

Journal of the House

FIFTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 25, 2024, 9:30 a.m.

The House met pursuant to adjournment with Speaker Hawkins in the chair.

The roll was called with 122 members present.

Rep. Houser was excused on verified illness.

Reps. Poetter Parshall and Stogsdill were excused on excused absence by the Speaker.

Prayer by Chaplain Holmes:

Dear Father, Last year at this time, few of us had any idea of the work we would need to undertake for the people of Kansas, but You did! You knew of each one who would sit in this chamber and deliberate and pass laws affecting thousands upon thousands of lives. What a gigantic and awesome task has been allocated to these legislators!

In the midst of our deliberations and decisions, keep us humble and mindful of our responsibilities. In the coming years, many may forget us, but they will most certainly remember the things we accomplished, which will be enshrined into the very fabric of our State. If given the opportunity to look back upon these days of decision making, might we be pleased with what has been accomplished.

As we work with our friends and colleagues today, remind us to be “quick to listen and slow to speak.” Help us to actually hear differing thoughts and opinions, and not just endure them. And, if it would please You, and the people we serve, might we at times be surprised at how insightful someone’s thoughts and opinions are outside of our own!

We are reminded of the Words of St. Paul when he said, “And let us not lose heart in doing good, for in due time we shall reap if we do not grow weary.” Help us to stay the course of becoming the people of truth, honesty and integrity in which You have directed us to pursue.

We pray for our military personnel, especially those deployed to difficult parts of our world. Bless their families with a sense of peace and assurance as they trust You for their loved one’s safety.

In Jesus Name I Pray. Amen.

The Pledge of Allegiance was led by Rep. Droge.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **SB 493**.

Health and Human Services: **SB 371**.

On motion of Rep. Croft, the House resolved into the Committee of the Whole, with Rep. Rahjes in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Rahjes, Committee of the Whole report, as follows, was adopted:

Recommended that **SB 345, SB 405, SB 381, SB 394** be passed.

Committee report to **SB 359** be adopted.

Also, on motion of Rep. Waymaster, **SB 359** be amended on page 1, in line 8, before "Section" by inserting "New";

On page 2, in line 36, before "Sec." by inserting "New";

On page 4, in line 9, before "Sec." by inserting "New";

On page 5, in line 33, before "Sec." by inserting "New";

On page 7, in line 8, before "Sec." by inserting "New";

On page 8, in line 26, before "Sec." by inserting "New";

On page 10, following line 7, by inserting:

"New Sec. 7. (a) On and after January 1, 2025, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one support the troops license plate for each such passenger vehicle or truck. Such license plate shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any applicant or renewal of registration for a support the troops license plate authorized by this section shall make payment of an annual support the troops fee to the county treasurer of \$25 for each license plate to be issued. Any support the troops fee payment received pursuant to this section shall be used to support the purposes of the Kansas department of the American Legion and the Kansas department of veterans of foreign wars.

(c) Any applicant for a license plate authorized by this section may make application for such license plate not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles. Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) The director of vehicles may transfer a support the troops license plate from a leased vehicle to a purchased vehicle.

(f) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in K.S.A. 8-143, and amendments thereto, and in the manner prescribed in K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed a form with the director as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) The support the troops license plate shall have a background design, an emblem or colors that designate the license plate as a support the troops license plate.

(h) As a condition of receiving the support the troops license plate and any subsequent registration renewal of such license plate, the applicant shall provide consent to the division authorizing the division's release of motor vehicle record information, including the applicant's name, address, support the troops fee payment amount, plate number and vehicle type to the Kansas department of the American Legion and the Kansas department of veterans of foreign wars.

(i) The collection and remittance of annual support the troops fee payments by the county treasurer shall be subject to the provisions of K.S.A. 8-1,141(h), and amendments thereto, except that payments from the support the troops license plate royalty fund shall be disbursed on a monthly basis with 50% of the moneys disbursed to the Kansas department of the American Legion and 50% of the moneys disbursed to the Kansas department of veterans of foreign wars.

Sec. 8. K.S.A. 2023 Supp. 8-1,141 is hereby amended to read as follows: 8-1,141. (a) (1) Except as provided in paragraph (2), any new distinctive license plate authorized for issuance on and after July 1, 1994, shall be subject to the personalized license plate fee prescribed by K.S.A. 8-132(d), and amendments thereto. This section shall not apply to any distinctive license plate authorized prior to July 1, 1994.

(2) On and after January 1, 2025, any distinctive license plate may be a personalized license plate subject to the provisions of K.S.A. 8-132, and amendments thereto. Any personalized distinctive license plate shall be subject to a fee that is double the amount prescribed by K.S.A. 8-132(d), and amendments thereto.

(b) The director of vehicles shall not issue any new distinctive license plate unless there is a guarantee of an initial issuance of at least 250 license plates.

(c) The provisions of this section shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-177d, 8-1,145, 8-1,163, 8-1,166, 8-1,185, 8-1,186, 8-1,187, 8-1,188, 8-1,194, 8-1,195, 8-1,196, 8-1,197, 8-1,198, 8-1,199, 8-1,204 or 8-1,205, and amendments thereto, except that such distinctive license plates may be personalized license plates pursuant to subsection (a)(2) if an applicant pays the personalized license plate fee prescribed by K.S.A. 8-132(d), and amendments thereto.

(d) The provisions of subsection (a) shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,146, 8-1,148, 8-1,153, 8-1,158 or 8-1,161, and amendments thereto, except that such distinctive license plates may be personalized license plates pursuant to subsection (a)(2) if an applicant pays the personalized license plate fee prescribed by K.S.A. 8-132(d), and amendments thereto.

(e) The provisions of subsection (f) shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,160, 8-1,183 and K.S.A. 2023 Supp. 8-1,211

and section 7, and amendments thereto, except that the division shall delay the manufacturing and issuance of such distinctive license plate until the division has received not fewer than 100 orders for such plate, including payment of the personalized license plate fee required under subsection (a). Upon certification by the director of vehicles to the director of accounts and reports that not less than 100 paid orders for such plate have been received, the director of accounts and reports shall transfer \$4,000 from the state highway fund to the distinctive license plate fund.

(f) (1) Any person or organization sponsoring any distinctive license plate authorized by the legislature shall submit to the division of vehicles a nonrefundable amount not to exceed \$5,000, to defray the division's cost for developing such distinctive license plate.

(2) All moneys received under this subsection shall be remitted by the secretary of revenue to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the distinctive license plate fund which is hereby created in the state treasury. All moneys credited to the distinctive license plate fund shall be used by the department of revenue only for the purpose associated with the development of distinctive license plates. All expenditures from the distinctive license plate application fee fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the department of revenue.

(g) The director of vehicles shall discontinue the issuance of any distinctive license plate if:

(1) Fewer than 250 plates, including annual renewals, are issued for that distinctive license plate by the end of the second year of sales; and

(2) fewer than 125 license plates, including annual renewals, are issued for that distinctive license plate during any subsequent two-year period.

(h) An application for any distinctive license plate issued and the corresponding royalty fee may be collected either by the county treasurer or the entity benefiting from the issuance of the distinctive license plate. Annual royalty payments collected by the county treasurers shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of a segregated royalty fund which shall be administered by the state treasurer. All expenditures from the royalty fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the royalty fund shall be made to the entity benefiting from the issuance of the distinctive license plate on a monthly basis.

(i) Notwithstanding any other provision of law, for any distinctive license plate, the division shall produce such distinctive license plate for a motorcycle upon request to the division by the organization sponsoring the distinctive license plate.

(j) In addition to any residency requirements for all distinctive license plates, any person not a resident of Kansas, serving as a member of the armed forces stationed in this state shall be eligible to apply for any distinctive license plate as if the individual was a resident of this state. Such person shall be eligible to renew the distinctive license plate registration as long as the person is still stationed in this state at the time the

registration is renewed.

Sec. 9. K.S.A. 2023 Supp. 8-1,141 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, by striking "and" and inserting a comma; also in line 5, after the second "plate" by inserting "and the support the troops license plate; amending K.S.A. 2023 Supp. 8-1,141 and repealing the existing section" and the bill be passed as amended.

Committee report to **SB 410** be adopted; and the bill be passed as amended.

Committee report to **SB 462** be adopted; and the bill be passed as amended.

Committee report to **SB 142** be adopted; and the bill be passed as amended.

Committee report to **HB 2510** be adopted; and the bill be passed as amended.

Committee report to **SB 406** be adopted; and the bill be passed as amended.

Committee report to **SB 455** be adopted; and the bill be passed as amended.

SB 384 be passed over and retain a place on the calendar.

Committee report to **SB 473** be adopted.

Also, on motion of Rep. Carmichael to amend **SB 473**, the motion did not prevail; and the bill be passed as amended.

Committee report to **SB 458** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **SB 291** be adopted.

Also, on motion of Rep. B. Carpenter, **Sub Bill for SB 291** be amended on page 5, by striking all in line 43;

On page 6, by striking all in lines 1 through 25; in line 36, after "(a)" by inserting "There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2026, the following:

Kansas information security office (336-00-1000).....\$15,000,000

(b)";

Also on page 6, following line 41, by inserting:

"(c) During fiscal year 2026, the director of the budget, in consultation with the executive branch chief information technology officer and executive branch chief information security officer, shall determine the amount of moneys from the state general fund and each special revenue fund that each executive branch agency has expended during fiscal years 2021 through 2025 for services performed by the Kansas information security office or other cybersecurity services for such state agency: *Provided*, That the director of the budget shall determine such five-year average of each state agency's expenditures from the state general fund and each special revenue fund: *Provided further*, That during fiscal year 2026, the director of the budget shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of legislative research: *And provided further*, That upon receipt of each such certification, the director of accounts and reports shall: (1) For the amounts from the state general fund, lapse such funds; and (2) for each special revenue fund, transfer the amount from the special revenue fund of the state agency to the information technology security fund established in K.S.A. 75-7239, and amendments thereto.";

And by renumbering sections accordingly

Also, on further motion of Rep. B. Carpenter, **Sub Bill for SB 291** be amended on page 2, in line 3, by striking "state"; by striking all in line 4; in line 5, by striking all before the period and inserting "judicial agencies and all employees of such agencies, including state and county-funded judicial branch district court employees"; in line 6, by striking all after "hardware"; in line 7, by striking "applications" and the substitute bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 318** be amended by substituting with a new bill to be designated as "House Substitute for SENATE BILL NO. 318," as follows:

"House Substitute for SENATE BILL NO. 318

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, punishment and criminal procedure; relating to presumptions; modifying the rules of evidence to provide rules for presumptions and inferences; replacing the rebuttable presumption of intent to distribute controlled substances with a permissive inference; amending K.S.A. 21-5705 and 60-416 and repealing the existing sections.";

And the substitute bill be passed.

(**Sub Bill for SB 318** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **SB 419** be amended as recommended by the House Committee on Corrections and Juvenile Justice as reported in the Journal of the House on March 14, 2024, and the bill be further amended by substituting with a new bill to be designated as "House Substitute for SENATE BILL NO. 419," as follows:

"House Substitute for SENATE BILL NO. 419

By Committee on Corrections and Juvenile Justice

"AN ACT concerning the secretary of corrections; relating to release of offenders; requiring the secretary to assist inmates with obtaining identification and employment-related documentation prior to release from custody.";

And the substitute bill be passed.

(**Sub Bill for SB 419** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **SB 420** be amended by substituting with a new bill to be designated as "House Substitute for SENATE BILL NO. 420," as follows:

"House Substitute for SENATE BILL NO. 420

By Committee on Corrections and Juvenile Justice

"AN ACT concerning children and minors; relating to juvenile offenders; limiting overall case length limit extensions to 90 days per extension; authorizing the secretary of corrections to allow juvenile offenders to leave a juvenile correctional facility for certain types of programming and educational activities; amending K.S.A. 75-7062 and K.S.A. 2023 Supp. 38-2391 and repealing the existing sections.";

And the substitute bill be passed.

(**Sub Bill for SB 420** was thereupon introduced and read by title.)

Committee on **Education** recommends **SB 438**, As Amended by Senate Committee, be passed.

Committee on **Education** recommends **HB 2839** be amended on page 1, in line 29, after "(b)" by inserting "Each provision of sections 1 through 7, and amendments thereto, that requires the expenditure of moneys shall be subject to legislative appropriations therefor.

(c)";

On page 3, in line 37, by striking "85%" and inserting "75% or more of third through eighth graders achieving level 3 or above and at least 90%"; also in line 37, by striking "Kansas fourth" and inserting "third through eighth"; also in line 37, after "achieving" by inserting "upper";

On page 4, in line 7, after "regents" by inserting "and the legislature"; in line 10, after "(d)" by inserting "The committee shall be subject to the open records act, K.S.A. 45-419 et seq., and amendments thereto, and the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto. The committee shall publish each meeting agenda and any available meeting documents online prior to each scheduled meeting of the committee.

(e)";

Also on page 4, in line 18, by striking "(e)" and inserting "(f)"; in line 43, by striking "postsecondary" and inserting "state";

On page 5, in line 2, before "establish" by inserting "encourage independent institutions referred to in section 1(c)(2)(C), and amendments thereto, to use such tier I methodologies;

(7)";

Also on page 5, in line 18, by striking "state board's"; also in line 18, after "progress" by inserting "of the state board of regents";

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

Also on page 5, in line 30, by striking "by each school district in the state" and inserting "in teacher preparation programs"; in line 35, by striking all after "available"; in line 36, by striking "districts"; also in line 36, after the period by inserting "Nothing in this paragraph shall be construed to include the English language arts statewide assessments.";

On page 6, in line 2, by striking all after "to"; in line 3, by striking all before the semicolon and inserting "the state board of education"; in line 5, by striking "postsecondary" and inserting "state"; by striking all in lines 6 and 7; in line 10, by striking all after "the"; in line 11, after "progress" by inserting "of the state board of regents"; in line 16, by striking "or certification"; also in line 16, after "for" by inserting "in-service"; in line 17, after "teachers" by inserting "or certification requirements for pre-service teachers at state educational institutions"; also in line 17, by striking all after "literacy"; by striking all in lines 18 and 19; in line 20, by striking "thereto"; in line 27, after "programs" by inserting "at state educational institutions"; in line 43, after "programs" by inserting "at state educational institutions";

On page 1, in the title, in line 4, by striking all after "system"; in line 5, by striking "districts"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 347**, As Amended by House Committee, be amended on page 1, in line 18, after "governor" by inserting "who shall serve four-year terms and each such member shall represent a different fish and wildlife administration region"; also in line 18, after the semicolon by inserting "and"; in line 19, after "(B)" by inserting "of the three remaining members:

(i)";

Also on page 1, in line 21, by striking "(C)" and inserting "(ii)"; in line 22, by striking "(D)" and inserting "(iii)"; also in line 22, after "general" by inserting ", and such member shall represent the remaining fifth fish and wildlife administration region not represented pursuant to subsection (a)(1)(A); and

(iv) the three members shall serve an initial term of two years and thereafter shall be appointed to a term of four years";

Also on page 1, in line 24, by striking "17" and inserting "15"; in line 27, by striking all after "commission"; by striking all in lines 28 through 32; in line 33, by striking all before the period; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2834** be amended on page 2, in line 29, by striking "employees" and inserting "employee";

On page 3, by striking all in lines 38 through 43;

By striking all on pages 4 and 5;

On page 6, by striking all in lines 1 through 10; following line 10, by inserting:

"New Sec. 7. (a) All powers, duties and functions of the staff of the division of the state employee health benefits plan of the department of administration established in K.S.A. 44-575 through 44-580, and 75-7405(c)(8), and amendments thereto, and any other statute involving the administration of the state workers compensation self-insurance fund are hereby transferred to and imposed upon the insurance department, under the direction of the commissioner of insurance.

(b) The balances of all funds or accounts thereof appropriated or reappropriated for the division of the state employee health benefits plan of the department of administration or any state agency, department, board, commission or council, relating to the powers, duties and functions involving the administration of the state workers compensation self-insurance fund are hereby transferred within the state treasury to the insurance department and shall be used only for the purpose for which the appropriation or reappropriation was originally made. Liability for all accrued compensation or salaries of officers and employees who are transferred to the insurance department pursuant to this section shall be assumed and paid by the insurance department.

(c) Except as provided in this section, the commissioner of insurance shall be the successor in every way to the powers, duties and functions of the secretary of administration that relate to the state workers compensation self-insurance fund, in which the same were vested prior to July 1, 2024.

(d) All orders and directives of the secretary of administration that relate to the state workers compensation self-insurance fund in existence immediately prior to July 1, 2024, shall continue to be effective and shall be deemed to be the orders or directives of the commissioner of insurance, until revised, amended, repealed or nullified pursuant to law.

(e) The commissioner of insurance shall succeed to all property, property rights, contracts and records that were used for or pertain to the performance of the powers, duties and functions transferred to the commissioner of insurance from the division of the state employee health benefits plan of the department of administration pursuant to this section. Any conflict as to the proper disposition of property, property rights,

contracts and records arising under this section shall be resolved by the commissioner of insurance, whose decision shall be final.

(f) All officers and employees of the division of the state employee health benefits plan of the department of administration who, immediately prior to July 1, 2024, are engaged in the exercise and performance of the powers, duties and functions involving the administration of the state workers compensation self-insurance fund and transferred by this section, as well as all officers and employees of the department of administration who are determined by the commissioner of insurance to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this section, are hereby transferred to the insurance department, under the direction of the commissioner of insurance. All classified officers and employees so transferred shall retain their status as classified employees.

(g) Officers and employees of the division of the state employee health benefits plan of the department of administration transferred by this section shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this section shall affect the classified status of any transferred person employed by the division of the state employee health benefits plan of the department of administration prior to the date of transfer.

Sec. 8. K.S.A. 44-512 is hereby amended to read as follows: 44-512. Workers compensation payments shall be made at the same time, place and in the same manner as the wages of the worker were payable at the time of the accident, but upon the application of either party the administrative law judge may modify such requirements in a particular case as the administrative law judge deems just, except that: (a) Payments from the workers compensation fund established by K.S.A. 44-566a, and amendments thereto, shall be made in the manner approved by the commissioner of insurance; (b) payments from the state workers compensation self-insurance fund established by K.S.A. 44-575, and amendments thereto, shall be made in a manner approved by the ~~secretary of health and environment~~ commissioner of insurance; and (c) whenever temporary total disability compensation is to be paid under the workers compensation act, payments shall be made only in cash, by check or in the same manner that the employee is normally compensated for salary or wages and not by any other means, except that any such compensation may be paid by warrant of the director of accounts and reports issued for payment of such compensation from the workers compensation fund or the state workers compensation self-insurance fund under the workers compensation act.

Sec. 9. K.S.A. 44-575 is hereby amended to read as follows: 44-575. (a) As used in K.S.A. 44-575 through 44-580, and amendments thereto, "state agency" means the state, or any department or agency of the state, but not including the Kansas turnpike authority, the university of Kansas hospital authority, any political subdivision of the state or the district court with regard to district court officers or employees whose total salary is payable by counties.

(b) For the purposes of providing for the payment of compensation for claims arising on and after July 1, 1974, and all other amounts required to be paid by any state agency as a self-insured employer under the workers compensation act and any amendments or additions thereto, there is hereby established the state workers compensation self-insurance fund in the state treasury. The name of the state workmen's compensation self-insurance fund is hereby changed to the state workers compensation self-insurance fund. Whenever the state workmen's compensation self-insurance fund is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the state workers compensation self-insurance fund.

(c) The state workers compensation self-insurance fund shall be liable to pay: (1) All compensation for claims arising on and after July 1, 1974, and all other amounts required to be paid by any state agency as a self-insured employer under the workers compensation act and any amendments or additions thereto; (2) the amount that all state agencies are liable to pay of the "carrier's share of expense" of the administration of the office of the director of workers' compensation as provided in K.S.A. 74-712 through 74-719, and amendments thereto, for each fiscal year; (3) all compensation for claims remaining from the self-insurance program which existed prior to July 1, 1974, for institutional employees of the commission of community services and programs of the Kansas department for aging and disability services; (4) the cost of administering the state workers compensation self-insurance fund including the defense of such fund and any costs assessed to such fund in any proceeding to which it is a party; and (5) the cost of establishing and operating the state workplace health and safety program under subsection (f). For the purposes of K.S.A. 44-575 through 44-580, and amendments thereto, all state agencies are hereby deemed to be a single employer whose liabilities specified in this section are hereby imposed solely upon the state workers compensation self-insurance fund and such employer is hereby declared to be a fully authorized and qualified self-insurer under K.S.A. 44-532, and amendments thereto, but such employer shall not be required to make any reports thereunder.

(d) ~~The secretary of health and environment~~ commissioner of insurance shall administer the state workers compensation self-insurance fund and all payments from such fund shall be upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the ~~secretary of health and environment~~ commissioner of insurance or a person or persons designated by the ~~secretary~~ commissioner. The director of accounts and reports may issue warrants pursuant to vouchers approved by the ~~secretary~~ commissioner of insurance for payments from the state workers compensation self-insurance fund notwithstanding the fact that claims for such payments were not submitted or processed for payment from money appropriated for the fiscal year in which the state workers compensation self-insurance fund first became liable to make such payments.

(e) ~~The secretary of health and environment~~ commissioner of insurance shall remit all moneys received by or for the ~~secretary~~ commissioner in the capacity as administrator of the state workers compensation self-insurance fund, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state workers compensation self-insurance fund.

(f) There is hereby established the state workplace health and safety program within the state workers compensation self-insurance program of the insurance department of health and environment. The ~~secretary of health and environment~~ commissioner of insurance shall implement and the division of industrial health and safety of the Kansas department of labor shall assist in administering the state workplace health and safety program for state agencies. The state workplace health and safety program shall include, but not be limited to:

- (1) Workplace health and safety hazard surveys in all state agencies, including onsite interviews with employees;
- (2) workplace health and safety hazard prevention services, including inspection and consultation services;
- (3) procedures for identifying and controlling workplace hazards;
- (4) development and dissemination of health and safety informational materials, plans, rules and work procedures; and
- (5) training for supervisors and employees in healthful and safe work practices.

Sec. 10. K.S.A. 44-577 is hereby amended to read as follows: 44-577. (a) All claims for compensation under the workers compensation act against any state agency for claims arising on and after July 1, 1974, and claims for compensation remaining from the self-insurance program which existed prior to July 1, 1974, for institutional employees of the commission of community services and programs of the Kansas department for aging and disability services shall be made against the state workers compensation self-insurance fund. Such claims shall be served upon the ~~secretary of health and environment~~ commissioner of insurance in the ~~secretary's~~ commissioner's capacity as administrator of the state workers compensation self-insurance fund in the manner provided for claims against other employers under the workers compensation act. The chief attorney for the insurance department of health and environment, or another attorney of the insurance department of health and environment designated by the chief attorney, shall represent and defend the state workers compensation self-insurance fund in all proceedings under the workers compensation act.

(b) The ~~secretary of health and environment~~ commissioner of insurance shall investigate, or cause to be investigated, each claim for compensation against the state workers compensation self-insurance fund. For the purposes of such investigations, the ~~secretary of health and environment~~ commissioner of insurance is authorized to obtain expert medical advice regarding the injuries, occupational diseases and disabilities involved in such claims. If, based upon such investigation and any other available information, the ~~secretary of health and environment~~ commissioner of insurance finds that there is no material dispute as to any issue involved in the claim, that the claim is valid and that the claim should be settled by agreement, the ~~secretary of health and environment~~ commissioner of insurance may proceed to enter into such an agreement with the claimant, for the state workers compensation self-insurance fund. Any such agreement may provide for lump-sum settlements subject to approval by the director and all such agreements shall be filed in the office of the director for approval as provided in K.S.A. 44-527, and amendments thereto. All other claims for compensation against such fund shall be paid in accordance with the workers compensation act pursuant to final awards or orders of an administrative law judge or the board or pursuant to orders and findings of the director under the workers compensation act.

(c) For purposes of the workers compensation act, a volunteer member of a

regional emergency medical response team as provided in K.S.A. 48-928, and amendments thereto, shall be considered a person in the service of the state in connection with authorized training and upon activation for emergency response, except when such duties arise in the course of employment or as a volunteer for an employer other than the state.

Sec. 11. K.S.A. 44-578 is hereby amended to read as follows: 44-578. The ~~secretary of health and environment~~ commissioner of insurance may adopt rules and regulations necessary for the administration of the state workers compensation self-insurance fund, including the processing and settling of claims for compensation made against such fund.";

On page 7, in line 23, after the first "K.S.A." by inserting "44-512, 44-575, 44-577, 44-578,"; in line 25, after "75-37,169" by inserting ", 75-37,170, 75-37,171";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "state health care benefits program" and inserting "commissioner of insurance; relating to the division of the state employee health benefits plan"; in line 2, by striking "such"; in line 3, by striking "program" and inserting "the state health care benefits program and the state workers compensation self-insurance fund"; in line 9, after "K.S.A." by inserting "44-512, 44-575, 44-577, 44-578 and"; in line 10, by striking "75-37,169 and"; in line 13, by striking "and" and inserting a comma; also in line 13, after "75-37,168" by inserting ", 75-37,169, 75-37,170 and 75-37,171"; and the bill be passed as amended.

Committee on **Higher Education Budget** recommends **HB 2464** be amended on page 2, by striking all in lines 3 through 9; in line 10, by striking all before the stricken material; in line 12, before the period by inserting "postsecondary education with its main campus or principal place of operation in Kansas, is operated independently and not controlled or administered by any state agency or subdivision of the state, maintains open enrollment and is accredited by a nationally recognized accrediting agency for higher education in the United States"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 190** be amended by substituting with a new bill to be designated as "House Substitute for SENATE BILL NO. 190," as follows:

"House Substitute for SENATE BILL NO. 190

By Committee on Judiciary

"AN ACT concerning civil actions; relating to compensation for certain persons convicted and subsequently imprisoned for one or more crimes that such person did not commit; amending K.S.A. 2023 Supp. 60-5004 and repealing the existing section.";

And the substitute bill be passed.

(**Sub Bill for SB 190** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **Substitute for SB 232** be amended by substituting with a new bill to be designated as "House Substitute for Substitute for SENATE BILL NO. 232," as follows:

"House Substitute for Substitute for SENATE BILL NO. 232

By Committee on Judiciary

"AN ACT concerning children and minors; relating to children in need of care; directing the secretary for children and families to consider foster parents as prospective adoptive parents under certain circumstances; requiring the secretary to report on certain data on adoptions; providing for retroactivity; making orders granting custody

for adoption subject to the federal Indian child welfare act; amending K.S.A. 38-2270 and K.S.A. 2023 Supp. 38-2203 and repealing the existing sections; also repealing K.S.A. 2023 Supp. 38-2203a.";

And the substitute bill be passed.

(Sub Bill for SB 232 was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 265**, As Amended by Senate Committee of the Whole, be amended on page 1, by striking all in lines 10 through 36;

On page 2, by striking all in lines 1 through 12; in line 13, by striking "Sec. 2." and inserting "Section 1. "; also in line 13, by striking "2022 Supp."; in line 21, after "K.S.A." by inserting "23-2707,"; in line 22, by striking all after the second comma; in line 23, by striking all before "or";

On page 3, following line 13, by inserting:

"Sec. 2. K.S.A. 28-110 is hereby amended to read as follows: 28-110. (a) Except as otherwise provided in this section:

~~(1) On and after July 1, 2012 through June 30, 2013, the sheriff of each Kansas county shall charge a fee of \$10 for serving, executing and returning any process.~~

(2) On and after July 1, 2013, the sheriff of each Kansas county shall charge a fee of \$15 for serving, executing and returning any process, except that no fee shall be charged for serving, executing and returning any process for a proceeding pursuant to the protection from abuse act as described in K.S.A. 60-3104, and amendments thereto, or the protection from stalking, sexual assault or human trafficking act as described in K.S.A. 60-31a04, and amendments thereto.

(b) Subject to subsection (e), the fee described in subsection (a) shall be charged for serving, executing and returning process, as well as for any unsuccessful attempts to serve, execute or return process.

(c) If more than one process for the same person in the same case is issued and is in the hands of a sheriff at one time, the sheriff shall charge a single fee for serving, executing and returning the processes.

(d) If more than one process for different persons at the same address in the same case is issued and is in the hands of a sheriff at one time, the sheriff shall charge a single fee for serving, executing and returning the processes.

(e) Where return is not made or timely return is not made pursuant to K.S.A. 60-312 or 61-3005, and amendments thereto, no fee shall be charged for subsequent processes that may be required to effect service and the timely return of the failed service. However, if service is attempted and return is made showing no service because the person to be served cannot be served at that address or there is no such address, the fee in subsection (a) shall be charged for an alias summons at the same address.

(f) Except as provided by K.S.A. 19-269, and amendments thereto, a sheriff shall be reimbursed for the necessary transportation and board expenses incurred while serving under requisition made by the governor.

(g) All fees charged by a sheriff pursuant to this section for the same case may be paid in one combined payment, in a form designated by the sheriff, such as a check or money order.

(h) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, are hereby exempt, in any civil action in which such state or municipality is involved, from paying service of process fees prescribed by this section.

(i) As used in this section, "process" means any summons, pleading, writ, order or notice issued by a court clerk or court.;

Also on page 3, in line 14, by striking "2022 Supp."; also in line 14, by striking "is" and inserting "and 28-110 are";

On page 1, in the title, in line 1, after "concerning" by inserting "protection orders; relating to"; by striking all in lines 2 through 4; in line 5, by striking all before "violation"; in line 6, after the semicolon by inserting "prohibiting a sheriff from charging a fee for service of process for proceedings under the protection from abuse act and the protection from stalking, sexual assault or human trafficking act"; also in line 6, by striking all after "K.S.A."; in line 7, after "21-5924" by inserting "and 28-110"; also in line 7, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 500**, As Amended by Senate Committee, be amended on page 6, in line 16, by striking all after the stricken material; by striking all in lines 17 through 38; in line 39, by striking "classes" and inserting "A person who is assessed a fine or court costs for a traffic citation may petition the court that assessed the fine or costs at any time to waive payment of the fine or costs, or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment";

Also on page 6, in line 42, by striking all after the stricken material; by striking all in line 43;

On page 7, by striking all in lines 1 through 4; in line 5, by striking all before the period and inserting "The clerk of the district court and the clerk of the municipal court shall make forms available to any person seeking to petition the court to waive or reduce traffic fines, court costs or reinstatement fees"; in line 13, by striking all after "(g)"; by striking all in lines 14 through 36; in line 37, by striking "(i)"; in line 43, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 6, by striking all after the semicolon; in line 7, by striking all before "amending"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2828** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Taxation** recommends **HB 2219** be amended on page 1, in line 6, by striking "2022" and inserting "2023";

On page 2, in line 19, by striking "2023" and inserting "2024"; in line 31, by striking "2023" and inserting "2024";

On page 3, in line 10, by striking "2022" and inserting "2023";

On page 1, in the title, in line 2, by striking "2022" and inserting "2023"; and the bill be passed as amended.

Committee on **Taxation** recommends **SB 300** be amended by substituting with a new bill to be designated as "House Substitute for SENATE BILL NO. 300," as follows:

"House Substitute for SENATE BILL NO. 300

By Committee on Taxation

"AN ACT concerning taxation; relating to income tax; modifying tax rates for individuals; increasing the income limit to qualify for a subtraction modification for

social security income; increasing the Kansas standard deduction and Kansas personal exemption and further increasing the same by a cost-of-living adjustment; relating to privilege tax; decreasing the normal tax rate; relating to property tax; increasing the extent of exemption for residential property from the statewide school levy; decreasing the rate of ad valorem tax imposed by a school district; abolishing the local ad valorem tax reduction fund and the county and city revenue sharing fund and providing for certain transfers to the special city and county highway fund; amending K.S.A. 65-163j, 65-3306, 65-3327, 75-2556, 79-1107, 79-1108 and 79-1479 and K.S.A. 2023 Supp. 72-5142, 74-8768, 79-201x, 79-2988, 79-32,110, 79-32,117, 79-32,119, 79-32,121 and 79-3425i and repealing the existing sections; also repealing K.S.A. 19-2694, 79-2960, 79-2961, 79-2962, 79-2965, 79-2966 and 79-2967 and K.S.A. 2023 Supp. 79-2959 and 79-2964.";

And the substitute bill be passed.

(**Sub Bill for SB 300** was thereupon introduced and read by title.)

Committee on **Veterans and Military** recommends **HB 2833**, as recommended by the House Committee on Veterans and Military to be passed as reported in the Journal of the House on March 14, 2024, be amended on page 1, in line 17, by striking all after "under"; in line 18, by striking "dishonorable" and inserting "honorable conditions";

On page 3, in line 23, by striking all after "under"; in line 24, by striking "dishonorable" and inserting "honorable conditions";

On page 6, in line 22, by striking all after "under"; in line 23, by striking "dishonorable" and inserting "honorable conditions";

On page 8, in line 5, by striking "conditions other than dishonorable" and inserting "honorable conditions";

On page 9, in line 7, by striking "conditions"; in line 8, by striking all before the period and inserting "honorable conditions";

On page 10, in line 29, by striking all after "under"; in line 30, by striking "dishonorable" and inserting "honorable conditions";

On page 11, in line 7, by striking all after "under"; in line 8, by striking "dishonorable" and inserting "honorable conditions"; in line 15, by striking "conditions other than dishonorable" and inserting "honorable conditions";

On page 12, in line 11, by striking all after "under"; in line 12, by striking "dishonorable" and inserting "honorable conditions";

On page 14, in line 11, by striking all after "under"; in line 12, by striking "dishonorable" and inserting "honorable conditions";

On page 15, in line 11, by striking all after "under"; in line 12, by striking "dishonorable" and inserting "honorable conditions";

On page 19, in line 6, by striking all after "under"; in line 7, by striking "dishonorable" and inserting "honorable conditions";

On page 23, in line 24, by striking all after "under"; in line 25, by striking "dishonorable" and inserting "honorable conditions"; 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 bill was introduced and read by title:

HB 2845, AN ACT concerning income taxation; allowing an itemized deduction for certain unreimbursed employee business expenses; amending K.S.A. 2023 Supp. 79-32,120 and repealing the existing section, by Committee on Taxation.

On motion of Rep. Croft, the House recessed until 2:15 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker Hawkins in the chair.

On motion of Rep. Croft, the House resolved into the Committee of the Whole, with Rep. Blew in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Blew, Committee of the Whole report, as follows, was adopted:

Recommended that **SB 331**, **SB 434**, **SB 433** be passed.

On motion of Rep. Owens, **SB 384** be amended on page 1, by striking all in lines 10 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 19; following line 35, by inserting:

"(c) The board shall not require any vehicle providing emergency medical service in any city with a population of less than 50,000 or any county with a population of less than 50,000, to operate with any additional personnel other than the minimum personnel required under subsection (b).";

Also on page 4, in line 36, by striking "65-6111 and"; also in line 36, by striking "are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking all after the stricken material; in line 5, by striking all before the semicolon and inserting "permitting an ambulance to operate with one emergency medical service provider in rural cities and counties"; in line 6, by striking "65-6111 and"; in line 7, by striking "sections" and inserting "section" and the bill be passed as amended.

Committee report to **SB 423** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **SB 287** be adopted.

Also, on motion of Rep. Bryce, **Sub Bill for SB 287** be amended on page 1, in line 34, after "(2)" by inserting "Notwithstanding the provisions of K.S.A. 72-6316, and amendments thereto,"

and the substitute bill be passed as amended.

Committee report to **SB 292** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **SB 143** be adopted; and **H Sub for SB 143** be passed.

Committee report to **SB 333** be adopted; and the bill be passed as amended.

Committee report to **SB 467** be adopted; and the bill be passed as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Smith, A., the House nonconcurrred in Senate amendments to **S Sub Bill for HB 2036** and asked for a conference.

Speaker Hawkins thereupon appointed Reps. Smith, A., Bergkamp and Sawyer as conferees on the part of the House.

On motion of Rep. Smith, A., the House nonconcurrred in Senate amendments to **HB 2176** and asked for a conference.

Speaker Hawkins thereupon appointed Reps. Smith, A., Bergkamp and Sawyer as conferees on the part of the House.

On motion of Rep. Smith, A., the House nonconcurrred in Senate amendments to **HB 2465** and asked for a conference.

Speaker Hawkins thereupon appointed Reps. Smith, A., Bergkamp and Sawyer as conferees on the part of the House.

On motion of Rep. Francis, the House nonconcurrred in Senate amendments to **HB 2498** and asked for a conference.

Speaker Hawkins thereupon appointed Reps. Francis, Neelly and Ballard as conferees on the part of the House.

On motion of Rep. Francis, the House nonconcurrred in Senate amendments to **HB 2481** and asked for a conference.

Speaker Hawkins thereupon appointed Reps. Francis, Neelly and Ballard as conferees on the part of the House.

On motion of Rep. Hoheisel, the House nonconcurrred in Senate amendments to **HB 2562** and asked for a conference.

Speaker Hawkins thereupon appointed Reps. Hoheisel, Clifford and Xu as conferees on the part of the House.

On motion of Rep. Sutton, the House nonconcurrred in Senate amendments to **HB 2531** and asked for a conference.

Speaker Hawkins thereupon appointed Reps. Sutton, Penn and Neighbor as conferees on the part of the House.

On motion of Rep. Sutton, the House nonconcurrred in Senate amendments to **HB 2530** and asked for a conference.

Speaker Hawkins thereupon appointed Reps. Sutton, Penn and Neighbor as conferees on the part of the House.

On motion of Rep. Sutton, the House nonconcurrred in Senate amendments to **HB 2532** and asked for a conference.

Speaker Hawkins thereupon appointed Reps. Sutton, Penn and Neighbor as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Child Welfare and Foster Care** recommends **HB 2189** be amended by substituting with a new bill to be designated as "Substitute for HOUSE BILL NO. 2189," as follows:

"Substitute for HOUSE BILL NO. 2189

By Committee on Child Welfare and Foster Care

"AN ACT concerning children and minors; relating to children in the custody of the secretary for children and families; providing for an extension or reentry of custody for persons up to 21 years of age; allowing the secretary to provide reentry services to certain young adults; setting an expiration date for the programs thereof; amending K.S.A. 2023 Supp. 38-2202 and 38-2203 and repealing the existing sections; also repealing K.S.A. 2023 Supp. 38-2202a and 38-2203a.";

And the substitute bill be passed.

(**Sub Bill for HB 2189** was thereupon introduced and read by title.)

Committee on **Commerce, Labor and Economic Development** recommends **SB 96** be amended by substituting with a new bill to be designated as

"House Substitute for House Substitute for SENATE BILL NO. 96," as follows:

"House Substitute for House Substitute for SENATE BILL NO. 96

By Committee on Commerce, Labor and Economic Development

"AN ACT concerning child care; relating to licensure of child care facilities, day care homes and child care centers; establishing license capacity and staff-to-child ratios; reducing license fees and training requirements; creating a process for day care facility licensees to apply for a temporary waiver of certain statutory requirements; authorizing the secretary of health and environment to develop and operate pilot programs to increase child care facility availability and capacity; placing the children's cabinet in the department of commerce; establishing the Kansas office of early childhood; transferring administration of day care licensing, parent education program and child care subsidy to the Kansas office of early childhood; defining youth out-of-school time programs; applying certain fire codes for day care facilities; increasing the tax credit amount for household and dependent care expenses; amending K.S.A. 38-1901, 38-2103, 65-503, 65-503, as amended by section 51 of this act, 65-504, 65-505, 65-508, 65-508, as amended by section 55 of this act, 65-512, 65-527, 65-531, 72-4162, 72-4163, 72-4164, 72-4166 and 79-32,111c and K.S.A. 2023 Supp. 48-3406 and 65-516 and repealing the existing sections.";

And the substitute bill be passed.

(**H Sub for H Sub Bill for SB 96** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **SB 414** be amended as recommended by the House Committee on Corrections and Juvenile Justice as reported in the Journal of the House on March 14, 2024, and the bill, as printed As Amended by House Committee, be further amended on page 1, following line 8, by inserting:

"New Section 1. (a) Encouraging suicide is knowingly encouraging another person to commit or attempt to commit suicide when the person knows that such other person has communicated a desire to commit suicide and such encouragement:

(1) Is made proximate in time to the other person committing or attempting to commit suicide; and

(2) substantially influences the other person's decision or methods used to commit or attempt to commit suicide.

(b) Encouraging suicide is a:

(1) Severity level 5, person felony if the other person attempts to commit suicide; and

(2) severity level 4, person felony if the other person commits suicide.

(c) As used in this section:

(1) "Attempt to commit suicide" means any physical action done by a person with the intent to commit suicide; and

(2) "encouraging a person to commit or attempt to commit suicide" means oral, written or visual communication that is persuasive or intended to be persuasive and that gives advice to commit suicide, attempt to commit suicide or develop a plan to commit suicide.

(d) This section shall be a part of and supplemental to the Kansas criminal code.

(e) This section shall take effect on and after July 1, 2024.

Sec. 2. On and after July 1, 2024, K.S.A. 21-5601 is hereby amended to read as follows: 21-5601. (a) Endangering a child is knowingly and unreasonably causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health may be endangered.

(b) Aggravated endangering a child is:

(1) Recklessly causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health is endangered;

(2) causing or permitting such child to be in an environment where the person knows or reasonably should know that any person is distributing, possessing with intent to distribute, manufacturing or attempting to manufacture any methamphetamine, ~~or analog thereof, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto or any fentanyl-related controlled substance;~~ or

(3) causing or permitting such child to be in an environment where the person knows or reasonably should know that:

(A) Drug paraphernalia or volatile, toxic or flammable chemicals are stored or used for the purpose of manufacturing or attempting to manufacture any methamphetamine; or analog thereof, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto; or

(B) drug paraphernalia or toxic materials, compounds or mixtures are stored or used for the purpose of manufacturing or attempting to manufacture any fentanyl-related controlled substance.

(c) (1) Endangering a child is a class A person misdemeanor.

(2) Aggravated endangering a child is a:

(A) Severity level 9, person felony except as provided in subsection (c)(2)(B); and

(B) severity level 6, person felony when bodily harm is inflicted upon the child.

(3) The sentence for a violation of aggravated endangering a child shall be served

consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(d) Nothing in subsection (a) shall be construed to mean a child is endangered for the sole reason the child's parent or guardian, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

(e) As used in this section:

(1) "~~Drug paraphernalia,~~" "fentanyl-related controlled substance" and "manufacture" ~~means mean~~ the same as defined in K.S.A. 21-5701, and amendments thereto; and

(2) "~~drug paraphernaliamethamphetamine~~" ~~means the same as any substance designated~~ in K.S.A. ~~21-5701~~ 65-4107(d)(3) or (f)(1), and amendments thereto, or any analog thereof.";

Also on page 1, in line 9, before "K.S.A." by inserting "On and after July 1, 2024,";

On page 4, following line 35, by inserting:

"Sec. 4. On and after July 1, 2024, K.S.A. 21-6101 is hereby amended to read as follows: 21-6101. (a) Breach of privacy is knowingly and without lawful authority:

(1) Intercepting, without the consent of the sender or receiver, a message by telephone, telegraph, letter or other means of private communication;

(2) divulging, without the consent of the sender or receiver, the existence or contents of such message if such person knows that the message was illegally intercepted, or if such person illegally learned of the message in the course of employment with an agency in transmitting ~~it~~ such message;

(3) entering with intent to listen surreptitiously to private conversations in a private place or to observe the personal conduct of any other person or persons entitled to privacy therein;

(4) installing or using outside or inside a private place any device for hearing, recording, amplifying or broadcasting sounds originating in such place, which sounds would not ordinarily be audible or comprehensible without the use of such device, without the consent of the person or persons entitled to privacy therein;

(5) installing or using any device or equipment for the interception of any telephone, telegraph or other wire or wireless communication without the consent of the person in possession or control of the facilities for such communication;

(6) installing or using a ~~concealed~~ camcorder, motion picture camera or photographic camera of any type to ~~secretly~~ videotape, film, photograph or record, by electronic or other means, another identifiable person under or through the clothing being worn by that other person or another identifiable person who is nude or in a state of undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to invade the privacy of that other person, under circumstances in which that other person has a reasonable expectation of privacy;

(7) disseminating or permitting the dissemination of any videotape, photograph, film or image obtained in violation of subsection (a)(6); or

(8) disseminating any videotape, photograph, film or image of another identifiable person 18 years of age or older who is nude or engaged in sexual activity and under circumstances in which such identifiable person had a reasonable expectation of

privacy, with the intent to harass, threaten or intimidate such identifiable person, and such identifiable person did not consent to such dissemination.

(b) Breach of privacy as defined in:

(1) Subsection (a)(1) through (a)(5) is a class A nonperson misdemeanor;

(2) subsection (a)(6) or (a)(8) is a:

(A) Severity level 8, person felony, except as provided in subsection (b)(2)(B); and

(B) severity level 5, person felony upon a second or subsequent conviction within the previous five years; and

(3) subsection (a)(7) is a severity level 5, person felony.

(c) Subsection (a)(1) shall not apply to messages overheard through a regularly installed instrument on a telephone party line or on an extension.

(d) The provisions of this section shall not apply to:

(1) An operator of a switchboard, or any officer, employee or agent of any public utility providing telephone communications service, whose facilities are used in the transmission of a communication, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity which is incident to the rendition of public utility service or to the protection of the rights of property of such public utility;

(2) a provider of an interactive computer service, as defined in 47 U.S.C. § 230, for content provided by another person;

(3) a radio common carrier, as defined in K.S.A. 66-1,143, and amendments thereto; and

(4) a local exchange carrier or telecommunications carrier as defined in K.S.A. 66-1,187, and amendments thereto.

(e) The provisions of subsection (a)(8) shall not apply to a person acting with a bona fide and lawful scientific, educational, governmental, news or other similar public purpose.

(f) As used in this section, "private place" means a place where one may reasonably expect to be safe from uninvited intrusion or surveillance.

Sec. 5. K.S.A. 21-6615 is hereby amended to read as follows: 21-6615. (a) (1) In any criminal action in which the defendant is convicted, the judge, if the judge sentences the defendant to confinement, shall direct that for the purpose of computing the defendant's sentence and parole eligibility and conditional release dates thereunder, that such sentence is to be computed from a date, to be specifically designated by the court in the sentencing order of the journal entry of judgment. Such date shall be established to reflect and shall be computed as an allowance for the time which that the defendant has spent incarcerated pending the disposition of the defendant's case. The defendant shall be entitled to have credit applied for each day spent incarcerated. In recording the commencing date of such sentence the date as specifically set forth by the court shall be used as the date of sentence and all good time allowances as are authorized by the secretary of corrections are to be allowed on such sentence from such date as though the defendant were actually incarcerated in any of the institutions of the state correctional system.

(2) When computing the defendant's sentence, the following shall not be considered time spent incarcerated pending disposition of the defendant's case:

(A) 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.

(b) In any criminal action in which probation, ~~or assignment to a conservation camp or assignment~~ to community corrections is revoked and the defendant is sentenced to confinement, for the purpose of computing the defendant's sentence and parole eligibility and conditional release date, the defendant's sentence is to be computed from a date, hereafter to be specifically designated in the sentencing order of the journal entry of judgment. Such date shall be established to reflect and shall be computed as an allowance for the time ~~which that~~ the defendant has spent in a residential facility while on probation, ~~or assignment to a conservation camp or assignment~~ to community correctional residential services program. The commencing date of such sentence shall be used as the date of sentence and all good time allowances as are authorized by law are to be allowed on such sentence from such date as though the defendant were actually incarcerated in a correctional institution.

(c) Such credit is not to be considered to reduce the minimum or maximum terms of confinement authorized by law for the offense of which the defendant has been convicted.";

Also on page 4, in line 36, before "K.S.A." by inserting "On and after July 1, 2024,";

On page 8, following line 26, by inserting:

"Sec. 7. K.S.A. 21-6615 is hereby repealed.";

Also on page 8, in line 27, before "K.S.A." by inserting "On and after July 1, 2024,"; also in line 27, after "K.S.A." by inserting "21-5601,"; also in line 27, after "21-5705" by inserting ", 21-6101"; in line 29, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to crimes against persons; creating the crime of encouraging suicide and providing criminal penalties therefor; relating to aggravated endangering a child; increasing the criminal penalties in certain environments associated with fentanyl-related controlled substances or when bodily harm to the child results,"; in line 5, after the semicolon by inserting "relating to crimes involving violations of personal rights; eliminating the element of concealment from the crime of breach of privacy related to installing or using a device to photograph or record another identifiable person under or through the clothing being worn by that other person or another identifiable person who is nude or in a state of undress; relating to sentencing; calculation of confinement; excluding certain types of incarceration time from the allowance of time against a person's criminal sentence,"; in line 6, after "K.S.A." by inserting "21-5601,"; also in line 6, after "21-5705" by inserting ", 21-6101, 21-6615"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2300, SB 379** be passed.

Committee on **Judiciary** recommends **SB 349** be amended by substituting with a new bill to be designated as "House Substitute for SENATE BILL NO. 349," as follows:

"House Substitute for SENATE BILL NO. 349

By Committee on Judiciary

"AN ACT concerning the open records act; relating to public records; continuing certain exceptions to the disclosure thereof; amending K.S.A. 41-511 and K.S.A. 2023 Supp. 45-229, 50-6, 109a and 74-50, 227 and repealing the existing sections.";

And the substitute bill be passed.

(**Sub Bill for SB 349** was thereupon introduced and read by title.)

REPORT ON ENGROSSED BILLS

HB 2731 reported correctly engrossed March 23, 2024.

On motion of Rep. Croft, the House adjourned until 9:30 a.m., Tuesday, March 26, 2024.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

