (a) Proceedings concerning any child who may be a child in need of care shall be governed by this code, except in those instances when the court knows or has reason to know that an Indian child is involved in the proceeding, in which case, the Indian child welfare act of 1978, 25 U.S.C. § 1901 et seq., applies. The Indian child welfare act may apply to: The filing to initiate a child in need of care proceeding, K.S.A. 38-2234, and amendments thereto; ex parte custody orders, K.S.A. 38-2242, and amendments thereto; temporary custody hearing, K.S.A. 38-2243, and amendments thereto; adjudication, K.S.A. 38-2247, and amendments thereto; burden of proof, K.S.A. 38-2250, and amendments thereto; disposition, K.S.A. 38-2255, and amendments thereto; permanency hearings, K.S.A. 38-2264, and amendments thereto; termination of parental rights, K.S.A. 38-2267, 38-2268 and 38-2269, and amendments thereto; establishment of permanent custodianship, K.S.A. 38-2268 and 38-2272, and amendments thereto; orders granting custody for adoption, K.S.A. 38-2270, and amendments thereto; the placement of a child in any foster, pre-adoptive and adoptive home and the placement of a child in a guardianship arrangement under article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto.

(b) Subject to the uniform child custody jurisdiction and enforcement act, K.S.A. 2022 Supp. 23-37,101 through 23-37,405, and amendments thereto, the district court shall have original jurisdiction of proceedings pursuant to this code.

(c) The court acquires jurisdiction over a child by the filing of a petition pursuant to this code or upon issuance of an ex parte order pursuant to K.S.A. 38-2242, and amendments thereto. When the court acquires jurisdiction over a child in need of care, jurisdiction may continue until the child has: (1) Become 18 years of age, or until June 1 of the school year during which the child became 18 years of age if the child is still attending high school unless there is no court approved transition plan, in which event jurisdiction may continue until a transition plan is approved by the court or until the child reaches the age of 21; (2) been adopted; or (3) been discharged by the court. Any child 18 years of age or over may request, in writing to the court, that the jurisdiction of the court cease. The court shall give notice of the request to all parties and interested

parties and 30 days after receipt of the request, jurisdiction will cease.

(d) When it is no longer appropriate for the court to exercise jurisdiction over a child, the court, upon its own motion or the motion of a party or interested party at a hearing or upon agreement of all parties or interested parties, shall enter an order discharging the child. Except upon request of the child pursuant to subsection (c), the court shall not enter an order discharging a child until June 1 of the school year during which the child becomes 18 years of age if the child is in an out-of-home placement, is still attending high school and has not completed the child's high school education.

(e) When a petition is filed under this code, a person who is alleged to be under 18 years of age shall be presumed to be under that age for the purposes of this code, unless the contrary is proved.

(f) A court's order issued in a proceeding pursuant to this code, shall take precedence over such orders in a civil custody case, a proceeding under article 31 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, protection from abuse act, or a comparable case in another jurisdiction, except as provided by K.S.A. 2022 Supp. 23-37,101 through 23-37,405, and amendments thereto, uniform child custody jurisdiction and enforcement act.";

Also on page 1, in line 23, after the period by inserting "The court shall be guided by the best interests of the child."; in line 31, before "When" by inserting "(1)"; in line 32, after "(1)" by inserting "or when a parent has relinquished their rights to the secretary for adoption purposes"; in line 33, after the second comma by inserting "according to paragraphs (2) and (3).

(2) If a child has been in the custody of the secretary for less than one cumulative year, the secretary shall give preference, first, to granting such custody for adoption to a relative of the child and second, to granting such custody to a person with whom the child has close and healthy attachments.

(3) If a child has been in the custody of the secretary for one cumulative year or more, the secretary shall give preference";

On page 2, in line 1, by striking "(1)" and inserting "(A)"; in line 3, by striking "(2)" and inserting "(B)"; in line 4, by striking "(3)" and inserting "(C)"; in line 7, by striking all before "is"; in line 19, after "on" by inserting "the number of"; in line 20, by striking "How many best interest staffing decisions are appealed" and inserting "Prospective adoptive parents who request the secretary to reconsider an initial adoptive placement decision"; in line 21, by striking "how many best interest staffing decisions are overturned" and inserting "initial adoptive placement decisions that the secretary overturns after reconsidering the initial adoptive placement decision"; in line 22, by striking "how many best interest staffing appeals go to court" and inserting "prospective parents who request the court to review the secretary's adoptive placement decision"; following line 29, by inserting:

"(f) The amendments made to this section by this act shall be construed and applied retroactively to all proceedings pending before a court on the effective date of this act.";

Also on page 2, in line 30, after "K.S.A." by inserting "38-2203 and"; also in line 30, by striking "is" and inserting "are"; in line 32, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "providing for retroactivity; making orders granting custody for adoption subject to the federal Indian

child welfare act"; in line 5, after "K.S.A." by inserting "38-2203 and"; also in line 5, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2336** be passed.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2344** 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 **Commerce, Labor and Economic Development** recommends **HB 2373** be amended on page 1, in line 34, by striking all after the first "fireworks"; in line 35, by striking "seasonal" and inserting "fireworks";

On page 2, in line 10, by striking "Seasonal" and inserting "Fireworks"; in line 12, by striking all after "use"; in line 13, by striking all before the period and inserting "at any time during the calendar year"; in line 18, by striking all after "(j)"; by striking all in lines 19 through 22; in line 23, by striking "(k)"; following line 26, by inserting:

"Sec. 2. K.S.A. 31-503 is hereby amended to read as follows: 31-503. (a) Any person who intends to sell, offer for sale, possess with intent to sell, any consumer fireworks, display fireworks or articles pyrotechnic or discharge, use, display fireworks or articles pyrotechnic shall first obtain the appropriate license from the state fire marshal. This shall not include ~~seasonal fireworks~~ retailers.

(b) The types of license shall be as follows:

- (1) Manufacturer;
- (2) hobbyist manufacturer;
- (3) distributor;
- (4) display fireworks operator; and
- (5) proximate pyrotechnic operator.

(c) Before a license holder may operate, such license holder must satisfy the requirements of this act and regulations adopted by the state fire marshal.

(d) The license holder shall be at least 21 years of age upon applying for a license.

(e) Licenses shall not be transferable.

(f) The state fire marshal shall not charge or collect fees for licensure. The licenses shall be valid for the following period of time:

(1) A manufacturer license shall be valid for a period of one year. A holder of a manufacturer license is not required to have any additional licenses in order to manufacture and sell any fireworks defined by this act.

(2) A hobbyist manufacturer license shall be valid for a period of four years.

(3) A distributor license shall be valid for a period of one year.

(4) A display fireworks operator license shall be valid for a period of four years.

(5) A proximate pyrotechnics operator license shall be valid for a period of four years.

(g) A permit to conduct a fireworks display shall be obtained by the sponsor or operator of a fireworks display from and approved by the city or county where the fireworks display is to be discharged.

(h) No fee shall be charged for a license or permit under this section for any person who is an officer or employee of the state or any political or taxing subdivision of the state when that person is acting on behalf of the state or political or taxing subdivision.";

Also on page 2, in line 27, by striking "is" and inserting "and 31-503 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "by" by inserting "a"; also in line 2 by striking "retailers" and inserting "retailer to be the entire calendar year; replacing the term "seasonal retailer" with "fireworks retailer"; in line 3, after "31-502" by inserting "and 31-503"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2388** be amended on page 1, in line 32, by striking all after the period; by striking all in lines 33 through 35;

On page 7, in line 16, after "thereto" by inserting ", or to the certification of law enforcement officers pursuant to the Kansas law enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto";

On page 1, in the title, in line 8, after "record;" by inserting "excepting certification of law enforcement officers from such electronic credential requirements and other provisions;"; and the bill be passed as amended.

Committee on **Energy, Utilities and Telecommunications** recommends **HB 2225** be passed.

Committee on **Federal and State Affairs** recommends **HCR 5008** be amended on page 1, following line 19, by inserting:

"WHEREAS, Article V of the United States Constitution grants equal authority to the legislatures of the several states to apply for a convention for proposing amendments to the United States Constitution; and"; and the resolution be adopted as amended.

Committee on **Financial Institutions and Pensions** recommends **HB 2196, HB 2198, HB 2272** be passed.

Committee on **Financial Institutions and Pensions** recommends **HB 2195** be amended on page 4, in line 37, by striking "\$35,000" and inserting "\$50,000"; in line 38, by striking "\$35,000" and inserting "\$50,000";

On page 5, in line 37, by striking "\$35,000" and inserting "\$50,000"; in line 39, by striking "\$35,000" and inserting "\$50,000";

On page 9, in line 15, by striking "\$35,000" and inserting "\$50,000"; in line 17, by striking "\$35,000" and inserting "\$50,000";

On page 11, in line 36, by striking "\$35,000" and inserting "\$50,000"; in line 38, by striking "\$35,000" and inserting "\$50,000"; and the bill be passed as amended.

Committee on **General Government Budget** recommends **HB 2184** be passed.

Committee on **Health and Human Services** recommends **HB 2338, HB 2408** be passed.

Committee on **Higher Education Budget** recommends **HB 2375** be passed.

Committee on **Insurance** recommends **HB 2325** be amended on page 2, in line 29, by striking "or" and inserting "and"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2216, HB 2395** be passed.

Committee on **Judiciary** recommends **HB 2293** be amended on page 2, in line 10, by striking all after "(b)"; by striking all in lines 11 through 30; in line 31, by striking "(c)";

On page 3, by striking all in lines 9 through 13;



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

Committee on **Judiciary** recommends **HB 2351** be amended on page 1, in line 35, by striking "to"; by striking all in line 36;

On page 2, in line 1, by striking "exceed" and inserting "less than"; also in line 1, by striking "on and after July 1, 2024" and inserting "and not more than \$140 per hour"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2376** be amended on page 1, following line 8, by inserting:

"WHEREAS, In honor and in most respectful observance of Black History Month in Kansas, this august body, representing the will of the People of Kansas, hereby acts, in accordance with the 1968 Fair Housing Act, to comprehensively address and provide for release from the dark past of racially discriminatory "restrictive covenants" in the State of Kansas.

Now, therefore:"

Also on page 1, by striking all in lines 31 through 36;

On page 2, by striking all in lines 1 through 9;

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 4 and 5; in line 6, by striking "discrimination,."; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2229** be passed.

Committee on **Transportation** recommends **HB 2147** be amended on page 1, by striking all in lines 11 through 36;

On page 2, by striking all in lines 1 through 30; following line 30, by inserting:

"New Section 1. (a) A public agency or person providing wrecker or towing service shall provide a certification of compliance to a purchaser upon the sale and transfer of a vehicle pursuant to K.S.A. 8-1102 and 8-1103, and amendments thereto. A certification of compliance shall allow such purchaser to apply for and receive a certificate of title from the division of vehicles that is free and clear of all liens, security interests and encumbrances.

(b) A certification of compliance shall be completed on a form and in a manner approved by the secretary of revenue, or the secretary's designee. Such certification of compliance shall certify that the requirements of K.S.A. 8-1102 through 8-1104, and amendments thereto, have been met by the public agency or person providing wrecker or towing service. The certification of compliance form shall be subject to a fee of \$20.

(c) Certification of compliance fees prescribed by subsection (b) may be applied to the purchaser as part of the sale of a vehicle pursuant to K.S.A. 8-1102 and 8-1103, and amendments thereto. Certification of compliance fees may be applied to the owner of the vehicle if such owner claims the vehicle from a public agency or person providing wrecker or towing service prior to the vehicle being sold at public auction.

(d) A certification of compliance provided for in this section shall also certify that vehicle identification number inspection requirements have been met for any sales of vehicles that are registered or titled in a jurisdiction outside of Kansas in accordance with K.S.A. 8-116a, and amendments thereto.";

On page 4, in line 11, by striking all after "agency"; by striking all in lines 12 and 13; in line 14, by striking all before "may"; in line 15, after the period by inserting "A public agency shall provide a certification of compliance to a purchaser upon the sale and transfer of a vehicle authorized by this section."; by striking all in lines 18 and 19; in line 20, by striking "purchaser" and inserting "may file proof thereof with the division of vehicles, and the division shall issue a certificate of title to the purchaser of such motor vehicle";

On page 5, in line 25, by striking all before "Any";

On page 6, in line 5, by striking all after "(5)"; by striking all in lines 6 through 10; in line 11, by striking all before the period and inserting "A person providing wrecker or towing service shall provide a certification of compliance to a purchaser pursuant to section 1, and amendments thereto, upon the sale and transfer of a vehicle authorized by this section"; by striking all in lines 34 through 43;

On page 7, by striking all in lines 1 through 37; in line 38, by striking "8-128,,"; also in line 38, by striking the second comma and inserting "and"; also in line 38, by striking ", 8-1104 and 8-2403"; in line 40, after "after" by inserting "January 1, 2024, and";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "an individual" and inserting "a person providing wrecker or towing service"; also in line 2, by striking all after "to"; in line 3, by striking all before "an" and inserting "provide a certification of compliance to a purchaser upon the sale and transfer of"; also in line 3, by striking all after the semicolon; by striking all in lines 4 through 6; in line 7, by striking "8-128,,"; also in line 7, by striking the second comma and inserting "and"; also in line 7, by striking ", 8-1104 and 8-2403"; and the bill be passed as amended.

Committee on **Veterans and Military** recommends **HB 2392** be amended on page 2, following line 22, by inserting:

"(c) A person punished under K.S.A. 48-2201, and amendments thereto, is entitled to one appeal but is not entitled to any appeal under this section.";

Also on page 2, in line 33, by striking all after "(1)"; in line 34, by striking "(2)"; in line 36, by striking all before "in" and inserting "(2) engages"; in line 43, after "protected" by inserting "junior";

On page 3, in line 12, by striking all after the comma; by striking all in line 13; in line 14, by striking all before the period and inserting "has the primary duty to recruit persons for military service"; in line 42, after "shall" by inserting "be guilty of the offense of sexual harassment and shall"; in line 43, by striking "person" and inserting "person's conduct meets the following elements";

On page 4, in line 1, by striking all after "(a)"; by striking all in lines 2 through 4; in line 5, by striking all before the colon and inserting "Such person made sexual advances, demands or requests for sexual favors or knowingly engaged in other conduct of a sexual nature;

(b) such conduct was unwelcome; and

(c) under the circumstances, such conduct";

Also on page 4, in line 6, after "(1)" by inserting "Would cause a reasonable person to believe, and such person did believe, that"; also in line 6, by striking "or rejection of"; also in line 6, by striking "is" and inserting "would be"; also in line 6, after "made" by inserting a comma; in line 7, after "implicitly" by inserting a comma; also in line 7, by striking the third "or" and inserting a comma; also in line 7, after "career" by inserting ",

benefits or entitlements"; in line 8, after "(2)" by inserting "would cause a reasonable person to believe, and such person did believe, that"; in line 9, by striking "against such person" and inserting "affecting such person's job, pay, career, benefits or entitlements"; in line 10, by striking all after "(3)"; by striking all in line 11; in line 12, by striking all before the period and inserting "was so severe, repetitive or pervasive that a reasonable person would perceive, and such person did perceive, an intimidating, hostile or offensive work environment";

On page 6, in line 8, before "Any" by inserting "(a)"; in line 11, by striking "(a)" and inserting "(1)"; following line 13, by inserting:

"(b) As used in this section, "another person" means a member, cadet, trainee or recruit of the state military forces, the United States armed forces or the state military forces of another state.";

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

Also on page 6, in line 15, after "person" by inserting "commits a violent offense against a spouse, intimate partner or immediate family member of such person.

(b) Any person subject to this code shall be punished at the direction of a commanding officer if such person, with the intent to threaten or intimidate a spouse, intimate partner or immediate family member of such person, commits an offense under this code against";

Also on page 6, in line 16, by striking all after "(1)"; in line 17, by striking all before the semicolon and inserting "Any person"; in line 18, by striking "commits a violent offense against"; in line 20, after "person" by inserting ", with the intent to threaten or intimidate a spouse, intimate partner or immediate family member of such person,"; in line 22, by striking all after "person"; in line 23, by striking all before the period and inserting ", with the intent to commit a violent offense against a spouse, intimate partner or immediate family member of such person, violates a protection order";

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

On page 7, by striking all in line 39; in line 40, by striking "nipple" and inserting "private area of a person";

On page 9, in line 20, before "Any" by inserting "(a)"; in line 22, by striking "(a)" and inserting "(1)"; following line 26, by inserting:

"(b) Any person subject to this code shall be punished at the direction of a commanding officer if such person:

(1) Wrongfully promises, offers or gives something of value to a person who occupies an official position or has official duties; and

(2) intends to influence the decisions or actions of the person regarding an official matter in which the state of Kansas or the United States is interested.";

Also on page 9, in line 27, before "Any" by inserting "(a)"; in line 29, by striking "(a)" and inserting "(1)"; following line 33, by inserting:

"(b) Any person subject to this code shall be punished at the direction of a commanding officer if such person promises, offers or gives something of value to a person who occupies an official position or who has official duties as compensation for or in recognition of services rendered by such person regarding an official matter in which the state of Kansas or the United States is interested.";

And by redesignating subsections, paragraphs, subparagraphs and clauses

accordingly;

On page 10, in line 31, after "UCMJ" by inserting "article"; in line 41, after "is" by inserting "grossly";

On page 12, in line 1, by striking the quotation mark; in line 7, by striking the quotation mark; following line 7, by inserting:

"New Sec. 34. Any person subject to this code shall be punished at the direction of a commanding officer if such person willfully disobeys a lawful command of such person's superior commissioned officer.";

On page 13, in line 4, before "Judge" by inserting "State"; also in line 4, by striking "general"; also in line 4, by striking "commissioned officer" and inserting "judge advocate appointed by the adjutant general who is"; in line 5, by striking all after "supervising"; in line 6, by striking all before the period and inserting ", overseeing and managing all legal personnel and services of the state military forces and military legal matters therein and for the administration of military justice"; in line 26, by striking the colon; in line 30, after the first comma by inserting "air force,";

On page 16, in line 11, by striking "Article 2 of the KCMJ" and inserting "K.S.A. 48-2102, and amendments thereto"; in line 42, after "the" by inserting "state"; in line 43, by striking "general";

On page 19, in line 17, after "weeks" by inserting "but not to exceed two hours per day, holidays included";

On page 37, in line 14, by striking "the"; also in line 14, before "commanding" by inserting "a";

And by renumbering sections accordingly; and the bill be passed as amended.

#### **COMMITTEE ASSIGNMENT CHANGE**

Speaker pro tem Carpenter announced the appointment of Rep. Hoheisel to replace Rep. Poetter Parshall on Committee on Education for February 21, 2023.

On motion of Rep. Croft, the House adjourned until 9:30 a.m., Wednesday, February 22, 2023.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

