

# Journal of the House

TWENTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, February 9, 2023, 11:00 a.m.

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

The roll was called with 118 members present.

Reps. Alcalá, W. Carpenter, Howe, Poetter Parshall, Poskin, Probst and Winn were excused on excused absence by the Speaker.

Prayer by guest chaplain, Rev. Rob Self, Pastor, Lakeview Nazarene, Topeka:

Gracious, Heavenly Father, as we come together may we  
earnestly listen to You,  
the people who sent us here, and our own heart.  
May we begin this day with a passion to see Your will furthered  
among the great people of Kansas. May it be our solemn duty  
today, that the marginalized feel included, the trafficked be  
rescued, the one with addiction receive healing, the cold receive  
warmth, and the hungry be fed!  
In Jesus' precious name we pray, amen.

The Pledge of Allegiance was led by Rep. Patton.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2376**, AN ACT concerning housing discrimination; relating to the Kansas act against discrimination; prohibiting the recording of unlawful restrictive covenants; authorizing the removal of unlawful restrictive covenants; prohibiting any city or county ordinance or resolution prohibiting discrimination that is more restrictive than the Kansas act against discrimination; amending K.S.A. 44-1017a and repealing the existing section, by Committee on Local Government.

**HB 2377**, AN ACT concerning records and recordation; related to the Kansas department of health and environment, office of vital statistics and Kansas department for children and families; exempting the Kansas department for children and families from fees for birth and death certificates required for an adoption proceeding; directing the office of vital statistics to provide birth or death certificates to the Kansas department for children and families or a court with jurisdiction upon receipt of the initial journal entry establishing custody; amending K.S.A. 65-2418 and 65-2422d and repealing the existing sections, by None.

**HB 2378**, AN ACT concerning the disposition of certain state real property; authorizing the secretary of administration on behalf of the Kansas department for aging and disability services to convey land in Shawnee county to the Kansas commission on veterans affairs office; imposing certain conditions; prescribing costs of conveyance; requiring approval by the attorney general, by Committee on Veterans and Military.

**HB 2379**, AN ACT concerning protection orders; relating to the protection from abuse act and the protection from stalking, sexual assault and human trafficking act; requiring orders issued pursuant to such acts to restrain the plaintiff from contacting the defendant; amending K.S.A. 2022 Supp. 60-3107 and 60-31a06 and repealing the existing sections, by Committee on Judiciary.

**HB 2380**, AN ACT concerning seizure and forfeiture of property; relating to property seized by law enforcement; requiring a conviction of an offense giving rise to forfeiture under the Kansas standard asset seizure and forfeiture act; remitting proceeds to the state general fund; increasing the burden of proof required to forfeit property; making certain property ineligible for forfeiture; providing persons involved in forfeiture proceedings representation by counsel and the ability to demand a jury trial; allowing a person to request a hearing on whether forfeiture is excessive; amending K.S.A. 2022 Supp. 60-4104, 60-4105, 60-4106, 60-4107, 60-4109, 60-4112, 60-4113, 60-4114, 60-4117 and 60-4127 and repealing the existing sections, by Committee on Judiciary.

**HB 2381**, AN ACT concerning children and minors; relating to the revised Kansas code for care of children; requiring the court to appoint an attorney to represent a child who is the subject of child in need of care proceedings; making the guardian ad litem appointment optional; granting such attorney access to all information and records necessary for the representation of such child; amending K.S.A. 38-2202, 38-2205, 38-2219, 38-2229, 38-2236, 38-2247, 38-2248, 38-2249, 38-2258, 38-2260, 38-2268, 38-2275 and 38-2291 and K.S.A. 2022 Supp. 38-2211 and 38-2212 and repealing the existing sections, by Committee on Judiciary.

**HB 2382**, AN ACT concerning school district boards of education; establishing the school district board of education member free speech and transparency act; requiring school districts to publicly list current members and provide the email addresses for such members; requiring certain records made, maintained or kept on a member's private electronic device to be subject to disclosure under the open records act; authorizing members to add items to meeting agendas, question conferees and request information from the school district; amending K.S.A. 2022 Supp. 45-217 and repealing the existing section, by Committee on K-12 Education Budget.

**HB 2383**, AN ACT concerning courts; relating to district magistrate judges; allowing certain municipal judges to take the examination to be certified by the supreme court as qualified to be a district magistrate judge; amending K.S.A. 20-337 and repealing the existing section, by Committee on Judiciary.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2372**.

Appropriations: **HB 2362**.

Child Welfare and Foster Care: **HB 2361**, **HB 2369**, **HB 2371**.

Commerce, Labor and Economic Development: **HB 2348, HB 2368, HB 2373, HB 2374.**

Corrections and Juvenile Justice: **HB 2349, HB 2350, HB 2353, HB 2354, HB 2355, HB 2363, HB 2370.**

Federal and State Affairs: **HB 2358, HB 2367.**

Financial Institutions and Pensions: **HB 2365.**

Health and Human Services: **HB 2347.**

Higher Education Budget: **HB 2375.**

Judiciary: **HB 2351, HB 2352, HB 2356, HB 2357.**

K-12 Education Budget: **HB 2359, HCR 5010.**

Taxation: **HB 2364, HB 2366, HCR 5009.**

Transportation: **HB 2360.**

### CHANGE OF REFERENCE

Speaker Hawkins announced the withdrawal of **HB 2313** from Committee on Health and Human Services and referral to Committee on Taxation.

### MESSAGE FROM THE GOVERNOR

February 2, 2023

*Message to the Kansas House of Representatives:*

Enclosed herewith is Executive Directive No. 23-565 for your information.

Executive Directive No. 23-565  
Authorizing Expenditure of Federal Funds

LAURA KELLY  
*Governor*

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2010**, AN ACT concerning crimes, punishment and criminal procedure; relating to trials; persons found not guilty by reason of mental disease or defect; jury instruction; housing; annual hearing on continued commitment; amending K.S.A. 12-736 and K.S.A. 2022 Supp. 22-3428 and 22-3428a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

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

Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Sawyer Clayton, Schlingensiepen, Schmoe, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Woodard, Xu, Younger.

Nays: None.

Present but not voting: None.

Absent or not voting: Alcalá, W. Carpenter, Howe, Poetter Parshall, Poskin, Probst, Winn.

The bill passed, as amended.

**HB 2014**, AN ACT concerning roads and highways; designating a portion of United States highway 69 in Crawford county as the Robert Lessen memorial highway, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Boyd, Bryce, Buehler, Butler, Carlin, Carmichael, B. 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, Howell, Howerton, Hoye, Humphries, Jacobs, Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neely, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Owens, F. Patton, Penn, Pickert, Proctor, Rahjes, Resman, Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Sawyer Clayton, Schlingensiepen, Schmoe, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Woodard, Xu, Younger.

Nays: None.

Present but not voting: None.

Absent or not voting: Alcalá, W. Carpenter, Howe, Poetter Parshall, Poskin, Probst, Winn.

The bill passed.

**HB 2065**, AN ACT concerning family law; relating to dissolution of marriage; allowing change to name other than former or maiden name; removing reference to maiden name; amending K.S.A. 2022 Supp. 23-2716 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Alcalá, W. Carpenter, Howe, Poetter Parshall, Poskin, Probst, Winn.

The bill passed, as amended.

**SCR 1602**, A CONCURRENT RESOLUTION disapproving the designation of the lesser prairie chicken as a threatened species in Kansas by the United States Fish and Wildlife Service and supporting efforts to remove such designation, was considered on final action.

On roll call, the vote was: Yeas 83; Nays 35; Present but not voting: 0; Absent or not voting: 7.

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

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

Present but not voting: None.

Absent or not voting: Alcalá, W. Carpenter, Howe, Poetter Parshall, Poskin, Probst, Winn.

The resolution was adopted.

## REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2077** be amended by substituting with a new bill to be designated as "Substitute for HOUSE BILL NO. 2077," as follows:

"Substitute for HOUSE BILL NO. 2077

By Committee on Appropriations

"AN ACT concerning information technology; requiring reporting of significant cybersecurity incidents; changing membership, terms and quorum requirements for the information technology executive council; relating to information technology projects

and reporting requirements; information technology security training and cybersecurity reports; duties of the chief information security officer; requiring certain information to be provided to the joint committee on information technology; amending K.S.A. 46-2102, 75-7201, 75-7202, 75-7205, 75-7206, 75-7208, 75-7209, 75-7210, 75-7211, 75-7237, 75-7238, 75-7239, 75-7240 and 75-7242 and repealing the existing sections.";

And the substitute bill be passed.

(Sub **HB 2077** was thereupon introduced and read by title.)

Committee on **Child Welfare and Foster Care** recommends **HB 2240** be passed.

Committee on **Child Welfare and Foster Care** recommends **HB 2153** be amended on page 1, in line 13, by striking "team"; also in line 13, by striking "intervention in reports" and inserting "cases"; in line 18, by striking "team"; also in line 18, by striking "intervention in reports" and inserting "cases"; in line 23, by striking "one hour of";

Also on page 1, in the title, in line 3, by striking "team"; also in line 3, by striking "to intervention" and inserting "in cases"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2021** be amended on page 15, in line 18, by striking ", including a technical violation,";

On page 16, in line 12, after "(2)" by inserting "(A)"; in line 14, after the period by inserting "The department may contract with another entity to provide an electronic record system that is not maintained by the department. Such system shall include a verification system that is operated by the department for the purpose of verifying the authenticity and validity of electronic records. The electronic records maintained in such system shall have the same legal effect as paper records.

(B)"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2113** be amended on page 1, in line 15, before "convicted" by inserting "who has been"; in line 21, by striking all before the period and inserting ":

(A) Satisfied the sentence imposed; or

(B) was discharged from probation, parole or a suspended sentence";

On page 2, in line 5, by striking all after "person"; in line 6, by striking all before "satisfied"; also in line 6, before "the" by inserting "the sentence imposed or"; in line 8, before the semicolon by inserting "or was discharged from probation, parole, conditional release or a suspended sentence"; in line 18, by striking "Any"; in line 19, by striking "person" and inserting "No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was"; in line 20, by striking all after "constitute"; by striking all in lines 21 through 23; in line 24, by striking all before the colon;

On page 3, in line 2, by striking "Any person" and inserting "No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was"; in line 4, by striking all after "thereto"; by striking all in lines 5 through 7; in line 8, by striking all before the period; in line 12, by striking "Any person" and inserting "No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, parole,

conditional release or a suspended sentence, if such person was"; in line 15, by striking all after "thereto"; in line 16, by striking all before the period;

On page 4, in line 9, by striking the second comma and inserting "or"; also in line 9, by striking "or restitution"; in line 10, by striking the fourth comma and inserting "or"; in line 11, by striking "or restitution"; in line 12, after the period by inserting "The court may grant a petition for expungement when the petitioner owes outstanding restitution.";

On page 8, in line 28, by striking "was convicted of such offense" and inserting ": (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence"; in line 41, by striking "was convicted of such offense" and inserting "satisfied the sentence imposed"; also in line 41, by striking "fulfilled";

On page 9, in line 1, before the semicolon by inserting "or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence"; in line 13, by striking "any person convicted"; by striking all in lines 14 through 17; in line 18, by striking all before the colon and inserting "no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of";

On page 10, in line 11, by striking "Any person" and inserting "No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was"; in line 13, by striking "or who entered into a diversion"; by striking all in lines 14 through 16; in line 17, by striking all before the period and inserting "including any diversion for such violation"; in line 22, by striking "Any person" and inserting "No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was"; in line 23, by striking all after "thereto"; by striking all in line 24; in line 25, by striking all before the period;

On page 12, in line 37, by striking the second comma and inserting "or"; also in line 37, by striking "or restitution"; in line 39, by striking the comma and inserting "or"; also in line 39, by striking "or restitution"; in line 40, after the period by inserting "The court may grant a petition for expungement when the petitioner owes outstanding restitution.";

On page 14, in line 29, by striking "12-4119" and inserting "20-169"; in line 33, by striking "12-4119" and inserting "20-169";

On page 19, in line 2, by striking "adjudication" and inserting "discharge"; in line 3, before "adjudication" by inserting "discharge for an"; in line 13, by striking "adjudication" and inserting "discharge"; in line 23, after "(2)" by inserting "(A)"; in line 25, by striking the second comma and inserting "or"; also in line 25, by striking "or restitution"; in line 26, by striking the fourth comma and inserting "or"; in line 27, by striking "or restitution"; in line 29, by striking the second comma and inserting "or"; in

line 30, by striking "or restitution"; also in line 30, after the period by inserting "The court may grant a petition for expungement when the juvenile owes outstanding restitution.

(B) For the purpose of collecting such outstanding costs, fees, fines or restitution, the following persons shall have access to the expunged case file notwithstanding any expungement:

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

On page 1, in the title, in line 5, by striking the second comma and inserting "or"; also in line 5, by striking all after "fines"; in line 6, by striking all before the semicolon; also in line 6, after the semicolon by inserting "authorizing the court to grant a petition for expungement when restitution is outstanding;"; and the bill be passed as amended.

Committee on **Financial Institutions and Pensions** recommends **HB 2105** be amended on page 1, in line 16, after the period by inserting "A provider may use the mailing address provided by a consumer to determine such consumer's state of residence for purposes of this act."; in line 17, after "(d)" by inserting "'Consumer directed wage access services" means the business of delivering proceeds to a consumer prior to the date on which an obligor is obligated to pay salary, wages, compensation or other income to such consumer based on the consumer's representations and the provider's reasonable determination of the consumer's earned but unpaid income.

(e) "Director" means a member of the registrant's or applicant's board of directors.  
(f)";

Also on page 1, in line 22, by striking "delivering"; by striking all in lines 23 through 25 and inserting "providing consumer directed wage access services or employer-integrated wage access services, or both.

(h) "Employer-integrated wage access services" means the business of delivering proceeds to a consumer prior to the date on which an obligor is obligated to pay salary, wages, compensation or other income to such consumer, when the provider has verified the earned but unpaid income of the consumer through time and attendance or earnings data for the relevant pay period, using information provided by an obligor or a service provider of the obligor.";

Also on page 1, by striking all in lines 29 through 33; in line 34, by striking "Nonmandatory" and inserting "Non-mandatory"; in line 36, by striking "'Nonmandatory payment" includes, but is not limited to" and inserting "Examples of permissible non-mandatory payments include";

On page 2, in line 15, by striking "nonmandatory" and inserting "non-mandatory"; in line 20, by striking "nonmandatory" and inserting "non-mandatory"; in line 30, before "Outstanding" by inserting "(m) "Officer" means a person who participates or has authority to participate, other than in the capacity of a director, in major policymaking



functions of the registrant or applicant, whether or not the person has an official title. "Officer" includes, but is not limited to, the chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief credit officer, chief compliance officer and every vice president.

(n)";

Also on page 2, in line 32, before "Person" by inserting "(o) "Owner" means an individual who holds, directly or indirectly, at least 10% or more of a class of voting securities or the power to direct the management or policies of a registrant or an applicant.

(p) "Partner" means a person that has the right to receive upon dissolution, or has contributed, 10% or more of the capital of a partnership of the registrant or applicant.

(q)";

On page 3, in line 29, by striking "April 30" and inserting "December 31";

On page 4, in line 23, by striking "\$25,000" and inserting "\$100,000"; in line 35, after "(2)" by inserting "clearly and conspicuously describes how the consumer may obtain proceeds at no cost to such consumer;

(3)";

Also on page 4, also in line 35, by striking "statement" and inserting "clear disclosure"; by striking all in line 37 and inserting "the commissioner's phone number and website for submitting";

On page 5, in line 8, by striking "repayment of proceeds" and inserting "to use pre-authorized electronic transfers"; in line 19, by striking "make the offering of earned wage access services, either in" and inserting "seek repayment of proceeds in an amount that exceeds the amount of a consumer's earned but unpaid income and any applicable non-mandatory payment;

(d) condition";

Also on page 5, in line 21, after "which" by inserting "a consumer is eligible to request"; also in line 21, by striking "are provided to a consumer, contingent"; in line 27, before "charge" by inserting "(e) solicit a consumer to make a non-mandatory payment after informing the consumer that such consumer's request for proceeds was accepted;

(f)";

Also on page 5, in line 30, by striking "(e)" and inserting "(g) accept credit of any kind as payment from a consumer of outstanding proceeds or non-mandatory payments;

(h)";

Also on page 5, in line 37, before "provide" by inserting "(k) require a credit report for purposes other than verifying a consumer's identity; or

(l)";

On page 6, in line 3, by striking all after "charges"; by striking all in line 4; in line 5, by striking all before the period; in line 13, after the second period by inserting "The commissioner may publish aggregate annual report information for multiple registrants in composite form."; in line 17, by striking "30" and inserting "15"; in line 24, after "(3)" by inserting "the addition or loss of any owner, officer, partner or director of the registrant;

(4)";

Also on page 6, in line 26, after "status" by inserting "; or

(6) the closing or relocation of the registrant's principal place of business";

On page 7, in line 16, by striking the comma and inserting "or"; also in line 16, by striking "or debt management counselor thereof" and inserting "of the applicant or registrant";

On page 8, in line 2, by striking all after "that"; in line 3, by striking all before the period and inserting "will enable the commissioner to determine whether the registrant is complying with the provisions of this act"; in line 33, by striking all after "(11)"; by striking all in lines 34 through 39 and inserting "(A) require fingerprinting of any officer, partner or director of an applicant or registrant. Such fingerprints may be submitted to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of arrests and convictions in this state or other jurisdictions. The commissioner may use information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the persons associated with the applicant. Whenever the commissioner requires fingerprinting, any associated costs shall be paid by the applicant or the parties to the application.

(B) The commissioner shall not authorize receipt of a state and national criminal history record check from a private entity unless the Kansas bureau of investigation or the federal bureau of investigation is unable to supply such state and national criminal history record check through the Kansas central repository of criminal history records or any subsequent repository system provided for by law. The commissioner shall not disclose or use a state and national criminal history record check for any purpose except as provided for in this section. Unauthorized use of a state or national criminal history record check shall constitute a class A nonperson misdemeanor.

(C) Each state and national criminal history record check shall be confidential, not subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto, and not be disclosed to any applicant or registrant. The provisions of this subparagraph shall expire on July 1, 2028, unless the legislature reviews and acts to continue such provisions pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2028;"

On page 10, in line 1, by striking "\$2,000" and inserting "\$5,000"; in line 6, by striking "\$2,000" and inserting "\$5,000"; following line 37, by inserting:

"(6) Fines and penalties collected pursuant to paragraphs (2) and (3) shall be designated for use by the commissioner for consumer education.";

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

On page 1, in the title, in line 6, before "penalties" by inserting "criminal"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2093**, **HB 2096**, **HB 2100** be passed.

Committee on **Taxation** recommends **HB 2002**, **HB 2201** be passed.

Committee on **Transportation** recommends **HB 2146** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 8-255 is hereby amended to read as follows: 8-255. (a) The division is authorized to restrict, suspend or revoke a person's driving privileges upon a showing by its records or other sufficient evidence the person:

(1) Has been convicted with such frequency of serious offenses against traffic

regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(2) has been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period;

(3) is incompetent to drive a motor vehicle;

(4) has been convicted of a moving traffic violation, committed at a time when the person's driving privileges were restricted, suspended or revoked; or

(5) is a member of the armed forces of the United States stationed at a military installation located in the state of Kansas, and the authorities of the military establishment certify that such person's on-base driving privileges have been suspended, by action of the proper military authorities, for violating the rules and regulations of the military installation governing the movement of vehicular traffic or for any other reason relating to the person's inability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(b) (1) The division shall:

(A) Suspend a person's driving privileges:

(i) When required by K.S.A. 8-262, 8-1014 or 41-727, and amendments thereto;

(ii) upon a person's second conviction of theft, as defined in ~~subsection (a)(5) of K.S.A. 2022 Supp. 21-5801(a)(5)~~, and amendments thereto, for six months; ~~and~~

(iii) upon a person's third or subsequent conviction of theft, as defined in ~~subsection (a)(5) of K.S.A. 2022 Supp. 21-5801(a)(5)~~, and amendments thereto, for one year; ~~and~~

(iv) upon a person's third or subsequent conviction within five years of a previous conviction for operating a vehicle in excess of 30 miles per hour over the speed limit, as described in K.S.A. 8-2118(i)(2), and amendments thereto, for 30 days;

(B) disqualify a person's privilege to drive commercial motor vehicles when required by K.S.A. 8-2,142, and amendments thereto; and

(C) restrict a person's driving privileges when required by K.S.A. 39-7,155, and amendments thereto.

(2) As used in this subsection, "conviction" means a final conviction without regard to whether the sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. "Conviction" includes being convicted of a violation of K.S.A. 21-3765, prior to its repeal, or ~~subsection (a)(5) of K.S.A. 2022 Supp. 21-5801(a)(5)~~, and amendments thereto.

(c) When the action by the division restricting, suspending, revoking or disqualifying a person's driving privileges is based upon a report of a conviction or convictions from a convicting court, the person may not request a hearing but, within 30 days after notice of restriction, suspension, revocation or disqualification is mailed, may submit a written request for administrative review and provide evidence to the division to show the person whose driving privileges have been restricted, suspended, revoked or disqualified by the division was not convicted of the offense upon which the restriction, suspension, revocation or disqualification is based. Within 30 days of its receipt of the request for administrative review, the division shall notify the person whether the restriction, suspension, revocation or disqualification has been affirmed or set aside. The request for administrative review shall not stay any action taken by the division.

(d) Upon restricting, suspending, revoking or disqualifying the driving privileges of any person as authorized by this act, the division shall immediately notify the person in writing. Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, and subsections (c) and (g), if the person makes a written request for hearing within 30 days after such notice of restriction, suspension or revocation is mailed, the division shall afford the person an opportunity for a hearing as early as practical not sooner than five days nor more than 30 days after such request is mailed. If the division has not revoked or suspended the person's driving privileges or vehicle registration prior to the hearing, the hearing may be held within not to exceed 45 days. Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, the hearing shall be held in the person's county of residence or a county adjacent thereto, unless the division and the person agree that the hearing may be held in some other county. Upon the hearing, the director or the director's duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require an examination or reexamination of the person. When the action proposed or taken by the division is authorized but not required, the division, upon the hearing, shall either rescind or affirm its order of restriction, suspension or revocation or, good cause appearing therefor, extend the restriction or suspension of the person's driving privileges, modify the terms of the restriction or suspension or revoke the person's driving privileges. When the action proposed or taken by the division is required, the division, upon the hearing, shall either affirm its order of restriction, suspension, revocation or disqualification, or, good cause appearing therefor, dismiss the administrative action. If the person fails to request a hearing within the time prescribed or if, after a hearing, the order of restriction, suspension, revocation or disqualification is upheld, the person shall surrender to the division, upon proper demand, any driver's license in the person's possession.

(e) In case of failure on the part of any person to comply with any subpoena issued on behalf of the division or the refusal of any witness to testify to any matters regarding which the witness may be lawfully interrogated, the district court of any county, on application of the division, may compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court. Each witness who appears before the director or the director's duly authorized agent by order or subpoena, other than an officer or employee of the state or of a political subdivision of the state, shall receive for the witness' attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness.

(f) The division, in the interest of traffic and safety, may establish or contract with a private individual, corporation, partnership or association for the services of driver improvement clinics throughout the state and, upon reviewing the driving record of a person whose driving privileges are subject to suspension under subsection (a)(2), may permit the person to retain such person's driving privileges by attending a driver improvement clinic. Any person other than a person issued a commercial driver's license under K.S.A. 8-2,125 et seq., and amendments thereto, desiring to attend a driver improvement clinic shall make application to the division and such application shall be accompanied by the required fee. The secretary of revenue shall adopt rules and regulations prescribing a driver's improvement clinic fee which shall not exceed \$500

and such rules and regulations deemed necessary for carrying out the provisions of this section, including the development of standards and criteria to be utilized by such driver improvement clinics. Amounts received under this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the same in the state treasury as prescribed by ~~subsection (f)~~ of K.S.A. 8-267(f), and amendments thereto.

(g) When the action by the division restricting a person's driving privileges is based upon certification by the secretary for children and families pursuant to K.S.A. 39-7,155, and amendments thereto, the person may not request a hearing but, within 30 days after notice of restriction is mailed, may submit a written request for administrative review and provide evidence to the division to show the person whose driving privileges have been restricted by the division is not the person certified by the secretary for children and families, did not receive timely notice of the proposed restriction from the secretary for children and families or has been decertified by the secretary for children and families. Within 30 days of its receipt of the request for administrative review, the division shall notify the person whether the restriction has been affirmed or set aside. The request for administrative review shall not stay any action taken by the division.

(h) Any person whose driving privileges have been suspended under subsection (b)(1)(A)(ii) or (b)(1)(A)(iii), shall pay a reinstatement fee in the amount of \$100 to the division. The division shall remit all revenues received from such fees, at least monthly, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the state highway fund.";

On page 2, in line 11, by striking "\$500" and inserting "\$250"; also in line 11, by striking "\$20" and inserting "\$10";

On page 4, in line 33, by striking "\$45" and inserting "\$100";

On page 11, in line 3, by striking "\$750" and inserting "\$375"; also in line 3, by striking "\$25" and inserting "\$12"; in line 4, after the second "hour" by inserting "over the speed limit"; in line 11, by striking "\$1,000" and inserting "\$500"; also in line 11, by striking "\$30" and inserting "\$15"; also in line 11, after the second "hour" by inserting "over the speed limit"; in line 12, after "K.S.A." by inserting "8-255 and"; also in line 12, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "increasing penalties for impeding traffic for operating a motor vehicle at a slow speed; directing the division of vehicles to suspend a person's driving privileges for a third or subsequent conviction by operating a vehicle in excess of 30 miles per hour over the speed limit,"; in line 4, after "K.S.A." by inserting "8-255 and"; also in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Veterans and Military** recommends **HB 2039** be amended on page 1, following line 6, by inserting:

"New Section 1. (a) Subject to the provisions of K.S.A. 32-920, and amendments thereto, the secretary of wildlife and parks or the secretary's designee shall issue, free of charge, a permanent license to hunt and fish to any person residing in the state who submits to the secretary satisfactory proof that the person is a disabled veteran. Any

such person hunting or fishing in this state shall be subject to the provisions of all rules and regulations relating to hunting or fishing.

(b) As used in this section, "disabled veteran" means a person who:

- (1) Was a member of the armed services;
- (2) has separated from the armed services under honorable conditions; and
- (3) has a disability certified by the Kansas commission on veterans affairs office as being service-connected and such service-connected disability is equal or greater than 30%.";

Also on page 1, in line 17, before the first "a" by inserting "a resident of this state who is 75 years of age or older;

(4)";

Also on page 1, in line 24, after the stricken material by inserting "or"; in line 27, by striking all after "conducted"; in line 28, by striking all before the period;

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

On page 3, by striking all in lines 15 through 25; in line 35, before the first "a" by inserting "a resident of this state who is 75 years of age or older;

(4)";

Also on page 3, in line 40, after the stricken material by inserting "or"; in line 42, by striking all after "gophers"; by striking all in line 43;

On page 4, in line 1, by striking all before the period; by striking all in lines 24 through 34;

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

On page 7, in line 10, before "Any" by inserting "For a resident who is at least 65 years of age but less than 75 years of age:

(1) The fee for an annual hunting license shall be an amount equal to  $\frac{1}{2}$  the fee for a general annual hunting license;

(2) the fee for an annual fishing license shall be an amount equal to  $\frac{1}{2}$  the fee for a general annual fishing license; and

(3) the fee for an annual combination hunting and fishing license shall be an amount equal to  $\frac{1}{2}$  the fee for a general annual combination hunting and fishing license.

(f)";

Also on page 7, in line 11, by striking all after "under"; in line 12, by striking "32-919" and inserting "section 1"; also in line 12, after "the" by inserting "hunting and fishing";

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

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

## REPORT OF STANDING COMMITTEE

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

**Request No. 10**, by Speaker Hawkins, commending the Kansas Contractors

Association 100<sup>th</sup> year anniversary;

**Request No. 11**, by Representative Howerton, commending Caylee Johnson in recognition for your achievement of Eagle Scout in Troop 1708, Boy Scouts of America;

**Request No. 12**, by Representative K. Williams, honoring Ryan Stanley, Fort Hays State University Student Body President from spring of 2022-spring of 2023;

**Request No. 13**, by Representative K. William, honoring John Kirk, Wichita State University Student Body President from spring 2022-spring 2023;

**Request No. 14**, by Representative K. Williams, honoring Parker Vulgamore, Kansas State University Student Body President and Vice Chair of the KBOR Advisory Committee;

**Request No. 15**, by Representative K. Williams, honoring Tarynn Brenner, Pittsburg State University Student Body President;

**Request No. 16**, by Representative K. Williams, honoring Bella Price, Emporia State University Student Body President;

**Request No. 17**, by Representative K. Williams, honoring Shayden Hanes, Washburn University Student Body President;

**Request No. 18**, by Representative K. Williams, honoring Sadie Williams, Kansas University Student Body President and Chair of the KBOR Advisory Committee;

**Request No. 19**, by Representative Eplee, commending the Immunize Kansas Coalition for providing ongoing Immunization Access and Education/awareness for Kansas Children;

**Request No. 20**, by Representative Eplee, commending Gretchen Homan, M.D. For providing ongoing Immunization Access and Education/Awareness for Kansas Children;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Representative Croft the committee report was adopted

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 were introduced and read by title:

**HB 2384**, AN ACT concerning income taxation; relating to deductions; increasing the Kansas standard deduction by a cost-of-living adjustment; amending K.S.A. 2022 Supp. 79-32,119 and repealing the existing section, by Committee on Taxation.

**HB 2385**, AN ACT concerning crimes, punishment and criminal procedure; relating to presumptions; modifying the rules of evidence to provide rules for presumptions and inferences; replacing the rebuttable presumption of intent to distribute controlled substances with a permissive inference; amending K.S.A. 60-416 and K.S.A. 2022 Supp. 21-5705 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2386**, AN ACT concerning public employees; relating to a person's property; prohibiting a state or local governmental employee from entering or remaining on

private property; providing exceptions, by Committee on Agriculture and Natural Resources Budget.

**HB 2387**, AN ACT concerning economic development; relating to STAR bonds; providing funding to replace lost food sales tax revenue for STAR bond districts established prior to December 31, 2022, and modifying the tax increment definition for such districts; authorizing STAR bond project costs for historic theaters and major amusement parks to include certain additional costs; extending the deadline for the report on STAR bonds by the department of commerce to certain legislative committees; amending K.S.A. 12-17,162 and 12-17,169 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

**HB 2388**, AN ACT concerning occupational regulation; relating to occupational licenses; requiring that licensing bodies provide verified electronic credentials, in addition to paper-based credentials, to all credential holders, including military servicemembers and others receiving Kansas credentials based on their credentials from other jurisdictions; requiring licensing bodies to use centralized electronic credential data management systems capable of providing instantaneous credential verification; mandating that such systems maintain an auditable record; amending K.S.A. 2022 Supp. 48-3406 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

**HB 2389**, AN ACT concerning real estate brokers and salespersons; application of licensure provisions to trusts; authorizing the Kansas real estate commission to issue cease and desist orders; providing that dealing in assignable contracts for the purchase or sale of, or options on real estate requires licensure; amending K.S.A. 58-3036 and 58-3065 and K.S.A. 2022 Supp. 58-3035, 58-3037 and 58-3042 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

**HB 2390**, AN ACT concerning drugs; relating to drug overdoses; enacting the Kansas overdose fatality review board act; establishing the Kansas overdose fatality review board; providing for membership and duties thereof; requiring the secretary of health and environment to study drug overdose death cases; providing for the confidentiality of acquired and related records; relating to crimes involving controlled substances; excluding materials used to detect the presence of fentanyl, ketamine or gamma hydroxybutyric acid from the definition of drug paraphernalia; clarifying who may be protected from liability for administering an emergency opioid antagonist; amending K.S.A. 2022 Supp. 21-5701 and 65-16,127 and repealing the existing sections; also repealing K.S.A. 2022 Supp. 21-5701b, by Committee on Health and Human Services.

**HB 2391**, AN ACT concerning campaign finance; relating to the governmental ethics commission; establishing a two-year statute of limitations for complaints; limiting the commission's subpoena powers; allowing respondents to have a hearing transferred before a presiding officer under the Kansas administrative procedure act; amending K.S.A. 25-4119a, 25-4119d, 25-4143, 25-4145, 25-4148, 25-4148c, 25-4152, 25-4153a, 25-4153b, 25-4154, 25-4157a, 25-4158, 25-4161, 25-4163, 25-4165, 25-4170, 25-4181, 25-4182 and 25-4185 and repealing the existing sections, by Committee on Elections.

## COMMITTEE ASSIGNMENT CHANGES

Speaker Hawkins announced the appointment of Rep. Awerkamp to replace Rep. Waymaster on Committee on Appropriations for February 10, 2023.



Also, the appointment of Rep. Kessler to replace Rep. Estes on Committee on Appropriations for February 10, 2023.

Also, the appointment of Rep. Helgerson to replace Rep. Alcala on Committee on Agriculture and Natural Resources Budget for February 9, 2023.

Also, the appointment of Rep. Haskins to replace Rep. Sawyer Clayton on Committee on Taxation for February 9, 2023.

#### **REPORT ON ENGROSSED BILLS**

**HB 2010, HB 2065** reported correctly engrossed February 9, 2023.

#### **REPORT ON ENROLLED RESOLUTIONS**

**HR 6007, HCR 5002** reported correctly enrolled and properly signed on February 8, 2023.

On motion of Rep. Croft the House adjourned pro forma until 8:30 a.m. on Friday, February 10, 2023.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

