

Journal of the House

TWELFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 24, 2024, 11:00 a.m.

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

The roll was called with 115 members present.

Reps. Donohoe, Highberger and Younger were excused on verified illness.

Rep. Bergkamp was excused on legislative business.

Reps. Dodson, Hougland, Lewis, S. Miller, Vaughn and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Holmes:

Father, nothing is hidden from You.
You know everything which consumes our thoughts and minds.
You are aware of the things that are demanding
our focus and attention this very moment.
None of our conversations or debate today will take You by surprise.
Your Word reminds us
“Righteousness exalts a nation but sin is a disgrace to any people.”
Help us to choose to walk a righteous path
as we wrestle with the work of our State.
Keep our interactions with our fellow colleagues empty of self promotion
or selfish motives.
Thank You for Your protecting Hand upon our families and loved ones.
Now Father,
I bless these, Your state servants,
as they pour themselves into giving of their best,
for the betterment of those they have been called to serve.
Might each one know Your love, Your grace and Your peace.
I pray this In Jesus name
Amen

The Pledge of Allegiance was led by Rep. Carlin.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

HB 2573, AN ACT concerning property taxation; relating to tax levy rates; requiring certain libraries that have budgets approved by taxing subdivisions to be subject to the

revenue neutral rate independent of the taxing subdivision; amending K.S.A. 2023 Supp. 79-2988 and repealing the existing section, by Representative Proctor.

HB 2574, AN ACT concerning school districts; relating to unified school district No. 207, Fort Leavenworth; establishing term limits for members of the board of education of such school district; amending K.S.A. 72-1210 and repealing the existing section, by Committee on Education.

HB 2575, AN ACT concerning roads and highways; designating a portion of K-96 as the 96th "Deadeye" Infantry Division memorial highway, by Representatives Seiwert, Murphy, Probst and Waggoner.

HB 2576, AN ACT concerning elections; relating to campaign practices; requiring publication of signed statements of fair campaign practices; creating a cause of action for violations of such statement and for making materially false statements or using synthetic media; amending K.S.A. 25-4119g and repealing the existing section, by Representative Poskin.

HB 2577, AN ACT concerning state moneys; relating to the investment and management thereof; providing discretionary authority to the state treasurer to transfer moneys certified as equivalent to the aggregate net amount received for unclaimed property to the board of trustees of the Kansas public employees retirement system and to liquidate such moneys for investment by the pooled money investment board or for necessary payments to owners of unclaimed property; amending K.S.A. 2023 Supp. 75-2263 and repealing the existing section, by Committee on Financial Institutions and Pensions.

HB 2578, AN ACT concerning health and healthcare; relating to certified community behavioral health clinics; providing for renewal certification of programs and treatments that have been previously certified or accredited; amending K.S.A. 39-2019 and repealing the existing section, by Committee on Health and Human Services.

HOUSE CONCURRENT RESOLUTION No. **HCR 5022**—

By Representatives Fairchild, Neelly, Poetter Parshall, Rahjes and Waggoner

A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas, relating to classification and taxation of all-terrain vehicles.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 1. System of taxation; classification; exemption. (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, ~~2013~~ 2025, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. The legislature may provide for the classification and the taxation uniformly as

to class of *all-terrain vehicles*, recreational vehicles and watercraft, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located.....11½%
- (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution.....30%
- (3) Vacant lots.....12%
- (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law..12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed.....33%
- (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use.....25%
- (7) All other urban and rural real property not otherwise specifically subclassified.....30%

Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Mobile homes used for residential purposes.....11½%
- (2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25%.....30%
- (3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed.....33%
- (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985.....30%
- (5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new

less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property 25%

(6) All other tangible personal property not otherwise specifically classified 30%

(b) All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, merchants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, livestock, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"*Explanatory statement.* This amendment would allow the legislature to classify and tax all-terrain vehicles upon a basis different from other property.

"A vote for this proposition would would permit the legislature to provide for separate classification and taxation of all-terrain vehicles or to exempt such property from property taxation and impose taxes upon a different basis in lieu thereof.

"A vote against this proposition would continue the taxation of all-terrain vehicles in the same manner as all other property."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2024, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case the proposed amendment shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and House resolution were referred to committees as indicated:

Commerce, Labor and Economic Development: **HB 2569, HB 2570.**

Corrections and Juvenile Justice: **HB 2568.**

Education: **HB 2567.**

Elections: **HB 2571, HB 2572.**

Judiciary: **HR 6032.**

Taxation: **HB 2566.**

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Thomas, **HR 6033**, by Reps. Thomas, Ballard, Bryce, Carlin, Clifford, Concannon, Essex, Estes, Featherston, Goetz, Haskins, McDonald, McNorton, Melton, Meyer, Neighbor, Oropeza, Osman, Ousley, Pickert, Poskin, Rhiley,

Ruiz, Schmoie, Schreiber, Stogsdill, Thompson, Turk, Turner, Williams, Williams, Woodard and Younger, as follows, was introduced and adopted:

HR 6033—A RESOLUTION congratulating and commending the members of the 2024 Kansas Teacher of the Year team.

A RESOLUTION congratulating and commending the members of the 2024 Kansas Teacher of the Year team.

WHEREAS, The Kansas State Department of Education sponsors the Kansas Teacher of the Year program, which identifies, recognizes and utilizes representatives of excellent teaching in the elementary and secondary classrooms of the state; and

WHEREAS, The mission of the program is to build and utilize a network of exemplary teachers who are leaders in the improvement of schools, student performance and the teaching profession; and

WHEREAS, Two teachers – one elementary and one secondary – in each of the state's four United States congressional districts were selected as finalists for recognition as Kansas Teacher of the Year, with the recipient being chosen from among the eight finalists; and

WHEREAS, The Kansas Teacher of the Year is awarded with the Hubbard Foundation Kansas Teacher of the Year Ambassadorship, which enables the person selected to devote significant time during the second semester to activities supporting the mission of the program. The 2024 Kansas Teacher of the Year and finalists were honored at an awards banquet on September 23, 2023. All members received a cash award as well as mementos of the event; and

WHEREAS, The Kansas Teacher of the Year is nominated to represent Kansas in the National Teacher of the Year program, a project of the Council of Chief State School Officers, presented by Voya Financial; and

WHEREAS, The 2024 Kansas Teacher of the Year is Taylor Bussinger, Olathe USD 233; and the regional finalists are: Cherryl Delacruz, Topeka USD 501; Gretchen Elliott, Smoky Valley USD 400; Joanna Farmer, Wichita USD 259; Melissa Haney, Goddard USD 265; Erin Pittenger, Rock Creek USD 323; Michelle Tapko, Shawnee Mission USD 512; Fonda Telthorst, Piper Kansas City USD 203: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the members of the 2024 Kansas Teacher of the Year team; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send eight enrolled copies of this resolution to Representative Thomas.

INTRODUCTION OF GUESTS

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

Today, I stand before you not just as a representative of our great state, but as an advocate for one of the most vital pillars of our society — education. It is a universal truth, as old as civilization itself, that education is the bedrock upon which societies grow, innovate, and prosper. In the heartland of America, in our beloved Kansas, this truth resonates with special significance.

We gather here to celebrate a beacon of this truth, individuals whose dedication to teaching have not only illuminated the minds of our youth but have also kindled a flame of knowledge and inspiration that reaches far beyond classroom walls.

In this spirit of reverence for education, it is my distinct honor to introduce and celebrate these remarkable individuals. Our Teacher of the Year finalists, each one, a beacon in their own right, collectively embodies the highest ideals of teaching and learning.

These eight educators, hailing from different corners of our state, represent a diverse tapestry of passion, dedication, and innovation in the realm of education. They have each, in their unique ways, demonstrated an unwavering commitment to their students, fostering environments where curiosity thrives and potential is realized.

Their classrooms are more than just physical spaces; they are vibrant communities of learning, where every question is valued and every student is seen. In these nurturing environments, our teachers have not only shared knowledge but have also kindled a lifelong passion for learning, ensuring that the journey of education is as exciting as its destination.

As we celebrate these exceptional educators, it's pivotal to reflect on the broader role of teachers in our society. Socrates, the great philosopher, once said, "Education is the kindling of a flame, not the filling of a vessel." This profound thought encapsulates the essence of teaching. Our teachers do not merely fill minds with facts; they ignite the spark of inquiry and understanding. They are not just instructors; they are mentors, guides, and architects of the future.

In a world brimming with challenges and opportunities, teachers like the ones we honor today, provide the beacon of wisdom and critical thinking necessary to navigate it. They empower our youth, not just with knowledge, but with the values, and skills required to lead, innovate, and contribute meaningfully to our community and beyond.

Each of the eight teachers we honor today has left an indelible mark on their students and communities. Through their tireless efforts and innovative approaches, they have elevated the standard of education and set a shining example for teachers everywhere.

Their impact extends far beyond the confines of their classrooms. It resonates in the lives of their students, in the aspirations they help shape, and in the brighter future they help forge. These educators remind us that the influence of a great teacher can never be erased; it lives on in the successes and achievements of their students.

As we stand here in the Kansas House of Representatives, let us take a moment to express our deepest gratitude to these eight outstanding educators for their service, commitment, and passion. They are not just teachers, they are custodians of our future, shaping the minds that will one day lead our great state and our nation.

Rep. Thomas introduced the 2024 Kansas Teacher of the Year Regional Finalists: Cheryl Delacruz, Topeka USD 501; Gretchen Elliott, Smoky Valley USD 400; Joanna Farmer, Wichita USD 259; Melissa Haney, Goddard USD 265; Erin Pittenger, Rock Creek USD 323; Michelle Tapko, Shawnee Mission USD 512; Fonda Telthorst, Piper Kansas City USD 203; and The 2024 Kansas Teacher of the Year, Taylor Bussinger, Olathe USD 233.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2579, AN ACT concerning health professions and practices; relating to the board of emergency medical services; authorized activities; authorizing distribution of non prescription over-the-counter medications; amending K.S.A. 65-6144 and repealing the existing section, by Committee on Health and Human Services.

HB 2580, AN ACT concerning children and minors; relating to the revised Kansas code for care of children; providing authority for a court or a guardian to consent to mental, emotional or behavioral health screening and treatment of a child alleged or adjudicated to be a child in need of care; granting immunity to providers who provide such screening and treatment in good faith; defining behavioral health treatment; amending K.S.A. 38-2217 and K.S.A. 2023 Supp. 38-2202 and repealing the existing sections; also repealing K.S.A. 2023 Supp. 38-2202a, by Committee on Child Welfare and Foster Care.

HB 2581, AN ACT concerning the secretary for children and families; relating to child support payments; eliminating the requirement that the court order child support to be paid to the secretary when custody of the child is awarded to the secretary and the requirement that child support payment requests shall be made in a child in need of care petition; amending K.S.A. 38-2234 and K.S.A. 2023 Supp. 38-2255 and repealing the existing sections, by Committee on Child Welfare and Foster Care.

HB 2582, AN ACT concerning wildlife and parks; relating to the Kansas wildlife and parks commission; increasing the membership of the Kansas wildlife and parks commission from seven to nine; granting membership appointment authority to multiple state officers; prohibiting more than three commissioners from being residents of the same congressional district; amending K.S.A. 2023 Supp. 32-805 and repealing the existing section, by Committee on Agriculture and Natural Resources Budget.

HB 2583, AN ACT concerning crimes, punishment and criminal procedure; relating to crimes against the public morals; increasing the criminal penalty for harming or killing certain dogs and horses; requiring restitution for such crime to include veterinary medical treatment, funeral and burial expenses and replacement of such animal; amending K.S.A. 21-6416 and 21-6604 and repealing the existing sections, by Representatives Hawkins and Owens.

HB 2584, AN ACT concerning taxation; relating to sales and compensating use tax; providing for the taxation of digital property and subscription services; decreasing rates of such taxes in certain circumstances; amending K.S.A. 2023 Supp. 79-3602, 79-3603 and 79-3703 and repealing the existing sections; also repealing K.S.A. 2023 Supp. 79-3602c, by Committee on Taxation.

HB 2585, AN ACT concerning sales taxation; relating to the taxation of services; excluding from taxation the service of installing or applying tangible personal property for the reconstruction, restoration, remodeling, renovation, repair or replacement of a building or facility; amending K.S.A. 2023 Supp. 79-3603 and repealing the existing section, by Committee on Taxation.

HB 2586, AN ACT concerning taxation; relating to property tax; increasing extent of exemption for residential property from statewide school levy; relating to privilege tax; decreasing the normal tax rates on banks, trust companies and savings and loan associations; relating to income tax; increasing the tax credit amount for household and

dependent care expenses; eliminating the income limit to qualify for the subtraction modification for social security income; increasing the Kansas standard deduction; relating to sales and compensating use tax; providing a sales tax exemption for certain sales of school supplies, computers and clothing during an annual sales tax holiday; providing sales tax exemptions for children's diapers and feminine hygiene products; reducing the state rate of tax on sales of food and food ingredients; amending K.S.A. 79-1107, 79-1108 and 79-32,111c and K.S.A. 2023 Supp. 79-201x, 79-32,117, 79-32,119, 79-3603, 79-3603d, 79-3606, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Taxation.

HB 2587, AN ACT concerning drainage districts; relating to the governance thereof; authorizing the board of directors of such districts to hold executive sessions in accordance with the open meetings act; amending K.S.A. 24-416 and repealing the existing section, by Committee on Local Government.

HB 2588, AN ACT concerning electric public utilities; relating to net metering; increasing the system-wide capacity limit for facilities subject to net metering; requiring such facilities to be appropriately sized based on the customer's expected load; establishing requirements for exporting power to a utility from a facility subject to net metering; amending K.S.A. 66-1264, 66-1265, 66-1266 and 66-1267 and repealing the existing sections, by Committee on Energy, Utilities and Telecommunications.

HB 2589, AN ACT concerning utility pole-mounted law enforcement equipment; relating to public utilities and law enforcement agencies; authorizing public utilities to enter into pole attachment agreements to allow for the attachment and operation of law enforcement equipment on utility poles located in the public right-of-way; exempting public utilities from civil liability relating thereto, by Committee on Energy, Utilities and Telecommunications.

HB 2590, AN ACT concerning pipeline safety; relating to the state corporation commission; state pipeline safety program; violations; updating the maximum penalties that may be imposed by the commission to comply with requirements of the federal pipeline and hazardous materials safety administration; amending K.S.A. 66-1,151 and repealing the existing section, by Committee on Energy, Utilities and Telecommunications.

HB 2591, AN ACT concerning the state corporation commission; exempting the commission from the open meetings act with respect to matters relating to docketed proceedings before the commission; prohibiting ex parte communications in all docketed commission proceedings; amending K.S.A. 75-4318 and 77-545 and repealing the existing sections, by Committee on Energy, Utilities and Telecommunications.

HB 2592, AN ACT concerning consumer protection; relating to internet content that is harmful to minors; requiring age verification for access to such content; providing for civil penalties for violations; establishing a civil cause of action for damages, attorney fees and costs, by Committee on Judiciary.

HB 2593, AN ACT concerning arbitration; making certain agreements to arbitrate in contracts of insurance invalid and creating exceptions therefor; amending K.S.A. 5-428 and repealing the existing section, by Committee on Judiciary.

HB 2594, AN ACT concerning education; establishing the education funding task force; requiring such task force to review and make recommendations with respect to the state's school finance system and the provision of special education state aid prior to expiration of the Kansas school equity and enhancement act; abolishing the special

education and related services funding task force; repealing K.S.A. 2023 Supp. 72-3442, by Committee on K-12 Education Budget.

HB 2595, AN ACT concerning insurance; relating to the Kansas state employees health care commission; mandating coverage for certain allergen introduction dietary supplements for infants; requiring submission of an impact report on such mandatory coverage to the legislature, by Representatives Butler, Bloom, Buehler, Ellis, T. Johnson, Schlingensiepen and Underhill.

HB 2596, AN ACT concerning controlled substances; adding and removing certain substances in schedules I, II, IV and V of the uniform controlled substances act; making conforming changes to the criminal code definition of fentanyl-related controlled substances; amending K.S.A. 21-5701 and K.S.A. 2023 Supp. 65-4105, 65-4107, 65-4111 and 65-4113 and repealing the existing sections, by Committee on Health and Human Services.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Carpenter announced the appointment of Rep. V. Miller to replace Rep. Vaughn on the Committee on Judiciary January 24, 2024.

Also, the appointment of Rep. Meyer to replace Rep. Houglund on Committee on Child Welfare on Jan 24, 2024.

Also, the appointment of Rep. Haskins to replace Rep. Ohaebosim on the Committee on Social Services Budget on January 25, 2024

Also, the appointment of Rep. Helgerson to replace Rep. Ohaebosim on Committee on Transportation on January 25, 2024.

On motion of Rep. Croft, the House adjourned until 11:00 a.m., Thursday, January 25, 2024.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

