

Journal of the House

THIRTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 19, 2024, 11:00 a.m.

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committees as indicated:

Judiciary: **HB 2805**.

CHANGE OF REFERENCE

Speaker pro tem Carpenter announced the withdrawal of **HB 2793** from Committee on Health and Human Services and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2485**, **HB 2489**, **HB 2506**, **HB 2514**, **HB 2594**, **HB 2650**, **HB 2717**, **HB 2738** from Committee on Appropriations and re-referral to Committee on K-12 Education Budget.

Also, the withdrawal of **HB 2785** from Committee on Appropriations and re-referral to Committee on Commerce, Labor and Economic Development.

Also, the withdrawal of **HB 2780** from Committee on Appropriations and re-referral to Committee on Judiciary.

MESSAGES FROM THE SENATE

Announcing passage of **SB 142**, **SB 172**, **SB 347**, **SB 349**, **SB 379**, **SB 394**, **SB 419**.

Announcing passage of **SB 336**, **SB 360**, **SB 410**, **SB 414**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 142, **SB 172**, **SB 336**, **SB 347**, **SB 349**, **SB 360**, **SB 379**, **SB 394**, **SB 410**, **SB 414**, **SB 419**.

REPORTS OF STANDING COMMITTEES

Committee on **Child Welfare and Foster Care** recommends **HB 2628** be passed.

Committee on **Child Welfare and Foster Care** recommends **HB 2581** be amended on page 1, in line 33, after the stricken material by inserting "The petition may contain a request that the parent or parents be ordered to pay child support. The request for child support may be omitted with respect to a parent already ordered to pay child support for the child and shall be omitted with respect to one or both parents upon written request of the secretary."; in line 34, before "If" by inserting "(6)";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, after "payments" by inserting "for children in need of care"; in line 4, by striking "and the requirement that" and inserting "; allowing the secretary to request"; in line 5, by striking all before the first "in" and inserting "payments"; and the bill be passed as amended.

Committee on **Child Welfare and Foster Care** recommends **HB 2629** be amended on page 5, in line 26, by striking the second "and"; in line 29, after "grants" by inserting "; and

(10) the governor and legislature, if the information and records being disclosed are statistics or conclusions of the state review board and provided for the purpose of supplementing the state review board's annual report";

On page 1, in the title, in line 9, after "grants" by inserting "and public officials for supplemental information to the board's annual report"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2570** be amended by substituting with a new bill to be designated as "Substitute for HOUSE BILL NO. 2570," as follows:

"Substitute for HOUSE BILL NO. 2570

By Committee on Commerce, Labor and Economic Development

"AN ACT concerning employment security law; relating to the definition of benefit year, temporary unemployment, wages subject to assessment for employer contributions, 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 and to prepare an annual certification memorandum; changing the timing of employer benefit charge notices

from annually to quarterly; removing the exemption for benefit charges less than \$100; providing that school bus drivers employed by private contractors are eligible for workshare; allowing a one-time write off for negative account balance employers by the secretary of such employers negative reserve account balance as of August 21, 2025; extending the publication deadline for contribution rate tables prepared by the secretary; providing that the secretary suspend state unemployment benefits for claimants who are receiving federal unemployment benefits; amending K.S.A. 44-704, 44-705, 44-706, 44-709, 44-710, 44-710b, 44-717, 44-757, 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.";

And the substitute bill be passed.

(Sub Bill for HB 2570 was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2654** be amended on page 1, in line 17, after the period by inserting "The defendant shall be entitled to have credit applied for each day spent incarcerated."; in line 26, by striking all after "(A)"; by striking all in lines 27 through 29; in line 30, by striking all before the period and inserting "Any time awarded as credit in another case when consecutive sentences are imposed on a defendant; or

(B) any time spent incarcerated in another jurisdiction if no hold has been issued in such jurisdiction for the case being sentenced"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2618** be passed.

Committee on **Elections** recommends **HB 2616** be amended on page 1, in line 9, after "is" by inserting "a citizen of the United States and"; and the bill be passed as amended.

Committee on **Energy, Utilities and Telecommunications** recommends **HB 2589** be amended on page 1, in line 11, by striking "and" and inserting ", access."; also in line 11, after "operate" by inserting ", maintain or remove"; in line 18, after the comma by inserting "where on a utility pole the law enforcement equipment may be installed."; also in line 18, after "supply" by inserting "required and whether electric service is needed"; also in line 18, after "safe" by inserting "installation and"; in line 20, after "safety" by inserting "and security"; in line 21, after "operating" by inserting ", maintaining"; also in line 21, by striking the second "and"; in line 22, before "consistent" by inserting "provide the public utility the sole discretion to require that the law enforcement equipment be attached, accessed, operated, maintained or removed by the public utility or a contractor who the public utility determines is qualified to perform such work; and

(5)";

Also on page 1, in line 26, before "Pursuant" by inserting "A pole attachment agreement may contain other terms, conditions or provisions that are reasonable or necessary to facilitate the pole attachment agreement or to protect the public utility's systems and infrastructure.

(c)";

Also on page 1, in line 28, by striking "the attachment, maintenance or removal of" and inserting "attaching, accessing, operating, maintaining or removing"; in line 29, by striking all after "not"; in line 30, by striking all before the first "for" and inserting "charge a law enforcement agency"; in line 31, after the period by inserting "If the law enforcement equipment requires electricity to be supplied by the public utility, such

public utility may charge the law enforcement agency for the electric service. Nothing in this section shall prohibit a public utility from charging any other person or entity for the space required to attach other equipment on utility poles.

(d) Any law enforcement agency that enters into a pole attachment agreement with a public utility shall warrant and guarantee to the public utility that the attachment, access, operation, maintenance or removal of any and all law enforcement equipment complies with all applicable laws, rules and regulations and ordinances. A law enforcement agency shall be solely responsible for determining the need for any court order before attaching, accessing, operating, maintaining or removing any law enforcement equipment and for securing such court order when necessary or appropriate. A public utility that enters into a pole attachment agreement pursuant to this section shall not be liable for any failure of a law enforcement agency to secure a court order when necessary or appropriate for any activity conducted pursuant to the pole attachment agreement.";

Also on page 1, in line 32, by striking "(c)" and inserting "(e)";

On page 2, in line 2, by striking all after the period; by striking all in lines 3 and 4; in line 5, by striking "authorized by this section,"; also in line 5, after "indemnify" by inserting ", defend and hold harmless"; in line 6, by striking "any and all" and inserting "reasonable costs and expenses, including attorney fees, that are associated with any and all:

(1)";

Also on page 2, also in line 6, after "claims" by inserting "or court actions"; also in line 6, by striking "or"; in line 7, by striking all before the period and inserting "access, operation, maintenance or removal of law enforcement equipment or law enforcement activities conducted pursuant to such agreement, including, but not limited to, claims or court actions relating to crossing or remaining on private property to access the public right-of-way; and

(2) damages to utility systems or infrastructure caused by the law enforcement equipment or attachment, access, operation, maintenance or removal of such equipment, except that if any such damage to the utility's systems or infrastructure is determined to have been caused solely by the public utility, the law enforcement agency shall not be liable for such damages";

Also on page 2, in line 16, after the period by inserting "'Public right-of-way" does not include a public or private easement that has not been designated a public right-of-way.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Energy, Utilities and Telecommunications** recommends **HB 2690** be amended on page 2, in line 27, by striking "Kansas rural independent telephone companies" and inserting "communications coalition of Kansas";

On page 7, in line 23, after "treasurer" by inserting "in accordance with the provisions of K.S.A. 75-4215, and amendments thereto,";

On page 8, in line 17, after "treasurer" by inserting "in accordance with the provisions of K.S.A. 75-4215, and amendments thereto,";

On page 9, in line 6, after "treasurer" by inserting "in accordance with the provisions of K.S.A. 75-4215, and amendments thereto,";

On page 10, in line 41, by striking all after "administrator"; in line 42, by striking all

before the period and inserting "pursuant to K.S.A. 12-5367, and amendments thereto";

On page 13, in line 19, by striking "Kansas rural independent telephone companies" and inserting "communications coalition of Kansas";

On page 29, in line 32, after the period by inserting "The state 911 board may increase the minimum county distribution amount not more than once per calendar year by an amount that shall not exceed the minimum county distribution amount established for the preceding calendar year multiplied by the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor for the preceding calendar year. Prior to increasing the minimum county distribution amount, the state 911 board shall evaluate:

(A) Whether an increase is needed based on the expenditures of the counties that are subject to such minimum distribution; and

(B) the impact of any such proposed increase to the long term financial stability of all other distributions to PSAPs and counties made pursuant to this section.

(3)";

On page 30, by striking all in lines 13 through 45;

On page 31, by striking all in lines 1 through 23; following line 23, by inserting:

"Sec. 25. On and after January 1, 2026, K.S.A. 12-5374, as amended by section 24 of this act, is hereby amended to read as follows: 12-5374. (a) (1) Except for the amounts withheld by the LCPA pursuant to K.S.A. ~~12-5368(b)~~ 12-5368, and amendments thereto, and any amounts withheld pursuant to section 4, and amendments thereto, not later than 30 days after the receipt of 911 fees from providers pursuant to K.S.A. 12-5370, and amendments thereto, and prepaid wireless 911 fees from the department pursuant to K.S.A. 12-5372, and amendments thereto, the LCPA state 911 board shall distribute such moneys to the PSAPs or to counties that contract with other counties for the provision of 911 PSAP services pursuant to this section. The amount of money distributed to the PSAPs in each county, or to any county that contracts with another county for the provision of 911 PSAP services, shall be based upon the amount of 911 fees collected from service users located in that county, based on place of primary use information provided by the providers, by using the following distribution method:

| Population of county | Percentage of collected 911 fees to distribute |
|-----------------------|---|
| Over 80,000..... | 82% |
| 65,000 to 79,999..... | 85% |
| 55,000 to 64,999..... | 88% |
| 45,000 to 54,999..... | 91% |
| 35,000 to 44,999..... | 94% |
| 25,000 to 34,999..... | 97% |
| Less than 25,000..... | 100% |

(2) There shall be a minimum county distribution of \$70,000 and no county shall receive less than \$70,000 of direct distribution moneys. If there is more than one PSAP in a county then the direct distribution allocated to that county by population shall be

deducted from the minimum county distribution and the difference shall be proportionately divided between the PSAPs in the county. The state 911 board may increase the minimum county distribution amount not more than once per calendar year by an amount that shall not exceed the minimum county distribution amount established for the preceding calendar year multiplied by the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor for the preceding calendar year. Prior to increasing the minimum county distribution amount, the state 911 board shall evaluate:

(A) Whether an increase is needed based on the expenditures of the counties that are subject to such minimum distribution; and

(B) the impact of any such proposed increase to the long term financial stability of all other distributions to PSAPs and counties made pursuant to this section.

(3) ~~All moneys remaining after distribution, moneys withheld pursuant to K.S.A. 12-5368(b)(1), and amendments thereto, and any moneys that cannot be attributed to a specific PSAP or county shall be transferred to the 911 operations fund.~~ After each distribution that is made pursuant to this section, the state 911 board or LCPA shall certify to the director of accounts and reports the total amount of unencumbered moneys remaining in the state 911 fund and amount of moneys that could not be attributed to a specific PSAP or county. Upon receipt of such certification, the director of accounts and reports shall transfer such certified amount from the state 911 fund to the state 911 operations fund.

(b) ~~All fees remitted to the LCPA shall be deposited in the 911 state fund and for the purposes of this act be treated as if they are public funds, pursuant to article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto.~~

(c) ~~All moneys in the 911 state fund that have been collected from the prepaid wireless 911 fee shall be deposited in the 911 operations fund unless \$3 million of such moneys have been deposited in any given year then all remaining moneys shall be distributed to the counties in an amount proportional to each county's population as a percentage share of the population of the state. If there is more than one PSAP in a county, such moneys shall be distributed to each PSAP in an amount proportional to the PSAP's population as a percentage share of the population of the county. If there is no PSAP within a county, then such moneys shall be distributed to the county. Moneys distributed to counties and PSAPs pursuant to this section only shall be used for the uses authorized in K.S.A. 12-5375, and amendments thereto.~~

(d) ~~The state 911 board and the LCPA shall keep accurate accounts of all receipts and disbursements of moneys from the 911 fees.~~

(e)(c) ~~Records provided by any provider to the LCPA or to the state 911 board pursuant to this act shall be treated as proprietary records and shall be withheld from the public upon request of the provider submitting such records.";~~ and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2606** be passed.

Committee on **Judiciary** recommends **HB 2599** be amended on page 2, in line 11, after "(5)" by inserting "Except as provided in subsection (d)."; in line 12, by striking "within the executive branch of the state government" and inserting "not described in paragraph (3) or (4)"; in line 17, by striking "make records available" and inserting

"provide access to or furnish copies of public records"; in line 20, after "(B)" by inserting "No fee shall be charged if the total cost of the records request is \$100 or less.

(C)";

Also on page 2, also in line 20, by striking "a" and inserting "the initial"; also in line 20, by striking "the"; in line 21, by striking "requested" and inserting "any"; also in line 21, by striking the first "or" and inserting "that are responsive to the request."; also in line 21, before "for" by inserting:

"(D)";

Also on page 2, also in line 21, after "any" by inserting "reasonably necessary"; in line 22, after "records" by inserting ", such costs shall not exceed the lowest hourly rate of an employee qualified to provide the requested records or \$30 per hour, whichever is less"; in line 23, by striking "(C)" and inserting "(E)"; in line 28, after "(d)" by inserting "If the person making a request for records does not reside in the state of Kansas or is not registered with the secretary of state and authorized to do business in the state of Kansas, a public agency may charge a fee for access to or copies of public records that reflects the full cost to the agency for providing such records. The agency may request verification that the person resides in the state of Kansas or that the entity is registered with the secretary of state and authorized to do business in the state of Kansas.

(e)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 1, in the title, in line 4, after semicolon by inserting "authorizing agencies to charge the full cost of providing records to nonresidents"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2660** be amended on page 2, in line 9, by striking "Upon receiving" and inserting "If the covered entity receives"; in line 18, by striking "at the close of business";

On page 3, in line 31, after "report" by inserting a comma; in line 32, by striking "at the close of business";

On page 5, in line 9, by striking "at the close of business";

On page 6, in line 1, by striking "at the close of business";

On page 10, in line 7, by striking all after "corporation"; in line 8, by striking "business";

On page 11, in line 26, by striking all after "corporation";

On page 13, in line 6, by striking "at the close of business";

On page 16, in line 32, by striking "at the close of business";

On page 17, in line 27, by striking all after "company"; in line 28, by striking all before "on";

On page 20, in line 28, before "an" by inserting "an original copy executed by a governor, of";

On page 21, by striking all in lines 11 through 29;

On page 22, in line 25, by striking "at the close of business";

On page 24, in line 1, by striking all after "partnership"; in line 2, by striking all before "on";

On page 26, in line 14, by striking "at the close of business";

On page 27, in line 28, by striking "at the close of business";

On page 28, in line 38, by striking "56-1a151,";

And by renumbering sections accordingly;

On page 1, in the title, in line 8, by striking "and limited partnerships"; in line 11, by striking "56-1a151,"; and the bill be passed as amended.

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 2806, AN ACT concerning counties; relating to the public right-of-way; authorizing certain telecommunications and video service providers to operate in county public right-of-way; limiting the fees and costs that a county may impose upon such providers for such activities, by Committee on Federal and State Affairs.

HB 2807, AN ACT concerning conventions under article V of the constitution of the United States; prescribing the appointment and qualifications of delegates; duties and responsibilities thereof; providing penalties for violations, by Committee on Federal and State Affairs.

HB 2808, AN ACT concerning crimes, punishment and criminal procedure; creating the crimes of causing harm to a public transportation employee and aggravated causing harm to a public transportation employee, by Committee on Federal and State Affairs.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Carpenter announced the appointment of Rep. Hoheisel to replace Rep. Bloom on Committee on Transportation and Public Safety Budget February 19, 2024.

Also, the appointment of Rep. Droge to replace Rep. Wasinger on Committee on Higher Education Budget February 19, 2024.

Also, the appointment of Rep. Essex to replace Rep. Donohoe on Committee on Education on February 19, 2024.

Also, the appointment of Rep. Meyer to replace Rep. Schlingensiepen on Committee on Corrections February 19, 2024.

Also, the appointment of Rep. Martinez to replace Rep. Schlingensiepen on Committee on Agriculture and Natural Resources February 19, 2024

On motion of Rep. Croft, the House adjourned until 11:00 a.m., Tuesday, February 20, 2024.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

