

Journal of the House

FORTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 14, 2023, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Poetter Parshall was excused on verified illness.

Reps. Highberger and Neighbor were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Heavenly Father,
thank You again for your mercies given to us this day.
I ask that You bless this assembly.
Send Your Spirit to fill their hearts
with those divine gifts You have prepared for them.
May Your grace find expression in their compassion.
May Your mercy encourage goodwill in all they do and accomplish today.
As they face the demands of our times,
grant them Your peace and strength,
that they might act justly, love tenderly, and walk humbly with You.
This I pray in Your Name, Amen.

The Pledge of Allegiance was led by Rep. Thompson.

INTRODUCTION OF GUESTS

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

Rep. Schreiber was joined by Representatives from each of the Master Teacher's legislative districts.

Good morning, colleagues. We are proud to present to you the 2023 Class of Kansas Master Teachers.

Talented. Phenomenal. One in a million. These are the words used by the people who work and learn from the seven teachers chosen as the 2023 Kansas Master Teachers:

This year's class includes:

- Kristen Anderson, Fifth Grade at North Fairview Elementary School in USD 345 Seaman, Topeka
- Jerald Braun, Gifted Education at Hays Middle School and High School USD 489 Hays

- Kirstin Bangerter, English Teacher at Dodge City High School in USD 443 Dodge City
- Matt Christensen, Social Studies at Blue Valley Southwest High School in USD 229 Blue Valley Schools
- Melissa Hall, STEM/Technology Teacher at Fort Riley Middle School in USD 475 Geary County
- Martha MacKay, Physical Science Teacher at Emporia High School in USD 253 Emporia
- Maggie Wolken, Kindergarten Teacher at Chanute Elementary School in USD 413 Chanute

Through the support of the Bank of America Charitable Foundation, each Master Teacher will be presented with a check for \$1,000.

Emporia State established the Kansas Master Teacher awards in 1954. The awards are presented annually to teachers who have served the profession long and well, who also typify the outstanding qualities of earnest and conscientious teachers.

Please join me in congratulating the 2023 Class of Kansas Master Teachers.

Rep. Schrieber and his colleagues presented each of their guests with a framed House certificate in honor of their award.

INTRODUCTION OF GUESTS

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

Mr. Speaker and members of the Kansas House; I'm joined at the podium by members of the Kansas Miss Amazing.

Miss Amazing provides opportunities for girls and women with disabilities across Kansas to build self-esteem. The options available to girls with disabilities should reflect their boundless potential.

But because of widely-held myths about their capabilities, girls with disabilities are often held back from taking risks that could enrich their personal development. They are deprived of opportunities to make friends and granted less access to resources. As a result, girls with disabilities are more likely to experience low self-esteem than girls without disabilities. Women with disabilities are less likely to be employed. They're more likely to live in poverty and the sexual assault rate for disabled women is 12 times higher than those without disabilities.

Miss Amazing Inc. was established in 2007 to help combat that. In 2018, Kansas created its own state organization to work on local issues that girls and women with disabilities face in our state.

Kansas Miss Amazing's mission is to provide unique leadership, self-esteem and self-advocacy opportunities to assist in the building of those skills.

These skills are important to girls and women with disabilities because currently the need for female leaders with disabilities is great. How else can the changes needed be created without the voice of those who have been there and know?

The options for girls and women with disabilities should reflect their limitless potential.

And so I'm joined today by some, frankly, amazing women and girls. They are:

- Michelle Roberts, State Director, Kansas Miss Amazing
- Isabella Culross, 2023 Kansas Miss Amazing Pre-Teen
- Harper Adams, 2023 Kansas Miss Amazing Jr. Teen
- Rebekah Jones, 2023 Kansas Miss Amazing Teen
- Nora Stoy, 2023 Kansas Miss Amazing Jr. Miss
- Crystal Wood, 2023 Kansas Miss Amazing Miss
- Rebecca Shepherd, 2023 Kansas Miss Amazing Sr. Miss

Thank you all for coming to the Capitol today and good luck representing Kansas in the national conference in July.

Rep. Osman presented each of his guests with a House certificate in recognition of their achievements.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce, Labor and Economic Development: **SB 114**.

Education: **HB 2458**.

Taxation: **HB 2457, SB 53**.

CONSENT CALENDAR

No objection was made to **HB 2421** appearing on the Consent Calendar for the first day.

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 committee report recommending a substitute bill to **SB 83** be adopted.

Also, on motion of Rep. Hill, **H Sub for SB 83** be amended on page 3, in line 5, by striking all after "(3)"; by striking all in line 6; in line 7, by striking "(4)"; in line 27, by striking "board" and inserting "treasurer";

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

On page 4, in line 9, by striking "on the advice of the board"; in line 10, by striking all after "(b)"; by striking all in lines 11 through 13; in line 14, by striking "(c)"; also in line 14, by striking all after "program"; in line 15, by striking all before the first comma; in line 17, by striking "10" and inserting "9"; in line 21, by striking "board or"; also in line 21, by striking "determine" and inserting "determines"; in line 22, by striking all after "the";

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

Also on page 4, by striking all in lines 29 through 43;

On page 5, by striking all in lines 1 through 28; in line 29, by striking "board" and inserting "treasurer"; in line 32, by striking all after "(2)"; by striking all in line 33; in line 34, by striking "(3)"; in line 36, by striking "12" and inserting "11"; in line 39, by

striking "or authorize the treasurer to execute contracts"; in line 42, by striking "11" and inserting "10";

On page 6, in line 3, by striking "11" and inserting "10"; in line 16, by striking "board" and inserting "treasurer"; in line 18, by striking "board" and inserting "treasurer"; in line 25, by striking "as determined by the board"; in line 38, by striking "board" and inserting "treasurer";

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

On page 7, in line 6, by striking "9" and inserting "8"; in line 13, by striking "11" and inserting "10"; in line 15, by striking "5" and inserting "4"; in line 16, after the semicolon by inserting "and"; in line 17, by striking all after "treasurer"; in line 18, by striking all before the period; in line 31, by striking "2(b)(9)(B)" and inserting "2(b)(8)(B)";

On page 8, in line 11, by striking "2(b)(9)(B)" and inserting "2(b)(8)(B)"; in line 33, by striking "2(b)(9)(B)" and inserting "2(b)(8)(B)";

On page 9, in line 13, by striking "board" and inserting "treasurer"; in line 28, by striking "6" and inserting "5"; in line 36, by striking "board" and inserting "treasurer"; also in line 36, by striking all after the period; by striking all in line 37; in line 39, by striking "13" and inserting "12";

On page 10, in line 19, by striking all after "(f)"; by striking all in line 20; in line 21, after "approval" by inserting "of a written agreement";

On page 11, in line 7, by striking "9(d)" and inserting "8(d)"; in line 14, by striking "10" and inserting "9"; in line 38, by striking "board" and inserting "treasurer"; in line 43, by striking "board" and inserting "treasurer";

On page 12, in line 15, by striking "board or"; in line 17, by striking "board or";

On page 13, in line 24, by striking "8" and inserting "7"; in line 41, by striking "board" and inserting "treasurer";

On page 14, in line 2, by striking "board" and inserting "treasurer"; in line 5, by striking "board" and inserting "treasurer"; in line 7, by striking "board" and inserting "treasurer"; in line 8, by striking "board or"; in line 13, by striking "board" and inserting "treasurer"; by striking all in lines 21 through 25; in line 27, by striking "board" and inserting "treasurer"; in line 28, by striking "board" and inserting "treasurer"; in line 30, by striking "board" and inserting "treasurer"; in line 32, by striking "board" and inserting "treasurer"; in line 33, by striking "board" and inserting "treasurer"; in line 43, by striking "board" and inserting "treasurer";

On page 16, in line 2, by striking "board" and inserting "treasurer";

And by renumbering sections accordingly

Also, on motion of Rep. Titus, **H Sub for SB 83** be amended on page 23, in line 15, by striking "1A" and inserting "2A"

Also, on motion of Rep. Ousley to amend **H Sub for SB 83**, Rep. Helgerson challenged the amendment under the Pay-Go provision of House Rule 2110. The amendment was ruled to be out of order.

Also, roll call was demanded on further motion of Rep. Ousley to amend **H Sub for SB 83**, on page 1, by striking all in lines 12 through 31; in line 33, by striking "New"; in line 35, by striking "(a)";

On page 2, by striking all in lines 41 through 43;

By striking all on pages 3 through 27;

On page 28, by striking all in lines 1 through 31;

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking all after the first "education"; by striking all in lines 4 through 9; in line 10, by striking all before the period

On roll call, the vote was: Yeas 37; Nays 84; Present but not voting: 1; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Ballard, Boyd, Carlin, Carmichael, Carr, Curtis, Featherston, Haskins, Haswood, Helgerson, Hougland, Hoye, Martinez, Melton, Meyer, Miller, D., Miller, S., Miller, V., Ohaebosim, Oropeza, Osman, Ousley, Poskin, Probst, Ruiz, L., Ruiz, S., Sawyer, Sawyer Clayton, Schlingensiepen, Stogsdill, Vaughn, Weigel, Winn, Woodard, Xu.

Nays: Anderson, Averkamp, Barth, Bergkamp, Bergquist, Blew, Blex, Bloom, Borjon, Bryce, Buehler, Butler, B. Carpenter, W. Carpenter, Clifford, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Donohoe, Droge, Ellis, Eplee, Essex, Estes, Fairchild, Francis, Garber, Gardner, Goddard, Goetz, Hawkins, Hill, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Humphries, Jacobs, T. Johnson, Kessler, Landwehr, Lewis, Mason, Maughan, Minnix, Moser, Murphy, Neelly, Owens, F. Patton, Penn, Pickert, Proctor, Rahjes, Resman, Rhiley, 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.

Present but not voting: Robinson.

Absent or not voting: Highberger, Neighbor, Poetter Parshall.

The motion of Rep. Ousley to amend **H Sub for SB 83** did not prevail.

Also, on further motion of Rep. Titus, **H Sub for SB 83** be amended by amending the amendment designated fa_2023_sb83_h_1638 adopted by the House Committee of the Whole on March 14, 2023, by striking "2A" and inserting "1A or 2A" and **H Sub for SB 83** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2331** as recommended to be passed by the Committee on Agriculture and Natural Resources as reported in the Journal of the House on February 21, 2023, be passed.

Committee on **Financial Institutions and Pensions** recommends **SB 44**, As Amended by Senate Committee, be passed.

Committee on **Financial Institutions and Pensions** recommends **HB 2105** be amended by adoption of the amendments recommended by the House Committee on Financial Institutions and Pensions as reported in the Journal of the House on February 9, 2023, and the bill, as printed As Amended by House Committee, be further amended on page 1, in line 13, by striking all after "commissioner"; by striking all in line 14; in line 15, by striking all before the period;

On page 5, in line 40, after "(c)" by inserting "A registrant shall inform the consumer of any material changes to the terms and conditions of the earned wage access services before implementing such changes for such consumer. The registrant shall use a font and language intended to be easily understood by a layperson.

(d)";

On page 6, in line 3, by striking all after "that"; by striking all in lines 4 through 7; in line 8, by striking all before the period and inserting "makes earned wage access services available to a consumer on a recurring basis shall allow a consumer to discontinue receiving those services at any time without imposing a financial penalty on that consumer";

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

Also on page 6, in line 40, after the stricken material by inserting "or"; in line 42, by striking "; or"; by striking all in line 43;

On page 7, by striking all in lines 1 and 2; in line 3, by striking all before the period; in line 4, by striking all after "Sec. 7."; by striking all in lines 5 through 7; in line 8, by striking "(b)";

On page 1, in the title, in line 1, by striking "financial institutions; relating to"; and the bill be passed as further amended.

Committee on **Financial Institutions and Pensions** recommends **HB 2247** be amended on page 1, in line 8, by striking all after "Any"; by striking all in lines 9 and 10; in line 11, by striking all before the period and inserting "person, regardless of age, may become a depositor in any bank and shall be subject to the same duties and liabilities respecting such person's deposits. Whenever a deposit is accepted by any bank in the name of any person, regardless of age, the deposit may be withdrawn by the depositor by any of the following methods:

(1) Check or other instrument in writing. The check or other instrument in writing constitutes a receipt or acquittance if the check or other instrument in writing is signed by the depositor and constitutes a valid release and discharge to the bank for all payments made; or

(2) electronic means through:

(A) Preauthorized direct withdrawal;

(B) an automatic teller machine;

(C) a debit card;

(D) a transfer by telephone;

(E) a network, including the internet; or

(F) any electronic terminal, computer, magnetic tape or other electronic means";

Also on page 1, in line 12, by striking "No bank shall deny" and inserting "Any bank that accepts"; in line 14, by striking "without" and inserting "shall not require"; in line 15, by striking the comma and inserting "or the funds to be"; following line 19, by inserting:

"(c) Any person, regardless of age, individually or with others may enter into an agreement with a bank for the lease of a safe deposit box and shall be bound by the terms of such agreement.

(d) This section shall not be construed to affect the rights, liabilities or responsibilities of participants in an electronic fund transfer under the federal electronic fund transfer act, 15 U.S.C. § 1693 et seq., as in effect on July 1, 2024, and shall not affect the legal relationship between a minor and any person other than the bank.";

Also on page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking "secretary" and inserting "financial institutions; relating to bank deposits, withdrawals and safe deposit box lease agreements; authorizing any person to become a depositor or enter into an agreement for the lease of a safe deposit box; providing

methods in which bank deposits may be withdrawn by a depositor"; in line 3, after "secretary" by inserting "for children and families, the secretary of corrections or a federally recognized Indian tribe"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **Substitute for SB 131** be amended on page 2, in line 19, by striking "a physician" and inserting "any individual"; in line 35, by striking all after "(h)"; by striking all in lines 36 through 38; in line 39, by striking "(i)";

On page 3, in line 2, by striking "(j)" and inserting "(i)"; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 24** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Insurance** recommends **SB 25**, As Amended by Senate Committee of the Whole, be amended on page 1, in line 13, by striking "4%" and inserting "2%"; in line 33, by striking "statute book" and inserting "Kansas register";

Also on page 1, in the title, in line 2, by striking "4%" and inserting "2%"; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 28** be amended on page 2, in line 15, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 119** be amended on page 9, in line 13, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 194**, As Amended by Senate Committee of the Whole, be passed.

Committee on **Transportation** recommends **SB 106**, As Amended by Senate Committee, be amended on page 2, following line 16, by inserting:

"Sec. 2. K.S.A. 8-1723 is hereby amended to read as follows: 8-1723. (a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(d) Any vehicle 80 inches or more in overall width, if not otherwise required by K.S.A. 8-1710, and amendments thereto, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in ~~subsection (g) of~~ K.S.A. 8-1710(g), and amendments thereto.

(e) Any vehicle may be equipped with one or more side marker lamps and any such lamp may be flashed in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber and side marker lamps located toward the rear shall be red.

(f) Any motor vehicle may be equipped with ~~neon~~ ground effect lighting, except that such lighting shall not flash, be any shade of red nor shall any portion of the ~~neon tubes bulb or lighting fixture~~ be visible. "~~Neon~~ Ground effect lighting" means ~~neon tubes lights~~ placed underneath the motor vehicle for the purpose of illuminating the ground below the motor vehicle creating a halo light effect.

(g) Any motor vehicle may be equipped with head lamps which alternately flash or simultaneously flash when such motor vehicle is being used as the lead motor vehicle of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.

Sec. 3. K.S.A. 8-1723 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; by striking all in line 2; in line 3, by striking all before the semicolon and inserting "the uniform act regulating traffic on highways"; in line 5, by striking "such devices" and inserting "counterfeit supplemental restraint system components and nonfunctional airbags"; in line 6, after "thereof" by inserting ";"; expanding permitted lighting equipment on vehicles to include all ground effect lighting; amending K.S.A. 8-1723 and repealing the existing section"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 132** be amended on page 4, in line 8, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Carpeneter announced the appointment of Rep. Clifford to replace Rep. Turner on Committee on Taxation for March 14, 2023.

Also, the appointment of Rep. Clifford to replace Rep. Francis on Committee on Taxation for March 16, 2023.

Also, the appointment of Rep. Laura Williams to replace Rep. Poetter Parshall on Committee on Taxation for March 16, 2023.

Also, the appointment of Rep. Vic Miller to replace Rep. Neighbor on Committee on Elections for March 14, 2023.

Also, the appointment of Rep. Haskins to replace Rep. Boyd on Committee on Federal and State Affairs for March 15 and 16, 2023.

Also, the appointment of Rep. Meyer to replace Rep. Boyd on Committee on Health and Human Services for March 15, 2023.

REPORT ON ENROLLED BILLS

HB 2238 reported correctly enrolled, properly signed and presented to the Governor on March 13, 2023.

REPORT ON ENROLLED RESOLUTIONS

HR 6014 reported correctly enrolled and properly signed on March 14, 2023.

On motion of Rep. Croft, the House adjourned until 11:00 a.m., Wednesday, March 15, 2023.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*