

# Journal of the Senate

SIXTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, April 26, 2023, 10:00 a.m.

The Senate was called to order by President Ty Masterson.  
The roll was called with 40 senators present.  
Invocation by Reverend Cecil T. Washington:

Our Master Problem Solver  
2 Samuel 12:16-23

Heavenly Father, thanks for the break, for the getaway that You've blessed us to have. And Lord, I pray that the most significant aspect of the holiday reminds us of the fact that You overcome the problem of death. What we call Easter Sunday, many call Resurrection Sunday. You have demonstrated in Jesus, that in the final analysis the problem of death is overcome.

So, Lord, since death is the most devastating of all problems and since You've already defeated it, we can know that no problem we face in life is so big that You can't handle it. You are the Master Problem Solver.

As we move toward finishing this session, and as we move toward a fulfilling life, there are difficulties we still have to face. But Lord, every complication we encounter is like another bump on the side of a mountain. We can use them to help us climb. While the fewer the bumps or the fewer the difficulties, the less help we have for climbing.

So Lord, we can thank You for every problem. For no difficulty formed against us is going to prosper. Keep us by faith, looking to You in all we do. I offer this prayer in the Name of Jesus, Who loved us to and through death. Amen!

The Pledge of Allegiance was led by President Masterson.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 326**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2023, and June 30, 2024, for the department of administration; relating to a Kansas resident income tax rebate, by Committee on Ways and Means.

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Wilborn introduced the following Senate resolution, which was read:  
SENATE RESOLUTION No. 1721—

A RESOLUTION recognizing the 125<sup>th</sup> anniversary  
of the Smoky Valley Roller Mills in Lindsborg, Kansas.

WHEREAS, The Smoky Valley Roller Mills served as a vital agricultural and commercial hub to Lindsborg, Kansas, and the surrounding region from 1898 through 1955 under the ownership of Theodore Teichgraeber and subsequently the Hagstrom and Runbeck families; and

WHEREAS, The historic building and original equipment were restored and preserved in the 1960s, 1970s and 1980s because of the efforts of numerous volunteers in the Smoky Valley community, and, in particular, the leadership and supervision of Malcolm Esping, Mary Borg and George Tesarek; and

WHEREAS, Because of these community efforts, the Smoky Valley Roller Mills is preserved in working condition today under the ownership of the Lindsborg Old Mill & Swedish Heritage Museum; and

WHEREAS, The Smoky Valley Roller Mills continues to provide great value to the Smoky Valley community and Kansas as an historical treasure, community cultural center and a beautiful marvel of engineering and ingenuity; and

WHEREAS, The Smoky Valley Roller Mills has been on the National Register of Historic Places for 50 years; and

WHEREAS, The museum board of directors, staff, volunteers and many members of the Smoky Valley community are now working diligently to secure the future of these historic buildings for the next generations to enjoy; and

WHEREAS, The year 2023 marks the 125<sup>th</sup> anniversary since the Smoky Valley Roller Mills was rebuilt anew in 1898, following a fire the previous year, and special celebrations of this significant milestone — including the full mill running again — are planned for the museum's annual Millfest celebration on Saturday, May 6, 2023: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize the 125<sup>th</sup> anniversary of the Smoky Valley Roller Mills in Lindsborg, Kansas; and

*Be it further resolved:* That we urge Kansans to observe the 125<sup>th</sup> anniversary celebration of the Smoky Valley Roller Mills in Lindsborg, Kansas, on Saturday, May 6, 2023; and

*Be it further resolved:* That we urge Kansans to learn more about the history and tradition of agriculture, industry and Swedish culture in Lindsborg, the Smoky Valley and all of Kansas; and

*Be it further resolved:* That we urge Kansans to consider ways to personally support the continued preservation of the Smoky Valley Roller Mills and the Lindsborg Old Mill & Swedish Heritage Museum; and

*Be it further resolved:* That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Wilborn.

On emergency motion of Senator Wilborn **SR 1721** was adopted by voice vote.

On motion of Senator Alley, the Senate recessed until 2:00 p.m.

#### AFTERNOON SESSION

The Senate met pursuant to recess with President Masterson in the chair.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Reddi, Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Fagg, Francisco, Haley, Holscher, Kerschen, Longbine, Masterson, McGinn, O'Shea, Petersen, Pettey, Ryckman, Shallenburger, Sykes, Tyson and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1722—

A RESOLUTION recognizing Dr. Susan K. Peterson Thomas  
for her many years of service and dedication to the  
State of Kansas and Kansas State University.

WHEREAS, Susan K. Peterson began her distinguished state service with Kansas State University on August 2, 1989, serving the institution for 33 years, 8 months and 6 days; and

WHEREAS, As chief government relations officer and assistant to the president, Sue, as she is fondly called, had direct responsibility for all university liaison activities with the state and federal legislature until her retirement on April 7, 2023. She also served as an instructor in the political science department since 1992, teaching Kansas politics and government to over 1,000 students; and

WHEREAS, The daughter of a dairy farmer and former Mayor of Abilene, Sue brought her rural and political roots to her beloved alma mater and received a Bachelor of Science degree in political science and history and a Ph.D. in curriculum and instruction from Kansas State University. Sue also earned a Master of Public Administration from the University of Kansas; and

WHEREAS, Sue began her service to the State of Kansas in 1978, later on working for Mike Hayden during his political career as Majority Leader and Speaker of the House of Representatives and Governor of Kansas. She also served on the transition teams for Governors Hayden and Sam Brownback; and

WHEREAS, Sue was instrumental in securing state funding to completely renovate Farrell Library and add 153,000 square feet of new space to the library on Kansas State's Manhattan campus; and

WHEREAS, Sue coordinated the successful legislative effort to merge the Kansas College of Technology in Salina into Kansas State University, forming the Kansas State Salina campus; and

WHEREAS, Sue led the effort to secure state and federal funding for the construction and equipment of Pat Roberts Hall, the facility that houses Kansas State's Biosecurity Research Institute; and

WHEREAS, Sue worked tirelessly to pass several pieces of legislation that were instrumental in the state's effort to land the United States Department of Agriculture's National Bio and Agro Defense Facility (NBAF), adjacent to Kansas State's campus in Manhattan; and

WHEREAS, Throughout her distinguished career, Sue has been recognized for her work on national, state and local levels, including the prestigious Marvin D. "Swede" Johnson Achievement Award, the Flinchbaugh Family Wildcat Pride Award and the Career Excellence Award from the Association of Public and Land-Grant Universities' Council on Governmental Affairs: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize Dr. Susan K. Peterson Thomas for her many years of service and dedication to the State of Kansas

and Kansas State University; and

*Be it further resolved:* That we wish her all the best during her well-deserved retirement; and

*Be it further resolved:* That, because long-standing public servants are essential to government, the State of Kansas appreciates and celebrates Sue as a dedicated employee as well as the work she completed for the State of Kansas; and

*Be it further resolved:* That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Reddi.

On emergency motion of Senator Reddi **SR 1722** was adopted by voice vote.

Senators Wilborn, Alley, Billinger, Claeys, Longbine, Masterson, Petersen and Sykes introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1723—

A RESOLUTION commemorating the 20<sup>th</sup> anniversary  
of the bilateral relations between Kansas and the Republic of Armenia.

WHEREAS, This year, the State of Kansas and the Republic of Armenia celebrate the 20<sup>th</sup> anniversary of their bilateral relations, which was established in 2003; and

WHEREAS, The National Guard State Partnership Program joins the United States of America together with partner countries for the purpose of supporting its strategic security cooperation objectives; and

WHEREAS, The State Partnership Program goals reflect an evolving international affairs mission for the Kansas Air and Army National Guard, using its unique civil-military nature to interact with both active and reserve forces of foreign countries; and

WHEREAS, To further partnerships in the areas of troop development, medical servicing, NATO certification and emergency response, the State of Kansas and the Republic of Armenia have over 300 engagements every year, involving over 600 military officers, as well as enlisted service members and Kansas civilians; and

WHEREAS, The partnership between Kansas and the Republic of Armenia takes advantage of the unique attributes that the United States of America has concerning America's professional citizen-soldiers, which promote political, economic, and social development: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we celebrate the 20<sup>th</sup> anniversary of Kansas' bilateral relations with the Republic of Armenia, and we wish the program future success; and

*Be it further resolved:* That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Wilborn.

On emergency motion of Senator Wilborn **SR 1723** was adopted by voice vote.

## REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** begs leave to submit the following report: The following appointment was referred to and considered by the committee, and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

*Adjutant General: K.S.A. 48-203*

Michael Venerdi, to serve at the pleasure of the Governor

**CONSIDERATION OF APPOINTMENTS**

In accordance with Rule 55, the following appointment, submitted by the Governor to the Senate for confirmation was considered.

Senator Alley moved the following appointment ne confirmed as recommended by the Committee on **Ways and Means**.

*By the Governor*

On the appointment to the:

*Adjutant General:*

Michael Venerdi, At the pleasure of the governor

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Ryckman, Shallenburger, Steffen, Straub, Sykes, Thompson, Tyson, Ware, Warren, Wilborn.

The appointment was confirmed.

**ORIGINAL MOTION**

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill:

**HB 2089.**

**CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2089** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

MOLLY BAUMGARDNER

RENEE ERICKSON

DINAH SYKES

*Conferees on part of Senate*

KRISTEY WILLIAMS

BRENDA LANDWEHR

MARI-LYNN POSKIN

*Conferees on part of House*

On motion of Senator Baumgardner the Senate adopted the conference committee report on **HB 2089**, and requested a new conference be appointed.

The President appointed Senators Baumgardner, Erickson and Sykes as a second Conference Committee on the part of the Senate on **HB 2089**.

Vice President Wilborn assumed the chair.

**MESSAGES FROM THE GOVERNOR****REGARDING VETO OF HOUSE SUBSTITUTE FOR SENATE BILL 169**

Kansans know all too well where irresponsible, costly tax experiments lead: to underfunded schools, to deteriorating roads and bridges, and to essential services being cut. This bill would upend our tax system and throw our state's budget out of balance long-term. There is no question: Just like under my predecessor, this tax plan would be paid for by cutting funds from our public schools. Already, those same legislators have proposed cutting millions of dollars from public schools, and particularly rural schools. I won't stand for cuts to our public schools, period. To be very clear, I want to cut taxes for everyday Kansans. That's why I've proposed targeted, responsible tax cuts on groceries and Social Security, and it's why I'm proposing a tax rebate, this year, of \$450 for individual taxpayers and \$900 for married couples filing jointly. Legislators should put this one-time surplus back in the hands of taxpayers – without risking our ability to continue fully funding schools and investing in roads, bridges, and essential services. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Substitute for Senate Bill 169**.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR

LAURA KELLY

DATED April 24, 2023

**H Sub SB 169** AN ACT concerning taxation; relating to income tax; providing a 5.15% tax rate for individuals and decreasing the normal tax for corporations; discontinuing possible future corporate rate decreases as a result of agreements under the attracting powerful economic expansion program act; increasing the income limit to qualify for a subtraction modification for social security income; increasing the Kansas standard deduction by a cost-of-living adjustment; discontinuing the food sales tax credit; relating to sales and compensating use tax; reducing the rate of tax on sales of food and food ingredients; relating to property tax; increasing the extent of exemption for residential property from the statewide school levy; relating to privilege tax rates; decreasing the normal tax; amending K.S.A. 79-1107 and 79-1108 and K.S.A. 2022 Supp. 79-201x, 79-32,110, 79-32,117, as amended by section 5 of 2023 House Bill No. 2197, 79-32,119, 79-32,271, 79-3603, 79-3603d, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2022 Supp. 74-50,321.

**REGARDING VETO OF SENATE BILL 26, SENATE BILL 180,  
SENATE BILL 228, AND S. SUB FOR HOUSE BILL 2138**

Companies have made it clear that they are not interested in doing business with states that discriminate against workers and their families. By stripping away rights from Kansans and opening the state up to expensive and unnecessary lawsuits, these bills would hurt our ability to continue breaking economic records and landing new business deals. I'm focused on the economy. Anyone care to join me? Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 26, Senate Bill 180, Senate Bill 228, and S. Sub. for House Bill 2138**.

APRIL 26, 2023

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THE GOVERNOR'S OFFICE  
BY THE GOVERNOR  
LAURA KELLY  
DATED April 20, 2023

**SB 26** AN ACT concerning gender identity medical care; creating a civil cause of action against a physician who performs childhood gender reassignment service; requiring revocation of a physician's license if such physician performs childhood gender reassignment service; amending K.S.A. 2022 Supp. 65-2836 and repealing the existing section.

**SB 180** AN ACT establishing the women's bill of rights; providing a meaning of biological sex for purposes of statutory construction.

**SB 228** AN ACT concerning counties; requiring the secretary for aging and disability services to reimburse counties for certain costs when a person is in a county jail awaiting examination, evaluation or treatment for competency; relating to county jails; removing the requirement that every county shall have a jail; modernizing requirements related to food, drink and medical care for prisoners and jail records; modifying procedures used when district courts commit prisoners to jail in another county and when counties contract with city jails or other county jails to keep prisoners; requiring a medical examination before certain United States prisoners or city prisoners are taken into custody of a county jail; amending K.S.A. 19-1901, 19-1903, 19-1904, 19-1905, 19-1910, 19-1911, 19-1916, 19-1917, 19-1927, 19-1929 and 19-1930 and repealing the existing sections; also repealing K.S.A. 19-1906, 19-1907, 19-1908, 19-1912, 19-1913, 19-1914 and 19-1915

**S Sub HB 2138** AN ACT concerning education; relating to school districts; requiring separate overnight accommodations for students of each biological sex during school district sponsored travel; requiring contracts for exclusive broadcasts of state high school activities association activities to permit certain local broadcasts; providing for administrative review of resolutions to permanently close a school building; amending K.S.A. 72-1431 and repealing the existing section.

#### REGARDING VETO OF SENATE BILL 209

As the daughter of a career Army officer, I cannot support measures that would disenfranchise members of our armed services – who fight for our freedoms, including the right to vote – from casting their own ballot. This bill eliminates the three-day grace period for mail-in ballots often used by those in the military serving across the country or overseas. It would also likely result in too many rural Kansans not having their votes counted in important elections. That is unacceptable. We should be doing everything we can to make it easier – not harder – for Kansans to make their voices heard at the ballot box. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 209**.

THE GOVERNOR'S OFFICE  
THE GOVERNOR  
LAURA KELLY  
DATED April 19, 2023

**SB 209** AN ACT concerning elections; relating to advance voting ballots; requiring the return of such ballots by 7 p.m. on the day of the election; amending K.S.A. 25-1132 and repealing the existing section.

#### ACTION ON VETO MESSAGE

A motion was made by Senator Tyson that **H Sub SB 169** be passed notwithstanding the Governor's veto.

**H Sub SB 169** AN ACT concerning taxation; relating to income tax; providing a 5.15% tax rate for individuals and decreasing the normal tax for corporations; discontinuing possible future corporate rate decreases as a result of agreements under the attracting powerful economic expansion program act; increasing the income limit to qualify for a subtraction modification for social security income; increasing the Kansas standard deduction by a cost-of-living adjustment; discontinuing the food sales tax credit; relating to sales and compensating use tax; reducing the rate of tax on sales of food and food ingredients; relating to property tax; increasing the extent of exemption for residential property from the statewide school levy; relating to privilege tax rates; decreasing the normal tax; amending K.S.A. 79-1107 and 79-1108 and K.S.A. 2022 Supp. 79-201x, 79-32,110, 79-32,117, as amended by section 5 of 2023 House Bill No. 2197, 79-32,119, 79-32,271, 79-3603, 79-3603d, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2022 Supp. 74-50,321.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher, McGinn, Pettey, Pittman, Pyle, Reddi, Sykes, Ware.

The veto was sustained.

#### EXPLANATION OF VOTE

The underlying bill flat tax being proposed disproportionately favors the most wealthy in our state while our working class struggles with things property tax. We are at a point in our budget process where with fiscal responsibility we are coming out of the Brownback years where we need to be cautious. We don't know if we have enough money for the future five year projections without the federal stimulus money that's come in. We don't need to make this kind of change this year, so I vote "NO" on overriding the Governor's veto of **SB 169**.—JEFF PITTMAN

#### ACTION ON VETO MESSAGE

A motion was made by Senator Erickson that **SB 180** be passed notwithstanding the Governor's veto.

**SB 180** AN ACT establishing the women's bill of rights; providing a meaning of biological sex for purposes of statutory construction.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Dietrich, Erickson, Fagg, Gossage, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck,



Petersen, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher, Pettey, Pittman, Reddi, Sykes, Ware.

A two-thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion prevailed and the bill passed.

#### **ACTION ON VETO MESSAGE**

A motion was made by Senator Warren that **SB 228** be passed notwithstanding the Governor's veto.

**SB 228** AN ACT concerning counties; requiring the secretary for aging and disability services to reimburse counties for certain costs when a person is in a county jail awaiting examination, evaluation or treatment for competency; relating to county jails; removing the requirement that every county shall have a jail; modernizing requirements related to food, drink and medical care for prisoners and jail records; modifying procedures used when district courts commit prisoners to jail in another county and when counties contract with city jails or other county jails to keep prisoners; requiring a medical examination before certain United States prisoners or city prisoners are taken into custody of a county jail; amending K.S.A.19-1901,19-1903,19-1904,19-1905,19-1910, 19-1911, 19-1916, 19-1917, 19-1927,19-1929 and 19-1930 and repealing the existing sections; also repealing K.S.A. 19-1906, 19-1907, 19-1908, 19-1912, 19-1913, 19-1914 and 19-1915

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Haley, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Holland, Holscher, Pittman, Reddi, Sykes, Ware.

A two-thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion prevailed and the bill passed.

#### **ACTION ON VETO MESSAGE**

A motion was made by Senator Gossage that **SB 26** be passed notwithstanding the Governor's veto.

**SB 26** AN ACT concerning gender identity medical care; creating a civil cause of action against a physician who performs childhood gender reassignment service; requiring revocation of a physician's license if such physician performs childhood gender reassignment service; amending K.S.A. 2022 Supp. 65-2836 and repealing the existing section.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Erickson, Fagg, Gossage, Kerschen, Kloos, Longbine, Masterson, O'Shea, Olson, Peck, Petersen, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher,

McGinn, Pettey, Pittman, Reddi, Sykes, Ware.

The veto was sustained.

#### EXPLANATION OF VOTE

I vote “NO” on **SB 26** because I believe we are beginning to cross the line from legislating for the common good to telling families what to do when making difficult decisions for their children. I do not support gender reassignment surgery for children or anyone, but I believe this decision should be in the hands of the parent, child, doctor and/or pastor. Hormones are used to help some of our young girls and boys when needed while going through puberty. I think we need to trust that a parent, with guidance, can make the right decision for their child. I also do not believe we should criminalize doctors for trying to figure out the best path for their patient. This is not about wearing seat belts or limiting speeds on the highway for the greater good. This is about a very small population that is making a very difficult decision. I believe good government is limited government and should not be making medical decisions for us.

—CAROLYN MCGINN

Senator Dietrich requests the record to show she concurs with the "Explanation of Vote" offered by Senator McGinn on **SB 26**.

I vote "YES." Unfortunately, sometimes the legislature has to step in and protect our children. Mutilating surgeries are the obvious situation. Lost parents and a wayward healthcare system cannot be allowed to permanently sterilize a minor. They must be stopped. Historically, this act of mutilation has never been tolerated. It represents pure evil in a society.—MARK STEFFEN

Senator Thompson requests the record to show he concurs with the “Explanation of Vote” offered by Senator Steffen on **SB 26**.

Many of the opponents of this bill that I hear from accuse those of us who seek to protect Kansas children from irreversible, dangerous, and sometimes life-threatening hormone replacement therapy, and “gender reassignment surgeries” of being haters. Nothing could be farther from the truth. In fact, the most loving thing a person can do is to make sure that others are not harmed. That is what **SB 26** sought to do. We heard testimony from several persons who had undergone gender transition therapies and surgeries, that told us these so-called treatments did not help the depression or suicidal ideations experienced by those who are confused over their gender identity. They warned that the suicidal ideations typically get worse, and reach a crescendo around 7 years after the transition. The suicide rate in the general population is around 10%, but for those who have undergone “gender-affirming care” it is near 40%. We cannot stand by and let that happen. We must protect young Kansans by prohibiting these dangerous procedures until they have the ability to comprehend the long-term, irreparable harm they may cause. I vote “YES” on **SB 26**.—MIKE THOMPSON

#### ACTION ON VETO MESSAGE

A motion was made by Senator Thompson that **SB 209** be passed notwithstanding the Governor's veto.

**SB 209** AN ACT concerning elections; relating to advance voting ballots; requiring the return of such ballots by 7 p.m. on the day of the election; amending K.S.A. 25-1132 and repealing the existing section.

On roll call, the vote was: Yeas 25; Nays 15; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Erickson, Fagg, Gossage, Kerschen, Kloos, Longbine, Masterson, Olson, Peck, Petersen, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Haley, Holland, Holscher, McGinn, O'Shea, Pettey, Pittman, Reddi, Sykes, Ware.

The veto was sustained.

#### EXPLANATION VOTE

I vote no on **SB 209**. We live in a democracy that provides the opportunity for people to vote despite their gender or color of their skin, but this only occurred in the last century. Other improvements have been made to help those with needs due to aging and disabilities have a better opportunity to vote. We have also made improvements to allow students and military to participate in the voting process. We should be trying to help and encourage people to take advantage of their constitutional right to vote. Which includes allowing people to mail a ballot close to election day and still have it counted even if it is three days late due to the challenges and unreliability of mail delivery.—

CAROLYN MCGINN

Senator Dietrich requests the record to show she concurs with the "Explanation of Vote" offered by Senator McGinn on **SB 209**.

#### ORIGINAL MOTION

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2285**.

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2285** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

BEVERLY GOSSAGE

RENEE ERICKSON

*Conferees on part of Senate*

WILL CARPENTER

SUSAN HUMPHRIES

*Conferees on part of House*

On motion of Senator Gossage the Senate adopted the conference committee report on **HB 2285**, and requested a new conference be appointed.

The President appointed Senators Gossage, Erickson and Pettey as a second Conference Committee on the part of the Senate on **HB 2285**.

#### MESSAGE FROM THE HOUSE

Announcing the House herewith transmits the veto message from the Governor,

together with the enrolled copy of **HB 2313**, AN ACT concerning health and healthcare; creating the born-alive infants protection act; providing legal protections for infants born alive; requiring certain standards of care by healthcare providers for infants who are born alive; providing criminal penalties and civil liability for violations of the act; amending K.S.A. 65-445 and repealing the existing section, was received on April 14, 2023 and read on April 24, 2023.

“This bill is misleading and unnecessary. Federal law already protects newborns, and the procedure being described in this bill does not exist in Kansas in the era of modern medicine.

The intent of this bill is to interfere in medical decisions that should remain between doctors and their patients.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto House Bill 2313.”

A motion was made that **HB 2313** be passed notwithstanding the Governor's veto. By vote of 87 Yeas and 37 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

#### **ACTION ON VETO MESSAGE**

A motion was made by Senator Gossage that **HB 2313** be passed notwithstanding the Governor's veto.

**HB 2313** AN ACT concerning health and healthcare; creating the born-alive infants protection act; providing legal protections for infants born alive; requiring certain standards of care by healthcare providers for infants who are born alive; providing criminal penalties and civil liability for violations of the act; amending K.S.A. 65-445 and repealing the existing section.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Haley, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pittman, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Holland, Holscher, Pettey, Reddi, Sykes, Ware.

A two-thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion prevailed and the bill passed.

#### **EXPLANATION OF VOTE**

I reluctantly vote AYE to override the Governor's veto of **HB 2313**. As a former member of the Board of Directors for Planned Parenthood of Greater Kansas City, and as an escort for literally dozens of women needing a friend as we'd walk past the teeming howls of those gathered outside of the clinic to interrupt the personal health decision being made to terminate her unwanted pregnancy, few in this Chamber have been more committed than I, David Haley, to insure a women's right to choose. Active

in the 2022 “NO” vote from last August, I continue to join with the overwhelming majority of Kansans who believe that a woman’s constitutional right to seek an abortion should not be further infringed upon by our government. As an avowed feminist myself, I intend to always support women’s rights to be as unencumbered from sexist diffidence in our American society. But this, to me, is different and is the second time I depart from a Governor I respect’s Veto; the first being when Governor Sebelius vetoed the third-trimester, two “consenting physicians” wink-and-a-nod parable necessary to allow latest of term abortions; and here, now today, with Governor Kelly’s veto of the best efforts to resuscitate and bring life to those babies who “survive” and abortion and are deemed “born alive.” Post a fetus’ viability (or ability to thrive on its’ own independent of the womb), it is my, and much of my District’s (because I have asked), convicted and consecrated belief that we, as a civilized society should always weigh-in towards the side of support for that life; which, short of being found to be grossly deformed towards stillbirth, should be given a chance.—DAVID HALEY

#### **ORIGINAL MOTION**

Having voted on the prevailing side, Senator Longbine moved to reconsider previous action on **HB 2021**. The motion carried.

#### **ORIGINAL MOTION**

Senator Alley moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2021**.

#### **CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2021** submits the following report:

The Senate recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, in line 11, by striking all after the second comma; in line 12, by striking all before "the"; also in line 12, by striking all after "shall"; by striking all in lines 13 and 14 and inserting "identify an evidence-based risk and needs assessment to administer"; in line 16, by striking "offending behavior" and inserting "juvenile offender charges related to physical violence, aggression, damage to property or use of life-threatening drugs"; in line 18, by striking all after "The"; in line 19, by striking "allowing" and inserting "secretary for children and families shall administer the assessment described in subsection (a) and shall collaborate with the secretary of corrections to allow"; in line 22, by striking all after "(c)"; by striking all in lines 23 and 24; in line 25, by striking all before the period and inserting "The results of an assessment administered pursuant to this section shall be considered a part of the official file described in K.S.A. 38-2209, and amendments thereto, and shall not be admitted into evidence during the course of a proceeding under the revised Kansas juvenile justice code.

(d) On or before January 1, 2024, the secretary for children and families shall report on the implementation of this section and provide the assessment identified in subsection (a) to the joint committee on corrections and juvenile justice oversight";

Also on page 1, following line 25, by inserting:

"New Sec. 2. (a) The secretary of corrections shall ensure that, when a juvenile is placed in detention, the juvenile shall:

(1) Receive a standardized risk and needs assessment within 72 hours or, if a standardized risk and needs assessment has been conducted on the juvenile, have the appropriate updates made to such assessment within 72 hours;

(2) receive an updated or completed case plan within 48 hours after the standardized risk and needs assessment has been conducted or updated; and

(3) have access to behavioral health services, mental health services and substance use treatment disorder services while in detention.

(b) The secretary of corrections shall coordinate with court services, community corrections and juvenile detention centers to provide the services required by this section in a timely manner. If the juvenile is in the custody of the secretary for children and families, the secretary of corrections shall coordinate with the secretary for children and families when providing such services. The cost of the assessments conducted or the services provided pursuant to subsection (a) may be assessed to the department of corrections.

(c) The secretary of corrections shall collect data related to the assessments conducted and the services provided pursuant to this section and shall report findings to the joint committee on corrections and juvenile justice on or before July 1 of each year.

Sec. 3. K.S.A. 38-2202 is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:

(a) "Abandon" or "abandonment" means to forsake, desert or, without making appropriate provision for substitute care, cease providing care for the child.

(b) "Adult correction facility" means any public or private facility, secure or nonsecure, that is used for the lawful custody of accused or convicted adult criminal offenders.

(c) "Aggravated circumstances" means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

(d) "Child in need of care" means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 38-2242, and amendments thereto, who:

(1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian;

(2) is without the care or control necessary for the child's physical, mental or emotional health;

(3) has been physically, mentally or emotionally abused or neglected or sexually abused;

(4) has been placed for care or adoption in violation of law;

(5) has been abandoned or does not have a known living parent;

(6) is not attending school as required by K.S.A. 72-3421 or 72-3120, and amendments thereto;

(7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2022 Supp. 21-6301(a)(14), and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution, but which is not prohibited when done by an adult;

(8) while less than 10 years of age, commits any act that if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2022 Supp. 21-5102, and amendments thereto;

(9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian;

(10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee;

(11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused;

(12) while less than 10 years of age commits the offense defined in K.S.A. 2022 Supp. 21-6301(a)(14), and amendments thereto;

(13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve; or

(14) has been subjected to an act that would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 2022 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2022 Supp. 21-6422, and amendments thereto, or has committed an act which, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 2022 Supp. 21-6419, and amendments thereto.

(e) "Citizen review board" is a group of community volunteers appointed by the court and whose duties are prescribed by K.S.A. 38-2207 and 38-2208, and amendments thereto.

(f) "Civil custody case" includes any case filed under chapter 23 of the Kansas Statutes Annotated, and amendments thereto, the Kansas family law code, article 11 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, determination of parentage, article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, adoption and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators.

(g) "Court-appointed special advocate" means a responsible adult other than an attorney guardian ad litem who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 38-2206, and amendments thereto, in a proceeding pursuant to this code.

(h) "Custody" whether temporary, protective or legal, means the status created by court order or statute that vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.

(i) "Extended out of home placement" means a child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date at which a child in the custody of the secretary was removed from the child's home.

(j) "Educational institution" means all schools at the elementary and secondary levels.

(k) "Educator" means any administrator, teacher or other professional or

paraprofessional employee of an educational institution who has exposure to a pupil specified in K.S.A. 72-6143(a), and amendments thereto.

(l) "Harm" means physical or psychological injury or damage.

(m) "Interested party" means the grandparent of the child, a person with whom the child has been living for a significant period of time when the child in need of care petition is filed, and any person made an interested party by the court pursuant to K.S.A. 38-2241, and amendments thereto, or Indian tribe seeking to intervene that is not a party.

(n) "Jail" means:

(1) An adult jail or lockup; or

(2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensure requirements under law and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(o) "Juvenile detention facility" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders that must not be a jail.

(p) "Juvenile intake and assessment worker" means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(q) "Kinship care placement" means the placement of a child in the home of an adult with whom the child or the child's parent already has close emotional ties.

(r) "Law enforcement officer" means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(s) "Multidisciplinary team" means a group of persons, appointed by the court under K.S.A. 38-2228, and amendments thereto, that has knowledge of the circumstances of a child in need of care.

(t) "Neglect" means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include, but shall not be limited to:

(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;

(2) failure to provide adequate supervision of a child or to remove a child from a situation that requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or

(3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall, not for that reason, be considered



a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to K.S.A. 38-2217(a)(2), and amendments thereto.

(u) "Parent" when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.

(v) "Party" means the state, the petitioner, the child, any parent of the child and an Indian child's tribe intervening pursuant to the Indian child welfare act.

(w) "Permanency goal" means the outcome of the permanency planning process, which may be reintegration, adoption, appointment of a permanent custodian or another planned permanent living arrangement.

(x) "Permanent custodian" means a judicially approved permanent guardian of a child pursuant to K.S.A. 38-2272, and amendments thereto.

(y) "Physical, mental or emotional abuse" means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.

(z) "Placement" means the designation by the individual or agency having custody of where and with whom the child will live.

(aa) "Qualified residential treatment program" means a program designated by the secretary for children and families as a qualified residential treatment program pursuant to federal law.

(bb) "Reasonable and prudent parenting standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural and social activities.

(cc) "Relative" means a person related by blood, marriage or adoption.

(dd) "Runaway" means a child who is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian.

(ee) "Secretary" means the secretary for children and families or the secretary's designee.

(ff) "Secure facility" means a facility, other than a staff secure facility or juvenile detention facility, that is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or that relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility shall be in a city or county jail.

(gg) "Sexual abuse" means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include, but is not limited to, allowing, permitting or encouraging a child to:

- (1) Be photographed, filmed or depicted in pornographic material; or
- (2) be subjected to aggravated human trafficking, as defined in K.S.A. 2022 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the offender or another, or be subjected to an act that would constitute conduct proscribed by article 55 of chapter 21 of the Kansas Statutes

Annotated or K.S.A. 2022 Supp. 21-6419 or 21-6422, and amendments thereto.

(hh) "Shelter facility" means any public or private facility or home, other than a juvenile detention facility or staff secure facility, that may be used in accordance with this code for the purpose of providing either temporary placement for children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

(ii) "Staff secure facility" means a facility described in K.S.A. 65-535, and amendments thereto: (1) That does not include construction features designed to physically restrict the movements and activities of juvenile residents who are placed therein; (2) that may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. No staff secure facility shall be in a city or county jail.

(jj) "Transition plan" means, when used in relation to a youth in the custody of the secretary, an individualized strategy for the provision of medical, mental health, education, employment and housing supports as needed for the adult and, if applicable, for any minor child of the adult, to live independently and specifically provides for the supports and any services for which an adult with a disability is eligible including, but not limited to, funding for home and community based services waivers.

(kk) "Youth residential facility" means any home, foster home or structure that provides 24-hour-a-day care for children and that is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(ll) "Behavioral health crisis" means behavioral and conduct issues that impact the safety or health of a child, members of the child's household or family or members of the community, including, but not limited to, non-life threatening mental health and substance abuse concerns.";

On page 3, following line 8, by inserting:

"Sec. 5. K.S.A. 38-2231 is hereby amended to read as follows: 38-2231. (a) A law enforcement officer or court services officer shall take a child under 18 years of age into custody when:

(1) The law enforcement officer or court services officer has a court order commanding that the child be taken into custody as a child in need of care; or

(2) the law enforcement officer or court services officer has probable cause to believe that a court order commanding that the child be taken into custody as a child in need of care has been issued in this state or in another jurisdiction.

(b) A law enforcement officer shall take a child under 18 years of age into custody when the officer:

(1) Reasonably believes the child will be harmed if not immediately removed from the place or residence where the child has been found;

(2) has probable cause to believe that the child is a runaway or a missing person or a verified missing person entry for the child can be found in the national crime information center missing person system;

(3) reasonably believes the child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child; or

(4) reasonably believes the child is experiencing a ~~mental~~ behavioral health crisis and is likely to cause harm to self or others.

(c) (1) If a person provides shelter to a child whom the person knows is a runaway,

such person shall promptly report the child's location either to a law enforcement agency or to the child's parent or other custodian.

(2) If a person reports a runaway's location to a law enforcement agency pursuant to this section and a law enforcement officer of the agency has reasonable grounds to believe that it is in the child's best interests, the child may be allowed to remain in the place where shelter is being provided, subject to subsection (b), in the absence of a court order to the contrary. If the child is allowed to so remain, the law enforcement agency shall promptly notify the secretary of the child's location and circumstances.

(d) Except as provided in subsections (a) and (b), a law enforcement officer may temporarily detain and assume temporary custody of any child subject to compulsory school attendance, pursuant to K.S.A. 72-3120, and amendments thereto, during the hours school is actually in session and shall deliver the child pursuant to K.S.A. 38-2232(g), and amendments thereto.

Sec. 6. K.S.A. 38-2243 is hereby amended to read as follows: 38-2243. (a) Upon notice and hearing, the court may issue an order directing who shall have temporary custody and may modify the order during the pendency of the proceedings as will best serve the child's welfare.

(b) A hearing pursuant to this section shall be held within 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, following a child having been taken into protective custody.

(c) Whenever it is determined that a temporary custody hearing is required, the court shall immediately set the time and place for the hearing. Notice of a temporary custody hearing shall be given to all parties and interested parties.

(d) Notice of the temporary custody hearing shall be given at least 24 hours prior to the hearing. The court may continue the hearing to afford the 24 hours prior notice or, with the consent of the party or interested party, proceed with the hearing at the designated time. If an order of temporary custody is entered and the parent or other person having custody of the child has not been notified of the hearing, did not appear or waive appearance and requests a rehearing, the court shall rehear the matter without unnecessary delay.

(e) Oral notice may be used for giving notice of a temporary custody hearing where there is insufficient time to give written notice. Oral notice is completed upon filing a certificate of oral notice.

(f) The court may enter an order of temporary custody after determining there is probable cause to believe that the: (1) Child is dangerous to self or to others; (2) child is not likely to be available within the jurisdiction of the court for future proceedings; (3) health or welfare of the child may be endangered without further care; (4) child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2022 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2022 Supp. 21-6422, and amendments thereto; (5) child is experiencing a ~~mental~~ behavioral health crisis and is in need of treatment; or (6) child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2022 Supp. 21-6419, and amendments thereto.

(g) (1) Whenever the court determines the necessity for an order of temporary custody the court may place the child in the temporary custody of:

(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (h);

(B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(C) a youth residential facility;

(D) a shelter facility;

(E) a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2022 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2022 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2022 Supp. 21-6419, and amendments thereto;

(F) after written authorization by a community mental health center, a juvenile crisis intervention center, as described in K.S.A. 65-536, and amendments thereto; or

(G) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.

(2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the temporary custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the temporary custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is placed in the temporary custody of the secretary and the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2022 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2022 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2022 Supp. 21-6419, and amendments thereto, the secretary shall have the discretionary authority to place the child in a staff secure facility, notwithstanding any other provision of law. When the child is presently alleged, but not yet adjudicated to be a child in need of care solely pursuant to K.S.A. 38-2202(d)(9) or (d)(10), and amendments thereto, the child may be placed in a secure facility, but the total amount of time that the child may be held in such facility under this section and K.S.A. 38-2242, and amendments thereto, shall not exceed 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible. The order of temporary custody shall remain in effect until modified or rescinded by the court or an adjudication order is entered but not exceeding 60 days, unless good cause is shown and stated on the record.

(h) If the court issues an order of temporary custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child; or attempting to visit, contact, harass or intimidate the child, other family members or witnesses. Such restraining order shall be served by personal service pursuant to K.S.A. 38-2237(a), and amendments thereto, on any alleged perpetrator to whom the order is directed.

(i) (1) The court shall not enter the initial order removing a child from the custody

of a parent pursuant to this section unless the court first finds probable cause that:

(A) (i) The child is likely to sustain harm if not immediately removed from the home;

(ii) allowing the child to remain in home is contrary to the welfare of the child; or

(iii) immediate placement of the child is in the best interest of the child; and

(B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, upon making the order the court shall provide the secretary with a written copy.

(j) If the court enters an order of temporary custody that provides for placement of the child with a person other than the parent, the court shall make a child support determination pursuant to K.S.A. 38-2277, and amendments thereto.

Sec. 7. K.S.A. 38-2302 is hereby amended to read as follows: 38-2302. As used in this code, unless the context otherwise requires:

(a) "Commissioner" means the secretary of corrections or the secretary's designee.

(b) "Community supervision officer" means any officer from court services, community corrections or any other individual authorized to supervise a juvenile on an immediate intervention, probation or conditional release.

(c) "Conditional release" means release from a term of commitment in a juvenile correctional facility for an aftercare term pursuant to K.S.A. 38-2369, and amendments thereto, under conditions established by the secretary of corrections.

(d) "Court-appointed special advocate" means a responsible adult, other than an attorney appointed pursuant to K.S.A. 38-2306, and amendments thereto, who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 38-2307, and amendments thereto, in a proceeding pursuant to this code.

(e) "Detention risk assessment tool" means a risk assessment instrument adopted pursuant to K.S.A. 75-7023(f), and amendments thereto, used to identify factors shown to be statistically related to a juvenile's risk of failing to appear in court or reoffending pre-adjudication and designed to assist in making detention determinations.

(f) "Educational institution" means all schools at the elementary and secondary levels.

(g) "Educator" means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has exposure to a pupil specified in K.S.A. 72-6143(a)(1) through (5), and amendments thereto.

(h) "Evidence-based" means practices, policies, procedures and programs demonstrated by research to produce reduction in the likelihood of reoffending.

(i) "Graduated responses" means a system of community-based sanctions and incentives developed pursuant to K.S.A. 75-7023(h) and K.S.A. 38-2392, and amendments thereto, used to address violations of immediate interventions, terms and conditions of probation and conditional release and to incentivize positive behavior.

(j) "Immediate intervention" means all programs or practices developed by the county to hold juvenile offenders accountable while allowing such offenders to be diverted from formal court processing pursuant to K.S.A. 38-2346, and amendments thereto.

(k) "Institution" means the Larned juvenile correctional facility and the Kansas

juvenile correctional complex.

(l) "Investigator" means an employee of the department of corrections assigned by the secretary of corrections with the responsibility for investigations concerning employees at the juvenile correctional facilities and juveniles in the custody of the secretary of corrections at a juvenile correctional facility.

(m) "Jail" means:

(1) An adult jail or lockup; or  
 (2) a facility in the same building as an adult jail or lockup, unless the facility meets all applicable licensure requirements under law and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(n) "Juvenile" means a person to whom one or more of the following applies, the person: (1) Is 10 or more years of age but less than 18 years of age; (2) is alleged to be a juvenile offender; or (3) has been adjudicated as a juvenile offender and continues to be subject to the jurisdiction of the court.

(o) "Juvenile correctional facility" means a facility operated by the secretary of corrections for the commitment of juvenile offenders.

(p) "Juvenile corrections officer" means a certified employee of the department of corrections working at a juvenile correctional facility assigned by the secretary of corrections with responsibility for maintaining custody, security and control of juveniles in the custody of the secretary of corrections at a juvenile correctional facility.

(q) "Juvenile detention facility" means a public or private facility licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, which is used for the lawful custody of alleged or adjudicated juvenile offenders.

(r) "Juvenile intake and assessment worker" means a responsible adult trained and authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(s) "Juvenile offender" means a person who commits an offense while 10 or more years of age but less than 18 years of age which if committed by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2022 Supp. 21-5102, and amendments thereto, or who violates the provisions of K.S.A. 41-727, K.S.A. 74-8810(j) or K.S.A. 2022 Supp. 21-6301(a)(14), and amendments thereto, but does not include:

(1) A person 14 or more years of age who commits a traffic offense, as defined in K.S.A. 8-2117(d), and amendments thereto;

(2) a person 16 years of age or over who commits an offense defined in chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

(3) a person under 18 years of age who previously has been:

(A) Convicted as an adult under the Kansas criminal code;

(B) sentenced as an adult under the Kansas criminal code following termination of status as an extended jurisdiction juvenile pursuant to K.S.A. 38-2364, and amendments thereto; or

(C) convicted or sentenced as an adult in another state or foreign jurisdiction under

substantially similar procedures described in K.S.A. 38-2347, and amendments thereto, or because of attaining the age of majority designated in that state or jurisdiction.

(t) "Law enforcement officer" means any person who by virtue of that person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(u) "Overall case length limit" when used in relation to a juvenile adjudicated a juvenile offender means the maximum jurisdiction of the court following disposition on an individual case. Pursuant to K.S.A. 38-2304, and amendments thereto, the case and the court's jurisdiction shall terminate once the overall case length limit expires and may not be extended.

(v) "Parent" when used in relation to a juvenile, includes a guardian and every person who is, by law, liable to maintain, care for or support the juvenile.

(w) "Probation" means a period of community supervision ordered pursuant to K.S.A. 38-2361, and amendments thereto, overseen by either court services or community corrections, but not both.

(x) "Reasonable and prudent parenting standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural and social activities.

(y) "Reintegration plan" means a written document prepared in consultation with the child's parent or guardian that:

(1) Describes the reintegration goal, which, if achieved, will most likely give the juvenile and the victim of the juvenile a permanent and safe living arrangement;

(2) describes the child's level of physical health, mental and emotional health and educational functioning;

(3) provides an assessment of the needs of the child and family;

(4) describes the services to be provided to the child, the child's family and the child's foster parents, if appropriate;

(5) includes a description of the tasks and responsibilities designed to achieve the plan and to whom assigned;

(6) includes measurable objectives and time schedules for achieving the plan; and

(7) if the child is in an out of home placement:

(A) Provides a statement for the basis of determining that reintegration is determined not to be a viable option if such a determination is made and includes a plan for another permanent living arrangement;

(B) describes available alternatives;

(C) justifies the alternative placement selected, including a description of the safety and appropriateness of such placement; and

(D) describes the programs and services that will help the child prepare to live independently as an adult.

(z) "Risk and needs assessment" means a standardized instrument administered on juveniles to identify specific risk factors and needs shown to be statistically related to a juvenile's risk of reoffending and, when properly addressed, can reduce a juvenile's risk of reoffending.

(aa) "Secretary" means the secretary of corrections or the secretary's designee.

(bb) "Technical violation" means an act that violates the terms or conditions imposed as part of a probation disposition pursuant to K.S.A. 38-2361, and amendments thereto, and that does not constitute a new juvenile offense or a new child in need of care violation pursuant to K.S.A. 38-2202(d), and amendments thereto.

(cc) "Warrant" means a written order by a judge of the court directed to any law enforcement officer commanding the officer to take into custody the juvenile named or described therein.

(dd) "Youth residential facility" means any home, foster home or structure which provides 24-hour-a-day care for juveniles and which is licensed pursuant to article 5 of chapter 65 or article 70 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(ee) "Behavioral health crisis" means behavioral and conduct issues that impact the safety or health of a juvenile, members of the juvenile's household or family or members of the community, including, but not limited to, non-life threatening mental health and substance abuse concerns."

On page 4, by striking all in lines 38 through 43;

By striking all on pages 5 through 11;

On page 12, by striking all in lines 1 through 18; following line 18, by inserting:

"Sec. 9. K.S.A. 38-2330 is hereby amended to read as follows: 38-2330. (a) A law enforcement officer may take a juvenile into custody when:

(1) Any offense has been or is being committed in the officer's view;  
 (2) the officer has a warrant commanding that the juvenile be taken into custody;  
 (3) the officer has probable cause to believe that a warrant or order commanding that the juvenile be taken into custody has been issued in this state or in another jurisdiction for an act committed therein;

(4) the officer has probable cause to believe that the juvenile is committing or has committed an act which, if committed by an adult, would constitute:

(A) A felony; or

(B) a misdemeanor and: (i) The juvenile will not be apprehended or evidence of the offense will be irretrievably lost unless the juvenile is immediately taken into custody; or (ii) the juvenile may cause injury to self or others or damage to property or may be injured unless immediately taken into custody;

(5) the officer has probable cause to believe that the juvenile has violated an order for electronic monitoring as a term of probation; or

(6) the officer receives a written statement pursuant to subsection (c).

(b) A court services officer, juvenile community corrections officer or other person authorized to supervise juveniles subject to this code, may take a juvenile into custody when: (1) There is a warrant commanding that the juvenile be taken into custody; or (2) the officer has probable cause to believe that a warrant or order commanding that the juvenile be taken into custody has been issued in this state or in another jurisdiction for an act committed therein.

(c) Any court services officer, juvenile community corrections officer or other person authorized to supervise juveniles subject to this code, may request a warrant by giving the court a written statement setting forth that the juvenile, in the judgment of the court services officer, juvenile community corrections officer or other person authorized to supervise juveniles subject to this code:



(1) (A) Has violated the condition of the juvenile's conditional release from detention or probation, for the third or subsequent time; and

(B) poses a significant risk of physical harm to another or damage to property; or

(2) has absconded from supervision.

(d) (1) A juvenile taken into custody by a law enforcement officer or other person authorized pursuant to subsection (b) shall be brought without unnecessary delay to the custody of the juvenile's parent or other custodian, unless there are reasonable grounds to believe that such action would not be in the best interests of the child or would pose a risk to public safety or property.

(2) If the juvenile cannot be delivered to the juvenile's parent or custodian, the officer may:

(A) Issue a notice to appear pursuant to subsection (g);

(B) contact or deliver the juvenile to an intake and assessment worker for completion of the intake and assessment process pursuant to K.S.A. 75-7023, and amendments thereto; or

(C) if the juvenile is determined to not be detention eligible based on a standardized detention risk assessment tool and is experiencing a ~~mental~~ behavioral health crisis, deliver a juvenile to a juvenile crisis intervention center, as described in K.S.A. 65-536, and amendments thereto, after written authorization by a community mental health center.

(3) It shall be the duty of the officer to furnish the county or district attorney and the juvenile intake and assessment worker if the officer has delivered the juvenile to the worker or issued a notice to appear consistent with subsection (g), with all of the information in the officer's possession pertaining to the juvenile, the juvenile's parent or other persons interested in or likely to be interested in the juvenile and all other facts and circumstances which caused the juvenile to be arrested or taken into custody.

(e) In the absence of a court order to the contrary, the court or officials designated by the court, the county or district attorney or the law enforcement agency taking a juvenile into custody shall direct the release prior to the time specified by K.S.A. 38-2343(a), and amendments thereto. In addition, pursuant to K.S.A. 75-7023 and K.S.A. 38-2346, and amendments thereto, a juvenile intake and assessment worker shall direct the release of a juvenile prior to a detention hearing after the completion of the intake and assessment process.

(f) Whenever a person 18 years of age or more is taken into custody by a law enforcement officer for an alleged offense which was committed prior to the time the person reached the age of 18, the officer shall notify and refer the matter to the court for proceedings pursuant to this code, except that the provisions of this code relating to detention hearings shall not apply to that person. If such person is eligible for detention, and all suitable alternatives to detention have been exhausted, the person shall be detained in jail. Unless the law enforcement officer took the person into custody pursuant to a warrant issued by the court and the warrant specifies the amount of bond or indicates that the person may be released on personal recognizance, the person shall be taken before the court of the county where the alleged act took place or, at the request of the person, the person shall be taken, without delay, before the nearest court. The court shall fix the terms and conditions of an appearance bond upon which the person may be released from custody. The provisions of article 28 of chapter 22 of the Kansas Statutes Annotated and K.S.A. 22-2901, and amendments thereto, relating to

appearance bonds and review of conditions and release shall be applicable to appearance bonds provided for in this section.

(g) (1) Whenever a law enforcement officer detains any juvenile and such juvenile is not immediately taken to juvenile intake and assessment services, the officer may serve upon such juvenile a written notice to appear. Such notice to appear shall contain the name and address of the juvenile detained, the crime charged and the location and phone number of the juvenile intake and assessment services office where the juvenile will need to appear with a parent or guardian.

(2) The juvenile intake and assessment services office specified in such notice to appear must be contacted by the juvenile or a parent or guardian no more than 48 hours after such notice is given, excluding weekends and holidays.

(3) The juvenile detained, in order to secure release as provided in this section, must give a written promise to call within the time specified by signing the written notice prepared by the officer. The original notice shall be retained by the officer and a copy shall be delivered to the juvenile detained and that juvenile's parent or guardian if such juvenile is under 18 years of age. The officer shall then release the juvenile.

(4) The law enforcement officer shall cause to be filed, without unnecessary delay, a complaint with juvenile intake and assessment services in which a juvenile released pursuant to paragraph (3) is given notice to appear, charging the crime stated in such notice. A copy shall also be provided to the district or county attorney. If the juvenile released fails to contact juvenile intake and assessment services as required in the notice to appear, juvenile intake and assessment services shall notify the district or county attorney.

(5) The notice to appear served pursuant to paragraph (1) and the complaint filed pursuant to paragraph (4) may be provided to the juvenile in a single citation.";

On page 13, in line 25, after "to" by inserting "a repeated, intentional effort to"; also in line 25, after "juvenile" by inserting "as reported by the evidence-based services provider";

On page 14, in line 15, by striking "90" and inserting "45"; in line 39, after the period by inserting "The court services officer or community correctional services officer shall immediately notify the court and shall submit in writing a report showing in what manner the juvenile has violated probation, conditional release or a condition of sentence.";

On page 15, in line 19, after "court" by inserting "if the judge makes a finding that the juvenile is demonstrating escalating use of physical violence, aggression, weapons, damage to property or life-threatening substances"; following line 37, by inserting:

"Sec. 12. K.S.A. 65-536 is hereby amended to read as follows: 65-536. (a) A juvenile crisis intervention center is a facility that provides short-term observation, assessment, treatment and case planning, and referral for any juvenile who is experiencing a ~~mental behavioral~~ health crisis and is likely to cause harm to self or others. Such centers shall:

(1) Address or ensure access to the broad range of services to meet the needs of a juvenile admitted to the center, including, but not limited to, medical, psychiatric, psychological, social ~~and~~, educational and substance abuse-related services;

(2) not include construction features designed to physically restrict the movements and activities of juveniles, but shall have a design, structure, interior and exterior environment, and furnishings to promote a safe, comfortable and therapeutic

environment for juveniles admitted to the center;

(3) implement written policies and procedures that include the use of a combination of supervision, inspection and accountability to promote safe and orderly operations; and

(4) implement written policies and procedures for staff monitoring of all center entrances and exits.

(b) A juvenile crisis intervention center shall provide treatment to juveniles admitted to such center, as appropriate while admitted.

(c) A juvenile crisis intervention center may be on the same premises as that of another licensed facility. If the juvenile crisis intervention center is on the same premises as that of another licensed facility, the living unit of the juvenile crisis intervention center shall be maintained in a separate, self-contained unit. No juvenile crisis intervention center shall be in a city or county jail or a juvenile detention facility.

(d) (1) A juvenile may be admitted to a juvenile crisis intervention center when:

(A) The head of such center determines such juvenile is in need of treatment and likely to cause harm to self or others;

(B) a qualified mental health professional from a community mental health center has given written authorization for such juvenile to be admitted to a juvenile crisis intervention center; and

(C) no other more appropriate treatment services are available and accessible to the juvenile at the time of admission.

(2) A juvenile may be admitted to a juvenile crisis intervention center for not more than 30 days. A parent with legal custody or legal guardian of a juvenile placed in a juvenile crisis intervention center may remove such juvenile from the center at any time. If the removal may cause the juvenile to become a child in need of care pursuant to K.S.A. 38-2202(d), and amendments thereto, the head of a juvenile crisis intervention center may report such concerns to the department for children and families or law enforcement or may request the county or district attorney to initiate proceedings pursuant to the revised Kansas code for care of children. If the head of a juvenile crisis intervention center determines the most appropriate action is to request the county or district attorney to initiate proceedings pursuant to the revised Kansas code for care of children, the head of such center shall make such request and shall keep such juvenile in the center for an additional 24-hour period to initiate the appropriate proceedings.

(3) When a juvenile is released from a juvenile crisis intervention center, the managed care organization, if the juvenile is a medicaid recipient, and the community mental health center serving the area where the juvenile is being discharged shall be involved with discharge planning. Within seven days prior to the discharge of a juvenile, the head of the juvenile crisis intervention center shall give written notice of the date and time of the discharge to the patient, the managed care organization, if the juvenile is a medicaid recipient, and the community mental health center serving the area where the juvenile is being discharged, and the patient's parent, custodian or legal guardian.

(e) (1) Upon admission to a juvenile crisis intervention center, and if the juvenile is a medicaid recipient, the managed care organization shall approve services as recommended by the head of the juvenile crisis intervention center. Within 14 days after admission, the head of the juvenile crisis intervention center shall develop a plan of treatment for the juvenile in collaboration with the managed care organization.

(2) Nothing in this subsection shall prohibit the department of health and environment from administering or reimbursing state medicaid services to any juvenile admitted to a juvenile crisis intervention center pursuant to a waiver granted under section 1915(c) of the federal social security act, provided that such services are not administered through a managed care delivery system.

(3) Nothing in this subsection shall prohibit the department of health and environment from reimbursing any state medicaid services that qualify for reimbursement and that are provided to a juvenile admitted to a juvenile crisis intervention center.

(4) Nothing in this subsection shall impair or otherwise affect the validity of any contract in existence on July 1, 2018, between a managed care organization and the department of health and environment to provide state medicaid services.

(5) On or before January 1, 2019, the secretary of health and environment shall submit to the United States centers for medicare and medicaid services any approval request necessary to implement this subsection.

(f) The secretary for children and families, in consultation with the attorney general, shall promulgate rules and regulations to implement the provisions of this section on or before January 1, 2019.

(g) The secretary for children and families shall annually report information on outcomes of juveniles admitted into juvenile crisis intervention centers to the joint committee on corrections and juvenile justice oversight, the corrections and juvenile justice committee of the house of representatives and the judiciary committee of the senate. Such report shall include:

(1) The number of admissions, releases and the lengths of stay for juveniles admitted to juvenile crisis intervention centers;

(2) services provided to juveniles admitted;

(3) needs of juveniles admitted determined by evidence-based assessment; and

(4) success and recidivism rates, including information on the reduction of involvement of the child welfare system and juvenile justice system with the juvenile.

(h) The secretary of corrections may enter into memorandums of agreement with other cabinet agencies to provide funding, not to exceed \$2,000,000 annually, from the evidence-based programs account of the state general fund or other available appropriations for juvenile crisis intervention services.

(i) For the purposes of this section:

(1) "Behavioral health crisis" means behavioral and conduct issues that impact the safety or health of a juvenile, members of the juvenile's household or family or members of the community, including, but not limited to, non-life threatening mental health and substance abuse concerns;

~~(2)~~ "head of a juvenile crisis intervention center" means the administrative director of a juvenile crisis intervention center or such person's designee;

~~(2)~~~~(3)~~ "juvenile" means a person who is less than 18 years of age;

~~(3)~~~~(4)~~ "likely to cause harm to self or others" means that a juvenile, by reason of the juvenile's behavioral health condition, mental disorder or mental condition is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage;

~~(4)~~~~(5)~~ "treatment" means any service intended to promote the mental health of the

patient and rendered by a qualified professional, licensed or certified by the state to provide such service as an independent practitioner or under the supervision of such practitioner; and

~~(5)~~(6) "qualified mental health professional" means a physician or psychologist who is employed by a participating mental health center or who is providing services as a physician or psychologist under a contract with a participating mental health center, a licensed masters level psychologist, a licensed clinical psychotherapist, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, a licensed professional counselor, a licensed clinical professional counselor, a licensed specialist social worker or a licensed master social worker or a registered nurse who has a specialty in psychiatric nursing, who is employed by a participating mental health center and who is acting under the direction of a physician or psychologist who is employed by, or under contract with, a participating mental health center.

(j) This section shall be part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.;

On page 17, in line 1, by striking "mental" and inserting "behavioral"; in line 9, after the second "centers" by inserting ", community health centers, the youth advocate program, jobs for America's graduates Kansas transition services"; in line 41, before "The" by inserting "(1)"; in line 43, after "(a)" by inserting "and promising practices";

On page 18, in line 2, after "fund" by inserting "after other expenditures for evidence-based programs are made"; following line 8, by inserting:

"(2) Child welfare case management providers shall not be eligible to receive grants under this subsection.;"

Also on page 18, in line 19, after "K.S.A." by inserting "38-2202,"; also in line 19, after the first comma by inserting "38-2231, 38-2243, 38-2302,"; also in line 19, by striking "38-2361" and inserting "38-2330"; also in line 19, after "38-2392," by inserting "65-536,;"

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "requiring the secretary of corrections to provide assessments and certain services for juveniles in detention; changing the criteria used to refer and admit juveniles to juvenile crisis intervention centers; defining behavioral health crisis,;" in line 6, by striking all after the semicolon; in line 7, by striking all before "amending"; also in line 7, after "K.S.A." by inserting "38-2202,"; also in line 7, after "38-2203," by inserting "38-2231, 38-2243, 38-2302,"; also in line 7, by striking "38-2361" and inserting "38-2330"; in line 8, after "38-2392," by inserting "65-536,;"

And your committee on conference recommends the adoption of this report.

KELLIE WARREN

RICK WILBORN

ETHAN CORSON

*Conferees on part of Senate*

STEPHEN OWENS

ERIC SMITH

BOOG HIGHBERGER

*Conferees on part of House*

Senator Warren moved the Senate adopt the Conference Committee Report on

**HB 2021.**

On roll call, the vote was: Yeas 22; Nays 16; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Billinger, Blasi, Claeys, Erickson, Fagg, Francisco, Gossage, Kloos, Longbine, Masterson, O'Shea, Peck, Petersen, Pyle, Ryckman, Shallenburger, Steffen, Straub, Thompson, Warren, Wilborn.

Nays: Baumgardner, Bowers, Corson, Dietrich, Haley, Holland, Holscher, Kerschen, McGinn, Olson, Pettey, Pittman, Reddi, Sykes, Tyson, Ware.

Present and Passing: Doll, Faust-Goudeau.

The Conference Committee Report was adopted.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Thursday, April 27, 2023.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

