

Journal of the House

THIRTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 25, 2024, 11:00 a.m.

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

The roll was called with 114 members present.

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

Reps. Goetz, Haskins, Helgerson, Howe, Poetter Parshall, L. Ruiz and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Holmes:

Dear Father;

There are many things which are demanding my attention today.

Help me to not get so caught up in the immediate
that I ignore the necessary.

Necessary things like Family, friends, colleagues
and those who really need my listening ear.

Help me to be quick to listen and slow to speak,
that I might hear that which I would have missed otherwise.

If perhaps, I should become involved in discussions today
which become difficult, help me, when I get on the backside of the discussions,
that I am not ashamed of how I acted or what I said in the midst of them!

Your word teaches "He whose ear listens to the life-giving reproof,
will dwell among the wise."

Thank you for Your Divine protection,
especially these past few days with the inclement weather
we have been experiencing.

Thank you for the accident I did not have, the difficulties
I did not encounter and the obstacles of life I did not have to navigate.

And now Father, bless the work set before us,
and we will give You praise.

In Jesus Name

Amen.

The Pledge of Allegiance was led by Rep. Bergkamp.

INTRODUCTION OF GUESTS

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

Introducing ... Miss Kansas Courtney Wages

Courtney Wages is 2023's Miss Kansas and I am proud to say, she is one of my constituents!

She has recently earned her place among the top 11 finalists in the Miss America competition.

Her service initiative, "One Vision is Not the Only Vision," she passionately champions the independence and well-being of individuals who are blind or visually impaired (BVI).

There are over 7 million Americans who have vision loss or blindness.

For these individuals, vision loss can lead to significant gaps in educational achievement and employment opportunities.

Research tells us that 70% of people who are blind or visually impaired are unemployed.

Her journey is supported by a strategic partnership with Envision.

As Community Outreach Manager for Envision, Courtney works towards addressing the needs of individuals with low vision in schools, the workplace, senior living centers and optometry clinics throughout the state.

Also, Courtney asks that I remind you to join her for lunch at Noon on 2nd Floor North, she will be sharing a bit of her amazing journey.

Please join me in congratulating Miss Kansas!

Rep. Sawyer presented Miss Wages a House certificate in honor of her achievements.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2597, AN ACT concerning public utilities; relating to the state corporation commission; extending the timelines for the state corporation commission to make a determination regarding rate-making treatment for electric generating or transmission facilities; amending K.S.A. 2023 Supp. 66-1239 and repealing the existing section, by Committee on Energy, Utilities and Telecommunications.

HB 2598, AN ACT concerning real estate; relating to brokers and salespersons and real estate transactions; authorizing the Kansas real estate commission to issue cease and desist orders; prohibiting dealing in assignable contracts for the purchase or sale of or options on real estate or improvements thereon for certain residential housing; providing that certain violations thereof are subject to penalties and remedies under the Kansas consumer protection act; amending K.S.A. 58-3065 and K.S.A. 2023 Supp. 58-3062 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2599, AN ACT concerning the open records act; relating to charges for public records requested thereunder; prohibiting charges for electronic copies and determinations of whether a record exists; limiting charges for employee time required to make records available; amending K.S.A. 45-219 and repealing the existing section, by Committee on K-12 Education Budget.

HB 2600, AN ACT concerning education; establishing a grant program to award moneys to qualifying title I schools to provide feminine hygiene products to students at no cost and the feminine hygiene product grant fund; making and concerning appropriations for the fiscal year ending June 30, 2025, for the department of education, by Committee on K-12 Education Budget.

HB 2601, AN ACT concerning driving; relating to driving under the influence; requiring certain persons on a third or subsequent conviction thereof to participate in a multidisciplinary model of services for substance use disorders; amending K.S.A. 8-1567 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2602, AN ACT concerning children and minors; relating to the revised Kansas juvenile justice code; authorizing expungement of an adjudication if the person has not been convicted or adjudicated of an offense in the past two years; amending K.S.A. 38-2312 and repealing the existing section, by None.

HB 2603, AN ACT concerning elections; establishing the citizens' election oversight board; authorizing such board to review, investigate and report on citizen complaints on the conduct of elections and election procedures; providing for the membership, powers and duties thereof, by Representatives Howerton and Underhill.

HB 2604, AN ACT concerning civil procedure for limited actions; relating to the small claims procedure act; increasing the maximum dollar amount of a small claim thereunder; amending K.S.A. 61-2703 and 61-2706 and repealing the existing sections, by Committee on Judiciary.

HB 2605, AN ACT concerning the board of indigents' defense services; relating to appointed counsel; increasing the maximum rate paid to appointed counsel; amending K.S.A. 22-4507 and repealing the existing section, by Committee on Judiciary.

HB 2606, AN ACT concerning seizure and forfeiture of property; relating to the Kansas standard asset seizure and forfeiture act; specifying that certain drug offenses do not give rise to forfeiture under the act; requiring courts to make a finding that forfeiture is not excessive; restricting actions prior to commencement of forfeiture proceedings; requiring probable cause affidavit filing and review to commence forfeiture proceedings; increasing the burden of proof required to forfeit property to clear and convincing evidence; authorizing courts to order payment of attorney fees and costs for certain claimants; amending K.S.A. 2023 Supp. 60-4104, 60-4106, 60-4107, 60-4109, 60-4111, 60-4112, 60-4113, 60-4116 and 60-4117 and repealing the existing sections, by Committee on Judiciary.

HB 2607, AN ACT concerning agriculture; relating to the Kansas department of agriculture; the Kansas pesticide law; the Kansas chemigation safety law; requiring supervision and training for uncertified applicators; clarifying definition of governmental agency; requiring applicants to file certificates of liability insurance in lieu of bonds, letters of credit or proof of an escrow; government agency certification for pesticide applications in the sodium cyanide predator control category; requiring direct supervision of registered pest control technicians by a certified commercial applicator when applying restricted use pesticides; expanding applicability of the current civil penalty provisions to any person or entity that violates the Kansas pesticide law; adding additional categories of qualification for certification and licensing; updating private applicator certificate requirements; allowing the secretary to establish a training program for initial certification of private applicators as an alternative to a

written examination; requiring additional information in statements of service or contracts; government agencies to maintain records relating to each application of pesticide made by such government agency; applying the same criminal penalty to certified private applicators as other persons for violations of the Kansas pesticide law; removing the secretary's authority to deny, suspend, revoke or modify a permit if an applicant, registrant or permit holder has been convicted or pled guilty to a state or federal felony; amending K.S.A. 2-2438a, 2-2440, 2-2440b, 2-2440e, 2-2443a, 2-2444a, 2-2445a, 2-2446, 2-2448, 2-2449, 2-2450, 2-2455, 2-2461, 2-2467a and 2-3310 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

HB 2608, AN ACT concerning agriculture; relating to animal health; poultry disease control; authorizing the animal health commissioner to adopt rules and regulations to administer the poultry disease control act; establishing an annual participation fee not to exceed \$50 for participation in the national poultry improvement plan; a certification fee not to exceed \$50 for persons performing testing and diagnostic services; a testing fee not to exceed \$100 per visit to each location participating in the plan; allowing the commissioner to revoke any national plan hatchery or U.S. pullorum-typhoid clean designation for failure to pay the annual plan participation fee within a 60-day grace period; amending K.S.A. 2-910, 2-912, 2-914 and 2-915 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

HB 2609, AN ACT concerning property tax; relating to exemptions; extending the property tax exemption for pollution control devices and peak load plants of independent power producers and certain electric public utility property; amending K.S.A. 79-257 and 79-258 and repealing the existing sections, by Committee on Taxation.

HB 2610, AN ACT concerning income taxation; relating to the determination of Kansas adjusted gross income; providing a subtraction modification for sales of property subject to eminent domain; amending K.S.A. 2023 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

HB 2611, AN ACT concerning economic development; relating to tourism; increasing the membership of the council on travel and tourism appointed by the governor and updating the house committee assignment required for house members from the committee on agriculture and natural resources to the committee on commerce, labor and economic development; reducing the required allocation of funds from the department of commerce's matching grant program for the promotion of tourism to public and nonprofit entities and removing the restriction on the percentage of such funds granted to a single entity; amending K.S.A. 2023 Supp. 32-1410 and 32-1420 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HOUSE CONCURRENT RESOLUTION No. **HCR 5023**—

By Representatives Clayton, Carlin, Hougland, McDonald,
Melton, Meyer and Woodard

A PROPOSITION to amend section 1 of article 5 of the constitution of the state of Kansas; lowering the minimum age for qualified electors to vote in elections in this state from 18 to 16 years.

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 5 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 1. Qualifications of electors. Every citizen of the United States who has attained the age of ~~eighteen~~ 16 years and who resides in the voting area in which ~~he~~ ~~or she~~ *such person* seeks to vote shall be deemed a qualified elector. Laws of this state relating to voting for presidential electors and candidates for the office of president and vice-president of the United States shall comply with the laws of the United States relating thereto. A citizen of the United States, who is otherwise qualified to vote in Kansas for presidential electors and candidates for the offices of president and vice-president of the United States may vote for such officers either in person or by absentee ballot notwithstanding the fact that such person may have become a nonresident of this state if ~~his or her~~ *such person's* removal from this state occurs during a period in accordance with federal law next preceding such election. A person who is otherwise a qualified elector may vote in the voting area of ~~his or her~~ *such person's* former residence either in person or by absentee ballot notwithstanding the fact that such person may have become a nonresident of such voting area during a period prescribed by law next preceding the election at which ~~he or she~~ *such person* seeks to vote, if ~~his~~ *such person's* new residence is in another voting area in the state of Kansas."

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

"Explanatory statement. This amendment would lower the minimum age to be qualified to vote in elections in this state from 18 to 16 years.

"A vote for this proposition would lower the minimum age to be qualified to vote in elections in this state from 18 to 16 years.

"A vote against this proposition would make no change to the minimum age to be qualified to vote in elections in this state, which is 18 years."

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 concurrent resolution were referred to committees as indicated:

Agriculture and Natural Resources Budget: **HB 2582.**

Child Welfare and Foster Care: **HB 2580, HB 2581.**

Corrections and Juvenile Justice: **HB 2583.**

Education: **HB 2574.**

Elections: **HB 2576.**

Energy, Utilities and Telecommunications: **HB 2588, HB 2589, HB 2590, HB 2591.**

Financial Institutions and Pensions: **HB 2577.**

Health and Human Services: **HB 2578, HB 2579, HB 2596.**

Insurance: **HB 2595.**

Judiciary: **HB 2592, HB 2593.**

K-12 Education Budget: **HB 2594.**

Local Government: **HB 2587.**

Taxation: **HB 2573, HB 2584, HB 2585, HB 2586, HCR 5022.**

Transportation: **HB 2575.**

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2168** be amended by substituting with a new bill to be designated as "Substitute for HOUSE BILL NO. 2168," as follows:

"Substitute for HOUSE BILL NO. 2168

By Committee on Agriculture and Natural Resources

"AN ACT concerning agriculture; relating to industrial hemp; reducing maximum license and registration fee amounts to \$500; amending K.S.A. 2-3906 and 2-3907 and repealing the existing sections.";

And the substitute bill be passed.

(Sub Bill for HB 2168 was thereupon introduced and read by title.)

Committee on **Financial Institutions and Pensions** recommends **HB 2103** be amended by substituting with a new bill to be designated as "Substitute for HOUSE BILL NO. 2103," as follows:

"Substitute for HOUSE BILL NO. 2103

By Committee on Financial Institutions and Pensions

"AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; Kansas public employees retirement fund; investment standards; eliminating the statutory 15% alternative investment percentage limit thereto; requiring the board of trustees to set an alternative investment percentage limit; amending K.S.A. 2023 Supp. 74-4921 and repealing the existing section.";

And the substitute bill be passed.

(Sub Bill for HB 2103 was thereupon introduced and read by title.)

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 bill was introduced and read by title:

HB 2612, AN ACT concerning education; relating to school district accreditation; requiring school districts to be in compliance with all state laws and rules and regulations to be accredited; requiring school districts to notify parents in writing if the school district is not accredited; requiring the state board to establish a process to

challenge a determination of school district compliance with state laws and rules and regulations; amending K.S.A. 2023 Supp. 72-5170 and repealing the existing section, by Committee on K-12 Education Budget.

CHANGE OF REFERENCE

Speaker pro tem Carpenter announced the withdrawal of **HB 2488** from Committee on Corrections and Juvenile Justice and referral to Committee on Judiciary.

Also, the withdrawal of **HB 2493** from Committee on Water and referral to Committee on Local Government.

On motion of Rep. Croft the House adjourned pro forma until 8:30 a.m. on Friday, January 26, 2024.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

