

# Journal of the House

TWENTY-SECOND DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, February 10, 2022, 11:00 a.m.

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

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

**Rep. Williams:** I am pleased to co-sponsor this resolution with the Representative from Douglas County designating today, February 10, 2022, as JAG-K Day at the Capitol. Most of the members of this body are familiar with Jobs for America's Graduates - Kansas and their remarkable outcomes.

- JAG-K is an in-school, elective class that helps prepare students for successful futures.
- JAG-K Career Specialists work with their students all 12 months of the year and provide 12 months of support following their senior year.
- Over the past four years, JAG-K students have a 97% graduation rate.
- Eighty-nine percent of the JAG-K graduates of the Class of 2020 are now in post-secondary education, military service, or working full-time.

It is exciting to have hundreds of JAG-K students from across the state in the Capitol today, including those on the House floor this morning. I am especially proud to recognize Devin Russell-Unger and Christy Pray from Augusta. Devin is a senior at Augusta High School and the JAG-K State Career Association President. Christy is the Career Specialist at AHS and was also awarded JAG-K Career Specialist of the Year last year. Please help me recognize each of them. I would now yield time to Representative Ballard, who is a member of the JAG-K Board of Directors.

**Rep. Ballard:** Thank you Representative, it is a pleasure to share the podium with you this morning. One of the reasons I serve on the Board of Directors for JAG-K is because this program works. Representative Williams mentioned some their outstanding performance measures, but JAG-K also does things for students that cannot be measured: Instilling confidence, increasing self-worth, and recognizing great potential.

In October, the University of Kansas campus in Lawrence hosted JAG-K's Leadership Development Conference. I was able to meet with a small group of their leaders at the Robert J. Dole Institute of Politics. The entire staff raved what a joy they were to work with. The next day, I had the opportunity to speak at lunch to 300 plus JAG-K students and staff during the Leadership Conference.

I appreciate Governor Kelly including a \$3.5 million appropriation in her budget this year, so JAG-K may expand from 81 programs to more than 120 over the next two years.

It was a pleasure to meet Devin and Christy earlier at the Dole Institute, and now I would like to recognize the rest of the group from JAG-K here on the floor with us this morning.

Students: Karin Moorhous from Hiawatha; Dakota Aumiller from Great Bend; Shyree Jackson from Royal Valley; Coby Mick from El Dorado; Jesse Bartlett from Stafford; and Devin Russell-Unger from Augusta.

They are accompanied by Christy Pray, the JAG-K Specialist of the Year, the VP of Programming, Bev Mortimer, and Chuck Knapp, the President and CEO. Chuck, we have worked together for many years, and you do an absolutely outstanding job. Thank you so much for all your work and efforts in the JAG-K Program.

Finally, please join me in recognizing some of the JAG-K students joining us in the East Gallery this morning.

Thank you for joining us in recognizing JAG-K Day here at the Capitol, in the House of Representatives.

Reps. Williams and Ballard presented the JAG K representatives with certificates in recognition of their achievements.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2681**, AN ACT concerning firearms; relating to the disposition thereof by law enforcement agencies; requiring all forfeited or seized firearms to be disposed of in accordance with the Kansas code of criminal procedure; amending K.S.A. 22-3904 and 32-1047 and K.S.A. 2021 Supp. 60-4117 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2682**, AN ACT concerning sales and use tax; relating to city and county retailers' sales tax levies; validating the election held to approve a retailers' sales tax levy by the city of Latham, by Committee on Taxation.

**HB 2683**, AN ACT concerning taxation; relating to sales and compensating use tax; providing for sales tax exemption for crisis pregnancy centers; amending K.S.A. 2021 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2684**, AN ACT concerning taxation; relating to sales and compensating use tax; providing for a sales tax exemption for area agencies on aging; amending K.S.A. 2021 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2685**, AN ACT concerning education; relating to private and public schools; establishing the Kansas student achievement accountability act; requiring students to show grade level proficiency on state assessments before promotion to the next grade level; requiring certain state assessments to be provided in each grade level; amending K.S.A. 2021 Supp. 72-5170 and repealing the existing section, by Committee on K-12 Education Budget.

**HB 2686**, AN ACT concerning the water and environment of Kansas; creating the Kansas department of water and environment within the executive branch of government; transferring certain powers, duties and functions; abolishing the Kansas

water office, the Kansas department of health and environment, division of environment, the Kansas department of agriculture, division of conservation and the Kansas department of agriculture, division of water resources; updating statutory references thereof; establishing the water and environment maintenance fund; modifying procedures for elections of the board of directors for a groundwater management district, board of directors eligibility, definition of eligible voter and term limits of board of directors; requiring groundwater management districts to submit annual financial reports to the legislature and to submit water conservation and stabilization plans to the chief engineer; increasing water protection fees for public water supply systems, industrial use and stockwatering permit holders; authorizing the chief engineer to issue certain orders without review by the secretary of water and environment; establishing a civil penalty for obstructions in streams violations and creating the water structures emergency fund; amending K.S.A. 2-3302, 2-3703, 2-3704, 2-3710, 12-2707, 19-27a03, 19-27a12, 19-27a17, 19-2963, 19-3704, 24-407, 24-418, 24-656, 24-659, 24-1202, 24-1204, 24-1211, 24-1212, 32-1152, 32-1154, 32-1403, 42-701, 42-725, 47-1214, 47-1511, 49-403, 55-527, 65-153f, 65-156, 65-157, 65-159, 65-162a, 65-163, 65-163c, 65-163d, 65-163g, 65-164, 65-165, 65-166, 65-166a, 65-166b, 65-167, 65-169, 65-170, 65-170b, 65-170d, 65-170e, 65-170g, 65-171a, 65-171b, 65-171c, 65-171d, 65-171e, 65-171f, 65-171h, 65-171i, 65-171m, 65-171n, 65-171o, 65-171p, 65-171q, 65-171r, 65-171t, 65-171u, 65-1,107, 65-1,178, 65-1,182, 65-1,201, 65-1,222, 65-1629, 65-3002, 65-3003, 65-3005, 65-3011, 65-3018, 65-3022, 65-3027, 65-3303, 65-3308, 65-3309, 65-3310, 65-3311, 65-3312, 65-3313, 65-3321, 65-3329, 65-3330, 65-3401, 65-3402, 65-3419, 65-3423, 65-3424d, 65-3424i, 65-3426, 65-3427, 65-3430, 65-3446, 65-3458, 65-3491, 65-34,102, 65-34,126, 65-34,133, 65-34,142, 65-34,144, 65-34,153, 65-34,162, 65-34,175, 65-34,176, 65-34,178, 65-4501, 65-5301, 65-7003, 68-1414, 68-2203, 74-2608, 74-2609, 74-2622, 74-99f04, 75-3084, 75-37,121, 75-5601, 75-5608, 75-5608a, 75-5609a, 75-5657, 75-5672, 82a-220, 82a-301, 82a-301a, 82a-303a, 82a-303b, 82a-305a, 82a-326, 82a-328, 82a-405, 82a-603, 82a-612, 82a-701, 82a-731, 82a-732, 82a-733, 82a-737, 82a-738, 82a-739, 82a-762, 82a-767, 82a-771, 82a-773, 82a-902, 82a-903, 82a-905, 82a-906, 82a-922, 82a-923, 82a-954, 82a-1021, 82a-1023, 82a-1025, 82a-1027, 82a-1034, 82a-1042, 82a-1101, 82a-1103, 82a-1203, 82a-1214, 82a-1216, 82a-1301, 82a-1303, 82a-1311a, 82a-1315b, 82a-1315c, 82a-1332, 82a-1333, 82a-1335, 82a-1345, 82a-1347, 82a-1348, 82a-1349, 82a-1360, 82a-1361, 82a-1362, 82a-1363, 82a-1364, 82a-1367, 82a-1368, 82a-1370, 82a-1402, 82a-1501, 82a-1502, 82a-1604, 82a-1605, 82a-1606, 82a-1608, 82a-1609, 82a-1703, 82a-1704, 82a-1803, 82a-1804, 82a-1805, 82a-1901, 82a-1904, 82a-1905, 82a-1906, 82a-2001, 82a-2007, 82a-2101, 82a-2301, 82a-2302, 82a-2303, 82a-2304, 82a-2305, 82a-2310, 82a-2311, 82a-2312, 82a-2313, 82a-2314, 82a-2317, 82a-2324, 82a-2402, 82a-2403, 82a-2404, 82a-2406, 82a-2407, 82a-2408, 82a-2411, 82a-2412, 82a-2414, 82a-2415, 82a-2416 and 82a-2419 and K.S.A. 2021 Supp. 2-1903, 2-1904, 2-1915, 2-1933, 2-3318, 2-3702, 2-3708, 2-3709, 12-541, 12-636, 12-761, 12-766, 12-2713, 48-1603, 48-1606, 48-1608, 49-511, 49-512, 49-513, 49-517, 49-603, 49-618, 49-623, 55-153, 55-1,117, 55-1,117a, 55-1,119, 65-171v, 65-180, 75-3036, 75-5133, 82a-736, 82a-1602, 82a-1603 and 82a-1702 and repealing the existing sections, by Committee on Appropriations.

**HB 2687**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; eliminating certain level-dollar employer contribution payments; amending K.S.A. 2021 Supp. 74-4920 and repealing the existing section, by Committee on Appropriations.

**HB 2688**, AN ACT concerning alcoholic beverages; relating to cereal malt beverage retailer licenses; requiring issuance thereof to a licensed farm winery that satisfies the statutory requirements for such retailer license; amending K.S.A. 41-2703 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

**HB 2689**, AN ACT concerning public utilities; relating to coal-fired electric generation facilities; limiting a public utility's cost recovery when replacing or retiring facilities; requiring electric public utilities to make efforts to sell such facilities; obligations to purchase electricity from purchased facilities; exempting certain facilities from commission jurisdiction; amending K.S.A. 2021 Supp. 66-104 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2690**, AN ACT concerning education; establishing the legislature's intention to focus on academic achievement; creating the every child can read act to support literacy proficiency by third grade; establishing the legislative award for excellence in teaching program to provide merit-based teaching bonus awards to high-performing teachers; creating the legislative award for excellence in teaching fund; requiring the state department of education to provide an annual written report on academic achievement outcomes; establishing the legislative award for excellence in teaching fund; amending K.S.A. 2021 Supp. 72-5178 and repealing the existing section, by Committee on Appropriations.

**HB 2691**, AN ACT concerning real estate brokers; relating to the real estate brokers' and salespersons' license act; prohibiting the denial of access or membership in a multiple-listing service based on certain circumstances; amending K.S.A. 2021 Supp. 58-3062 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

**HB 2692**, AN ACT concerning law enforcement; relating to the Kansas commission on peace officers' standards and training; increasing the membership of the commission; requiring certain appointments be made with a preference for diversity and to be made by the Kansas state conference of NAACP branches; amending K.S.A. 74-5606 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2693**, AN ACT concerning the division of vehicles; eliminating the division of vehicles modernization surcharge; amending K.S.A. 2021 Supp. 8-145 and repealing the existing section; also repealing K.S.A. 75-5160, by Committee on Appropriations.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2660, HB 2661, HB 2663.**

Commerce, Labor and Economic Development: **HB 2672, HB 2680.**

Corrections and Juvenile Justice: **HB 2654, HB 2655, HB 2656, HB 2657, HB 2658, HB 2673.**

Education: **HB 2659.**

Elections: **HB 2653.**

Federal and State Affairs: **HB 2665, HB 2667, HB 2677, HCR 5028.**

Financial Institutions and Rural Development: **HB 2664**.  
 Health and Human Services: **HB 2669, HB 2675, HB 2678**.  
 Judiciary: **HB 2652, HB 2668, HB 2670, HB 2674, HB 2679**.  
 K-12 Education Budget: **HB 2662, HB 2671**.  
 Local Government: **HB 2676**.  
 Transportation: **HB 2666**.

## MESSAGES FROM THE SENATE

The Senate concurs in House amendments to **SB 347**.

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2515, HB 2516** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2517** be amended on page 3, following line 22, by inserting:

"Sec. 2. K.S.A. 2021 Supp. 21-6825 is hereby amended to read as follows: 21-6825. (a) There is hereby established a certified drug abuse treatment program for certain persons who enter into a diversion agreement in lieu of further criminal proceedings on and after July 1, 2021. Placement of divertees in a certified drug abuse treatment program pursuant to a diversion agreement shall be limited to placement of adults, on a complaint alleging a felony violation of K.S.A. 2021 Supp. 21-5706, and amendments thereto, whose offense is classified in grid blocks 5-C, 5-D, 5-E, 5-F, 5-G, 5-H or 5-I of the sentencing guidelines grid for drug crimes who have no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2021 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction.

(b) As part of the consideration of whether or not to allow diversion to the defendant, a divertee who meets the requirements of subsection (a) shall be subject to:

(1) A drug abuse assessment that shall include a clinical interview with a mental health professional and a recommendation concerning drug abuse treatment for the divertee; and

(2) a standardized criminal risk-need assessment specified by the Kansas sentencing commission.

(c) The diversion agreement shall require the divertee to comply with and participate in a certified drug abuse treatment program if the divertee meets the assessment criteria set by the Kansas sentencing commission. The term of treatment shall not exceed 18 months.

(d) Divertees who are committed to a certified drug abuse treatment program pursuant to subsection (c) may be supervised by community correctional services or court services pursuant to a memorandum of understanding entered into pursuant to K.S.A. 22-2907, and amendments thereto.

(e) (1) Divertees in a certified drug abuse treatment program shall be discharged from the program if the divertee:

(A) Is convicted of a new felony; or

(B) has a pattern of intentional conduct that demonstrates the divertee's refusal to comply with or participate in the treatment program in the opinion of the county or

district attorney.

(2) Divertees who are discharged from such program pursuant to paragraph (1) shall be subject to the revocation provisions of the divertee's diversion agreement.

(f) For the purposes of this section:

(1) "Mental health professional" includes licensed social workers, persons licensed to practice medicine and surgery, licensed psychologists, licensed professional counselors or registered alcohol and other drug abuse counselors licensed or certified as addiction counselors who have been certified by the ~~secretary of corrections~~ Kansas sentencing commission to treat persons pursuant to K.S.A. 2021 Supp. 75-52,144, and amendments thereto.

(2) "Divertee" means a person who has entered into a diversion agreement pursuant to K.S.A. 22-2909, and amendments thereto.;

On page 5, in line 25, after "21-6824" by inserting ", 21-6825";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "21-6824" by inserting ", 21-6825"; and the bill be passed as amended.

Committee on **Financial Institutions and Rural Development** recommends **HB 2568** be passed.

Committee on **Financial Institutions and Rural Development** recommends **HB 2489** be amended on page 1, by striking all in lines 11 through 36;

On page 2, by striking all in lines 1 through 22; in line 25, by striking "and section 1";

On page 3, in line 40, by striking "and" and inserting "or"; in line 41, after "trust" by inserting ", or both,"; in line 43, before the semicolon by inserting ", including loans, extensions of credit and direct investments";

On page 6, in line 23, before the colon by inserting "the"; in line 24, by striking "The"; in line 25, after the stricken material by inserting "or"; in line 26, by striking the first "the"; in line 27, by striking the semicolon; by striking all in lines 28 through 32; in line 33, by striking all before the period; in line 38, by striking the comma and inserting "or"; also in line 38, by striking "or any other person"; in line 39, by striking all after "institution"; in line 40, by striking "board";

On page 8, in line 31, by striking all after "fee"; in line 32, after the period by inserting "Until July 1, 2025, the application fee shall be \$250,000. On and after July 1, 2025, the application fee shall be \$100,000.";

On page 9, by striking all in lines 41 through 43;

By striking all on page 10;

On page 11, by striking all in lines 1 through 11;

On page 12, in line 35, by striking all before the colon;

On page 13, in line 19, by striking "be reviewed to determine if" and inserting "not be a consideration in evaluating"; in line 20, by striking "has" and inserting "if"; also in line 20, before the comma by inserting "exist in the business"; by striking all in lines 26 through 31;

On page 14, in line 5, by striking the second comma and inserting "or"; in line 6, by striking all before "to"; in line 12, by striking the comma; by striking all in lines 13 and 14; in line 15, by striking all before the semicolon;

On page 16, in line 4, by striking all after "(h)"; by striking all in lines 5 through 13; in line 14, by striking "(i)"; in line 18, after "institution" by inserting ", taking into

account the level of sophistication of the customer";

On page 17, in line 19, by striking all after "provide";

On page 18, in line 4, by striking "promptly"; in line 5, after "act" by inserting "within 30 days of the establishment of such capacity"; by striking all in lines 16 through 43;

By striking all on page 19;

On page 20, by striking all in lines 1 through 7;

On page 22, in line 24, by striking "9-2304, 9-2305,"; also in line 24, by striking the ninth comma and inserting "and"; in line 25, by striking "and 9-2325";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all after the semicolon; in line 3, by striking all before "fees"; also in line 3, by striking all after the second semicolon; in line 4, by striking all before "examinations"; also in line 4, by striking "insurance and capital requirements,"; in line 7, by striking "9-2304, 9-2305,"; in line 8, by striking the comma and inserting "and"; also in line 8, by striking "and 9-2325"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2496**, **HB 2527**, **HB 2537** be passed.

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 2694**, AN ACT concerning the financing of civil litigation; enacting the third-party litigation financing consumer protection act; requiring registration and regulation of litigation financiers by the secretary of state; disclosure of certain information; annual report by the secretary of state, by Committee on Judiciary.

**HB 2695**, AN ACT concerning the regulation of traffic; prohibiting smoking when persons under the legal age to purchase cigarettes or tobacco products are present; amending K.S.A. 2021 Supp. 8-2118 and repealing the existing section, by Committee on Health and Human Services.

On motion of Rep. Hawkins the House adjourned pro forma until 9:00 a.m. on Friday, February 11, 2022.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

