

# Journal of the House

## ELEVENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, January 23, 2024, 11:00 a.m.

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

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2566**, AN ACT concerning sales and compensating use tax; relating to sourcing of sales; providing for origin sourcing for certain sales; amending K.S.A. 79-3669 and 79-3670 and repealing the existing sections, by Committee on Taxation.

**HB 2567**, AN ACT concerning veterans and military; establishing the Kansas national guard educational master's for enhanced readiness and global excellence (EMERGE) program and the Kansas national guard educational master's for enhanced readiness and global excellence program repayment fund, by Representatives Turk, B. Carpenter, Amyx, Ballard, Barth, Blex, Bloom, Bryce, Buehler, Butler, Clifford, Collins, Croft, Dodson, M., Ellis, Essex, Garber, Goddard, Goetz, Hill, Howerton, T. Johnson, Martinez, Melton, Neely, Neighbor, Penn, Pickert, Probst, Proctor, Rahjes, Resman, Rhiley, Roth, Sanders, Clayton, Schlingensiepen, Schmoe, Smith, C., Smith, E., Tarwater, Thompson, Titus, Underhill, Waggoner, Waymaster, Williams, L. and Woodard.

**HB 2568**, AN ACT concerning children and minors; relating to juvenile offenders; the revised Kansas juvenile justice code; prohibiting fines, fees and costs from being assessed against a juvenile or a juvenile's parent, guardian or custodian; amending K.S.A. 12-16,119, 20-3129, 21-6609, 22-4905, 28-170, 28-170a, 28-176, 38-2306, 38-2312, 38-2315, 38-2317, 38-2328, 38-2331, 38-2346, 38-2348, 38-2360, 38-2361, 38-2362, 38-2369, 38-2373, 38-2384, 38-2389, 38-2396, 38-2399 and 75-724 and K.S.A. 2023 Supp. 28-177 and repealing the existing sections; also repealing K.S.A. 20-167, 38-2314, 38-2319, 38-2321, 38-2322 and 38-2324, by Committee on Corrections and Juvenile Justice.

**HB 2569**, AN ACT concerning the department of health and environment; relating to childcare licensing service contracts; requiring the secretary of health and environment to not renew such contracts and replacing licensing services with state employees; requiring the secretary to conduct surveys of childcare providers relating to the department's provision of childcare licensing services, by Committee on Commerce, Labor and Economic Development.

**HB 2570**, AN ACT concerning employment security law; relating to the definition of benefit year, temporary unemployment, wages, statewide average annual wage and statewide average weekly wage; referencing certain new definitions for purposes of the annual determination by the secretary of the maximum weekly benefit amount; requiring electronic filing of wage reports, contribution returns and payments and interest assessments for employers with 25 or more employees; establishing minimum qualifications for candidates for membership on the employment security board of review and initial review of such candidates by the director of unemployment; extending when the mandatory combination of rates and the establishment of a new account due to a business acquisition must occur from the beginning of the following quarter to the beginning of the following year; making certain changes to the schedules governing employer contribution rates; removing obsolete language pertaining to the employment security interest assessment fund and abolishing such fund; requiring the secretary to create an audit process within the new unemployment insurance information technology system to permit employers to submit reports regarding work search, the my reemployment plan and claimants who do not provide notification or appear for scheduled interviews; providing for notices by the secretary to active employers regarding work search noncompliance reporting options; confirming the legislative coordinating council's authority to extend the new unemployment insurance information technology system's implementation date retroactively and as often as deemed appropriate by the council; requiring the secretary to notify the council of the need for an extension; authorizing the secretary to extend temporary unemployment for limited periods upon request by employers and allowing for additional temporary unemployment when requested by employers engaged in certain industries; requiring the secretary to annually post on the secretary's website certain additional calculations and data; changing the timing of employer benefit charge notices from annually to quarterly; removing the exemption for benefit charges less than \$100; amending K.S.A. 44-704, 44-705, 44-709, 44-710, 44-710b, 44-717, 44-771, 44-772 and 44-774 and K.S.A. 2023 Supp. 44-703, 44-710a and 44-775 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

**HB 2571**, AN ACT concerning elections; relating to advance voting ballots; requiring any such ballots deposited in a remote ballot box to be considered provisional until verified by the county election office; amending K.S.A. 25-1136 and K.S.A. 2023 Supp. 25-1124 and repealing the existing sections, by Committee on Elections.

**HB 2572**, AN ACT concerning elections; relating to advance voting ballots and the return thereof; requiring personal delivery and photographic identification of any person delivering advance voting ballots on behalf of other voters; amending K.S.A. 25-1128 and K.S.A. 2023 Supp. 25-1124, 25-2430 and 25-2437 and repealing the existing sections, by Committee on Elections.

## **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2564**.

Elections: **HB 2559**.

Financial Institutions and Pensions: **HB 2560, HB 2561, HB 2562, HB 2563**.

Health and Human Services: **HB 2565**.

Transportation: **HB 2558**.

**COMMUNICATIONS FROM STATE OFFICERS**

From Kansas Department for Aging and Disability Services; Interim report of the South Central Regional Psychiatric Hospital Advisory Panel for 2024.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

**HOUSE RESOLUTION No. HR 6032—**

By Representatives Poskin, Highberger, Alcalá, Amyx, Ballard, Buehler, Butler, Carlin, Carmichael, Carr, Clifford, Collins, Curtis, Dodson, M., Droge, Fairchild, Featherston, Goddard, Haskins, Haswood, Houglund, Howe, Hoye, Martinez, McDonald, Melton, Meyer, Miller, D., Miller, S., Miller, V., Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Probst, Ruiz, S., Clayton, Schlingensiepen, Stogsdill, Waggoner, Weigel, Winn, Woodard and Xu

A RESOLUTION affirming the Kansas house of representatives' unwavering support for free press in the state of Kansas and directing the attorney general to make a report to the body concerning the Colorado bureau of investigation's inquiry regarding the extent to which the civil rights of any Kansan were violated when certain search warrants were executed in Marion, Kansas, on August 11, 2023.

WHEREAS, Journalism is a pillar of democracy, and free press is protected by the First Amendment to the Constitution of the United States; and

WHEREAS, Section 11 of the Kansas Bill of Rights, enshrined in the Kansas Constitution, declares, "The liberty of the press shall be inviolate"; and

WHEREAS, As defined by K.S.A. 2023 Supp. 60-480(a), a journalist is a publisher, editor, reporter or other person employed by a newspaper, magazine, news wire service, television station or radio station who gathers, receives or process information for communication to the public. The same statute also states that a journalist can be defined as an online journal in the regular business of newsgathering and disseminating news or information to the public; and

WHEREAS, Journalists are important participants in democracy and, increasingly, a vital source of local news and educational information within their communities; and

WHEREAS, Journalists create historical records and provide an important service to the community; and

WHEREAS, Journalists in Kansas, including those at the Marion County Record in Marion, Kansas, have faced retaliation for exercising their constitutional rights in the course of publishing facts about important matters and those of public concern; and

WHEREAS, On August 11, 2023, law enforcement agencies, led by the Marion Police Department, executed search warrants on the Marion County Record, the home of its publisher, Eric Meyer, where he lived with his 98-year-old mother, Joan Meyer, and the home of then-city commission member Ruth Herbel; and

WHEREAS, On August 12, 2023, Joan Meyer, who was present when authorities executed the search warrant the previous day, died by cardiac arrest after being, according to an article published by the Marion County Record, "stressed beyond her limits and overwhelmed by hours of shock and grief" in the aftermath of the intrusion into her residence; and

WHEREAS, On August 16, 2023, the Marion County Attorney withdrew the search warrants and authorized the return of seized items because, according to a news release made by Marion County Attorney Joel Ensey, "insufficient evidence exists to establish a legally sufficient nexus between this alleged crime and the places searched and the items seized"; and

WHEREAS, None of the people whose homes or businesses were searched on August 11, 2023, have been charged with any criminal offense; and

WHEREAS, The Colorado Bureau of Investigation, at the request of the State of Kansas, has opened an investigation on the circumstances surrounding the August 11 searches; and

WHEREAS, The Congress of the United States has enacted the Privacy Protection Act of 1980 (PPA), codified at 42 U.S.C. § 2000aa et seq., which generally requires the government to issue subpoenas to journalists before subjecting them to search warrants; and

WHEREAS, The PPA provides that, absent certain narrow and enumerated exceptions, it shall be unlawful for a government officer or employee, in connection with the investigation or prosecution of a criminal offense, to search for or seize any work product materials or documentary materials, as defined by the PPA, that are in the possession of a journalist; and

WHEREAS, Searching for or seizing any journalistic work product or documentary materials, as defined by the PPA, without first issuing subpoenas contravenes the tenets of the First Amendment and the basis of a free and informed society, for it undermines the role of journalism in encouraging engaged, civic-minded, critical thinkers: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we hereby affirm our unwavering support for the free press in the state of Kansas; and

*Be it further resolved:* The we direct the attorney general to make a report to the body concerning the Colorado Bureau of Investigation's inquiry regarding the extent to which the civil rights of any Kansan were violated when certain search warrants were executed in Marion, Kansas, on August 11, 2023; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Executive Director of the Kansas Association of Broadcasters, Allison Mazzei, Executive Director of the Kansas Press Association, Emily Bradbury, Editor and Publisher of the Marion County Record, Eric Meyer and Representatives Poskin and Highberger.

#### **COMMITTEE ASSIGNMENT CHANGES**

Speaker pro tem Carpenter announced the appointment of Rep. Featherston to replace Rep. Winn on the Committee on K-12 Education Budget until January 31.

Also, the appointment of Rep. Ousley to replace Rep. Winn as ranking member on the Committee on K-12 Education Budget until Jan 31.

Also, the appointment of Rep. V. Miller to replace Rep. Woodard on the Committee on Elections on January 25, 2024

Also, the appointment of Rep. Ousley to replace Rep. Houglund on the Committee on Welfare Reform on January 23, 2024.

Also, the appointment of Rep. V. Miller to replace Rep. Winn on Committee on Federal State Affairs until further notice.

**REPORT ON ENROLLED RESOLUTIONS**

**HCR 5018** reported correctly enrolled and properly signed on January 19, 2024.

**HCR 5019** reported correctly enrolled and properly signed on January 23, 2024.

On motion of Rep. Croft, the House adjourned until 11:00 a.m., Wednesday, January 24, 2024.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

