

# Journal of the House

## THIRTY-SECOND DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, February 22, 2023, 9:30 a.m.

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

The roll was called with 124 members present.

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

Excused later: Rep. Moser.

Prayer by guest chaplain, Representative Thompson:

Holy God, we come before your throne of grace boldly, but humbly, and ask for your presence and blessing as we make decisions that affect the citizens of our great state.

As we carry out our responsibilities here today, I pray we depend upon your wisdom to guide our decisions.

Also, your word instructs us to to treat others as we would want to be treated. As we carry out our responsibilities, may we treat each other with dignity and respect. May our words encourage, lift up and empower.

Again, Almighty God Bless us today.

The Pledge of Allegiance was led by Rep. Schlingensiepen.

### PERSONAL PRIVILEGE

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

As Black History Month comes to a close for 2023, it is an occasion to honor black citizens who have made lasting and positive contributions to American society. All three of my honorees also have Kansas ties.

#### **Dr. Martin Luther King, Jr. brings Message of Solidarity to K-State**

The Reverend Martin Luther King, Jr. delivered a speech on January 19, 1968 at the “All-University Convocation in Ahearn Field House.”

The following is taken from the speech at K-State:

“There seems to be a desperate, poignant question on the lips of thousands and millions of people all over our nation and all over the world. They are asking whether we have made any real progress in the area of race relations. In seeking to answer this question I always seek to avoid, on the one hand, a

superficial optimism and, on the other hand, a deadening pessimism. I always try to answer it by giving what I consider a realistic position. It seems to me that the realistic position is that we have made significant strides in the struggle for racial justice, but that we have a long, long way to go before the problem is solved.” (Kansas State University Archives, Rev. Martin Luther King, Jr., All-University Convocation, Jan. 19, 1968).

This would be his last collegiate address, he would be assassinated less than three months later in Memphis, Tennessee on April 4, 1968. I found this quote from Dr. King: “You can kill the dreamer, but you can’t kill the dream.” ---Dr. Martin Luther King, Jr.

#### **A Woman on a Mission**

Sojourner Truth (1797-1883), a heroic black woman who worked against slavery from Maine to Kansas helping blacks escape to freedom on the Underground Railroad. Her life is a study in how black and white Americans worked together for a more free and just society.

Born a slave in New York, Sojourner Truth actually grew up with a different name, Isabella. In her youth, she had several masters, one of whom beat her and scarred her for life. She grew tall, almost six feet in height, and strong; she was allowed to marry and had four children. In 1826, when her master reneged on a promise to free her, Isabella ran away and began to work for the Van Wagenens, a nearby Quaker family. When the angry Dumont found her, the Van Wagenens paid him \$20 and secured her freedom. The friendliness of the Van Wagenens helped Isabella learn that white people, like blacks, could be either friends or foes.

Isabella became fascinated by the notion that black and white could work together to fulfill the goals of the Declaration of Independence – the right to life, liberty, and the pursuit of happiness for all Americans. **In 1843, Isabella changed her name to Sojourner Truth and worked with whites and blacks all over the country to abolish slavery.** She never learned to read or write, but a white friend helped her tell her life story in the *Narrative of Sojourner Truth*.

#### **Congressman Lewis presented with Dole Leadership Prize at the University of Kansas**

Congressman John Lewis (D-GA) was presented with the Dole Institute of Politics’ Dole Leadership Prize on October 21, 2007, in front of a packed audience in the Lied Center at KU.

“Lewis played an integral role in the country’s civil rights struggle and is remembered for leading 600 peaceful protesters attempting to cross a bridge in Selma, Alabama, in order to register to vote. They were attacked by Alabama state troopers and Lewis suffered a fractured skull. A contemporary of Rev. Martin Luther King, Jr., Lewis exhibited the qualities inherent in Dole Leadership Prize recipients.

Here’s someone who could have given up on the system, but chose to work as an elected official to effect change in the United States. Lewis’ fight to broaden freedom and voting rights fit the Institute’s motto, ‘Politics is an honorable profession.’” Lewis called for young people to seek ways to be engaged in the community.

He recounted his childhood in rural Alabama, a time fraught with poverty and racism. Later, he became inspired to join King’s civil rights movement after hearing him preach on the radio. Lewis said his mother always warned him to stay out of trouble, but ‘I was inspired to get in trouble. It was good trouble, necessary trouble.’

Lewis said he was humbled by the recognition. ‘I am more than moved to be receiving this honor,’ He said that for the rest of his life, ‘I will continue to do what I can to be worthy of the Dole Leadership Prize.’

(Alexander Parker, “Lewis accepts Dole Prize.” *Lawrence Journal World*, Oct. 22, 2007)

Congressman Lewis passed away on July 17, 2020, succumbing to pancreatic cancer at the age of 80.

### INTRODUCTION OF GUESTS

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

Mr. Chairman and Honorable Colleagues of the House:

I would like to invite the members of the Kansas Black Legislative Caucus to please come up and assist me. Both from the House and Senate Chambers. And, if we could please have Mr. Foster Chisholm, his daughter, Ms. Monice Crawford and his other daughter, Ms. Antoinette Spalding, come up as well. And if we could have any members of the Directorate of the Sergeant-At-Arms, the Gentlemen At the Doors, if you could come up as well, please. As they approach, Mr. Speaker, I won’t belabor the point. I just wanted to have the opportunity today...and thank you all for indulging us this Point of Personal Privilege.

This IS Black History Month. And we have a living legend amongst us that we walk by every day. And we wanted to have the opportunity on behalf of the Speaker to celebrate Black History Month and celebrate the achievements of this fine gentleman standing next to me, Mr. Foster Chisholm.

Now, I’ll give a few quick remarks, and we’ll get on with this show.

Mr. Chisholm, as I stated before, is joined up here by his daughters, Ms. Monice Crawford and Ms. Antoinette Spalding, as well as members of the Kansas Black Legislative Delegation / Caucus, as well as the members of the Sergeant-At-Arms team.

Now, everybody probably knows Mr. Chisholm because of his awesome debonairness! The man is what we call “Cleaner Than the Health Board.” He stays dressed, from the top to the tail; you’ve seen him with his vests, you’ve seen him with his scarves, you’ve seen him with that nice fedora hat that he wears, as well. And while you might know him for that attention-to-detail, you also know him because of the kindness, gentleness, and respect he shows to everyone, be it the Members or the visitors to this chamber.

Mr. Foster was born here, in Topeka, Kansas, on August 13<sup>th</sup>, 1939. And at the young age of 83 years old he is now the first, longest-serving, and only Black man to hold that post as Sergeant-At-Arms in the Kansas House.

His mother worked for the government here, as well as the Stormont Vail hospital system. His father worked for the gas company. He has 1 brother and 2 sisters. He is second in line, so he is used, very much used, to being a leader, both inside the team and for the team!

He’s joined up here by his brethren that also come from the Sergeant-At-Arms fold. His Assistant Sergeant-At-Arms (he has 2 of them), he has Mr. Jerry Wilson, Mr. Allen Morgan, Mr. Rodger Prather, Mr. George Burnheimer (whom you know as the other debonair gentleman at the rear), Mr. Paul Pearson, Mr. Rich St. Gelais, Mr. Ben Scott (who is our favorite over here on this side), Mr. Ron Stewart, Mr. Ed Aldrin, and of

course, the man himself, Mr. Foster Chisholm.

He started as a Doorman, at the lowest level, so he's worked his way up. Outside and inside security was his responsibility, to include the credentialing of visitors who attend in our Gallery, as well. Mr. Chisholm has served under 4 different Speakers of the House (O'Neal, Merrick, Ryckman, and Hawkins). He was promoted to Assistant Sergeant-At-Arms in January 2014, and then he was finally promoted to his current post, Sergeant-At-Arms, in January 2015.

I would also that from his team — in the military we say that leaders are known by what their troops say about them and that our Soldiers are our Credentials — Mr. Wilson says that in his 10 years serving as an Assistant Sergeant-At-Arms with Mr. Chisholm, he says the best part of the job is the camaraderie, that the guys are all great to work with and it is a very great team because of the interaction they have with each other. And that is only because they have a “superior boss.” His words, not mine!

Allen Morgan, the other Assistant Sergeant-At-Arms, says that “Mr. Chisholm treats everyone with the same level of respect and dignity, from the Speaker of the House to the Janitorial Staff. That is the stuff leaders that are made of!

I will finally say that I asked Mr. Chisholm: 1. Why is this post important to you? 2. What advice would you give us as a Body and the People of Kansas?

And he said, “Get involved! Get involved in ALL aspects of government, at ALL levels of government, and be appraised of what's going on and don't sit on the sidelines! Because what happens affects you, and it affects others and everyone that's around you. And everyone has something to offer in life from their experiences, no matter how small. And finally, Mr. Chisholm relayed to me that is important for him to serve in this position because people need to see a person of color in this position. Young people need to see that so they can see what is possible and they can have aspirations and also know what they can attain.

So, with that, I present to Mr. Foster Chisholm, on behalf of everyone assembled, a framed House certificate. Rep. Penn read the certificate to the Body congratulating Mr. Chisholm.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2435**, AN ACT concerning taxation; relating to sales and compensating use tax; reducing the rate of tax and further reducing the rate of tax on sales of food and food ingredients; providing an exemption for sales of children's diapers and feminine hygiene products; relating to STAR bonds; establishing the STAR bonds food sales tax revenue replacement fund and providing certain transfers thereto; altering the calculation for STAR bond districts; relating to income tax; discontinuing the food sales tax credit; amending K.S.A. 12-17,162 and K.S.A. 2022 Supp. 79-32,271, 79-3603, 79-3603d, 79-3606, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Taxation.

**HB 2436**, AN ACT concerning environmental, social and governance criteria involving public contracts and investments; enacting the Kansas public investments and contracts protection act; prohibiting the state or a political subdivision from giving preferential treatment to or discriminating against companies based on environmental, social and governance criteria in procuring or letting contracts; requiring fiduciaries of the Kansas public employees retirement system to act solely in the financial interest of

participants and beneficiaries of the system; restricting state agencies from adopting environmental, social and governance criteria or requiring any person or business to operate in accordance with such criteria; providing for enforcement of such act by the attorney general; amending K.S.A. 2022 Supp. 74-4921 and repealing the existing section, by Committee on Appropriations.

**HB 2437**, AN ACT concerning agriculture; relating to animal facilities inspections; updating certain terms, requirements and fees contained in the Kansas pet animal act related thereto; amending K.S.A. 47-1701, 47-1704, 47-1706, 47-1707, 47-1709, 47-1712, 47-1715, 47-1721, 47-1723 and 47-1732 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2438**, AN ACT concerning emergency medical services; eliminating the designation and certification of instructor-coordinators; amending K.S.A. 2022 Supp. 65-2891, 65-6102, 65-6112, 65-6124 and 65-6150 and repealing the existing sections; also repealing K.S.A. 2022 Supp. 65-6129b, by Committee on Federal and State Affairs.

**HB 2439**, AN ACT concerning health and healthcare; relating to medication abortions; requiring certain notifications for patients under the woman's right-to-know act; amending K.S.A. 65-6708 and repealing the existing section, by Committee on Federal and State Affairs.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

K-12 Education Budget: **HB 2432**.

Taxation: **HB 2433**, **HB 2434**.

#### CHANGE OF REFERENCE

Speaker Hawkins announced the withdrawal of **HB 2312** from Committee on Elections and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2048** from Committee on K-12 Education Budget and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2040**, **HB 2218**, **HB 2225**, **HB 2261**, **HB 2271** from Calendar and referral to Committee on Appropriations.

#### CONSENT CALENDAR

No objection was made to **HB 2344** appearing on the Consent Calendar for the first day.

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

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2024**, AN ACT concerning children and minors; relating to the newborn infant protection act; allowing the surrender of physical custody of an infant to a newborn safety device; requiring inquiries and reporting of Indian child status; adding the requirement of great bodily harm to the crime of child abandonment to qualify for immunity; amending K.S.A. 38-2203 and 38-2282 and K.S.A. 2022 Supp. 21-5605 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 94; Nays 30; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Alcalá, Amyx, Boyd, Carmichael, Curtis, Featherston, Haskins, Haswood, Helgeson, Highberger, Hougland, Houser, Hoye, Melton, Meyer, Miller, D., Miller, V., Ohaebosim, Oropeza, Osman, Ousley, Poskin, Ruiz, L., Ruiz, S., Sawyer Clayton, Schlingensiepen, Stogsdill, Vaughn, Weigel, Xu.

Present but not voting: None.

Absent or not voting: Kessler.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote No on **HB 2024**. Putting an infant in a box does have a way of taking the human out. – MICHAEL HOUSER

**HB 2082**, AN ACT concerning counties; allowing counties to create a code inspection and enforcement fund and expanding the county equipment reserve fund to include electronic technology; allowing counties to create a municipalities fight addiction fund for the expenditure of opioid settlement monies received pursuant to the Kansas fights addiction act; amending K.S.A. 19-119 and repealing the existing section, was considered on final action.

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

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Boyd, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Droge, Ellis, Eplee, Essex, Estes, Featherston, Francis, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgeson, Highberger, Hill, Hoffman, Hoheisel, Hougland, Houser, Howe, Howell, Howerton, Hoye, Humphries, T. Johnson, 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, Pickert, Poskin, Probst, 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., Winn, Woodard, Xu, Younger.

Nays: Fairchild, Garber, Jacobs, Penn, Poetter Parshall.

Present but not voting: None.

Absent or not voting: Kessler.

The bill passed.

**HB 2092**, AN ACT concerning municipal universities; relating to the membership of the Washburn university board of regents; reapportioning the districts of certain members thereof; amending K.S.A. 13-13a04 and 13-13a05 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Kessler.

The bill passed, as amended.

**HB 2094**, AN ACT concerning insurance; relating to health maintenance organizations and medicare provider organizations; applications for certificates of authority; specifying certain requirements necessary to demonstrate fiscal soundness; amending K.S.A. 40-3203 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Boyd, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Highberger, Hill, Hoffman, Hoheisel, Hougland, Houser, Howe, Howell, Howerton, Hoye, Humphries, Jacobs, T. Johnson, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Owens, F. Patton, Penn, Pickert, Poetter Parshall, Poskin, Probst, Proctor, Rahjes, Resman, Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Sawyer Clayton, Schlingensiepen, Schmoë,

Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Winn, Woodard, Xu, Younger.

Nays: None.

Present but not voting: None.

Absent or not voting: Kessler.

The bill passed.

**HB 2097**, AN ACT concerning insurance; relating to penalties; failure of agents or brokers to pay premiums; removing the requirement of a documented written demand for premiums as part of a prima facie case; amending K.S.A. 40-247 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 7; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, 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, Hoyer, Jacobs, T. Johnson, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, F. Patton, Pickert, Poetter Parshall, Poskin, Probst, Proctor, Rahjes, Resman, Rhiley, Robinson, Roth, Ruiz, L., Ruiz, S., Sanders, Sawyer, Sawyer Clayton, Schlingensiepen, Schmoë, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Vaughn, Waggoner, Waymaster, Weigel, White, Williams, K., Williams, L., Winn, Woodard, Xu, Younger.

Nays: W. Carpenter, Howe, Humphries, Landwehr, Owens, Penn, Wasinger.

Present but not voting: None.

Absent or not voting: Kessler.

The bill passed.

**HB 2098**, AN ACT concerning insurance; relating to insurance laws and enforcement thereof; adding certain legal entities to the definition of "person"; amending K.S.A. 40-2,125 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Boyd, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Highberger, Hill, Hoffman, Hoheisel, Houglan, Houser, Howe, Howell, Howerton, Hoyer, Humphries, Jacobs, T. Johnson, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Owens, F. Patton, Penn, Pickert, Poetter Parshall, Poskin, Probst, Proctor, Rahjes, Resman, Rhiley, 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., Winn, Woodard, Xu, Younger.

Nays: Robinson.

Present but not voting: None.

Absent or not voting: Kessler.

The bill passed.

**HB 2160**, AN ACT concerning traffic regulations; relating to the secured loading of vehicles; exempting the transport of cotton bales from the secured load requirements under certain conditions; amending K.S.A. 8-1906 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 3; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Amyx, Anderson, Awerkamp, Ballard, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Boyd, Bryce, Buehler, Butler, Carlin, Carmichael, B. Carpenter, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Hill, Hoffman, Hoheisel, Hougland, Houser, Howell, Howerton, Hoyer, Humphries, Jacobs, T. Johnson, Landwehr, Lewis, Martinez, Mason, Maughan, Melton, Meyer, Miller, D., Miller, S., Miller, V., Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropieza, 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, Schmoe, Schreiber, Seiwert, Smith, A., Smith, C., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, White, Williams, K., Williams, L., Winn, Woodard, Xu, Younger.

Nays: Highberger, Howe, Smith, E..

Present but not voting: None.

Absent or not voting: Kessler.

The bill passed, as amended.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that: **HB 2332**, **HB 2127**, **HB 2130**, **HB 2131**, **HB 2240**, **HB 2173**, **HB 2087** be passed.

Committee report to **HB 2149** be adopted; and the bill be passed as amended.

Committee report to **HB 2298** be adopted; and the bill be passed as amended.

Committee report to **HB 2047** be adopted; and the bill be passed as amended.

Committee report to **HB 2279** be adopted; and the bill be passed as amended.

Committee report to **HB 2302** be adopted; and the bill be passed as amended.

Committee report to **HB 2039** be adopted; and the bill be passed as amended.

Committee report to **HB 2086** be adopted.

Also, on motion of Rep. Proctor, **HB 2086** be amended on page 6, in line 26, by striking "ward and";

On page 26, in line 35, after "ballot" by inserting "election" and the bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources Budget** recommends **HB 2386** be amended on page 1, in line 7, after "city" by inserting "acting within the scope of such official's or employee's employment"; in line 8, after "property" by inserting ", including, but not limited to, the use of aerial surveillance, "; in line 10, after "subpoena" by inserting ", administrative warrant"; also in line 10, by striking the second "or"; in line 11, after "consent" by inserting "; or

(3) exigent circumstances exist requiring entry on such property";

Also on page 1, in line 12, after "to" by inserting ":

(1) ";

Also on page 1, in line 13, after "duty" by inserting ";

(2) the officially designated protection and advocacy system for the state required by federal law";

Also on page 1, in the title, in line 2, after "employee" by inserting "acting within the scope of such employee's employment"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2350** be amended on page 1, in line 6, after "is" by inserting "intentionally"; in line 7, by striking "who" and inserting "when"; also in line 7, after "person" by inserting ":

(A)";

Also on page 1, in line 8, after the comma by inserting "that the individual"; in line 9, after "illegally" by inserting ";

(B) benefits financially or receives anything of value; and

(C) knows, or should have known, that the individual being smuggled is likely to be exploited for the financial gain of another";

Also on page 1, in line 11, after "weapon" by inserting "or by threat of use of a deadly weapon"; in line 16, after "thereto" by inserting ", or human trafficking as defined in K.S.A. 2022 Supp. 21-5426, and amendments thereto, or causes the person to commit selling sexual relations as defined in K.S.A. 2022 Supp. 21-6419, and amendments thereto"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2278** be amended on page 1, in line 6, by striking "2023-2024" and inserting "2024-2025"; in line 12, by striking "2023-2024" and inserting "2024-2025"; in line 20, by striking "2025" and inserting "2026"; in line 24, by striking "2025" and inserting "2026"; following line 28, by inserting:

"(d) The results of any audit or on-site inspection conducted pursuant to this section and any report prepared by the department on such results shall be confidential and not subject to the open records act, K.S.A. 45-215, et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2028, unless the legislature acts to continue such provisions. The provisions of this subsection shall be reviewed by the legislature prior to July 1, 2028."; and the bill be passed as amended.

Committee on **Energy, Utilities and Telecommunications** recommends **HB 2237** be amended on page 4, in line 23, after the period by inserting "A municipality shall impose in a nondiscriminatory and competitively neutral manner all locally required permitting and right-of-way access requirements. Any municipality that executes an agreement, franchise or any other arrangement with any provider seeking to access the right-of-way for any purpose shall make the provisions of such agreement, franchise or other arrangement available to any other provider seeking to access the right-of-way in a nondiscriminatory and competitively neutral manner.";

On page 5, in line 18, after "(q)" by inserting "A municipality shall assess, impose or levy any tax or special assessment or fees on any provider, exclusive of franchise fees, in a cost-based, nondiscriminatory and competitively neutral manner.

(r)";

Also on page 5, in line 43, after the period by inserting "A municipality or provider may bring an enforcement action in any court of competent jurisdiction.";

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

Committee on **Higher Education Budget** recommends **HB 2290** be passed.

Committee on **Judiciary** recommends **HB 2121** be amended by substituting with a new bill to be designated as "Substitute for HOUSE BILL NO. 2121," as follows:

"Substitute for HOUSE BILL NO. 2121

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to trials; speedy trial; extending the suspension and providing that time during the COVID-19 public health emergency shall not be assessed against the state; amending K.S.A. 2022 Supp. 22-3402 and repealing the existing section.";

And the substitute bill be passed.

(Sub **HB 2121** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **HB 2326** be amended on page 2, following line 21, by inserting:

"(9) "Catalytic converters" means a device installed in the exhaust system of a motor vehicle that uses a catalyst to convert pollutant gases into less harmful gases.";

and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2323** be passed.

Committee on **Veterans and Military** recommends **HB 2230** be amended on page 1, in line 17, after "assistant" by inserting "state"; in line 22, by striking "30" and inserting "20";

On page 2, in line 32, before "such" by inserting "and";

On page 3, in line 36, by striking all after "(a)"; by striking all in lines 37 through 43;

On page 4, by striking all in lines 1 through 7; in line 8, by striking "(b)"; also in line 8, by striking "appoint two" and inserting "assign the number of"; by striking all in lines 9 through 34; in line 35, by striking all before the period and inserting "from the ground forces and air forces of this state who are authorized by national guard bureau rules and regulations.

(b) The assistant adjutants general shall, if they qualify therefor, hold military rank as may be authorized and approved for the positions by the national guard bureau of the

United States. The assistant adjutants general, at the time of their appointment, shall have served at least five years as commissioned officers in the Kansas army or air national guard.

(c) The assistant adjutants general shall serve at the pleasure of the adjutant general and perform such duties as are assigned by the adjutant general.

(d) The adjutant general shall designate one assistant adjutant general as the senior assistant adjutant general who, during any period when the adjutant general is absent, unable or by express direction of the adjutant general, shall perform the duties of the adjutant general as acting adjutant general";

Also on page 4, following line 35, by inserting:

"Sec. 6. K.S.A. 48-206 is hereby amended to read as follows: 48-206. ~~The finance and disbursing officer, shall perform such duties in connection with the Kansas national guard as usage and the regulations of the army of the United States assign to the finance and disbursing departments. He or she will, pursuant to the orders of the adjutant general, disburse the armory rent allowance for the several organizations of the Kansas national guard entitled to the same and the allowances made to the several headquarters for postage and contingent expenses, and such allowances as the legislature may make to the minor military departments of the state; he or she will disburse upon approved vouchers the appropriations for semiannual inspection of companies, for active service; for purchase of marksmanship badges, for schools for officers, and all other pay and allowances to which officers and enlisted persons of the Kansas national guard may be entitled to according to law. The state controller is authorized to draw the necessary warrants against the foregoing appropriations in favor of the finance and disbursing officer on presentation of an itemized voucher made in conformity with the laws of the state and approved by the governor and the adjutant general (a) There shall be a United States property and disbursing officer appointed or assigned as may be provided in federal regulations concerning the army national guard and air national guard of the United States.~~

(b) The United States property and disbursing officer shall be provided with adequate office facilities in Topeka or at the site of the principal military warehouses or training grounds for the national guard at the discretion of the adjutant general to best serve the needs of the organized militia.

(c) Such United States property and disbursing officer shall secure, receive, disburse, issue and account for all United States funds, arms, uniforms, equipment and supplies as requested by the governor for use by the organized militia. The property and disbursing officer shall maintain complete and accurate records, in the manner prescribed by federal regulations, of all funds and property granted or loaned to the state for use by the organized militia, and such records shall constitute the official records of the federally owned military property for which the state shall be responsible to the United States. The property and disbursing officer shall perform such additional duties and exercise such powers and authority as may be vested in such officer by federal regulations, or as may be assigned by the adjutant general. Such officer shall be provided assistants and clerical, stenographic, shop, technical and warehouse personnel as may be necessary to properly discharge such officer's duties.

(d) Personnel and other employees of the property and disbursing officer shall receive such salaries as the adjutant general determines, except that state funds shall be used for salaries or other expenses of the office of the United States property and

disbursing officer only when federal funds are not available.

(c) Expenditures from the appropriations described in this section shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports pursuant to vouchers approved by the governor and the adjutant general, or designees thereof."

On page 8, in line 21, after "48-205," by inserting "48-206,"; in line 22, after "48-223," by inserting "48-228,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "48-205," by inserting "48-206,"; in line 7, after "48-223," by inserting "48-228,"; and the bill be passed as amended.

On motion of Rep. Croft, the House recessed until 1:30 p.m.

---

#### EARLY AFTERNOON SESSION

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

#### CHANGE OF REFERENCE

Speaker Hawkins announced the withdrawal of **HB 2388** from Committee of the Whole and referral to Committee on Appropriations.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that: **HB 2133**, **HB 2378** be passed.

Committee report to **HB 2056** be adopted; and the bill be passed as amended.

Committee report to **HB 2291** be adopted;

Also, on motion of Rep. Probst, **HB 2291** be amended on page 1, after line 8, by inserting the following:

"Section 1. Notwithstanding any other provisions of state law, any beer containing not more than 6% alcohol by volume sold by the individual drink by any microbrewery, as defined in K.S.A. 41-102, and amendments thereto, shall be considered cereal malt beverage and not beer for the purposes of:

(a) The Kansas liquor control act; and

(b) any requirement that the sale of alcoholic liquor by the individual drink in public places within a county be permitted when such public places derive not less than 30% of their gross receipts from the sale of food for consumption on the premises.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after "concerning" by inserting "alcoholic beverages; relating to"; in line 6, after "therefor" by inserting "; allowing beer containing not more than 6% alcohol by volume to be considered cereal malt beverage and not beer under state law when sold by a microbrewery" and **HB 2291** be passed as amended.

Committee report to **HB 2292** be adopted;

Also, on motion of Rep. Sutton, **HB 2292** be amended on page 1, in line 8, by striking "4" and inserting "6"; in line 10, by striking "4" and inserting "6";

On page 7, following line 28, by inserting:

"Sec. 5. For purposes of sections 5 and 6, and amendments thereto;

(a) "Applicant school" means a school district organized and operating under the laws of this state, acting independently or as part of a consortia with other school districts.

(b) "Candidate" means a paraeducator or other person employed by a school district who seeks to become a licensed teacher and who currently does not possess such a license.

(c) "Education apprentice" means a person who is a Kansas resident at least 16 years of age, except where an older minimum age standard is otherwise fixed by law, is a candidate, has been selected to participate in a registered education apprenticeship program by an applicant school receiving a grant from the Kansas educator registered apprenticeship grant program and is employed to learn the apprenticeable occupation, as defined in 29 C.F.R. § 29.4, of teaching.

(d) "Eligible related training instruction provider" means an institution of higher education that provides a teacher preparation program and is:

(1) A state educational institution under the control and supervision of the board of regents;

(2) a municipal university;

(3) any not-for-profit institution of postsecondary education with its main campus or principal place of operation in Kansas, is operated independently and not controlled or administered by any state agency or subdivision of the state, maintains open enrollment and is accredited by a nationally recognized accrediting agency for higher education in the United States; or

(4) a not-for-profit independent institution of higher education which is accredited by an institutional accrediting agency recognized by the United States department of education, is operated independently and not controlled or administered by the state or any agency or subdivision thereof, maintains open enrollment, offers online education, offers exclusively competency-based education programs and has been granted accreditation for its teacher licensure programs by the council for the accreditation of educator preparation and the association for advancing quality in educator preparation.

(e) "Registered education apprenticeship program" means an apprenticeship program, as defined in section 1, and amendments thereto, that is a registered apprenticeship program, as defined in section 1, and amendments thereto, for the profession of teaching that provides candidates combined classroom and on the job training under the direct supervision of a licensed professional teacher and has been approved by the commissioner of education and the secretary of commerce, or the secretary's designee.

Sec. 6. (a) There is hereby established the Kansas educator registered apprenticeship grant program. The commissioner of education, state board of education

and the secretary of commerce, or the secretary's designee, shall coordinate to develop the program, obtain such necessary approval and registration of education apprenticeship programs as provided by federal and state law and administer the grant program.

(b) The Kansas educator registered apprenticeship grant program shall be established to award grants to applicant schools for the purpose of increasing the number of qualified, credentialed teachers in the state of Kansas. The program shall seek to identify a diverse group of candidates to participate in a registered education apprenticeship program or programs and obtain a bachelor's degree in education, secure licensure and engage in the profession of teaching in Kansas. Grants shall be awarded by the board of education or commissioner of education upon approval of the registered education apprenticeship program by the secretary of commerce, or the secretary's designee, as compliant with all applicable federal and state law.

(c) On or before March 1, 2024, the state board of education in coordination with the secretary of commerce shall adopt rules and regulations to implement and administer the Kansas educator registered apprenticeship grant program. Such rules and regulations shall establish:

- (1) Grant application procedure, forms and deadlines for applicant schools;
- (2) the terms, conditions and requirements for an award of a Kansas educator registered apprenticeship program grant. The applicant school's registered education apprenticeship program design shall include the following requirements:
  - (A) Applicant schools shall partner with at least one eligible related training instruction provider and identify such provider in their application;
  - (B) applicant schools shall identify projected candidates in the manner designated by the secretary of commerce and the state board with appropriate protections for candidate privacy;
  - (C) grant funds shall be used for payment of apprentice tuition and fees up to a maximum of \$2,750 per year for four years, or completion of their academic program, whichever comes first; and
  - (D) payment of apprentice wages during their demonstration teaching experience;
- (3) prioritization for grant applications from applicant schools partnering with eligible related training instruction providers that permit the apprentice to continue their current employment by utilizing flexible learning models such as online delivery, competency-based education or courses offered on nights or weekends; and
- (4) a method to award grants equitably across the state geographically.

(d) The commissioner of education and the state board of education, in coordination with the secretary of commerce, or the secretary's designee, shall, beginning in 2025, annually evaluate the Kansas educator registered apprenticeship grant program and prepare and submit a report before January 31, 2026, and before January 31 of each year thereafter, to the senate standing committee on education and the standing committee on commerce and to the house of representatives standing committee on education and the standing committee on commerce, labor and economic

development.

(e) Subject to appropriation acts, on July 1, 2023, and each July 1 thereafter, the director of accounts and reports shall transfer \$3,000,000 from the state general fund to the Kansas educator registered apprenticeship grant program fund. Any unexpended balance in such fund at the close of a fiscal year shall remain credited to the fund for use in the succeeding fiscal year.

(f) There is hereby created in the state treasury the Kansas educator registered apprenticeship grant program fund, which shall be administered by the commissioner of education as directed by the state board of education. All expenditures from the Kansas educator registered apprenticeship grant program fund shall be for grants awarded pursuant to the Kansas educator registered apprenticeship grant program. All expenditures from the Kansas educator registered apprenticeship grant program fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of education, or the commissioner's designee. All moneys received by the commissioner for the Kansas educator registered apprenticeship grant program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas educator registered apprenticeship grant program fund.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "credit" by inserting "program"; in line 3, by striking "program" and inserting "programs"; also in line 3, after "apprenticeships" by inserting "for Kansas businesses, nonprofit organizations, healthcare organizations and teacher apprentices for school districts"; in line 5, after "fund" by inserting "and the Kansas educator registered apprenticeship grant program fund" and **HB 2292** be passed as amended.

On motion of Rep. Croft, the House recessed until 3:30 p.m.

---

#### LATE AFTERNOON SESSION

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2440**, AN ACT concerning public utilities; relating to the state corporation commission; requiring public utilities to report information regarding customer assistance programs, account delinquencies and disconnections; requiring monthly, annual and historical reporting of such information, by Committee on Taxation.

**HB 2441**, AN ACT concerning firearms; creating the anti-red flag gun seizure act; prohibiting the enforcement of any law, regulation or order that prohibits the possession of a firearm in violation of amendment II to the constitution of the United States; providing a cause of action and civil penalties for violations of the act, by Committee on Federal and State Affairs.



**HB 2442**, AN ACT concerning firearms; creating the Kansas gun rights preservation act; prohibiting the infringement of the right to keep and bear arms by the federal government, by Committee on Federal and State Affairs.

#### MESSAGES FROM THE SENATE

Announcing passage of **SB 66, SB 85, SB 115, SB 132, SB 144, SB 189, SB 195**.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

**SB 66, SB 85, SB 115, SB 132, SB 144, SB 189, SB 195**.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that: **HB 2238, HB 2019, HB 2020, HB 2172, HB 2322** be passed.

Committee report to **HB 2197** be adopted;

Also, on motion of Rep. Hoheisel, **HB 2197** be amended on page 3, in line 18, by striking "(xxvii)" and the bill be passed as amended.

Committee report to **HB 2236** be adopted; and the bill be passed as amended.

Committee report to **HB 2034** be adopted.

Also, on motion of Rep. Concannon, **HB 2034** be amended on page 10, in line 22, after "Upon" by inserting "investigation by law enforcement or" and the bill be passed as amended.

Committee report to **HB 2080** be adopted; and the bill be passed as amended.

**HB 2081** be passed over and retain a place on the calendar.

Committee report to **HB 2263** be adopted; and the bill be passed as amended.

**HB 2140** be passed over and retain a place on the calendar.

Committee report to **HB 2141** be adopted.

Also, on motion of Rep. Meyer to re-refer **HB 2141** to Committee on Welfare Reform the motion did not prevail and the bill be passed as amended.

Committee report to **HB 2264** be adopted.

Also, on motion of Rep. Carmichael to amend **HB 2264**, the motion did not prevail and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2387** be amended on page 1, in line 31, after the second "the" by inserting "appropriate"; in line 32, after "city" by inserting "or county"; also in line 32, after "finance" by inserting ", debt service or reserve"; in line 34, by striking "jurisdiction" and inserting "STAR bond project district, as provided by subsection (a), established by

such city or county"; in line 35, after "(d)" by inserting "The secretary of revenue shall determine with respect to each STAR bond district, as provided by subsection (a), when the amount of sales tax and other revenues that have been collected and distributed to the city or county bond finance, debt service or reserve fund, including transfers pursuant to this section, is sufficient to satisfy all principal and interest costs to the maturity date or dates, of any special obligation bonds issued prior to December 31, 2022, with respect to such district. Thereafter, no further certifications or transfers of funds as provided by this section shall be made for such STAR bond project district.

(e)";

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

On page 5, in line 12, after "thereto" by inserting "and including such amusement rides within a building or buildings, but excluding costs incurred in connection with the construction or renovation of such buildings.";

On page 8, in line 11, by striking "facility containing" and inserting "project with amusement"; by striking all in line 12; in line 13, by striking "motels and"; in line 16, after "(ii)" by inserting "'Amusement rides" means the same as defined in K.S.A. 44-1601, and amendments thereto, and includes such amusement rides within a building or buildings but does not include such building or buildings.

(jj)";

Also on page 8, in line 24, by striking "\$10,000,000" and inserting "\$25,000,000";

On page 1, in the title, in line 7, after the semicolon by inserting "increasing the limit of financing without the issuance of special obligation bonds for rural redevelopment projects;"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2400** be amended on page 2, in line 6, after "application" by inserting "and renewal"; in line 10, after the semicolon by inserting "and"; in line 13, by striking all after the second "grant"; by striking all in lines 14 through 16; in line 17, by striking all before the period; in line 33, by striking "scholarship-"; in line 34, by striking "eligible" and inserting "grant-eligible"; also in line 34, by striking ", application procedures"; also in line 34, after the second "application" by inserting "and renewal procedures and"; in line 39, after the semicolon by inserting "and"; in line 40, by striking all after "(5)"; by striking all in lines 41 through 43;

On page 3, by striking all in lines 1 and 2; in line 3, by striking "(6)"; in line 31, by striking "for each" and inserting "shall be \$3,000 per"; also in line 31, by striking all after "semester,"; by striking all in lines 32 through 37; in line 38, by striking "equivalent,"; in line 39, by striking all after the period; in line 40, by striking all before the period and inserting "The prorated amount shall be calculated on a sliding scale, in which full-time enrollment is 12 credit hours per semester and shall qualify for a 100% grant and 6 credit hours of enrollment per semester shall qualify for a 50% grant"; in line 42, by striking "60" and inserting "48"; also in line 42, by striking "scholarship" and inserting "grant";

On page 4, in line 7, by striking all after the period; by striking all in lines 8 through 11; in line 21, by striking "of enrollment" and inserting "the student's first course that is funded by a grant begins"; in line 30, after "shall" by inserting "

(1)";

Also on page 4, in line 32, after "program" by inserting ";

(2) complete a grant renewal application on such forms and in such manner as established by the state board of regents; and

(3) complete the free application for federal student aid for the academic year for which the student applies to renew the grant";

Also on page 4, in line 33, before "Notwithstanding" by inserting "(a)"; in line 36, by striking "payment" and inserting "income tax credit against the individual's tax liability under the Kansas income tax act"; also in line 36, by striking "up to \$3,000" and inserting "\$1,500"; also in line 36, by striking "state"; in line 37, by striking all before "that" and inserting "secretary of revenue"; in line 38, by striking "(a)" and inserting "(1)"; in line 40, by striking "(b)" and inserting "(2) currently reside in Kansas and"; in line 43, by striking "(c)" and inserting "(3)";

On page 5, following line 3, by inserting:

"(b) To claim the credit, the individual shall submit such information and documentation in the form and manner required by the secretary of revenue.

(c) The individual may claim the income tax credit not later than the 5<sup>th</sup> taxable year after the taxable year in which the individual successfully completed the adult learner grant eligible program with an award of their degree. Any amount of the credit that exceeds the individual's tax liability shall be carried forward once to the next succeeding taxable year as a credit against the individual's income tax liability for such year. Any amount of the credit remaining after being carried forward once shall be forfeited.

(d) On or before March 1, 2024, the secretary of revenue shall adopt rules and regulations to implement and administer the income tax credit established by this section. Such rules and regulations shall include criteria to determine whether a student who has received a Kansas adult learner grant has fulfilled the residency and employment requirements to qualify for a tax credit pursuant to this section.";

Also on page 5, in line 7, by striking all after "grants"; in line 8, by striking all before "awarded";

On page 1, in the title, in line 4, by striking "payments" and inserting "tax credits"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2167** be amended on page 2, in line 17, by striking all after "(f)"; by striking all in lines 18 and 19; in line 20, by striking "(2)";

On page 3, in line 8, by striking all after "committee"; by striking all in lines 9 through 11; in line 12, by striking all before the semicolon; also in line 12, after the semicolon by inserting "and"; in line 14, by striking all after the second "committee"; by striking all in lines 15 through 40; in line 41, by striking all before the period;

On page 1, in the title, in line 1, by striking "regulating" and inserting "prohibiting"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2391** be amended on page 1, in line 22, by striking "two" and inserting "five"; in line 36, by striking "governmental ethics" and inserting "campaign finance";

On page 2, in line 20, before "The" by inserting "Not more than five members of the commission shall be members of the same political party and";

On page 5, in line 1, by striking all after "any"; in line 2, by striking all before the second period and inserting "director, officer, employee or other person who is authorized in writing to act on behalf of persons listed in this subsection";

On page 6, in line 11, after "(g)" by inserting "'Coordination" or "coordinated" shall have the meaning provided in this subsection. An express advocacy communication is "coordinated" or in "coordination" with a candidate, candidate committee or an agent of a candidate or candidate committee when the communication:

(1) Is paid for, in whole or in part, by a person other than that candidate or a party committee; and

(2) satisfies at least one of the conduct standards in 11 C.F.R. § 109.21(d), except that the terms "communication" or "public communication" in that regulation are limited to express advocacy communications. The safe harbors provisions described in 11 C.F.R. § 109.21(f) through (h) shall apply in determining whether a communication is coordinated.

(3) Notwithstanding any other provision of this act, the term "coordination" or "coordinated" does not include any action where reasonable efforts are taken to prohibit information passing from a candidate or candidate's agent to a political committee.

(h)";

Also on page 6, in line 15, by striking "(h)" and inserting "(i)";

On page 7, in line 38, by striking all after "to"; in line 39, by striking all before "make"; in line 40, by striking all after "contributions"; by striking all in line 41 and inserting "of"; in line 42, by striking "on express advocacy"; also in line 42, by striking all after "year"; by striking all in line 43;

On page 8, in line 1, by striking all before the period; in line 4, after "states" by inserting "in its articles of incorporation, bylaws or resolutions by the board of directors"; in line 12, after "Total" by inserting "program"; in line 13, after "time" by inserting "or expenses"; in line 14, after "total" by inserting "program";

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

On page 14, following line 14, by inserting:

"Sec. 8. K.S.A. 25-4150 is hereby amended to read as follows: 25-4150. (a) Every person, other than: (1) An individual; (2) a candidate; or (3) a candidate committee, party committee or political committee, who makes contributions or expenditures, other than by contribution to a candidate or a candidate committee, party committee or political committee, in an aggregate amount of \$100 or more within a calendar year shall make statements containing the information required by K.S.A. 25-4148, and amendments thereto, during any reporting period when contributions or expenditures are made. With respect to the information required by K.S.A. 25-4148(b)(2), and amendments thereto, the person shall be required to report only funds the person has received that are earmarked for the express purpose of nominating, electing or defeating a candidate or candidates for a state or local office or to expressly advocate the nomination, election or defeat of a candidate or candidates for a state or local office.

(b) Such statements shall be filed in the office or offices required so that each such statement is in such office or offices on the day specified in K.S.A. 25-4148, and amendments thereto. If such contributions are received or expenditures are made to expressly advocate the nomination, election or defeat of a clearly identified candidate for state office, other than that of an officer elected on a state-wide basis such statement shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. If such contributions are received or expenditures are made to expressly advocate the nomination, election or

defeat of a clearly identified candidate for state-wide office such statement shall be filed only in the office of the secretary of state. If such contributions or expenditures are made to expressly advocate the nomination, election or defeat of a clearly identified candidate for local office such statement shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Reports made under this section need not be cumulative.";

On page 16, in line 13, by striking "Notwithstanding any other provision of this act" and inserting "Subject to the prohibition against coordination between a candidate or candidate committee and a political committee";

On page 17, in line 26, after "office" by inserting "if the total amount of such expenses, compensation or gifts provided to such persons from all sources does not exceed the total fair market value of services provided to the candidate's campaign or political office";

On page 20, in line 2, by striking "The"; by striking all in lines 3 through 12; in line 13, by striking all before the period and inserting "(1) After a preliminary investigation of any matter reported to the commission pursuant to subsection (c), and upon specific written findings of fact and conclusions of law by the commission that there is a reasonable suspicion that a violation of the campaign finance act has occurred, the commission or any officer designated by the commission may apply to the district court of Shawnee county for an order to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records that the commission deems relevant or material to the investigation. All applications for a court order shall be made under seal of the court. The commission shall reimburse the reasonable costs of production of documents subject to subpoena. All subpoenas and subpoenas duces tecum issued under this section shall be authorized by the affirmative vote of not less than  $\frac{3}{4}$  of the members of the commission. Any vote authorizing the issuance of a subpoena or subpoena duces tecum shall be taken at a meeting where the commissioners are in physical presence. Subpoenas duces tecum shall be limited to items reasonably relevant to such alleged violations. No subpoena or other process issued shall be served upon any person unless an application pursuant to this section has been filed in the district court of Shawnee county.

(2) Upon application by the commission or any officer designated by the commission for a court order pursuant to subsection (d)(1), the district court of Shawnee county, after review of the sufficiency of the written findings of fact and conclusions of law and the record before the commission, as well as the reasonableness and scope of the subpoena, may issue to that person an order requiring the person to appear before the commission or any officer designated by the commission, to produce evidence if so ordered or to give evidence touching the matter under investigation or in question. Any failure to obey the order of the court may be punishable by the court as a contempt of court. Upon the filing of an application for a court order under this section, the commission shall provide a copy of the written findings of fact and conclusions of law relating to the alleged violation and persons under investigation along with a copy of the issued subpoena and notices required by subsection (d)(4).

cause an undue burden or expense. The district court on review of the person's application for relief, may impose an appropriate sanction on the commission including an order requiring the commission to reimburse the person for lost earnings and attorney fees.

(4) Every subpoena issued by the commission pursuant to subsection (d)(1) shall be accompanied by a notice containing the provisions of subsection (d)(3) and (d)(5) as well as the following statement: "This subpoena is not enforceable unless a district court of competent jurisdiction issues an order to enforce the subpoena. The recipient of this subpoena has rights under law including those listed in K.S.A. 25-4158(d)(3), and amendments thereto, or other laws to seek relief from complying with this subpoena, as well as a right to be represented by counsel in this matter pursuant to K.S.A. 25-4158(d)(5), and amendments thereto."

(5) Any person ordered to testify or produce documents under this section must be informed that the person has a right to be advised by counsel and that the person may not be required to make any self-incriminating statement. Upon a request by such person for counsel, no further examination of the witness shall take place until counsel is present. In the event that counsel of the witness' choice is not available, the person shall be required to obtain other counsel within three days in order that the inquisition may proceed. If such person is indigent and unable to obtain the services of counsel, the judge shall appoint counsel to assist the person who shall be compensated as counsel appointed for indigent defendants in the district court. Counsel for any witness shall be present while the witness is testifying and may interpose objections on behalf of the witness. Counsel shall not be permitted to examine or cross-examine the client or any other witness during the witnesses testimony";

On page 24, in line 1, by striking all after "(c)"; by striking all in line 2; in line 3, by striking "(d)"; in line 5, after the period by inserting "Nothing in this section shall prohibit the commission from requiring compliance with any provision of this act as part of a consent decree or final order."; in line 9, after "matter" by inserting "unless such person has received immunity from criminal prosecution in the same matter from a county or district attorney or the attorney general pursuant to K.S.A. 22-3415, and amendments thereto";

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

Also on page 24, in line 43, after the period by inserting "Notwithstanding any other provision of this act, the trial de novo shall include an evidentiary hearing at which issues of law and fact shall be determined anew.";

On page 25, in line 2, after "4148c," by inserting "25-4150,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "two-year" and inserting "five-year"; in line 3, by striking "limiting" and inserting "modifying"; in line 6, after "25-4148c," by inserting "25-4150,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2246** be amended by substituting with a new bill to be designated as "Substitute for HOUSE BILL NO. 2246," as follows:

"Substitute for HOUSE BILL NO. 2246

By Committee on Judiciary

"AN ACT concerning adult residential care facilities; relating to involuntary transfer or discharge of residents from an adult residential care facility; authorizing the secretary

for aging and disability services to investigate violations; requiring the state long-term care ombudsman to publish a report.";

And the substitute bill be passed.

(Sub **HB 2246** was thereupon introduced and read by title.)

#### **CHANGE OF REFERENCE**

Speaker Hawkins announced the withdrawal of **HB 2030** from Committee on K-12 Education Budget and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2140**, **HB 2194**, **HB 2259**, **HB 2391** from Calendar and referral to Committee on Appropriations.

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

**HB 2024**, **HB 2092**, **HB 2160** reported correctly engrossed February 21, 2023.

On motion of Rep. Croft, the House adjourned until 9:30 a.m., Thursday, February 23, 2023.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

