

Journal of the Senate

FIFTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 25, 2024, 10:00 a.m.

The Senate was called to order by Vice President Rick Wilborn.
The roll was called with 40 senators present.
The Vice President introduced L. D. Holmes to deliver the invocation:

Dear Father, we would ask You to come and sit beside us today as we discuss the business of our State. Your Word directs our minds and spirits to "Acquire Wisdom! Acquire understanding! Do not forsake her and she will guard you. Love her and she will watch over you."

Help us to turn off any negative thoughts or ideas which are not filtered through Your wisdom. You are the One who can help us to get understanding about what we hear and believe to know. If today You would want to impart new truth and understanding into our minds and spirits, we will do our best to listen and even possibly embrace.

We pray for Your protection and insight as we seek to find truth in the midst of often confusing and opposing ideas. Help us to see the big picture and not get caught up in the minutia of the moment.

We pray for the less fortunate, who are needing to be seen and acknowledged. They often live in a chaos they understand, yet do not see a pathway forward. Lighten their way I pray.

Bless our families who add so much purpose and value to our lives. We pray for our Nation and its leaders. Might wisdom and understanding walk with them as they make decisions which influences our very life. I pray these things in Jesus' Name.

The Pledge of Allegiance was led by Vice President Wilborn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION No. SCR 1621—

By Committee on Assessment and Taxation

A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas; relating to property taxation; authorizing the legislature to limit property tax increases or provide property tax exemptions for residential property owned by and the principal place of residence of lawful permanent residents of Kansas who are 62 years of age or older or disabled.

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

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

"§ 1. **System of taxation; classification; exemption.** (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, 2013, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles and watercraft, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain.

The legislature may provide by law to limit tax increases on residential property that is owned by and the principal place of residence of a lawful permanent resident of Kansas who is 62 years of age or older or disabled while such property remains owned by and the principal place of residence of such eligible person or such eligible person's surviving spouse, or the legislature may exempt all or any portion of the appraised valuation of such property from ad valorem taxation. The legislature may provide for the transfer of all or any portion of the amount of a tax limitation or exemption for an eligible person who establishes a different qualifying property. The legislature may enact legislation to limit the application of this provision and enact such other legislation as is necessary to administer any limitation or exemption pursuant to this provision.

Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

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

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located.....11½%
- (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution.....30%
- (3) Vacant lots.....12%
- (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law.....12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed33%

- (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use.....25%
- (7) All other urban and rural real property not otherwise specifically subclassified30%

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

- (1) Mobile homes used for residential purposes.....11¹/₂%
- (2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25%.....30%
- (3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed33%
- (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985.....30%
- (5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property.....25%
- (6) All other tangible personal property not otherwise specifically classified. . .30%

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

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

"Explanatory statement. This amendment would authorize the legislature to limit property tax increases for residential property that is owned by and the principal place of residence of a lawful permanent resident of Kansas who is 62 years of age or older or disabled or to exempt all or any portion of the appraised valuation of such property from ad valorem taxation.

"A vote for this proposition would authorize the legislature to limit property tax increases for residential property that is owned by and the principal place of residence of a lawful permanent resident of Kansas who is 62 years of age or older or disabled while such property remains owned by and the principal place of residence of such eligible person or such eligible person's surviving spouse or to exempt all or any portion of the appraised valuation of such property from ad valorem taxation. The

amendment would also authorize the legislature to limit the application of the proposed provision, and to enact such other legislation as is necessary to administer any limitation or exemption pursuant to such provision.

"A vote against this proposition would provide no change to the Kansas constitution."

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

MESSAGES FROM THE GOVERNOR

SB 307, SB 336, SB 431 approved on March 22, 2024

MESSAGES FROM THE HOUSE

Announcing passage of **HB 2731, HB 2829, HB 2830, HB 2831**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2731, HB 2829, HB 2830, HB 2831 were thereupon introduced and read by title.

CONSIDERATION OF ORIGINAL MOTIONS

Citing Rule 11(b), Senator Olson motioned to withdraw **SB 110** from the Committee on **Assessment and Taxation** and advance the bill to the Calendar under the heading of **General Orders**, below the line.

Citing Rule 11(b), Senator Sykes motioned to withdraw **SB 554** from the Committee on **Federal and State Affairs** and advance the bill to the Calendar under the heading of **General Orders**, below the line.

COMMITTEE OF THE WHOLE

On motion of Senator Alley, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator McGinn in the chair.

On motion of Senator McGinn the following summary report was adopted.

HB 2353, HB 2484, HB 2590, HB 2661, HB 2703, HB 2749 be passed.

SB 427, SB 524; HB 2665 be passed as amended by Committee of the Whole.

HB 2477, HB 2501, HB 2560, HB 2577, HB 2663 be amended by the adoption of the committee reports.

SB 386, SB 488, be amended by the adoption of the committee reports and as further amended by Committee of the Whole.

Sub SB 249, Sub SB 254;, SB 407, SB 532; Sub HB 2144; HB 2682 be passed over and retain a place on the calendar.

COMMITTEE OF THE WHOLE ACTIONS

Sub SB 249 be passed over and retain a place on the calendar.

Sub SB 254 be passed over and retain a place on the calendar.

SB 386 be amended by the adoption of the committee amendments, be further amended by motion of Senator Bowers; on page 3, in line 26, by striking "or";

On page 4, in line 8, before the period by inserting "; or

(D) for school year 2024-2025, the number of preschool-aged at-risk students regularly enrolled in the school district on September 20 of the current school year and the arithmetic mean of the sum of:

(i) The number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the preceding school year; and

(ii) the number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the second preceding school year"

SB 386 be further amended by motion of Senator Baumgardner; on page 3, in line 43, before the semicolon by inserting "year"

SB 407 be passed over and retain a place on the calendar.

SB 427 be amended by motion of Senator Blasi; on page 3, in line 31, by striking all after the comma; in line 32, by striking all before the period and inserting "during school hours or when there are school or community activities on such property"

SB 488 be amended by the adoption of the committee amendments, be further amended by motion of Senator Claeys; on page 4, in line 40, by striking "not more than five"; in line 42, before the period by inserting "as are necessary to administer the office of the inspector general";

On page 5, in line 4, by striking all after the period; by striking all in line 5; in line 6, after "five" by inserting "additional"; in line 7, after "general" by inserting "to perform the expanded duties established in subsection (b)(1) and in fiscal year 2025, expenditures for salaries and wages and other operating expenditures shall not exceed \$775,456 for such additional employees"

SB 524 be amended by motion of Senator Bowers; on page 5, following line 39, by inserting:

"Sec. 2. K.S.A. 82a-301 is hereby amended to read as follows: 82a-301. (a) (1) Except as provided in subsections (c) and (d), without the prior written consent or permit of the chief engineer of the division of water resources of the Kansas department of agriculture, it shall be unlawful for any person, partnership, association, corporation or agency or political subdivision of the state government to:

(A) Construct, modify or add to any dam;

(B) construct, modify or add to any water obstruction in a designated stream; or

(C) change or diminish the course, current; or cross section of any designated stream within this state.

(2) Any application for any permit or consent shall be made in writing in such form as specified by the chief engineer.

(3) Retentions for the purpose of stabilizing a caving bank ~~which that~~ are properly placed shall not be construed as obstructions for the purposes of this section.

(b) As used in K.S.A. 82a-301 et seq., and amendments thereto:

(1) (A) "Dam" means any artificial barrier including appurtenant works with the

ability to impound water, waste water or other liquids ~~that and~~:

(i) For nonagriculture use, has a height of 25 feet or more; or has a height of six feet or ~~greater~~ more and a storage volume at the top of the emergency spillway elevation of 50 ~~or more~~ acre feet or more; or

(ii) for agriculture use, has a height of 30 feet or more or has a height of six feet or more and a storage volume at the top of the emergency spillway elevation of 125 acre feet or more and the primary purpose of which is for use in irrigation, livestock watering, commercial fish rearing and sale and the protection of agricultural land.

(B) The height of a dam or barrier shall be measured from the lowest elevation of the streambed, downstream toe or outside limit of the dam to the elevation of the top of the dam.

(2) "Designated stream" means a natural or man-made channel that conveys drainage or runoff from a watershed having an area of:

(A) One or more square miles in zone one, which includes all geographic points located in or east of Washington, Clay, Dickinson, Marion, Harvey, Sedgwick or Sumner counties;

(B) two or more square miles in zone two, which includes all geographic points located west of zone one and in or east of Smith, Osborne, Russell, Barton, Stafford, Pratt or Barber counties; or

(C) three or more square miles in zone three, ~~which includes~~ including all geographic points located west of zone two.

(c) (1) The prior written consent or permit of the chief engineer shall not apply to water obstructions that meet the following requirements:

(A) The change in the cross section of a designated stream is obstructed less than 5% and the water obstruction or change is contained within a land area measuring 25 feet or less along the stream length; or

(B) (i) the water obstruction is not a dam as defined in subsection (b);

(ii) the water obstruction is not located within an incorporated area;

(iii) every part of the water obstruction, and any water impounded by such obstruction, is located more than 300 feet from any property boundary; and

(iv) the watershed area above the water obstruction is five square miles or less.

(2) If the water obstruction does not meet the requirements of subsection (c)(1)(B) (iii), but meets all other requirements of subsection (c)(1)(B), such water obstruction may be exempted from the permitting requirements of subsection (a) if the chief engineer determines such water obstruction has minimal impact upon safety and property based upon a review of the information, to be provided by the owner, including:

(A) An aerial photo or topographic map depicting the location of the proposed project, the location of the stream, the layout of the water obstruction, the property lines and names and addresses of adjoining property owners; and

(B) the principal dimensions of the project including, but not limited to, the height above streambed.

(3) Notwithstanding any other provision of this section, the chief engineer may require a permit for any water obstruction described in this subsection if the chief engineer determines such permit is necessary for the protection of life or property.

(d) The prior written consent or permit of the chief engineer shall not be required for construction or modification of a hazard class A dam that ~~is~~

~~(1) Has a height of less than 30 feet and a storage volume at the top of the emergency spillway elevation of less than 125 acre feet, and the dam location and dimensions have been registered with the division of water resources in a written form prescribed by the chief engineer; or~~

~~(2) is a wastewater storage structure for a confined feeding facility that has been approved by the secretary of health and environment pursuant to K.S.A. 65-171d, and amendments thereto.~~

(e) Any structure that means the provisions of subsection (b)(1) shall be considered a water obstruction and not a dam if the primary purpose of the structure is to serve as a:

(1) Dry detention road fill for state, county or municipal government; or

(2) low head dam that has a maximum height below the lowest stream bank.

Sec. 3. K.S.A. 82a-305a is hereby amended to read as follows: 82a-305a. (a) Any person, partnership, association, corporation or agency or political subdivision of the state government who violates any provision of this act or of any rule and regulation or order issued pursuant thereto shall be deemed guilty of a class C misdemeanor. Each day that any such violation occurs after notice of the original violation is served upon the violator by the chief engineer by restricted mail shall constitute a separate offense.

(b) Upon request of the chief engineer, the attorney general shall bring suit in the name of the state of Kansas in any court of competent jurisdiction to enjoin:

(1) The unlawful construction, modification, operation or maintenance of any dam or other water obstruction; or

(2) the unlawful change or diminution of the course, current or cross section of a river or stream. Such court may require the removal or modification of any such dam or other water obstruction by mandatory injunction.

(c) In addition to any other penalty provided for by law, any person who commits a violation of K.S.A. 82a-301 et seq., and amendments thereto, or any rule and regulation adopted thereunder, may be subject to a civil penalty of not less than \$100 but not more than \$500 per violation. In the case of a continuing violation, each occasion when the chief engineer provides notice that a violation has occurred or is occurring and action to correct the violation as specified by the chief engineer is not taken within seven days of receipt of such notice shall be considered a separate violation. Such civil penalty may be assessed in addition to any other penalty provided by law.

(d) No civil penalty shall be imposed pursuant to this section except on the written order of the chief engineer or duly authorized agent of the chief engineer.

(e) Any person aggrieved by an order of the chief engineer or the chief engineer's duly authorized agent pursuant to this section may appeal to the district court in the manner provided by the Kansas judicial review act.

(f) All moneys collected by the chief engineer pursuant to this section shall be deposited in the state treasury in accordance with K.S.A. 75-4215, and amendments thereto, and shall be credited to the water structures fund pursuant to K.S.A. 82a-328, and amendments thereto.";

Also on page 5, in line 40, by striking "is" and inserting ", 82a-301 and 82a-305a are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the semicolon and inserting "water"; also in line 2, by striking "such"

and inserting "irrigation district board of director"; in line 4, after "members" by inserting "; defining dam for both agriculture and nonagriculture use; clarifying structures that are water obstructions; providing a civil penalty for violations"; in line 5, after "42-706" by inserting ", 82a-301 and 82a-305a"; also in line 5, by striking "section" and inserting "sections"

SB 532 be passed over and retain a place on the calendar.

S Sub HB 2144 be passed over and retain a place on the calendar.

HB 2353 be passed.

HB 2477 be amended by the adoption of the committee amendments

HB 2484 be passed.

HB 2501 be amended by the adoption of the committee amendments.

HB 2560 be amended by the adoption of the committee amendments.

HB 2577 be amended by the adoption of the committee amendments.

HB 2590 be passed.

HB 2661 be passed.

HB 2663 be amended by the adoption of the committee amendments.

HB 2665 be amended by motion of Senator Blasi; on page 1, following line 8 by inserting:

"WHEREAS, The amendments made to K.S.A. 8-1602 by this act shall be known as Levi's law.

Now, therefore:"

HB 2682 be passed over and retain a place on the calendar.

HB 2703 be passed.

HB 2749 be passed.

A motion by Senator Olson pursuant to Rule 52 with Rule 53, to place **HB 2293** above the line for immediate consideration, failed to reach the required 2/3 majority and was rejected.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 24; Nays 12; Present and Passing 2; Absent or Not Voting 2.

Yeas: Baumgardner, Blasi, Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Holland, Holscher, Longbine, McGinn, O'Shea, Olson, Petersen, Pettey, Pittman, Pyle, Reddi, Steffen, Straub, Sykes, Tyson, Ware.

Nays: Alley, Erickson, Fagg, Gossage, Kerschen, Kloos, Peck, Ryckman, Shallenburger, Thompson, Warren, Wilborn.

Present and Passing: Billinger, Claeys.

Absent or Not Voting: Haley, Masterson.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2047** be amended by substituting with a new bill to be designated as "Senate Substitute for

HOUSE BILL NO. 2047," as follows:

"Senate Substitute for HOUSE BILL NO. 2047

By Committee on Agriculture and Natural Resources

"AN ACT concerning agriculture; relating to the farm animal and field crop and research facilities protection act; prohibiting entering or remaining on and knowingly making false statements to gain access to animal facilities and field crop production areas; providing penalties for violations therefor; removing the intent to destroy property; amending K.S.A. 47-1826 and 47-1827 and repealing the existing sections.";

And the substitute bill be passed.

The Committee on **Assessment and Taxation** recommends **SB 110** be amended on page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 9;

On page 10, by striking all in lines 1 through 32; following line 32, by inserting:

"Section 1. K.S.A. 2023 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction, except that the federal net operating loss deduction shall not be added to an individual's federal adjusted gross income for tax years beginning after December 31, 2016.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which

such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xv) or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income tax return.

(xxi) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for domestic production activities under

section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(xxvi) For all taxable years beginning after December 31, 2016, the amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 72-4357, and amendments thereto, and is also claimed as an itemized deduction for federal income tax purposes.

(xxvii) For all taxable years commencing after December 31, 2020, the amount deducted by reason of a carryforward of disallowed business interest pursuant to section 163(j) of the federal internal revenue code of 1986, as in effect on January 1, 2018.

(xxviii) For all taxable years beginning after December 31, 2021, the amount of any contributions to, or earnings from, a first-time home buyer savings account if distributions from the account were not used to pay for expenses or transactions authorized pursuant to K.S.A. 2023 Supp. 58-4904, and amendments thereto, or were not held for the minimum length of time required pursuant to K.S.A. 2023 Supp. 58-4904, and amendments thereto. Contributions to, or earnings from, such account shall also include any amount resulting from the account holder not designating a surviving payable on death beneficiary pursuant to K.S.A. 2023 Supp. 58-4904(e), and amendments thereto.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income

tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b(a) and 228c(a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of

modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2017, the cumulative amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary that are contributed to: (1) A family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary; or (2) an achieving a better life experience (ABLE) account established under the Kansas ABLE savings program or a qualified ABLE program established and maintained by another state or agency or instrumentality thereof pursuant to section 529A of the internal revenue code of 1986, as amended, for the purpose of saving private funds to support an individual with a disability. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 75-643 and 75-652, and amendments thereto, and the provisions of such sections are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

~~(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and (1) For all taxable years beginning after December 31, 2007, and ending before January 1, 2024, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and (2) for all taxable years beginning after December 31, 2023, amounts received as benefits under the federal social security act that are included in federal adjusted gross income of a taxpayer.~~

(xix) Amounts received by retired employees of Washburn university as retirement

and pension benefits under the university's retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income, not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4, from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of subsection (b)(xix) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term "livestock" shall not include poultry.

(xxiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city's home rule authority.

(xxiv) For taxable years beginning after December 31, 2013, and ending before January 1, 2017, the net gain from the sale from Christmas trees grown in Kansas and

held by the taxpayer for six years or more.

(xxv) For all taxable years commencing after December 31, 2020, 100% of global intangible low-taxed income under section 951A of the federal internal revenue code of 1986, before any deductions allowed under section 250(a)(1)(B) of such code.

(xxvi) For all taxable years commencing after December 31, 2020, the amount disallowed as a deduction pursuant to section 163(j) of the federal internal revenue code of 1986, as in effect on January 1, 2018.

(xxvii) For taxable years commencing after December 31, 2020, the amount disallowed as a deduction pursuant to section 274 of the federal internal revenue code of 1986 for meal expenditures shall be allowed to the extent such expense was deductible for determining federal income tax and was allowed and in effect on December 31, 2017.

(xxviii) For all taxable years beginning after December 31, 2021: (1) The amount contributed to a first-time home buyer savings account pursuant to K.S.A. 2023 Supp. 58-4903, and amendments thereto, in an amount not to exceed \$3,000 for an individual or \$6,000 for a married couple filing a joint return; or (2) amounts received as income earned from assets in a first-time home buyer savings account.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.";

Also on page 10, in line 33, by striking "2022" and inserting "2023";

On page 1, in the title, in line 3, by striking "2022" and inserting "2023"; and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2648**, As Amended by House Committee, be passed.

Also, **HB 2483**, As Amended by House Committee, be amended on page 3, in line 7, by striking "two" and inserting "four"; in line 8, by striking "and" and inserting "or"; in line 9, by striking "third" and inserting "fifth"; and the bill be passed as amended.

HB 2777, As Amended by House Committee of the Whole, be amended on page 1, in line 7, after "(a)" by inserting "(1)";

Also on page 1, following line 13, by inserting:

"(2) Nothing in paragraph (1) shall be construed to prohibit the state fire marshal from collecting evidentiary photographic images of any violations discovered by the state fire marshal or the state fire marshal's designee during an inspection or investigation.";

On page 1, in the title, in line 4, before the period by inserting "creating an exception thereto for certain photographic evidentiary images";

And the bill be passed as amended.

SCR 1620 be adopted and, because the committee is of the opinion that the resolution is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Education** recommends **SB 428** be amended on page 1, in line 27, by striking all after "who"; by striking all in lines 28 through 30; in line 31, by striking all before "on" and inserting "scored at each of the levels 1, 2, 3 and 4"; and the bill be

passed as amended.

Also, **SB 544** be amended on page 1, in line 10, by striking "academic excellence" and inserting "education opportunity"; in line 13, by striking "academic excellence" and inserting "education opportunity"; in line 23, by striking all before "scholarships" and inserting "education opportunity"; also in line 23, before "scholars" by inserting "education opportunity"; also in line 23, by striking "who"; in line 24, by striking all before the period; in line 25, by striking "academic excellence" and inserting "education opportunity"; in line 27, by striking "academically talented" and inserting "education opportunity"; in line 28, by striking "academically talented" and inserting "education opportunity"; in line 30, after "(A)" by inserting "(i)"; in line 32, by striking "(B)" and inserting "(ii)"; in line 34, by striking "(C)" and inserting "(iii)"; in line 35, by striking all after the stricken material; by striking all in line 36;

On page 2, in line 1, by striking all before "has" and inserting:

"(iv) is a first generation student or has a parent who is employed in Kansas as a teacher or paraprofessional for any of the grades pre-K through 12; or

(B)";

Also on page 2, in line 2, by striking "academic excellence" and inserting "education opportunity"; in line 11, by striking all after the stricken material; in line 12, by striking all before "or" and inserting "postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto,"; in line 31, by striking "academically talented" and inserting "education opportunity"; in line 36, after "(6)" by inserting "'First generation student" means an individual who does not have a parent or guardian who has completed a baccalaureate degree.

(7)";

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

On page 3, in line 9, by striking "academic excellence" and inserting "education opportunity"; in line 12, by striking "academically talented" and inserting "education opportunity"; in line 13, by striking "academic excellence" and inserting "education opportunity"; in line 15, by striking "academically talented" and inserting "education opportunity"; in line 18, by striking all before "scholars" and inserting "education opportunity"; in line 20, by striking "academic excellence" and inserting "education opportunity"; in line 31, by striking all before "scholarship" and inserting "education opportunity"; in line 34, by striking "academic"; in line 35, by striking "excellence" and inserting "education opportunity"; in line 38, by striking "academic excellence" and inserting "education opportunity"; in line 39, by striking "academically talented" and inserting "education opportunity"; in line 42, by striking "academically talented" and inserting "education opportunity"; in line 43, by striking "academic excellence" and inserting "education opportunity";

On page 4, in line 2, by striking "academically"; in line 3, by striking "talented" and inserting "education opportunity"; also in line 3, by striking "academic"; in line 4, by striking "excellence" and inserting "education opportunity"; in line 9, by striking "academically talented" and inserting "education opportunity"; in line 10, by striking "academic excellence" and inserting "education opportunity"; in line 11, by striking "academically talented" and inserting "education opportunity"; in line 14, by striking "academic excellence" and inserting "education opportunity"; in line 15, by striking "academically"; in line 16, by striking "talented" and inserting "education opportunity";

also in line 16, by striking "academic excellence" and inserting "education opportunity"; in line 23, by striking "academic excellence" and inserting "education opportunity"; in line 25, by striking "academically talented" and inserting "education opportunity"; in line 26, by striking "academic excellence" and inserting "education opportunity"; in line 30, by striking "academic excellence" and inserting "education opportunity"; in line 34, by striking all before "scholarships" and inserting "education opportunity"; in line 37, by striking "academically talented" and inserting "education opportunity"; in line 40, by striking "academically talented" and inserting "education opportunity"; in line 41, by striking "academic excellence" and inserting "education opportunity"; in line 42, by striking "academically talented" and inserting "education opportunity"; in line 43, by striking "academic excellence" and inserting "education opportunity";

On page 5, in line 1, by striking "academic"; in line 2, by striking "excellence" and inserting "education opportunity"; in line 4, by striking "academic excellence" and inserting "education opportunity"; in line 7, by striking "academic"; in line 8, by striking "excellence" and inserting "education opportunity"; in line 9, by striking "academically talented" and inserting "education opportunity"; in line 16, by striking "academic excellence" and inserting "education opportunity"; in line 22, by striking "academically talented" and inserting "education opportunity"; in line 23, by striking "academic excellence" and inserting "education opportunity"; in line 25, by striking all before "scholarship" and inserting "education opportunity"; in line 30, by striking "academic excellence" and inserting "education opportunity"; in line 34, by striking "academic excellence" and inserting "education opportunity"; in line 36, by striking "academically talented" and inserting "education opportunity"; in line 38, by striking "academic excellence" and inserting "education opportunity"; in line 41, by striking "academic"; in line 42, by striking "excellence" and inserting "education opportunity";

On page 6, in line 1, by striking all before "scholar" and inserting "education opportunity"; in line 2, by striking "academic excellence" and inserting "education opportunity"; in line 3, by striking "academically talented" and inserting "education opportunity"; in line 7, by striking "academically"; in line 8, by striking "talented" and inserting "education opportunity"; in line 10, by striking "academically talented" and inserting "education opportunity"; in line 16, by striking "academic excellence" and inserting "education opportunity"; in line 18, by striking "academically talented" and inserting "education opportunity"; in line 22, by striking "academic"; in line 23, by striking "excellence" and inserting "education opportunity"; in line 26, by striking "academic excellence" and inserting "education opportunity"; in line 27, by striking "academic excellence" and inserting "education opportunity"; in line 29, by striking "academic excellence" and inserting "education opportunity"; in line 30, by striking "academic excellence" and inserting "education opportunity";

On page 1, in the title, in line 2, by striking "academic excellence" and inserting "education opportunity"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2436** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2436," as follows:

"Senate Substitute for HOUSE BILL NO. 2436

By Committee on Federal and State Affairs

"AN ACT concerning abortion; relating to unlawful coercion to obtain an abortion; creating the crime of coercion to obtain an abortion; providing the penalties therefor;

providing for enhanced criminal penalties for offenses committed with the intent to compel a woman to obtain an abortion; amending K.S.A. 21-6804 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Judiciary** recommends **HB 2490** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 38-2360 is hereby amended to read as follows: 38-2360. (a) At any time after the juvenile has been adjudicated to be a juvenile offender, the court shall order one or more of the tools described in this subsection to be submitted to assist the court unless the court finds that adequate and current information from a risk and needs assessment is available from a previous investigation, report or other sources:

(1) An evaluation and written report by a mental health or ~~a~~ qualified professional stating the psychological or emotional development or needs of the juvenile. The court also may order a report from any mental health or qualified professional who has previously evaluated the juvenile stating the psychological or emotional development needs of the juvenile. If the court orders an evaluation as provided in this section, a parent of the juvenile shall have the right to obtain an independent evaluation at the expense of the parent. If the evaluation indicates that the juvenile requires acute inpatient mental health or substance abuse treatment, the court shall have the authority to compel an assessment by the secretary for aging and disability services. The court may use the results to inform a treatment and payment plan according to the same eligibility process used for non-court-involved youth.

(2) A report of the medical condition and needs of the juvenile. The court also may order a report from any physician who has been attending the juvenile, stating the diagnosis, condition and treatment afforded the juvenile.

(3) An educational needs assessment of the juvenile from the chief administrative officer of the school ~~which~~ that the juvenile attends or attended to provide to the court information that is readily available which the school officials feel would properly indicate the educational needs of the juvenile. The educational needs assessment may include a meeting involving any of the following: (A) The juvenile's parents; (B) the juvenile's teacher or teachers; (C) the school psychologist; (D) a school special services representative; (E) a representative of the commissioner; (F) the juvenile's court appointed special advocate; (G) the juvenile's foster parents or legal guardian; and (H) other persons that the chief administrative officer of the school, or the officer's designee, deems appropriate.

(4) An evaluation of the juvenile's academic record by a jobs for America's graduates-Kansas administrator to aid in determining the juvenile's educational needs.

(5) A dyslexia screening by a member from the center for reading at Pittsburg state university or the Phillips fundamental learning center and a reading level assessment to aid in determining the juvenile's educational needs.

(6) Any other presentence investigation and report from a court services officer ~~which~~ that includes: (A) The circumstances of the offense; (B) the attitude of the complainant, victim or the victim's family; (C) the record of juvenile offenses; (D) the social history of the juvenile; and (E) the present condition of the juvenile. Except where specifically prohibited by law, all local governmental public and private educational institutions and state agencies shall furnish to the officer conducting the predispositional investigation the records the officer requests. Predispositional

investigations shall contain other information prescribed by the court.

~~(5)(7)~~ The court in its discretion may direct that the parents submit a domestic relations affidavit.

(b) A summary of the results from a risk and needs assessment shall be provided to the court post-adjudication, predisposition and used to inform supervision levels. A single, uniform risk and needs assessment shall be adopted by the office of judicial administration and the department of corrections to be used in all judicial districts. The office of judicial administration and the secretary of corrections shall establish cutoff scores determining risk levels of juveniles. Training on such risk and needs assessment shall be required for all administrators of the assessment. ~~Data shall be collected on the results of the assessment to inform a validation study on the Kansas juvenile justice population to be conducted by June 30, 2020.~~

(c) Expenses for post adjudication tools may be waived or assessed pursuant to K.S.A. 38-2314(c)(2), and amendments thereto.

(d) Except as otherwise prohibited by law or policy, the court shall make any of the reports ordered pursuant to subsection (a) available to the attorneys and shall allow the attorneys a reasonable time to review the report before ordering the sentencing of the juvenile offender.

(e) At any time prior to sentencing, the judge, at the request of a party, shall hear additional evidence as to proposals for reasonable and appropriate sentencing of the case.

(f) If a juvenile is being held in detention, a dispositional hearing to sentence the juvenile offender shall take place within 45 days after such juvenile offender has been adjudicated.";

On page 2, in line 29, by striking all after the period; by striking all in line 30; in line 31, by striking "extension" and inserting "The court may only extend the overall case length limit two times, and each extension shall not exceed 60 days";

On page 3, in line 27, before "K.S.A." by inserting "K.S.A. 38-2360 and"; also in line 27, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the second semicolon by inserting "providing for evaluation of a juvenile's academic record, dyslexia screening and reading level assessment;"; in line 2, by striking "90" and inserting "two extensions and 60"; in line 3, after "amending" by inserting "K.S.A. 38-2360 and"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **HB 2583**, As Amended by House Committee, be amended on page 1, in line 12, by striking the third comma and inserting "or"; in line 16, by striking all after "(b)"; by striking all in lines 17 and 18; in line 19, by striking all before "is" and inserting "(1) Except as provided in paragraphs (2) and (3), violation of subsection (a)"; in line 20, by striking "this"; also in line 20, after "subsection" by inserting "(a)"; in line 30, by striking "(c) (1)" and inserting "(2)"; also in line 30, by striking "(2), inflicting harm" and inserting "(3), violation of subsection (a)"; in line 34, by striking all before "that" and inserting "(3) Violation of subsection (a)";

On page 2, in line 6, by striking "(3)" and inserting "(4)"; also in line 6, by striking all after "sentence"; in line 7, by striking all before the colon and inserting "imposed pursuant to paragraph (2) or (3)"; in line 8, by striking "under this subsection"; in line 14, by striking "(d)" and inserting "(5)"; in line 15, by striking all before the comma and

inserting "this subsection"; in line 37, by striking all after "agency"; by striking all in line 38; in line 39, by striking all before the semicolon; in line 41, by striking all after "agency"; by striking all in line 42; in line 43, by striking all before the semicolon;

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

HB 2675 be amended on page 2, in line 1, by striking "preceeding" and inserting "preceding"; in line 43, after "parent" by inserting "or person acting as a parent";

On page 3, in line 1, after "parent" by inserting "or person acting as a parent"; in line 21, after "parent" by inserting "or person acting as a parent"; in line 22, after the first "parent" by inserting "or person acting as a parent"; also in line 22, after the second "parent" by inserting "or person acting as a parent"; in line 35, after "parent" by inserting "or person acting as a parent"; in line 36, after the first "parent" by inserting "or person acting as a parent"; also in line 36, after the second "parent" by inserting "or person acting as a parent"; in line 39, after "parent" by inserting "or person acting as a parent";

On page 4, in line 1, after "parent" by inserting "or person acting as a parent"; in line 25, after "parent" by inserting "or person acting as a parent";

On page 5, in line 13, after "Parent" by inserting "or person acting as a parent"; in line 14, by striking "custody of" and inserting "legal custody, residency or parenting time with"; in line 38, after "parent" by inserting "or person acting as a parent";

On page 6, in line 2, after "parent" by inserting "or person acting as a parent";

On page 7, in line 12, after "parent" by inserting "or person acting as a parent"; in line 22, after "parent" by inserting "or person acting as a parent"; in line 28, after "parent" by inserting "or person acting as a parent"; and the bill be passed as amended.

HB 2755, As Amended by House Committee, be amended on page 1, in line 13, by striking all after "judge"; by striking all in line 14; in line 15, by striking all before the period; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2751**, As Amended by House Committee, be amended on page 2, in line 29, after "day" by inserting "support"; in line 30, after the comma by inserting "social,"; also in line 30, by striking all after the second "skills"; by striking all in lines 31 through 41; in line 42, by striking all before the last period and inserting "for adults with intellectual or developmental disabilities that is licensed by the department or a separate and distinct dedicated division of a provider of day support services for development in self-help, social, recreational skills and work skills for adults with intellectual or developmental disabilities licensed by the department"; and the bill be passed as amended.

Also, **HB 2784**, As Amended by House Committee, be amended on page 3, in line 13, before "or" by inserting ", home plus";

On page 12, in line 14, by striking "On or before April 1 of each year,"; in line 16, before "the" by inserting "within four months of completion of such provider's fiscal year";

On page 13, in line 8, by striking all after "act"; in line 9, by striking "year" and inserting "within four months of completion of such provider's fiscal year"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 529** be amended on page 1, in line 20, by striking "the next" and inserting "any"; and the bill be passed as amended.

Also, **SB 542** be amended on page 1, in line 14, by striking "\$40,000,000" and inserting "\$15,000,000"; in line 16, by striking "\$40,000,000" and inserting "\$15,000,000"; in line 18, by striking "2" and inserting "3"; also in line 18, after "thereto" by inserting ": *Provided further*, That no moneys shall be expended from such account for the building of or capital improvements to a homeless shelter located within the boundaries of Sedgwick county precinct 606: *And provided further*, That all expenditures from the homeless shelter infrastructure grant account shall be used for the purposes of the building of or improvements to a homeless shelter as required by section 3, and amendments thereto, and shall be approved by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such expenditure shall be approved by the governor and six legislative members of the state finance council and such approval also may be given while the legislature is in session: *And provided further*, That the state finance council is hereby authorized to approve the expenditure of moneys from the homeless shelter infrastructure grant account for the building of or improvements to a homeless shelter as required by section 3, and amendments thereto: *And provided further*, That each grant recipient shall receive 75% of the determined amount awarded by the above agency for fiscal year 2025";

Also on page 1, following line 18, by inserting:
 "Sec. 2.

KANSAS DEPARTMENT FOR
 AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2026, the following:

Homeless shelter infrastructure grant.....\$5,000,000

Provided, That expenditures shall be made from the homeless shelter infrastructure grant account in an amount not to exceed \$5,000,000 to administer a program pursuant to section 3, and amendments thereto: *Provided further*, That no moneys shall be expended for the building of or capital improvements to a homeless shelter located within the boundaries of Sedgwick county precinct 606: *And provided further*, That all expenditures from the homeless shelter infrastructure grant account shall be used for the purposes of the building of or improvements to a homeless shelter as required by section 3, and amendments thereto, and shall be approved by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such expenditure shall be approved by the governor and six legislative members of the state finance council and such approval also may be given while the legislature is in session: *And provided further*, That the state finance council is hereby authorized to approve the expenditure of moneys from the homeless shelter infrastructure grant account for the building of or improvements to a homeless shelter as required by section 3, and amendments thereto: *And provided further*, That each grant recipient shall receive 25% of the determined amount awarded by the above agency for fiscal year 2026.";

Also on page 1, in line 19, after "(a)" by inserting "As used in this section:

(1) "Shelter" means any facility whose primary purpose is to provide temporary or transitional shelter for the general population or a specific population of homeless

individuals or families.

(2) "Wraparound services" means any program that serves the underlying vocational, behavioral or physical health needs of the general population or a specific population of homeless individuals or families.

(b)";

Also on page 1, in line 24, after the period by inserting "The secretary shall award at least 20% of the total amount appropriated for such grant program to counties with a population of less than 90,000."; in line 25, by striking "(b)" and inserting "(c)"; in line 31, by striking "housing"; in line 35, by striking "long-term";

On page 2, in line 2, by striking all after "(5)"; by striking all in line 3; in line 4, by striking "(6)"; also in line 4, after "vagrancy" by inserting "and comply with section 4, and amendments thereto;

(6) limit shelter space and wraparound services to persons with U.S. citizenship or lawful immigration status; and

(7) implement and enforce a policy that individuals seeking to stay overnight at such shelter shall not be under the influence of drugs or alcohol";

Also on page 2, in line 5, by striking "(c)" and inserting "(d)"; in line 7, after the period by inserting "The unit of local government may receive and use private moneys received by such unit for the purpose of meeting the matching dollar amount required by this section."; in line 8, by striking "(d)" and inserting "(e) On or before the 2025 regular session of the legislature, a unit of local government awarded funds under this section shall submit a report to the Kansas department for aging and disability services, the house of representatives committee on social services budget and appropriations and the senate committee on ways and means and any relevant subcommittee on enforcement actions required by subsection (b)(5) and outcomes measures from the awarded grants.

(f)";

Also on page 2, in line 9, after "ordinances" by inserting "and resolutions"; in line 10, after "vagrancy" by inserting ", implement and enforce a policy regarding drugs and alcohol"; in line 16, by striking "(e)" and inserting "(g)"; following line 28, by inserting:

"(h) An employee of the shelter and the unit of local government overseeing the shelter shall be liable for damages in a civil action for injuries suffered by a person staying in such shelter resulting from a failure or refusal to implement and enforce the policy described in subsection (b)(7).

Sec. 4. (a) All cities and counties shall adopt an ordinance or resolution, respectively, prohibiting unauthorized public camping, sleeping or obstructions of sidewalks without exceptions or conditions other than authorization by a temporary permit issued by such city or county.

(b) No city or county shall refuse to enforce such ordinance or resolution, respectively, prohibiting unauthorized public camping, sleeping or obstruction of sidewalks.

(c) A city or county shall not adopt a written policy prohibiting a law enforcement officer who is employed or otherwise under the direction or control of such city or county from enforcing any ordinance or resolution prohibiting unauthorized public camping, sleeping or obstruction of sidewalks.

(d) The provisions of this section shall not be construed to prohibit a city or county from adopting an ordinance or resolution that encourages or offers the provision of

services.

(e) Any person may bring a writ of mandamus for a violation of this section for the person and for the state.

Sec. 5. (a) As used in this section:

(1) "Drop off" means the act of transporting a homeless individual to a location within the state of Kansas different from the location where the party transporting such individual assumed custody, control or care of or provided treatment to such individual, including, but not limited to, directly providing or funding the transportation of such individual to such different location.

(2) "Homeless individual" means a person who has no access to or reasonably can be expected to not have access to either traditional or permanent housing that is considered safe, sanitary, decent and affordable.

(b) No city or county shall drop off a homeless individual outside such city's or county's jurisdiction within the state of Kansas unless:

(1) Such drop-off location is in the city where such individual was a resident prior to receiving healthcare services or treatment; or

(2) such drop off is at a facility or with a person, business or organization that has agreed to accept such individual.

(c) A city or county that violates this section shall be liable to any state agency, city or county within the state of Kansas for any costs incurred by such state agency, city or county for providing services to a homeless individual as a result of such violation.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "year" and inserting "years"; in line 2, after "2025" by inserting ", and June 30, 2026"; in line 6, after "treasury" by inserting "; requiring cities and counties to adopt ordinances and resolutions regarding camping and vagrancy; prohibiting the transportation of certain individuals; providing for exceptions thereof"; and the bill be passed as amended.

SB 552 be amended on page 1, in line 10, before "Section" by inserting "New"; in line 27, before "Sec." by inserting "New";

On page 2, in line 6, after "college" by inserting ", institute of technology"; in line 18, before "Sec." by inserting "New"; in line 23, before "Sec." by inserting "New"; also in line 23, by striking "postsecondary" and inserting "state"; in line 26, by striking "postsecondary" and inserting "state"; in line 28, by striking "postsecondary" and inserting "state"; in line 31, by striking "postsecondary" and inserting "state"; in line 40, before "Sec." by inserting "New";

On page 3, in line 6, after the second "college" by inserting ", institute of technology"; in line 9, before "Sec." by inserting "New"; in line 20, before "Sec." by inserting "New"; also in line 20, by striking "The board of regents shall submit a report"; in line 21, after "legislature" by inserting ";

(a) The board of regents shall submit a report";

Also on page 3, in line 25, after "construction" by inserting "; and

(b) each community college, technical college, institute of technology and municipal university shall submit a report on each institution's expenditures of moneys received pursuant to section 5(b), and amendments thereto, to the board of regents, the senate committee on ways and means, the house of representatives committee on appropriations and the house of representatives higher education budget committee";

Also on page 3, in line 26, before "Sec." by inserting "New"; following line 27, by

inserting:

"Sec. 9. K.S.A. 74-3201b is hereby amended to read as follows: 74-3201b. As used in the Kansas higher education coordination act:

(a) "Adult basic education program" and "adult supplementary education program" ~~have the meanings respectively ascribed thereto~~ mean the same as defined in K.S.A. 74-32,253, and amendments thereto.

(b) "Community college" means any community college established under the laws of this state.

(c) "Institute of technology" or "Washburn institute of technology" means the institute of technology at Washburn university.

(d) "Municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state.

(e) "Postsecondary educational institution" means any public university, municipal university, community college ~~and~~ technical college; and institute of technology. "Postsecondary educational institution" includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.

(f) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" ~~have the meanings ascribed thereto~~ mean the same as defined in K.S.A. 74-32,163, and amendments thereto.

(g) "Public university" means any state educational institution.

(h) "Representative of a postsecondary educational institution" means any person who is the holder of an associate degree, a bachelor's degree; or a certificate of completion awarded by a postsecondary educational institution.

(i) "State board of regents" or "state board" means the state board of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and amendments thereto, except as otherwise specifically provided in this act.

(j) "State educational institution" means any state educational institution; as defined in K.S.A. 76-711, and amendments thereto.

(k) "Technical college" means any technical college established under the laws of this state.

Sec. 10. K.S.A. 74-3201b is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after "legislature" by inserting "; amending K.S.A. 74-3201b and repealing the existing section"; and the bill be passed as amended.

HB 2551 be amended on page 1, in line 27, by striking "Keeshawn" and inserting "Keeshawn";

On page 2, in line 28, by striking "park" and inserting "parks"; and the bill be passed as amended.

On motion of Senator Alley, the Senate adjourned until 10:00 a.m., Tuesday, March 26, 2024.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

MARCH 25, 2024

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