

Journal of the House

TWENTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 8, 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.
Reps. Boyd and Featherston were excused on excused absence by the Speaker.
Present later: Rep. Featherson.

Prayer by Chaplain Brubaker:

Heavenly Father,
thank You for our leaders today.
Help them to realize that in leading,
they really are serving.
So, help them in being servant leaders,
working in humility and in a spirit of cooperation.
I pray for leadership guidance for each one.
Enable them to look out for the interest of others.
Give them divine wisdom and understanding
as they seek to identify the needs of people.
And may the outcome of their decisions
be that which produces effective positive impact
on those whom they serve.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Ballard.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Reps. Eplee, Clifford, Bryce and Oropeza are spread upon the Journal:

Today, we wanted to take a moment to recognize the work of the Immunize Kansas Coalition, a broad statewide coalition that works to protect all Kansans from vaccine-preventable diseases, by improving vaccination rates, increasing access to vaccines, and strengthening vaccine confidence through education, awareness, and partnerships with trusted community sources.

We wanted to take a moment to remind everyone that vaccines are one of the greatest public health achievements, saving millions of lives and preventing countless cases of disease and disability.

We know that these vaccines have eradicated smallpox, eliminated wild poliovirus in the United States, and significantly reduced the number of cases of diphtheria; haemophilus influenzae type B; hepatitis A; hepatitis B; measles (rubeola); meningitis; mumps; pertussis (whooping cough); pneumococcal disease; poliomyelitis; rubella (German measles); tetanus; and varicella (chicken pox).

The CDC estimates that the vaccination of children born between 1994 and 2018 in the U.S. will prevent 472 million illnesses, help avoid 1,052,000 deaths and save nearly \$2.22 trillion in total societal costs, including \$479 billion in direct costs.

A 2022 poll by Nurture KC and the Mid America Immunization Coalition found that more than 9 in 10 Kansas voters believe taking vaccines for diseases like measles, mumps, and polio is extremely or very important to maintain good health.

And the same poll found that more than 9 in 10 Kansas voters support wellness vaccine requirements for all children to attend K-12 schools or child care facilities.

Even so, national and global reports indicate many children have missed routine immunizations over the past few years, leaving them and their communities vulnerable to vaccine-preventable diseases.

It is imperative that we raise awareness of the need for timely vaccinations at the local, state, and national level to increase vaccination rates for these children.

To the members and representatives of the Immunize Kansas Coalition, thank you for your important work to keep Kansans safe from vaccine-preventable diseases. Joining me at the Well today is Dr. Gretchen Homan, current President of the Kansas Chapter of the American Academy of Pediatrics. She and her physician members are the best advocates of childhood health and wellness, including vaccinations in Kansas. She also is a past president of the Immunize Kansas Coalition. It is such a privilege to recognize her advocacy through I.K.C. and the KS Chapter of A.A.P. Also in the gallery are many members of our pediatric community and I.K.C. Let us recognize both. Also join me tonight at 5 PM at the K.M.S. offices to thank them in person at our I.K.C. Reception.

Rep. Eplee presented Dr. Homan with a framed House certificate in honor of her work with the children of Kansas.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2347, AN ACT concerning health and healthcare; relating to prescription drugs; insulin drugs and devices for the management of diabetes; providing price limitations and requirements therefor under health insurance plans; establishing the insulin affordability program for the uninsured and procedures to acquire emergency insulin supplies, by Committee on Health and Human Services.

HB 2348, AN ACT concerning employment; restoring local government control over wages, compensation and benefits for construction projects; amending K.S.A. 12-16,132 and 2022 Supp. 19-26,114 and repealing the existing sections; also repealing K.S.A. 12-16,131, by Representatives Curtis, Alcalá, Amyx, Ballard, Boyd, Carlin, Carmichael, Carr, Featherston, Haskins, Haswood, Highberger, Hougland, Hoyer, Martinez, Melton, Meyer, Miller, D., Miller, S., Miller, V., Neighbor, Oropeza, Osman, Ousley, Poskin, Probst, Robinson, Ruiz, L., Ruiz, S., Sawyer, Sawyer Clayton, Schlingensiepen, Stogsdill, Vaughn, Weigel, Winn, Woodard and Xu.

HB 2349, AN ACT concerning crimes, punishment and criminal procedure; abolishing the death penalty; creating the crime of aggravated murder; requiring a sentence of imprisonment for life without the possibility of parole therefor; clarifying laws related to sentences of imprisonment for life without the possibility of parole; amending K.S.A. 38-2255, 38-2271, 38-2303, 38-2312, 38-2365, 39-970, 39-2009, 65-5117, 72-2165 and 75-52,148 and K.S.A. 2022 Supp. 21-5301, 21-5402, 21-5419, 21-6328, 21-6614, 21-6618, 21-6620, 21-6622, 21-6628, 21-6629, 21-6806, 22-2512, 22-3717, 22-4902, 22-4906 and 23-3222 and repealing the existing sections; also repealing K.S.A. 2022 Supp. 21-5401, 21-6614i, 21-6617 and 21-6619, by Representatives Schreiber, Amyx, Ballard, Blew, Carmichael, Concannon, Curtis, Donohoe, Eplee, Featherston, Haskins, Haswood, Highberger, Hoye, Miller, V., Neighbor, Ohaebosim, Osman, Poskin, Probst, Robinson, Ruiz, S., Sawyer, Sawyer Clayon, Schlingensiepen, Smith, A., Stogsdill, Sutton, Vaughn, Wasinger, Winn, Woodard, Xu and Younger.

HB 2350, AN ACT concerning crimes, punishment and criminal procedure; relating to crimes against persons; creating the crimes of human smuggling and aggravated human smuggling; providing criminal penalties therefor, by Committee on Corrections and Juvenile Justice.

HB 2351, AN ACT concerning the board of indigents' defense services; relating to appointed counsel; increasing the maximum rate paid to appointed counsel; amending K.S.A. 22-4507 and repealing the existing section, by Committee on Judiciary.

HB 2352, AN ACT concerning the Kansas standard asset seizure and forfeiture act; requiring the plaintiff's attorney to prove beyond a reasonable doubt that property is subject to forfeiture; amending K.S.A. 2022 Supp. 60-4113 and 60-4114 and repealing the existing sections, by Committee on Judiciary.

HB 2353, AN ACT concerning the care and treatment act for mentally ill persons; increasing the time allowed for an initial continued treatment order; adding criteria to determine when outpatient treatment may be ordered; amending K.S.A. 59-2958, 59-2959 and 59-2969 and K.S.A. 2022 Supp. 59-2967 and repealing the existing sections, by Committee on Judiciary.

HB 2354, AN ACT concerning crimes, punishment and criminal procedure; relating to determinations of competency to stand trial; requiring that involuntary commitment proceedings be commenced for a defendant who is awaiting such determination; requiring the dismissal of the underlying criminal case in certain circumstances; amending K.S.A. 2022 Supp. 22-3302 and repealing the existing section, by Committee on Judiciary.

HB 2355, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal sodomy; members of the same sex; removing conduct from definition of crime; amending K.S.A. 2022 Supp. 21-5504 and repealing the existing section, by Committee on Judiciary.

HB 2356, AN ACT concerning family law; relating to legal custody, residency and parenting time; requiring the court to adopt a parenting plan that maximizes each party's parenting time; adding misleading the court as a factor to consider when the court considers legal custody, residency and parenting time; creating a presumption that joint legal custody in a temporary parenting plan is in the best interests of a child and defining related terms under the Kansas family law code; adding failure to exercise

parenting time as an action that may be considered a material change of circumstances; amending K.S.A. 2022 Supp. 23-3202, 23-3203, 23-3211, 23-3212, 23-3213 and 23-3221 and repealing the existing sections, by Committee on Judiciary.

HB 2357, AN ACT concerning courts; relating to the supreme court; providing qualifications for supreme court justices; requiring a two-thirds majority vote of the senate to be qualified to be a supreme court justice; amending K.S.A. 20-105 and repealing the existing section, by Committee on Judiciary.

HB 2358, AN ACT concerning public health; relating to the uniform vital statistics act; medical certification of an individual's cause of death; permitting mid-level practitioners to provide certification thereto; amending K.S.A. 65-2412 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2331, HB 2332, HB 2342.**

Commerce, Labor and Economic Development: **HB 2333, HB 2334, HB 2336, HB 2344.**

Corrections and Juvenile Justice: **HB 2328, HB 2329.**

Education: **HB 2315, HB 2322.**

Elections: **HB 2312.**

Energy, Utilities and Telecommunications: **HB 2327.**

Federal and State Affairs: **HB 2311, HB 2339, HCR 5008.**

Financial Institutions and Pensions: **HB 2320, HB 2321.**

Health and Human Services: **HB 2313, HB 2337, HB 2338, HB 2340.**

Insurance: **HB 2325.**

Judiciary: **HB 2326, HB 2345.**

Legislative Modernization: **HB 2314.**

Local Government: **HB 2323, HB 2324, HB 2341, HB 2343.**

Social Services Budget: **HB 2330.**

Taxation: **HB 2316, HB 2317, HB 2318, HB 2319.**

Transportation: **HB 2335, HB 2346.**

CHANGE OF REFERENCE

Speaker pro tem Carpenter announced the withdrawal of **HB 2305** from Committee on Health and Human Services and referral to Committee on General Government Budget.

Also, the withdrawal of **HB 2023** from the Calendar and re-referral to Committee on Judiciary.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Ballard, **HR 6010**, as follows, was introduced and adopted:

By Representative Ballard

HOUSE RESOLUTION NO. **HR 6010**—A RESOLUTION designating February 8, 2023, as JAG-K Day at the Capitol.

WHEREAS, Jobs for America's Graduates-Kansas (JAG-K) is a 501(c)(3) not-for-profit organization that partners with public schools, communities and employers to help students overcome challenges and prepare for successful futures; and

WHEREAS, There are 104 traditional school-to-career JAG-K programs located in 48 school districts across Kansas in the current school year, 2022-2023; and

WHEREAS, JAG-K is an evidence-based program with objective performance measures; and

WHEREAS, JAG-K has a 95% graduation rate statewide, and 86% of JAG-K graduates are full-time participants in post-secondary education, military service or the workforce; and

WHEREAS, JAG-K works with students in foster care, and their graduation rate is more than 20% higher than the state average for students in foster care who do not participate in a JAG-K program; and

WHEREAS, In a small group classroom setting, students explore career opportunities and learn the skills necessary to successfully transition to post-secondary education, military service or the workforce following their graduation; and

WHEREAS, Nationally, JAG graduates are 230% more likely to be employed than peers who are not in a JAG program: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we designate February 8, 2023, as JAG-K Day at the Capitol; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Ballard.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep Ballard are spread upon the Journal:

As a long-time member of the JAG-K Board of Directors, I am pleased to sponsor this resolution designating today, February 8, 2023, as JAG-K Day at the Capitol.

Rep. Ballard was joined by Rep. K. Williams who continued:

Most of the members of this body are familiar with Jobs for America's Graduates-Kansas and their remarkable outcomes.

- JAG-K is an in-school, elective class that helps prepare students for successful futures.
- JAG-K Career Specialists work with their students all 12 months of the year and provide 12 months of support following their senior year.
- Over the past four years, JAG-K students have a 95% graduation rate.
- Eighty-six percent of the JAG-K graduates of the Class of 2020 are now in post-secondary education, military service, or working full-time.

Rep. Ballard resumed and introduced her guests on the floor: It is exciting to have hundreds of JAG-K students from across the state in the Capitol today, including those on the House floor this morning. These students with me on the floor are State JAG-K Career Association officers:

Nuru Abdallah – State President
 Liberty Gilkey – Vice President
 Hailee Black – Secretary
 Ta'Mijha Nichols – Parliamentarian

I also want to recognize Chuck Knapp, JAG-K President and Bev Mortimor, Vice-President of Programming. It is my pleasure to recognize Chuck and his staff for their outstanding work, Preparing Students for Successful Futures. Finally, please join me in recognizing some of the JAG-K regional officers and students joining us in the East Gallery this morning.

Thank you for joining us in recognizing JAG-K Day at the Capitol.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Wasinger, **HR 6008**, A RESOLUTION recognizing February 2, 2023, as Wear Red Day in the Kansas legislature, was adopted.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2033, AN ACT concerning children and minors; relating to children in need of care; juvenile crisis intervention centers; changing the criteria used to refer and admit juveniles; defining behavioral health crisis; amending K.S.A. 38-2202, 38-2231, 38-2243, 38-2302, 38-2330, 65-536 and 75-52,164 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, 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, 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 Parshall, Poskin, Probst, Proctor, Rahjes, Resman, Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Sawyer Clayon, 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., Winn, Woodard, Xu, Younger.

Nays: None.

Present but not voting: None.

Absent or not voting: Boyd, Featherston.

The bill passed.

HB 2042, AN ACT concerning self-storage rental units; authorizing the towing by operators of such units of motor vehicles, watercraft or trailers if the occupant is in default for more than 45 days; granting operators protection from liability for damages; extinguishing an operator's lien on such property upon towing; providing for notice to the occupant and opportunity for redemption prior to towing; adding self-storage rental unit operators to those persons who are specifically authorized to direct a wrecker or towing service to tow a motor vehicle for purposes of the creation of a lien in favor of a wrecker or towing service; amending K.S.A. 8-1103 and K.S.A. 2022 Supp. 58-817 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, 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, 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 Parshall, Poskin, Probst, Proctor, Rahjes, Resman, Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Sawyer Clayon, 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: Boyd, Featherston.

The bill passed, as amended.

HB 2069, AN ACT concerning crimes, punishment and criminal procedure; relating to postrelease supervision; providing that such term does not toll except as provided by law; amending K.S.A. 2022 Supp. 22-3722 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, 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, 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 Parshall, Poskin, Probst, Proctor, Rahjes, Resman, Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Sawyer Clayon, 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: Boyd, Featherston.

The bill passed.

HB 2070, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; allowing certain nondrug offenders to participate in a certified drug abuse treatment program; amending K.S.A. 2022 Supp. 21-6824 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, 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, 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 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: Boyd, Featherston.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2014** be passed.

SCR 1602 be adopted.

Committee report to **HB 2010** be adopted; and the bill be passed as amended.

Committee report to **HB 2065** be adopted; and the bill be passed as amended.

Committee report to **HB 2024** be adopted.

Also, on motion of Rep. Carr to amend, Rep. Concannon offered a priority motion to re-refer to Committee on Child Welfare and Foster Care, the motion prevailed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2173** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2214** be passed.

Committee on **Elections** recommends **HB 2166** be amended on page 3, in line 40, by striking the semicolon; by striking all in lines 41 through 43;

On page 4, by striking all in lines 1 through 9 and inserting a period; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2058** be passed.

Committee on **Federal and State Affairs** recommends **HB 2059** be amended on page 2, in line 40, after "(g)" by inserting "(1)";

On page 3, in line 2, after the period by inserting:

"(2)";

Also on page 3, in line 3, by striking the comma and inserting "or"; in line 4, by striking "or other appropriate signage"; also in line 4, after the period by inserting "Every common consumption area shall have signs conspicuously posted identifying the boundaries of such area in a size and manner that provides notice to persons entering or leaving the area."; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2170** be amended on page 5, in line 35, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Financial Institutions and Pensions** recommends **HB 2133** be passed.

Committee on **Taxation** recommends **HB 2026** be amended on page 1, in line 6, before "For" by inserting "On and after January 1, 2024,"; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were introduced and read by title:

HB 2359, AN ACT concerning education; making and concerning appropriations for fiscal year 2025, for the state department of education; establishing the sunflower teacher-student mentor program; pairing secondary students who are interested in pursuing a teaching career with teacher mentors; providing bonuses to participating teachers; requiring the state treasurer to establish education savings accounts for participating students; authorizing student accounts to be used for academic tutoring and postsecondary education expenses; requiring certain transfers from the state general fund upon establishment of student accounts; establishing the sunflower teacher-student mentor program fund; prioritizing participating students for postsecondary educational scholarships under the Kansas promise scholarship act and the teacher service scholarship program act; providing an income tax subtraction modification to federal adjusted gross income for amounts deposited in a student program account; amending K.S.A. 74-32,101 and 74-32,102 and K.S.A. 2022 Supp. 74-32,272, 74-32,275 and 79-32,117 and repealing the existing sections, by Representatives Williams, K. and Landwehr.

HB 2360, AN ACT concerning motor vehicles; relating to license plates; eliminating the requirement to include a county designation on license plates; amending K.S.A. 8-132, 8-134 and 8-147 and repealing the existing sections, by Committee on Transportation.

HB 2361, AN ACT concerning children in need of care; relating to the courts; limiting when the court is required to give preference to a relative for the custody for

adoption of a child in need of care; amending K.S.A. 38-2270 and repealing the existing section, by Committee on Child Welfare and Foster Care.

HB 2362, AN ACT concerning the secretary of aging and disability services; related to the licensure or licensure renewal of facilities, hospitals, centers and providers of disability services; removing state fire marshal approval as a requirement for licensure or renewal of licensure; amending K.S.A. 39-2008 and repealing the existing section, by Committee on Appropriations.

HB 2363, AN ACT concerning crimes, punishment and criminal procedure; relating to crimes involving controlled substances; marijuana; releasing persons convicted for offenses involving marijuana from the sentence; providing for the expungement of convictions, arrest records and associated biological samples, by Representatives Miller, V., Alcalá, Amyx, Ballard, Boyd, Carlin, Carmichael, Carr, Curtis, Featherston, Haskins, Haswood, Highberger, Hougland, Hoye, Martínez, Meyer, Miller, D., Miller, S., Neighbor, Ohaebosim, Oropeza, Osman, Probst, Robinson, Ruiz, L., Ruiz, S., Sawyer, Sawyer Clayton, Schlingensiepen, Stogsdill, Vaughn, Winn, Woodard and Xu.

HB 2364, AN ACT concerning property taxation; relating to exemptions; increasing the extent of exemption for residential property from statewide school levy; amending K.S.A. 2022 Supp. 79-201x and repealing the existing section, by Representatives Miller, V., Alcalá, Amyx, Boyd, Carlin, Carmichael, Carr, Curtis, Featherston, Haskins, Haswood, Highberger, Hougland, Martínez, Melton, Meyer, Miller, D., Miller, S., Neighbor, Oropeza, Osman, Probst, Ruiz, S., Sawyer, Sawyer Clayton, Schlingensiepen, Stogsdill, Winn, Woodard and Xu.

HB 2365, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; terminating the Kansas public employees retirement system act of 2015; transferring the members of such act to the Kansas public employees retirement system act of 2009; amending K.S.A. 74-4916 and repealing the existing section; also repealing K.S.A. 74-49,301, 74-49,302, 74-49,303, 74-49,304, 74-49,305, 74-49,306, 74-49,307, 74-49,308, 74-49,309, 74-49,310, 74-49,311, 74-49,312, 74-49,313, 74-49,314, 74-49,315, 74-49,316, 74-49,317 and 74-49,318, by Representatives Miller, V., Alcalá, Amyx, Boyd, Carlin, Carr, Curtis, Featherston, Haskins, Haswood, Highberger, Hougland, Hoye, Martínez, Meyer, Miller, D., Miller, S., Ohaebosim, Poskin, Ruiz, S., Sawyer, Sawyer Clayton, Schlingensiepen, Winn and Woodard.

HB 2366, AN ACT concerning taxation; relating to the local ad valorem tax reduction fund; providing for transfers to political subdivisions; amending K.S.A. 2022 Supp. 79-2959 and repealing the existing section, by Representatives Miller, V., Alcalá, Amyx, Boyd, Carlin, Carmichael, Carr, Curtis, Featherston, Haskins, Haswood, Highberger, Hougland, Hoye, Martínez, Melton, Meyer, Miller, D., Miller, S., Neighbor, Oropeza, Osman, Poskin, Probst, Ruiz, S., Sawyer, Sawyer Clayton, Schlingensiepen, Stogsdill, Weigel, Woodard and Xu.

HB 2367, AN ACT concerning cannabis; creating the adult use cannabis regulation act; providing for the licensure and regulation of cannabis, including the cultivation, manufacturing, transportation, possession and sale of cannabis; providing certain fines and penalties for violations of the act; providing exemptions from crimes involving controlled substances; imposing a tax on the sale of cannabis and providing for the disposition of the revenues collected thereon; creating the cannabis business regulation fund; amending K.S.A. 79-5201 and 79-5210 and K.S.A. 2022 Supp. 21-5703, 21-5705,

21-5706, 21-5707, 21-5709 and 21-5710 and repealing the existing sections, by Representative Miller, S..

HB 2368, AN ACT concerning labor and employment; increasing the minimum wage; enacting the making work pay act; amending K.S.A. 44-1203 and repealing the existing section, by Representatives Haswood, Meyer, Vaughn, Woodard and Xu.

HB 2369, AN ACT concerning children and minors; enacting the Kansas Indian child welfare act; providing additional requirements for child custody proceedings involving Indian children, by Representative Haswood.

HB 2370, AN ACT concerning crimes, punishment and criminal procedure; relating to sex offenses; defining consent; amending K.S.A. 2022 Supp. 21-5501 and repealing the existing section, by Representative Osman.

HB 2371, AN ACT concerning the Kansas department for children and families; relating to the revised Kansas code for care of children; limiting the number of cases of children in need of care assigned to case managers, by Committee on Child Welfare and Foster Care.

HB 2372, AN ACT concerning agriculture; relating to confined feeding facilities for swine; regulating the land application of swine manure and wastewater; amending K.S.A. 65-1,182 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2373, AN ACT concerning fireworks; amending the Kansas fireworks act; establishing the time period for sale of fireworks by seasonal retailers; amending K.S.A. 31-502 and repealing the existing section, by Representative Collins.

HB 2374, AN ACT concerning legal public holidays; designating Indigenous Peoples Day; amending K.S.A. 35-107 and 35-205 and repealing the existing sections, by Representatives Haswood and Highberger.

HB 2375, AN ACT concerning the behavioral sciences; relating to social work; powers, duties and functions of the behavioral sciences regulatory board; establishing the temporary candidacy baccalaureate and master social work licenses; providing requirements and fees therefor; amending K.S.A. 65-6314 and K.S.A. 2022 Supp. 65-6306 and repealing the existing sections, by Committee on Higher Education Budget.

HOUSE CONCURRENT RESOLUTION No. HCR 5009—

By Representatives V. Miller, Alcalá, Amyx, Boyd, Carlin, Carmichael, Carr, Curtis, Featherston, Haskins, Haswood, Highberger, Houglund, Martínez, Melton, D. Miller, S. Miller, Neighbor, Oropeza, Osman, Robinson, S. Ruiz, Sawyer Clayton, Schlingensiepen, Stogsdill, Winn and Xu

A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the assessed valuation of property in determining property taxes for real property used for residential purposes and real property necessary to accommodate a residential community of mobile or manufactured homes.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or

rejection: Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 1. System of taxation; classification; exemption. (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, ~~2013~~ 2025, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles and watercraft, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located..... ~~11½%~~9%
- (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution..... 30%
- (3) Vacant lots..... 12%
- (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law 12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed.....33%
- (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use..... 25%
- (7) All other urban and rural real property not otherwise specifically subclassified..... 30%

Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Mobile homes used for residential purposes..... 11½%
- (2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25%..... 30%
- (3) Public utility tangible personal property including inventories thereof,

except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed..... 33%

(4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985..... 30%

(5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property..... 25%

(6) All other tangible personal property not otherwise specifically classified. 30%

(b) All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, merchants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, livestock, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"*Explanatory statement.* This amendment would decrease the assessed valuation in determining property taxes for residential purposes and real property necessary to accommodate a residential community of mobile or manufactured homes.

"A vote for this proposition would decrease the assessed valuation in determining property taxes for residential purposes and real property necessary to accommodate a residential community of mobile or manufactured homes from 11½% to 9%.

"A vote against this proposition would continue the assessed valuation of real property used for residential purposes and real property necessary to accommodate a residential community of mobile or manufactured homes at 11½%."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2024, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

HOUSE CONCURRENT RESOLUTION No. **HCR 5010**—

By Representative Poskin

A PROPOSITION to amend section 6 of article 6 of the constitution of the state of Kansas; prohibiting public funds from being used for private nonpublic schools.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 6 of article 6 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 6. **Finance.** (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) The legislature shall make suitable provision for finance of the educational interests of the state. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

(c) ~~No religious sect or sects shall control any part of the public educational funds~~ *public moneys shall be appropriated or paid nor any public credit shall be utilized by the legislature or any other political subdivision of the state, directly or indirectly, to aid or maintain any private nonpublic school that provides elementary or secondary education."*

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to prohibit public funds from being used for private nonpublic schools.

"A vote for this proposition would amend the constitution of the state of Kansas to explicitly prohibit public funds from being used for private nonpublic schools.

"A vote against this proposition would not amend the constitution of the state of Kansas."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2024, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case such proposed amendment shall be submitted to the electors of the state at the special election.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Carpenter announced the appointment of Rep. Thomas to replace Rep. Will Carpenter on Social Services Budget for February 9, 2023.

Also, the appointment of Rep. Haskins to replace Rep. Boyd on Committee on K-12 Education Budget for February 8, 2023.

Also, the appointment of Rep. Meyer to replace Rep. Boyd on Committee on Health and Human Services for February 8, 2023.

Also, the appointment of Rep. Miller to replace Rep. Probst on Committee on Commerce, Labor and Economic Development for February 8, 2023.

Also, the appointment of Rep. Winn to replace Rep. Probst on Committee on Commerce, Labor and Economic Development for February 9, 2023.

Also, the appointment of Rep. Martinez to replace Rep. Alcalá on Committee on Taxation for February 8 - 9, 2023.

REPORT ON ENGROSSED BILLS

HB 2042 reported correctly engrossed February 7, 2023.

REPORT ON ENROLLED RESOLUTIONS

HR 6009, HCR 5002 were reported correctly enrolled and properly signed on February 7, 2023.

On motion of Rep. Croft, the House adjourned until 11:00 a.m., Thursday, February 9, 2023.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

