

JOURNAL
OF THE
SENATE

OF THE
STATE OF KANSAS

FOR THE

2018 Legislative Session
January 8 through May 4, 2018

HELD AT THE

STATE CAPITOL
TOPEKA, KANSAS

COREY CARNAHAN, *Secretary of the Senate*

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Governor

JEFF COLYER, Overland Park

Lieutenant Governor

TRACEY MANN, Salina



OFFICERS OF THE SENATE

2018 Regular Session



Susan Wagle, Wichita.....President
Jeff Longbine, Emporia.....Vice President
Jim Denning, Overland Park.....Majority Leader
Anthony Hensley, Topeka.....Minority Leader
Corey Carnahan, Topeka.....Secretary
Charles (Nick) Nicolay, Topeka.....Sergeant at Arms

STATE SENATORS
2018 LEGISLATIVE SESSION
Members Listed Alphabetically

Name and City	Occupation	Party	Dist.
Alley, Larry W. , Winfield.....	Retired	Rep.	32
Baumgardner, Molly , Louisburg.....	Professor	Rep.	37
Berger, Edward E. , Hutchinson.....	Self-employed	Rep.	34
Billinger, Richard , Goodland.....	Retired	Rep.	40
Bollier, Barbara , Mission Hills.....	Retired Physician	Rep.	7
Bowers, Elaine S. , Concordia.....	Auto Dealer	Rep.	36
Denning, Jim , Overland Park.....	Health Care Administrator	Rep.	8
*Doll, John , Garden City.....	Self-employed	Indep.	39
Estes, Bud , Dodge City.....	Farm Machinery Dealer	Rep.	38
Faust-Goudeau, Oletha , Wichita.....	Community Activist	Dem.	29
Fitzgerald, Steve , Leavenworth.....	Retired	Rep.	5
Francisco, Marci , Lawrence.....	Space Analyst	Dem.	2
Givens, Bruce , El Dorado.....	Special Education Administrator	Rep.	14
Goddard, Dan , Parsons.....	Retired	Rep.	15
Haley, David , Kansas City.....	Public Affairs Counsel	Dem.	4
Hardy, Randall R. , Salina.....	Self-employed	Rep.	24
Hawk, Tom , Manhattan.....	Retired School Superintendent	Dem.	22
Hensley, Anthony , Topeka.....	Teacher	Dem.	19
Hilderbrand, Richard , Galena.....	Small Business Owner	Rep.	13
Holland, Tom , Baldwin City.....	Business Owner	Dem.	3
Kelly, Laura , Topeka.....	Association Executive	Dem.	18
Kerschen, Dan , Garden Plain.....	Farmer	Rep.	26
Longbine, Jeff , Emporia.....	Auto Dealer	Rep.	17
Lynn, Julia , Olathe.....	Business Owner, Tech. Services	Rep.	9
Masterson, Ty , Andover.....	Small Business Owner	Rep.	16
McGinn, Carolyn , Sedgwick.....	Agriculture Producer	Rep.	31
Olson, Robert (Rob) , Olathe.....	Banking/Real Estate	Rep.	23
Petersen, Mike , Wichita.....	Industrial Electrician	Rep.	28
Petty, Pat , Kansas City.....	Retired Educator	Dem.	6
Pilcher-Cook, Mary , Shawnee.....	Publisher	Rep.	10
Pyle, Dennis , Hiawatha.....	Farmer	Rep.	1
Rogers, Lynn W. , Wichita.....	Retired	Dem.	25
Schmidt, Vicki , Topeka.....	Pharmacist	Rep.	20
Skubal, John , Overland Park.....	Business Development Officer	Rep.	11
Suellentrop, Gene , Wichita.....	Business Owner	Rep.	27
Sykes, Dinah H. , Lenexa.....	Personal Chef	Rep.	21
Taylor, Mary Jo , Stafford.....	School Superintendent	Rep.	33
Tyson, Caryn , Parker.....	Software Engineer	Rep.	12
Wagle, Susan , Wichita.....	Business/Real Estate Investor	Rep.	30
Wilborn, Rick , McPherson.....	Consultant	Rep.	35

* John Doll switched his party to Independent, effective March 7, 2018.

**SENATE COMMITTEE ASSIGNMENTS
2018 LEGISLATIVE SESSION**

Standing Committees

Agriculture and Natural Resources (9)

8:30 am **Room 159-S**
Kerschen, *Chairperson*; Estes, *Vice Chairperson*; Berger, Billinger, McGinn, Pyle,
Taylor.
Francisco, *Ranking Minority Member*; Rogers.

Assessment and Taxation (9)

9:30 am **Room 548-S**
Tyson, *Chairperson*; Kerschen, *Vice Chairperson*; Alley, Baumgardner, Goddard,
Lynn, Petersen.
Holland, *Ranking Minority Member*; Francisco.

Commerce (11)

8:30 am **Room 548-S**
Lynn, *Chairperson*; Suellentrop, *Vice Chairperson*; Alley, Baumgardner, Bollier,
Givens, Olson, Pilcher-Cook, Sykes.
Holland, *Ranking Minority Member*; Faust-Goudeau.

Confirmation Oversight (6)

On Call
Denning, *Chairperson*; Hensley, *Vice Chairperson*; Longbine, McGinn, Olson,
Wagle.

Education (11)

1:30 pm **Room 144-S**
Baumgardner, *Chairperson*; Alley, *Vice Chairperson*; Bollier, Estes, Fitzgerald,
Givens, Pyle, Sykes, Taylor.
Hensley, *Ranking Minority Member*; Pettey.

Ethics, Elections and Local Government (9)

9:30 am **Room 142-S**
Bowers, *Chairperson*; Fitzgerald, *Vice Chairperson*; Hardy, Pilcher-Cook, Skubal,
Sykes, Wagle.
Faust-Goudeau, *Ranking Minority Member*; Haley.

Federal and State Affairs (9)

10:30 am **Room 144-S**

Estes, *Chairperson*; Olson, *Vice Chairperson*; Givens, Hilderbrand, Longbine, Masterson, Tyson.

Faust-Goudeau, *Ranking Minority Member*; Rogers.

Financial Institutions and Insurance (9)

9:30 am **Room 546-S**

Longbine, *Chairperson*; Billinger, *Vice Chairperson*; Givens, Olson, Pyle, Suellentrop, Wilborn.

Rogers, *Ranking Minority Member*; Hensley.

Interstate Cooperation (7)

On Call

Wagle, *Chairperson*; Denning, *Vice Chairperson*; Bowers, Longbine, Schmidt. Hensley, *Ranking Minority Member*; Haley.

Judiciary (11)

10:30 am **Room 346-S**

Wilborn, *Chairperson*; Lynn, *Vice Chairperson*; Baumgardner, Bowers, Fitzgerald, Hardy, Petersen, Pilcher-Cook, Suellentrop.

Haley, *Ranking Minority Member*; Pettey.

Organization, Calendar and Rules (3)

On Call

Wagle, *Chairperson*; Denning, *Vice Chairperson*; Longbine.

Public Health and Welfare (9)

9:30 am **Room 118-N**

Schmidt, *Chairperson*; Bollier, *Vice Chairperson*; Berger, Estes, Hilderbrand, Masterson, Taylor.

Kelly, *Ranking Minority Member*; Pettey.

Select Committee on Education Finance (9)

On Call

Baumgardner, *Chairperson*; Denning, *Vice Chairperson*; Bollier, Estes, Goddard, Kerschen, McGinn.

Hensley, *Ranking Minority Member*; Pettey.

Transportation (11)

8:30 am **Room 546-S**

Petersen, *Chairperson*; Goddard, *Vice Chairperson*; Fitzgerald, Hardy, Hilderbrand, Masterson, Schmidt, Skubal, Tyson.

Pettey, *Ranking Minority Member*; Hawk.

Utilities (11)

1:30 pm

Room 548-S

Olson, *Chairperson*; Petersen, *Vice Chairperson*; Bowers, Hardy, Lynn, Masterson, Skubal, Suellentrop, Wilborn.

Hawk, *Ranking Minority Member*; Francisco.

Ways and Means (13)

10:30 am

Room 548-S

McGinn, *Chairperson*; Billinger, *Vice Chairperson*; Alley, Berger, Denning, Goddard, Kerschen, Schmidt, Skubal, Wagle.

Kelly, *Ranking Minority Member*; Hawk, Hensley.

JOINT COMMITTEES OF THE SENATE AND HOUSE

Administrative Rules and Regulations

On Call

(5 Senate – 7 House)

Schmidt, *Chairperson*; Faust-Goudeau, Hawk, McGinn, Tyson.

House Members: Highland, *Vice Chairperson*; Carmichael, Cox, Huebert, Sutton, Ward, Winn.

Corrections and Juvenile Justice Oversight

On Call

(7 Senate – 6 House)

Baumgardner, *Chairperson*; Berger, Faust-Goudeau, Pettey, Pilcher-Cook, Taylor, Wilborn.

House Members: Jennings, *Vice Chair*; Carlin, Finney, Highberger, Humphries, Smith.

Information Technology

On Call

(5 Senate – 5 House)

Petersen, *Chairperson*; Francisco, Holland, Sykes, Tyson.

House Members: Carpenter, *Vice Chairperson*; Curtis, Esau, Hoffman, Whipple.

Kansas Security

On Call

(5 Senate – 5 House)

Fitzgerald, *Chairperson*; Goddard, Pettey, Rogers.

House Members: Jones, *Vice Chairperson*; Houser, Ousley, Ruiz, Smith.

Legislative Budget Committee

On Call

(3 Senate – 4 House)

McGinn, *Vice Chairperson*; Billinger, Kelly.

House Members: Wolfe Moore.

Legislative Coordinating Council

On Call

(3 Senate – 4 House)

Wagle, *Vice Chairperson*; Denning, Hensley.

House Members: Ryckman, *Chairperson*; Hineman, Schwab, Ward.

Legislative Post Audit

On Call

(5 Senate – 5 House)

Olson, *Chairperson*; Bowers, Hensley, Kelly, Lynn, Rogers.

House Members: Hawkins, *Vice Chairperson*; Barker, Burroughs, Schroeder, Trimmer.

Pensions, Investments and Benefits

On Call (5 Senate – 8 House)

Longbine, *Chairperson*; Alley, Kelly, Masterson, Rogers.
House Members: Johnson, *Vice Chairperson*; Barker, Hawkins, Henderson, Kelly, Kuether, Proehl, Sawyer.

**Robert G. (Bob) Bethell Joint Committee on
Home and Community Based Services and KanCare Oversight**

On Call (5 Senate – 6 House)

Schmidt, *Vice Chairperson*; Bollier, Estes, Hilderbrand, Kelly.
House Members: Hawkins, *Chairperson*; Ballard, Concannon, Eplee, Ward, Weber.

Special Claims Against the State

On Call (3 Senate – 4 House)

Haley, Kerschen, Pyle.
House Members: Davis, *Vice Chairperson*; Ralph, Whitmer, Wolfe Moore.

State Building Construction

On Call (5 Senate – 5 House)

Billinger, *Chairperson*; Francisco, Kelly, McGinn, Skubal.
House Members: Claeys, *Vice Chairperson*; Alcalá, Alford, Huebert, Lusker.

State Tribal Relations

On Call (5 Senate – 5 House)

Estes, Givens, Haley, Hilderbrand, Pettey.
Awerkamp, Garber, Lusk, Osterman, Victors.

**SENATE MEMBERS SHOWING COMMITTEE ASSIGNMENTS,
RANK, TIME AND COMMITTEE ROOM, PARTY AND
DISTRICT NUMBER, OFFICE ROOM AND TELEPHONE**

Alley, Larry W.

Republican, District 32
Room 541-E
(785) 296-7381

Committee	Rank	Time	Room
Education	Vice Chair	1:30 pm	144-S
Assessment and Taxation	Member	9:30 am	548-S
Commerce	Member	8:30 am	548-S
Pensions, Investments and Benefits (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Baumgardner, Molly

Republican, District 37
Room 224-E
(785) 296-7368

Committee	Rank	Time	Room
Corrections and Juvenile Justice Oversight (Joint)	Chair	On Call	
Education	Chair	1:30 pm	144-S
Select Committee on Education Finance	Chair	On Call	
Assessment and Taxation	Member	9:30 am	548-S
Commerce	Member	8:30 am	548-S
Judiciary	Member	10:30 am	346-S

Berger, Ed

Republican, District 34
Room 235-E
(785) 296-6981

Committee	Rank	Time	Room
Agriculture and Natural Resources	Member	8:30 am	159-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Public Health and Welfare	Member	9:30 am	118-N
Ways and Means	Member	10:30 am	548-S

Billinger, Richard (Rick)

Republican, District 40
 Room 236-E
 (785) 296-7399

Committee	Rank	Time	Room
State Building Construction (Joint)	Chair	On Call	
Financial Institutions and Insurance	Vice Chair	9:30 am	546-S
Ways and Means	Vice Chair	10:30 am	548-S
Agriculture and Natural Resources	Member	8:30 am	159-S

Bollier, Barbara

Republican, District 7
 Room 237-E
 (785) 296-7390

Committee	Rank	Time	Room
Public Health and Welfare	Vice Chair	9:30 am	118-N
Commerce	Member	8:30 am	548-S
Education	Member	1:30 pm	144-S
Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	
Select Committee on Education Finance	Member	On Call	

Bowers, Elaine

Republican, District 36
 Room 223-E
 (785) 296-7389

Majority Whip

Committee	Rank	Time	Room
Ethics, Elections and Local Government	Chair	9:30 am	142-S
Interstate Cooperation	Member	On Call	
Judiciary	Member	10:30 am	346-S
Legislative Post Audit (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

Denning, Jim

Republican, District 8
 Room 330-E
 (785) 296-2497

Majority Leader

Committee	Rank	Time	Room
Confirmation Oversight	Chair	On Call	
Interstate Cooperation	Vice Chair	On Call	
Organization, Calendar and Rules	Vice Chair	On Call	
Select Committee on Education Finance	Vice Chair	On Call	
Legislative Coordinating Council (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Doll, John

Independent, District 39
 Room 235-E
 (785) 296-7694

Estes, Bud

Republican, District 38
 Room 136-E
 (785) 296-7359

Committee	Rank	Time	Room
Federal and State Affairs	Chair	10:30 am	144-S
Agriculture and Natural Resources	Vice Chair	8:30 am	159-S
Education	Member	1:30 pm	144-S
Public Health and Welfare	Member	9:30 am	118-N
Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	
Select Committee on Education Finance	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	

Faust-Goudeau, Oletha

Democrat, District 29
 Room 135-E
 (785) 296-7387

Minority Whip

Committee	Rank	Time	Room
Ethics, Elections and Local Government	*R.M. Member	9:30 am	142-S
Federal and State Affairs	*R.M. Member	10:30 am	144-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Commerce	Member	8:30 am	548-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	

Fitzgerald, Steve

Republican, District 5
 Room 124-E
 (785) 296-7357

Committee	Rank	Time	Room
Kansas Security (Joint)	Chair	On Call	
Ethics, Elections and Local Government	Vice Chair	9:30 am	142-S
Education	Member	1:30 pm	144-S
Judiciary	Member	10:30 am	346-S
Transportation	Member	8:30 am	546-S

Francisco, Marci

Democrat, District 2
 Room 134-E
 (785) 296-7364

Agenda Chair

Committee	Rank	Time	Room
Agriculture and Natural Resources	*R.M. Member	8:30 am	159-S
Assessment and Taxation	Member	9:30 am	548-S
Information Technology (Joint)	Member	On Call	
State Building Construction (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

Givens, Bruce

Republican, District 14
 Room 225-E
 (785) 296-7678

Committee	Rank	Time	Room
Commerce	Member	8:30 am	548-S
Education	Member	1:30 pm	144-S
Federal and State Affairs	Member	10:30 am	144-S
Financial Institutions and Insurance	Member	9:30 am	546-S
State Tribal Relations (Joint)	Member	On Call	

Goddard, Dan

Republican, District 15
 Room 541-E
 (785) 296-7742

Committee	Rank	Time	Room
Transportation	Vice Chair	8:30 am	546-S
Assessment and Taxation	Member	9:30 am	548-S
Kansas Security (Joint)	Member	On Call	
Select Committee on Education	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Haley, David

Democrat, District 4
 Room 134-E
 (785) 296-7376

Committee	Rank	Time	Room
Judiciary	*R.M. Member	10:30 am	346-S
Ethics, Elections and Local Government	Member	9:30 am	142-S
Interstate Cooperation	Member	On Call	
Special Claims Against the State (Joint)	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	

Hardy, Randall R.

Republican, District 24
 Room 223-E
 (785) 296-7369

Committee	Rank	Time	Room
Ethics, Elections and Local Government	Member	9:30 am	142-S
Judiciary	Member	10:30 am	346-S
Transportation	Member	8:30 am	546-S
Utilities	Member	1:30 pm	548-S

Hawk, Tom

Democrat, District 22
 Room 135-E
 (785) 296-7360

Caucus Chair

Committee	Rank	Time	Room
Utilities	*R.M. Member	1:30 pm	548-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Transportation	Member	8:30 am	546-S
Ways and Means	Member	10:30 am	548-S

Hensley, Anthony

Democrat, District 19
 Room 318-E
 (785) 296-3245

Minority Leader

Committee	Rank	Time	Room
Confirmation Oversight	Vice Chair	On Call	
Education	*R.M. Member	1:30 pm	144-S
Interstate Cooperation	*R.M. Member	On Call	
Select Committee on Education Finance	*R.M. Member	On Call	
Financial Institutions and Insurance	Member	9:30 am	546-S
Legislative Coordinating Council (Joint)	Member	On Call	
Legislative Post Audit (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Hilderbrand, Richard

Republican, District 13
 Room 445-E
 (785) 296-7370

Committee	Rank	Time	Room
Federal and State Affairs	Member	10:30 am	144-S
Public Health and Welfare	Member	9:30 am	118-N
Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	
Transportation	Member	8:30 am	546-S

Holland, Tom

Democrat, District 3
 Room 134-E
 (785) 296-7372

Committee	Rank	Time	Room
Assessment and Taxation	*R.M. Member	9:30 am	548-S
Commerce	*R.M. Member	8:30 am	548-S
Information Technology (Joint)	Member	On Call	

Kelly, Laura

Democrat, District 18
 Room 125-E
 (785) 296-7365

Assistant Minority Leader

Committee	Rank	Time	Room
Public Health and Welfare	*R.M. Member	9:30 am	118-N
Ways and Means	*R.M. Member	10:30 am	548-S
Legislative Post Audit (Joint)	Member	On Call	
Pensions, Investments and Benefits (Joint)	Member	On Call	
Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	
State Building Construction (Joint)	Member	On Call	

Kerschen, Dan

Republican, District 26
 Room 225-E
 (785) 296-7353

Committee	Rank	Time	Room
Agriculture and Natural Resources	Chair	8:30 am	159-S
Assessment and Taxation	Vice Chair	9:30 am	548-S
Select Committee on Education Finance	Member	On Call	
Special Claims Against the State (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Longbine, Jeff

Republican, District 17
 Room 341-E
 (785) 296-7361

Vice President

Committee	Rank	Time	Room
Financial Institutions and Insurance	Chair	9:30 am	546-S
Pensions, Investments and Benefits (Joint)	Chair	On Call	
Confirmation Oversight	Member	On Call	
Federal and State Affairs	Member	10:30 am	144-S
Interstate Cooperation	Member	On Call	
Organization, Calendar and Rules	Member	On Call	

Lynn, Julia

Republican, District 9
 Room 445-S
 (785) 296-7382

Committee	Rank	Time	Room
Commerce	Chair	8:30 am	548-S
Judiciary	Vice Chair	10:30 am	346-S
Assessment and Taxation	Member	9:30 am	548-S
Legislative Post Audit (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

Masterson, Ty

Republican, District 16
 Room 237-E
 (785) 296-7388

Committee	Rank	Time	Room
Federal and State Affairs	Member	10:30 am	144-S
Pensions, Investments and Benefits (Joint)	Member	On Call	
Public Health and Welfare	Member	9:30 am	118-N
Transportation	Member	8:30 am	546-S
Utilities	Member	1:30 pm	548-S

McGinn, Carolyn

Republican, District 31
 Room 545-S
 (785) 296-7377

Committee	Rank	Time	Room
Ways and Means	Chair	10:30 am	548-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Agriculture and Natural Resources	Member	8:30 am	159-S
Confirmation Oversight	Member	On Call	
Select Committee on Education Finance	Member	On Call	
State Building Construction (Joint)	Member	On Call	

Olson, Robert “Rob”

Republican, District 23
 Room 236-E
 (785) 296-7358

Committee	Rank	Time	Room
Legislative Post Audit (Joint)	Chair	On Call	
Utilities	Chair	1:30 pm	548-S
Federal and State Affairs	Vice Chair	10:30 am	144-S
Commerce	Member	8:30 am	548-S
Confirmation Oversight	Member	On Call	
Financial Institutions and Insurance	Member	9:30 am	546-S

Petersen, Mike

Republican, District 28
 Room 345-S
 (785) 296-7355

Committee	Rank	Time	Room
Information Technology (Joint)	Chair	On Call	
Transportation	Chair	8:30 am	546-S
Utilities	Vice Chair	1:30 pm	548-S
Assessment and Taxation	Member	9:30 am	548-S
Judiciary	Member	10:30 am	346-S

Petty, Pat

Democrat, District 6
 Room 125-E
 (785) 296-7375

Committee	Rank	Time	Room
Transportation	*R.M. Member	8:30 am	546-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Education	Member	1:30 pm	144-S
Judiciary	Member	10:30 am	346-S
Kansas Security (Joint)	Member	On Call	
Public Health and Welfare	Member	9:30 am	118-N
Select Committee on Education Finance	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	

Pilcher-Cook, Mary

Republican, District 10
 Room 234-E
 (785) 296-7362

Committee	Rank	Time	Room
Commerce	Member	8:30 am	548-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Ethics, Elections and Local Government	Member	9:30 am	142-S
Judiciary	Member	10:30 am	346-S

Pyle, Dennis

Republican, District 1
 Room 234-E
 (785) 296-7379

Committee	Rank	Time	Room
Agriculture and Natural Resources	Member	8:30 am	159-S
Education	Member	1:30 pm	144-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Special Claims Against the State (Joint)	Member	On Call	

Rogers, Lynn W.

Democrat, District 25

Room 135-E

(785) 296-7391

Committee	Rank	Time	Room
Financial Institutions and Insurance	*R.M. Member	9:30 am	546-S
Agriculture and Natural Resources	Member	8:30 am	159-S
Federal and State Affairs	Member	10:30 am	144-S
Kansas Security (Joint)	Member	On Call	
Legislative Post Audit (Joint)	Member	On Call	
Pensions, Investments and Benefits (Joint)	Member	On Call	

Schmidt, Vicki**Assistant Majority Leader**

Republican, District 20

Room 441-E

(785) 296-7374

Committee	Rank	Time	Room
Administrative Rules and Regulations (Joint)	Chair	On Call	
Public Health and Welfare	Chair	9:30 am	118-N
Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight (Joint)	Vice Chair	On Call	
Interstate Cooperation	Member	On Call	
Transportation	Member	8:30 am	546-S
Ways and Means	Member	10:30 am	548-S

Skubal, John

Republican, District 11

Room 124-E

(785) 296-7301

Committee	Rank	Time	Room
Ethics, Elections and Local Government	Member	9:30 am	142-S
State Building Construction (Joint)	Member	On Call	
Transportation	Member	8:30 am	546-S
Utilities	Member	1:30 pm	548-S
Ways and Means	Member	10:30 am	548-S

Suellentrop, Gene

Republican, District 27
 Room 224-E
 (785) 296-7385

Committee	Rank	Time	Room
Commerce	Vice Chair	8:30 am	548-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Judiciary	Member	10:30 am	346-S
Utilities	Member	1:30 pm	548-S

Sykes, Dinah H.

Republican, District 21
 Room 237-E
 (785) 296-7367

Committee	Rank	Time	Room
Commerce	Member	8:30 am	548-S
Education	Member	1:30 pm	144-S
Ethics, Elections and Local Government	Member	9:30 am	142-S
Information Technology (Joint)	Member	On Call	

Taylor, Mary Jo

Republican, District 33
 Room 441-E
 (785) 296-7667

Committee	Rank	Time	Room
Agriculture and Natural Resources	Member	8:30 am	159-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Education	Member	1:30 pm	144-S
Public Health and Welfare	Member	9:30 am	118-N

Tyson, Caryn

Republican, District 12
 Room 123-E
 (785) 296-6838

Committee	Rank	Time	Room
Assessment and Taxation	Chair	9:30 am	548-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Federal and State Affairs	Member	10:30 am	144-S
Information Technology (Joint)	Member	On Call	
Transportation	Member	8:30 am	546-S

Wagle, Susan

Republican, District 30
 Room 333-E
 (785) 296-2419

President

Committee	Rank	Time	Room
Interstate Cooperation	Chair	On Call	
Organization, Calendar and Rules	Chair	On Call	
Legislative Coordinating Council (Joint)	Vice Chair	On Call	
Confirmation Oversight	Member	On Call	
Ethics, Elections and Local Government	Member	9:30 am	142-S
Ways and Means	Member	10:30 am	548-S

Wilborn, Rick

Republican, District 35
 Room 541-E
 (785) 296-7354

Committee	Rank	Time	Room
Judiciary	Chair	10:30 am	346-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Financial Institutions and Insurance	Member	9:30 am	546-S
Utilities	Member	1:30 pm	548-S

*Ranking Minority Member

**Constitutional Provisions
Governing
the
Kansas Legislature**



State of Kansas

KANSAS CONSTITUTIONAL PROVISIONS CONCERNING LEGISLATIVE POWERS

Article 2.—LEGISLATIVE

§ 1. Legislative power.—The legislative power of this state shall be vested in a house of representatives and senate.

§ 2. Senators and representatives.—The number of representatives and senators shall be regulated by law, but shall not exceed one hundred twenty-five representatives and forty senators. Representatives and senators shall be elected from single-member districts prescribed by law. Representatives shall be elected for two year terms. Senators shall be elected for four year terms. The terms of representatives and senators shall commence on the second Monday of January of the year following election.

§ 3. Compensation of members of legislature.—The members of the legislature shall receive such compensation as may be provided by law or such compensation as is determined according to law.

§ 4. Qualifications of members.—During the time that any person is a candidate for nomination or election to the legislature and during the term of each legislator, such candidate or legislator shall be and remain a qualified elector who resides in his or her district.

§ 5. Eligibility and disqualification of members.—No member of congress and no civil officer or employee of the United States or of any department, agency, or instrumentality thereof shall be eligible to be a member of the legislature. Any member of the legislature who accepts any appointment or election contrary to the foregoing shall be disqualified as a member of the legislature.

§ 6. This section was eliminated by the 1974 revision of this article.

§ 7. This section was eliminated by the 1974 revision of this article.

§ 8. Organization and sessions.—The legislature shall meet in regular session annually commencing on the second Monday in January, and all sessions shall be held at the state capital. The duration of regular sessions held in even-numbered years shall not exceed ninety calendar days. Such sessions may be extended beyond ninety calendar days by an affirmative vote of two-thirds of the members elected to each house. Bills and concurrent resolutions under consideration by the legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an even-numbered year, as if there had been no such adjournment.

The legislature shall be organized concurrently with the terms of representatives except that the senate shall remain organized during the terms of senators. The president of the senate shall preside over the senate, and the speaker of the house of representatives shall preside over the house of representatives. A majority of the members then elected (or appointed) and qualified of the house of representatives or the senate shall constitute a quorum of that house. Neither house, without the consent of the other, shall adjourn for more than two days, Sunday excepted.

Each house shall elect its presiding officer and determine the rules of its proceedings, except that the two houses may adopt joint rules on certain matters and provide for the manner of change thereof. Each house shall provide for the expulsion or censure of members in appropriate cases.

Each house shall be the judge of elections, returns and qualifications of its own members.

§ 9. Vacancies in legislature.—All vacancies occurring in either house shall be filled as provided by law.

§ 10. Journals.—Each house shall publish a journal of its proceedings. The affirmative and negative votes upon the final passage of every bill and every concurrent resolution for amendment of this constitution or ratification of an amendment to the Constitution of the United States shall be entered in the journal. Any member of either house may make written protest against any act or resolution, and the same shall be entered in the journal without delay or alteration.

§ 11. This section was eliminated by the 1974 revision of this article.

§ 12. Origination by either house.—Bills and concurrent resolutions may originate in either house, but may be amended or rejected by the other.

§ 13. Majority for passage of bills.—A majority of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill. Two-thirds (2/3) of the members then elected (or appointed) and qualified in each house, voting in the affirmative, shall be necessary to ratify any amendment to the Constitution of the United States or to make any application for congress to call a convention for proposing amendments to the Constitution of the United States.

§ 14. Approval of bills; vetoes.—(a) Within ten days after passage, every bill shall be signed by the presiding officers and presented to the governor. If the governor approves a bill, he shall sign it. If the governor does not approve a bill, the governor shall veto it by returning the bill, with a veto message of the objections, to the house of origin of the bill. Whenever a veto message is so received, the message shall be entered in the journal and in not more than thirty calendar days (excluding the day received), the house of origin shall reconsider the bill. If two-thirds of the members then elected (or appointed) and qualified shall vote to pass the bill, it shall be sent, with the veto message, to the other house, which shall in not more than thirty calendar days (excluding the day received) also reconsider the bill, and if approved by two-thirds of the members then elected (or appointed) and qualified, it shall become a law, notwithstanding the governor's veto.

If any bill shall not be returned within ten calendar days (excluding the day presented) after it shall have been presented to the governor, it shall become a law in like manner as if it had been signed by the governor.

(b) If any bill presented to the governor contains several items of appropriation of money, one or more of such items may be disapproved by the governor while the other portion of the bill is approved by the governor. In case the governor does so disapprove, a veto message of the governor stating the item or items disapproved, and the reasons therefor, shall be appended to the bill at the time it is signed, and the bill shall be

returned with the veto message to the house of origin of the bill. Whenever a veto message is so received, the message shall be entered in the journal and, in not more than thirty calendar days, the house of origin shall reconsider the items of the bill which have been disapproved. If two-thirds of the members then elected (or appointed) and qualified shall vote to approve any item disapproved by the governor, the bill, with the veto message, shall be sent to the other house, which shall in not more than thirty calendar days also reconsider each such item so approved by the house of origin, and if approved by two-thirds of all the members then elected (or appointed) and qualified, any such item shall take effect and become a part of the bill.

§ 15. Requirements before bill passed.—No bill shall be passed on the day that it is introduced, unless in case of emergency declared by two-thirds of the members present in the house where a bill is pending.

§ 16. Subject and title of bills; amendment or revival of statutes.—No bill shall contain more than one subject, except appropriation bills and bills for revision or codification of statutes. The subject of each bill shall be expressed in its title. No law shall be revived or amended, unless the new act contain the entire act revived or the section or sections amended, and the section or sections so amended shall be repealed. The provisions of this section shall be liberally construed to effectuate the acts of the legislature.

§ 17. Uniform operation of laws of a general nature.—All laws of a general nature shall have a uniform operation throughout the state: *Provided*, The legislature may designate areas in counties that have become urban in character as “urban areas” and enact special laws giving to any one or more of such counties or urban areas such powers of local government and consolidation of local government as the legislature may deem proper.

§ 18. Election or appointment of officers; filling vacancies.—The legislature may provide for the election or appointment of all officers and the filling of all vacancies not otherwise provided for in this constitution.

§ 19. Publication of acts.—No act shall take effect until the enacting bill is published as provided by law.

§ 20. Enacting clause of bills; laws enacted only by bill.—The enacting clause of all bills shall be “Be it enacted by the Legislature of the State of Kansas:”. No law shall be enacted except by bill.

§ 21. Delegation of powers’ of local legislation and administration.—The legislature may confer powers of local legislation and administration upon political subdivisions.

§ 22. Legislative immunity.—For any speech, written document or debate in either house, the members shall not be questioned elsewhere. No member of the legislature shall be subject to arrest—except for treason, felony or breach of the peace—in going to, or returning from, the place of meeting, or during the continuance of the session; neither shall he be subject to the service of any civil process during the session, nor for fifteen days previous to its commencement.

§ 23. This section was eliminated by the 1974 revision of this article.

§ 24. **Appropriations.**—No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law.

§ 25. This section was eliminated by the 1974 revision of this article.

§ 26. This section was repealed by the adoption of 1972 HCR 1097, on Aug. 1, 1972.

§ 27. **Impeachment.**—The house of representatives shall have the sole power to impeach. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall take an oath to do justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the senators then elected (or appointed) and qualified.

§ 28. **Officers impeachable; grounds; punishment.**—The governor and all other officers under this constitution, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

§ 29. This section was eliminated by the 1974 revision of this article.

§ 30. **Delegations to interstate bodies.**—The legislature may confer legislative powers upon interstate bodies, comprised of officers of this state or its political subdivisions acting in conjunction with officers of other jurisdictions, relating to the functions thereof. Any such delegation, and any agreement made thereunder shall be subject to limitation, change or termination by the legislature, unless contained in a compact approved by the congress.

**Rules
of the
Kansas Senate**



State of Kansas

2017-2020

January 2017

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RULES OF THE SENATE 2017-2020

Rule 1. Time of Meetings. The Senate on the first day of a session shall convene at 2:00 p.m., and at all other times shall convene at 2:30 p.m., unless otherwise ordered by the Senate.

Rule 2. Convening – Quorum – Assuming Duties of Chair. (a) The President shall take the chair at the hour fixed for the convening of the Senate, and the roll shall be called in order to ascertain if a quorum is present. A majority of the Senators then elected (or appointed) and qualified shall constitute a quorum, and, in the absence of a quorum, the Senators present, by majority vote, may take such measures as they shall deem necessary to secure the presence of a quorum.

(b) In the absence of the President, the Vice President shall assume the duties of the President. The President or Vice President may also name any Senator to temporarily perform the duties of the chair, but the Senator so named shall not act as President beyond adjournment, unless by leave of the Senate. A Senator shall not lose the right of voting on any subject while serving or acting as President.

Rule 3. Absence of Member. No Senator shall fail to attend when the Senate is in session without first obtaining leave of the Senate, unless prevented from attending by sickness or other sufficient cause.

Rule 4. Order of Business and Session Proforma. The order of business, following the roll call and prayer by the Chaplain, shall be as follows:

1. Introduction and reference of bills and concurrent resolutions.
2. Consideration of messages from the Governor.
3. Communications from state officers.
4. Consideration of messages from the House of Representatives.
5. Consideration of motions to concur or nonconcur.
6. Reports of select committees.
7. Consent Calendar.
8. Final Action on bills and concurrent resolutions.
9. Introduction of original motions and senate resolutions.
10. Correction and approval of the Journal.
11. Consideration of motions and senate resolutions.
12. Reports of standing committees.
13. General orders.

The Senate may meet from time to time for the sole purpose of processing routine business of the Senate. These sessions shall be known as Session Proforma.

(1) Time of Meeting. Session Proforma shall be announced at least one legislative day in advance with the hour for meeting Proforma set on the previous legislative day.

(2) Order of Business. The only orders of business that may be considered during Session Proforma are:

- (a) Introduction and reference of bills and concurrent resolutions.
 - (b) Receipts of messages from the Governor.
 - (c) Communications from state officers.
 - (d) Receipt of messages from the House of Representatives.
 - (e) Reports of select and standing committees.
 - (f) Presentation of petitions.
- (3) Motions. No motion shall be in order other than the motion to adjourn.
- (4) Objections. Any objection by any member shall require the Session Proforma to adjourn to the next day, Saturday and Sunday excluded, at 2:30 p.m.
- (5) Quorum and Roll. There shall be no requirement for a quorum or taking of the roll. No demand for a roll call for a quorum shall be in order.
- (6) Effect of Certain Rules. If a legislative day referred to in Rule 11, 12, 28, 32, 33, 53, 56, 68 or 69 occurs on a legislative day which is also the day on which a Session Proforma is held, the term "legislative day" as used in such rule means the next legislative day subsequent to the legislative day on which the Session Proforma is held.

The presentation of petitions shall be a special order of business on Friday of each week immediately preceding the regular order of business.

Rule 5. Business in Order at Any Time. Messages from the Governor, messages from the House of Representatives, introduction and reference of bills and concurrent resolutions, reports of standing committees and reports of select committees may be received and considered under any order of business.

Rule 6. Special Order. Whenever any bill or other matter is made the special order for a particular day, and shall not be reached or completed on that day, it shall be returned to its place in the General Orders, unless it shall be made the special order for another day. When any special order is under consideration, it shall take precedence over any special order for a subsequent hour of the same day, but such subsequent special order shall be taken up immediately after the previous order has been disposed of. Notation of a special order shall be placed before the first order of business on the calendar for that day, giving the subject to be considered and the time fixed for its consideration. When that time arrives, other business shall be suspended until the special order has been considered.

Rule 7. Standing Committees. (a) There shall be a standing committee named the Committee on Organization, Calendar and Rules which shall consist of three members, the chairperson of which shall be the President of the Senate, and the vice chairperson of which shall be the Majority Leader of the Senate. The Vice President of the Senate shall be a member of the committee. No bill or resolution other than resolutions adopting, amending or revoking rules of the Senate or Joint Rules of the Senate and House of Representatives, shall be introduced by or be referred to the Committee on Organization, Calendar and Rules.

(b) The following shall be the other standing committees:

	Number of members
1. Agriculture and Natural Resources.....	9
2. Assessment and Taxation	9
3. Commerce.....	11
4. Confirmation Oversight	6
5. Education.....	11
6. Ethics, Elections and Local Government.....	9
7. Federal and State Affairs.....	9
8. Financial Institutions and Insurance.....	9
9. Interstate Cooperation.....	7
10. Judiciary.....	11
11. Public Health and Welfare.....	9
12. Transportation.....	11
13. Utilities.....	11
14. Ways and Means.....	13

(c) The President of the Senate, with the advice of the Majority Leader and the Vice President of the Senate, shall appoint the members of each committee, shall appoint the chairperson and vice chairperson or vice chairpersons thereof and shall designate the ranking minority member of each committee. The minority leader shall submit recommendations for the appointment of minority members to the standing committees of the Senate to the Committee on Organization, Calendar and Rules. The Committee on Organization, Calendar and Rules shall have a standing subcommittee on calendar which shall be the President of the Senate, the Vice President of the Senate and the Majority Leader of the Senate. The Majority Leader shall be the chairperson of the subcommittee. The Committee on Organization, Calendar and Rules may establish such other subcommittees of the Committee on Organization, Calendar and Rules as the Committee deems appropriate.

(d) The Committee on Organization, Calendar and Rules shall have a standing subcommittee on rules which shall be the President of the Senate, the Vice President of the Senate, the Majority Leader of the Senate, one member of the Senate from the majority party appointed jointly by the President of the Senate, the Vice President of the Senate and the Majority Leader of the Senate and one member who shall be the minority leader of the Senate or the designee of the minority leader. The chairperson of the subcommittee on rules shall be the Vice President of the Senate. The subcommittee on rules shall consider rules questions arising during a convening of the Senate.

(e) The Committee on Organization, Calendar and Rules and all of its subcommittees may close their meetings.

(f) The two major political parties shall have proportional representation on each standing committee other than the Committee on Organization, Calendar and Rules. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding .5 shall receive representation as though such fraction were a whole number.

(g) The Senate standing Committee on Agriculture and Natural Resources shall constitute the successor committee to the Senate standing Committee on Agriculture and the Senate standing Committee on Natural Resources for purposes of references in statutory and other documents. The Senate standing Committee on Ethics, Elections and Local Government shall constitute the successor committee to the Senate standing Committee on Ethics and Elections and the Senate standing Committee on Local Government.

Rule 8. Special and Select Committees. Special and Select committees of the Senate and the Chairperson thereof shall be appointed by the President.

Rule 9. Standing Committees – Duties of Chairperson, etc. (a) The chairperson of each committee shall preside at all meetings of the committee. The chairperson may designate another member to preside in the absence of the chairperson and vice chairperson.

(b) The chairperson of each committee may call a special meeting of the committee when necessary.

(c) The chairperson shall have full charge of the committee.

(d) The chairperson of each committee shall cause minutes of each meeting of the committee to be prepared, subject to approval of the committee within 14 session days or by sine die adjournment, whichever is earlier. Minutes shall show the action taken by the committee upon each bill or resolution considered and the amendments if any voted upon and the disposition of each, whether adopted or not. At the request of the author of a bill or resolution or any amendment to a bill or resolution, or on request of any member of the committee, the intent of the author shall be stated in the committee minutes. At the conclusion of each legislative session, copies of all committee minutes shall be filed with the Director of Legislative Administrative Services.

Rule 10. Vote in Senate Committee. At the time of taking any action upon any bill or resolution, any member of a committee may demand a division of the vote and the chairperson shall be required to record the number of votes for and against the action as a part of the minutes.

Rule 11. Committee Action on Bills and Resolutions. (a) A committee may recommend that the Senate act favorably, unfavorably or without recommendation upon any measure or may recommend amendments to measures referred to it which are germane to the subject of the measure. If a committee recommends amendments to a bill or resolution referred to it which strike out all of the material in the bill or resolution subsequent to the enacting clause or resolving clause and inserts new material, and the bill or resolution was sponsored by an individual member or members, the committee becomes the sponsor of the bill or resolution and the committee name will be printed on the bill or resolution as the sponsor. Committee recommendations shall be made by committee report to the Senate. Committee reports shall be signed by the chairperson, and shall be transmitted to the Senate not later than the second legislative day following the action of the committee.

(b) When a committee fails to report on any bill or resolution following reference to such committee, it may be withdrawn from the committee by an affirmative vote of 24

members of the Senate on a motion made as provided in this subsection. Such a motion shall be made in writing, giving the reasons for withdrawal from the committee. Such motion shall be made under the order of business introduction and notice of original motions and Senate resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the reading clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of business consideration of motions and Senate resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If the motion prevails, the bill or resolution shall be placed on the calendar under the order of business General Orders.

(c) Motions to withdraw a bill or resolution from a committee are not subject to amendment or debate.

Rule 12. Adversely Reported Bills and Resolutions. All bills or resolutions adversely reported shall go upon the Calendar for one day, under the head of Bills Adversely Reported. A motion to place an adversely reported bill (or resolution) under the order of business General Orders on the Calendar shall be made when the bill (or resolution) is upon the Calendar and shall be made when Introduction of Original Motions and Senate Resolutions is in order, and that motion shall then lie over until the next legislative day when the order of business Consideration of Motions and Senate Resolutions is reached, but if such motion is defeated once it shall not be renewed. If an adversely reported bill or resolution has been previously referred separately under Rule 32 (authorizing the reference of the same bill or resolution to two or more standing committees), then the motion shall be to return the adversely reported bill (or resolution) with the committee report attached to the next committee to which it was referred. If the motion to place the bill (or resolution) on the Calendar under the order of business General Orders or to return the bill (or resolution) to the next committee of reference shall prevail, then the words "Adversely Reported" shall be printed in a line underneath the title of the bill or resolution, and to prevail such motion shall require an affirmative vote of 24 members of the Senate.

Rule 13. When Bill or Concurrent Resolution Placed on General Orders. When a bill or a concurrent resolution to amend the constitution has been reported to the Senate by a committee with the recommendation that it pass or be adopted, it shall immediately be placed on the Calendar under the order of business General Orders.

Rule 14. Address the President – To Be Recognized – Speak But Twice on the Same Subject. Every Senator rising to debate or to present any matter shall address the President and shall not proceed until recognized. When two or more Senators shall address the President at the same time, the President shall name the Senator who is to speak first. No Senator, except for the Senator who is carrying a bill, resolution or report, shall speak more than twice on the same day on the same subject without leave of the Senate.

Rule 15. No Senator Shall Be Interrupted. No Senator, when speaking shall be interrupted except by a call to order by the presiding officer, or by a Senator through the presiding officer, desiring to ask a question. If a Senator speaking yields to a question, the interruption shall be confined solely to such question. Senators shall be referred to as "the

Senator from _____" (naming the Senator's home county) followed by the Senator's title and name.

Rule 16. Personal Privilege. Senators raising a point of personal privilege shall confine themselves to remarks which concern themselves personally and shall not address or debate matters under consideration by the Senate.

Rule 17. Questions of Order – How Determined. A question of order may be raised at any time and when a Senator shall be called to order the Senator shall stop speaking until the presiding officer has determined whether the Senator was in order. Every question of order shall be decided by the presiding officer, subject to an appeal to the Senate by any member. The vote on an appeal to the Senate under this rule shall not be a roll call vote. Every appeal on a question of order shall be taken without debate.

Rule 18. Explaining Votes. Senators may explain their votes only upon the call of their names upon any roll call vote, but not more than two minutes shall be allowed for any explanation. The explanation shall be inserted in the Journal if the Senator makes a request at the time of voting or makes a request of the Secretary of the Senate prior to adjournment, and the written explanation is presented to the Secretary of the Senate during or within two hours following that day's adjournment on the same legislative day. No Senator in explaining a vote may use the name of or otherwise identify any other Senator as part of the explanation without the consent of the other Senator. No written explanation shall contain more than 200 words. If the written explanation contains more than 200 words, only the first 200 words of the explanation shall be printed in the Journal.

Rule 19. Vote Unless Excused – Contempt. Any Senator, who is directly interested in a question, may be excused from voting, even though there is a call of the Senate. The Senator, who is requesting to be excused from voting, shall state the reasons for the request, occupying not more than five minutes. Such statements shall be made either immediately before or immediately after the vote is called but before the result is announced. The question on excusing any Senator from voting shall be taken without debate and a majority of those voting shall be necessary to excuse the Senator. If a Senator refuses to vote, when not excused, such refusal shall constitute contempt and the President shall, in such case, order the offending Senator before the bar of the Senate and all privileges of membership shall be refused such Senator until the contempt is corrected as determined by vote of the Senate.

Rule 20. When Not Permitted to Vote. No Senator shall be allowed to vote unless the Senator is seated in the Senator's assigned seat within the Senate chamber when the vote is taken.

Rule 21. Filling Certain Vacancies. (a) When a vacancy occurs in the office of President and the Legislature is adjourned to a date more than 60 days after the occurrence of the vacancy, the Senate shall meet within 30 days and elect a member to fill the vacancy. The Vice President shall within 10 days of such occurrence issue a call for the meeting at a time not less than 10 days and not more than 20 days after the date of the call.

(b) When a vacancy occurs in the office of Vice President or Majority Leader of the Senate, and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the President shall appoint an acting Vice President or acting Majority Leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting interim appointment had not been made.

(c) When a vacancy occurs in the office of Minority Leader of the Senate and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the assistant minority leader shall become the acting minority leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting minority leader had not so served.

(d) It is the intention of this rule that any person elected, appointed or designated to serve in accordance herewith to fill a vacancy shall exercise all of the duties and powers of the office so filled.

Rule 22. Party Affiliation – Change. If any Senator changes political party affiliation: (1) From the political party of such Senator at the time of the Senator's election; or (2) if the Senator was appointed, from the political party of the district convention which elected such person to be so appointed, the following shall apply:

(a) Such Senator shall be removed from all memberships on standing and other committees, from all positions of chairperson or vice chairperson of a standing or other committee, and from any office of the Senate held at the time of such change. The Committee on Organization, Calendar and Rules shall appoint a Senator to fill any vacancy which arises under this subpart (a).

(b) The proportion of Senators from major political parties on each standing committee originally determined under Rule 7 (providing for proportional representation of members of political parties upon standing committees) shall not be altered. The Committee on Organization, Calendar and Rules shall fill each standing committee member position vacated by such Senator by appointing a Senator of the political party from which such Senator changed.

Rule 23. Open Meetings Provisions. The open meeting law (K.S.A. 75-4317 et seq., and amendments thereto) shall apply to meetings of the Senate and all of its standing committees, select committees, special committees and subcommittees of any of such committees. Caucuses of Senate majority and minority parties and meetings of the Committee on Organization, Calendar and Rules and its subcommittees may be closed.

Rule 24. Motions in Writing. All motions to amend bills and resolutions shall be made in writing, and upon request of any Senator shall be read by the reading clerk before being voted upon. All other motions shall be reduced to writing when desired by any Senator.

Rule 25. Motions Withdrawn. Any motion may be withdrawn by the maker before amendment or decision is made thereon except as the foregoing is modified by Rule 40 (relating to procedure in the committee of the whole).

Rule 26. Motions in Order When Question Under Debate. When a question is under debate, no motion shall be in order, except:

Not Debatable

1. To fix time to which to adjourn.
2. To adjourn.
3. To lay on the table.
4. For the previous question.
5. To recess to a time certain.

Debatable

6. To postpone to a day certain.
7. To commit to a standing committee.
8. To commit to a special committee.
9. To commit to the Committee of the Whole.
10. To amend.
11. To postpone indefinitely.

The several motions specified in this rule shall have precedence in the order named and the first five shall be decided without debate.

Rule 27. Division of Question. (a) If the question in debate contains several points, any Senator may have the same divided, but a motion to strike out and insert shall be indivisible. When a bill or resolution is under consideration in the Senate and after debate is concluded and final action has been announced on the bill or resolution, a request for division of question shall not be in order.

(b) A request for division of question shall be in writing specifying the manner in which the question is to be divided.

(c) The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert another proposition, nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

Rule 28. Reconsideration of Pending Matters. When a question has been once put and decided it shall be in order for any Senator who voted with the prevailing side to move for a reconsideration thereof, but no motion for reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, nor shall any motion for reconsideration be in order unless made on the same day on which the vote was taken or the next legislative day. No question shall be reconsidered more than once.

Rule 29. Previous Questions. Five Senators shall have the right to move the previous question on any bill, resolution, message, report, amendment, or motion. If no amendment is pending the previous question shall be as follows: "Shall the main question be now put?" If the previous question is decided in the affirmative by a majority vote of those present, the main question shall be put without further amendment or debate. If amendments are pending a motion for the previous question shall concern only the last amendment that is pending on which, if the previous question is adopted, the debate will be closed only upon such amendment. The previous question on other questions than the

main question shall be as follows: "Shall the question on the (amendment, amendment of an amendment, substitute or other motion affecting same as the case may be) now be put?"

Rule 30. Endorsement on Bills, etc. Before any bill, resolution or petition, addressed to the Senate, shall be received or read, the title of the bill or resolution or a brief statement of the contents of the petition shall be typed on the jacket, with the name of the Senator or committee introducing it.

Rule 31. Introduction of Bills and Concurrent Resolutions. Every bill and concurrent resolution shall be introduced by a Senator, by a committee, on the report of a committee, by message from the House of Representatives, or by proper prefilings as provided by law. For the purpose of introduction, every bill and concurrent resolution shall be placed in the possession of the secretary and the reading clerk shall read the title, except citations of statutes amended or repealed. The reading clerk shall also read the name of the sponsor of the bill or resolution if it has a single sponsor. If the bill or resolution has two sponsors the reading clerk shall read the names of both sponsors, but if the bill or resolution has more than two sponsors the reading clerk shall read the name of the first sponsor together with the words "and others."

Rule 32. Reference of Bills and Resolutions. All bills and resolutions shall be referred or rereferred to appropriate standing committees, special or select committees appointed under Rule 8 or the Committee of the Whole by the President. Upon the day of its introduction or upon the next legislative day, the President shall refer every bill and each concurrent resolution to be referred to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole. Bills or resolutions prefiling under K.S.A. 46-801 et seq., and amendments thereto, may be referred by the President to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole at any time subsequent to the prefiling of such bill or resolution with the secretary of the senate. Bills introduced by committees, if germane to the purpose and scope of the committee, may be referred to the Committee of the Whole; otherwise to the appropriate standing committee or special or select committees appointed under Rule 8. All bills making an appropriation shall be referred to the Committee on Ways and Means. The President may refer a bill or resolution to two or more standing committees or special or select committees appointed under Rule 8, or any combination thereof, jointly, or separately, in such order as the President may direct, and such bill or resolution, when so referred, shall be considered by the committees in joint meeting, or by each of the committees separately in the order named in the reference, and when the reference is made jointly, the chairperson of the committee named first shall be chairperson of the joint committee.

Rule 33. Consent Calendar and Recording Reports. Whenever a standing committee is of the opinion that a bill or resolution upon which it is reporting is of non-controversial nature, it shall so state in its committee report. Whenever a bill or resolution is so reported, it shall be placed upon a separate calendar, to be known as the Consent Calendar. Each bill or resolution appearing on the Consent Calendar shall remain thereon for at least two full legislative days before being considered under the order of business

Final Action. At any time prior to the call for the vote under the order of business Final Action on a bill or resolution on the Consent Calendar, any member may object to the same as being controversial and the same shall be stricken from the Consent Calendar and take its place on General Orders in the usual order. If no such objection is made prior to the call for such vote on the bill or resolution, it shall be voted upon with other bills and resolutions under the order of business Final Action but before consideration of other bills or resolutions appearing on the calendar under such order of business.

Rule 34. Final Action on Bills and Concurrent Resolutions. On final action on any bill or concurrent resolution, the reading clerk shall read the title, except citations to statutes amended or repealed. If the bill is reported for final action without debate, the question shall be at once put: "Shall the bill pass?" No debate shall be allowed, and no motion shall be in order except the motion for a call of the Senate, unless in case where a bill has been ordered to be placed on final action subject to amendment, or to amendment and debate or unless by the unanimous consent of the Senate, amendments may be made and considered. Like procedure shall apply to concurrent resolutions except that the question put shall be: "Shall the resolution be adopted?" On final action, bills and resolutions may be bulked together for roll call unless objection be made by any Senator.

Rule 35. Final Passage by Yeas and Nays. The question upon the final passage of a bill and every concurrent resolution for amendment of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be taken by a roll call vote of the yeas and nays, which shall be entered on the Journal, and unless the bill or concurrent resolution receives the number of votes required by the constitution to pass it, it shall be declared lost, except in cases provided for in Rule 36 (relating to the absence of a quorum).

Rule 36. No Quorum on Final Vote – Effect. If, on taking the vote on final action on a bill or concurrent resolution, it shall appear that a quorum is not present, then the bill or concurrent resolution shall retain its place on the Calendar and shall again be considered for final action when that order of business is again taken up by the Senate.

Rule 37. Roll Call Vote. A roll call vote shall be taken upon all questions upon the demand of five Senators.

Rule 38. Call of Senate – When Made – How Enforced. (a) A call of the Senate may be had upon the demand of five Senators, pending a roll call on the final passage of any bill or resolution, or on any motion to strike the enacting clause of a bill or the resolving clause of a resolution, or indefinitely postpone any bill or resolution, and before the result is announced. When a call is demanded, the President shall order the doors of the Senate to be closed and all members to be in their seats unless excused by the President. The President shall direct the Secretary to call the roll of the Senators and note the absentees, after which the names of the absentees shall be again called, and those for whose absence no sufficient excuse is given may be sent for and taken into custody by the Sergeant at Arms, or by Assistant Sergeants at Arms appointed for the purpose, and brought before the bar of the Senate, where unless excused by a majority of the Senators present, they shall be reprovved by the President for the neglect of duty.

(b) No motion to dispense with further proceedings under the call of the Senate shall be entertained until the President shall be satisfied that the Sergeant at Arms has made diligent effort to secure the attendance of the absentees.

Rule 39. Roll Call Votes. Every Senator in the Senate chamber when a roll call is taken shall respond when the Senator's name is called. If there is a call of the Senate, the Senator must vote Yea or Nay, except as provided in Rule 19 (Senators excused from voting if directly interested in the question). When there is no call of the Senate, the Senator may pass and shall be recorded in the Journal as present and passing. After the roll is completed and before the roll is closed, a Senator may change such Senator's vote. No vote shall be recorded and no change in vote may be made without unanimous consent of the Senate after announcement by the presiding officer that the roll is closed. No motion shall be in order during a roll call vote except as provided under Rule 34 for final action on bills and concurrent resolutions and except for a call of the Senate.

Rule 40. Committee of the Whole. On motion the Senate may go into Committee of the Whole. The President shall appoint a chairperson to preside over the Committee of the Whole. The rules of the Senate shall be observed in the Committee of the Whole, so far as applicable except that there shall be no limit on the number of times of speaking and Rule 38 (authorizing a call of the senate) shall not apply. A motion to lay on the table or a call for the previous question shall not be in order. No substitute motion to amend a bill or resolution shall be in order. A substitute motion to report a bill or resolution to the full Senate once made shall be decided subject only to debate and Rule 50 (motion to strike the enacting or resolving clause). A roll call shall be had on any question subject to the requirements of Rule 37.

Rule 41. No Quorum in Committee of the Whole – Procedure. If at any time, when in Committee of the Whole, it be ascertained that there is no quorum present, the chairperson shall immediately vacate the chair and report the fact to the President.

Rule 42. How Bills or Resolutions Considered – Committee of the Whole. Bills or resolutions shall be considered in Committee of the Whole in the following manner: The standing committee report shall first be considered and if it is adopted the bill or resolution as amended by the committee report shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. If the committee report is not adopted, the bill or resolution, without committee amendments, shall be considered section by section, and as each section is considered amendments from the floor are in order to that section. After a section has been considered, no amendment thereto shall be in order until the whole bill or resolution has been read through. After the original bill or resolution, together with standing committee amendments, has been considered section by section the chairperson shall announce "Amendments to the bill (or resolution) generally are in order," and amendments not before offered may be made to any part of the bill or resolution. A motion to amend the bill or resolution shall not be in order while a motion to strike the enacting clause or resolving clause is pending.

Rule 43. Amendments. (1) Amendments to bills shall be germane to the subject of the bill being amended, and the fact that an amendment is to a section in the same chapter

of the Kansas Statutes Annotated as an existing section in the bill shall not automatically render the amendment germane. Amendments to concurrent resolutions for amendments of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be germane to the subject of the resolution being amended.

(2) All amendments to bills or resolutions shall be submitted in writing on a form provided by the Senate or on a form substantially similar. All amendments to printed bills or resolutions shall specify the page and line number as shown on the printed bill or resolution. If a bill or resolution has not been printed, amendments must refer to the typed bill or resolution. All amendments adopted shall be recorded in the Journal. The action taken on all amendments, whether adopted or rejected, shall be recorded in the Journal. When a bill or resolution has been amended, it shall be engrossed before it is enrolled.

(3) In the case of amendment by substitute bill or by substitute concurrent resolution, motion shall be made to substitute a written bill or concurrent resolution for the bill or concurrent resolution under consideration.

(4) A motion to amend a motion to amend a bill or resolution shall not be in order.

Rule 44. Report of Committee of the Whole Subject to Amendment – Time for. The report of the Committee of the Whole is subject to amendment to correctly reflect what has occurred in the Committee of the Whole by motions made at the time the report is offered for adoption by the Senate. When a bill is reported with the recommendation that the enacting clause be stricken, and the report is agreed to by the Senate, the bill shall be considered killed.

Rule 45. Motion for Committee of the Whole to Rise and Report Progress. A motion that the Committee of the Whole shall rise and report progress on any bill shall always be in order and shall be decided without debate, and the matter being considered shall be the first order of business at the next session of the committee, subject to such postponement as the subsequent Committee of the Whole may determine. After a motion to rise and report progress has been adopted, the Subcommittee on Calendar of the Committee on Organization, Calendar and Rules may change for the resumption of the current session of the Committee of the Whole the order of consideration of bills and resolutions.

Rule 46. Division of the Senate. Whenever a voice vote has been taken upon any question in either the Senate or the Committee of the Whole, any Senator may call for a division of the Senate or Committee of the Whole.

Rule 47. Bills and Resolutions to Final Action. When the Committee of the Whole shall favorably report a bill or resolution, and the report is adopted by the Senate, the bill or resolution shall be considered as ordered to the order of business Final Action. The vote upon the final passage of the bill shall not be taken on the same day on which the bill is placed on Final Action. Bills and resolutions to be sent to the House shall be properly corrected under the supervision of the Secretary of the Senate. The Secretary of the Senate is authorized to correct misspelled words, punctuation and "doublets" or repeated words when preparing bills, resolutions or other documents for signature by officers of the Senate and House.

Rule 48. Bills and Resolutions – Inclusion of Amendments. When a bill or resolution is amended, the Secretary of the Senate shall attach to the original copy all amendments made in the Senate. Substitute bills and substitute concurrent resolutions shall accompany the bill or concurrent resolution for which each is substituted. Upon passage, Senate bills or resolutions, including the original copy and amendments, shall be transmitted to the House.

Rule 49. Reports of Transmittals in Journal – Committee – Reports. Report of transmittal of bills and resolutions to the House shall be immediately entered upon the Journal.

Rule 50. Motion to Strike Enacting or Resolving Clause – Debate Limited. No Senator may speak more than twice on a motion to strike the enacting clause of a bill or the resolving clause of a resolution, and no other motion, except a motion to adjourn, shall be in order until the motion to strike the enacting clause or resolving clause has been decided by roll call vote.

Rule 51. Two-thirds Vote Not Necessary Except on Final Passage of Resolution. When a resolution requiring a vote of 2/3 of the Senate for adoption is under consideration, a vote of 2/3 shall not be needed to decide any question short of its final passage, except as provided by these rules.

Rule 52. Bills and Resolutions Considered in Regular Order. The Subcommittee on Calendar of the Committee on Organization, Calendar and Rules shall designate from day to day and from time to time the bills and resolutions to be considered that day and on the next legislative day, and the order of consideration fixed by this subcommittee shall not be changed, except by unanimous consent or by a 2/3 vote of all the members of the Senate then elected (or appointed) and qualified, if unanimous consent is refused, or as provided in Rule 45.

Rule 53. Changing Order on Calendar. Not more than one bill or resolution may be named in a motion to change the order of the Calendar, and on each motion no Senator except the Senator making the motion shall speak more than once, nor longer than two minutes.

Rule 54. Resolutions – Classes – Procedures Thereon. Resolutions shall be of the following classes: (1) Senate resolutions; and (2) Senate concurrent resolutions. In acting on them, the Senate shall observe the following procedure:

(1) Senate resolutions shall be in writing, shall be read and shall lie over one day. Senate resolutions other than resolutions for the amendment of rules of the Senate shall not be printed unless ordered by the Senate. There shall be no roll call unless ordered. With the consent of the majority of Senators present and voting, either the requirement to read Senate resolutions or the requirement to lie over one day, or both, may be dispensed with.

(2) Senate concurrent resolutions shall be in writing, shall be read by title, and shall lie over one day. All Senate concurrent resolutions shall be printed, and shall require a roll call on motion to adopt. Propositions to amend the constitution shall be made by

concurrent resolution and referred to the proper committee. Other concurrent resolutions may be referred to a proper committee by the President.

(3) Notwithstanding any other rule of the Senate to the contrary, no Senator shall request and be the primary sponsor of more than three Senate resolutions or concurrent resolutions which congratulate, commemorate, commend, honor or are in memory of any individual, entity or event during a legislative session of the Senate, except upon approval of the President.

All House concurrent resolutions, when in the Senate, shall follow the same procedure as Senate concurrent resolutions.

This rule shall not apply to resolutions relating to the business of the day, nor to resolutions for organization or adjournment.

Rule 55. Confirmation of Appointments by Governor or Other State Official. All nominations or appointments made by the governor or other state official, which are subject to Senate confirmation, may be considered and acted upon by the Senate in either executive or regular session except that no final action thereon may be taken in executive session. When nominations or appointments are made by the governor or other state official for confirmation by the Senate, they shall, unless otherwise ordered by the President, be referred to appropriate committees by the President. Nominations or appointments referred to committees shall be returned to the Senate within 20 legislative days after the same are referred, together with a report thereon, unless additional time be granted by a majority vote of senators present. If the nomination or appointment is not returned to the Senate within the period of time specified for its return and additional time has not been granted, the nomination or appointment shall be considered to be returned to the Senate without recommendation on the next legislative day following the last day of the period of time specified for its return. Any such appointment may be considered and acted upon by the Senate at any time after the nomination or appointment is returned to the Senate. The chairperson of the committee which recommends for confirmation a nomination or appointment may speak more than twice on the same day on the subject of the nomination or appointment. No motion to confirm any such appointment or nomination shall be in order without the unanimous consent of the Senate until the nomination or appointment is returned to the Senate, unless one day's previous notice thereof is given in open session or by posting the appointments or nominations to be considered near the entrance to the Senate chamber. Appointments shall be confirmed by the Senate only by an affirmative vote of a majority of all members of the Senate then elected (or appointed) and qualified.

Rule 56. Admittance to Floor – Lobbying on Floor – Galleries. No person shall be admitted to the floor of the Senate except elective state officers; members of the Legislature; friends of the members of the Senate, upon invitation signed by the President and the Senator extending the invitation; former members of the Senate, officers and employees of the legislative branch, and members of the news media who are actually employed, and who have a card of admission from the President. The Senate by resolution, may issue such invitations as it desires. Persons so admitted must stay in the perimeter of the Senate chamber except with the express permission of a member of the Senate. No one registered with the Secretary of State as an agent or lobbyist may be on

the floor of the Senate during the hours of 9:30 a.m. to 4:30 p.m. nor at the time the Senate is in session. No person, other than a state officer or employee of the legislative branch or legislator, shall discuss any measure with any Senator on the floor of the Senate during the time the Senate is in session. Any person who violates this rule or any person who shall gain admission to the floor of the Senate by false representation shall be forthwith ejected from the Senate chamber and thereafter be denied admission. No employee shall lobby for or against any measure pending in the Senate, and any employee violating this rule shall be forthwith discharged. Former members of the Senate may be introduced when on the floor, but no other introductions shall be made during the session of the Senate, except the President may announce the attendance of school students or other groups visiting the Senate.

Visitors shall be allowed in one or both galleries of the Senate in accordance with directions to the Sergeant at Arms from the President.

Rule 57. Electronic Devices; Photographic Record of Vote. The use of telephones and the making of telephone calls in the galleries of the Senate are prohibited. Except for security personnel, the use of wireless electronic telecommunications devices emitting an audible sound or tone to announce or initiate communications in a committee room during any time when a committee or subcommittee is in session in the room, in the galleries during any time when the Senate is in session and in the Senate Chamber during any time the Senate is in session is prohibited. The use of video recorders or other video equipment in the galleries is prohibited. No photographic or similar record shall be made of the vote of any member upon any measure on which a division of the Senate has been called.

Rule 58. Chairs of Senators. No person except a member of the Senate, shall occupy the chair of any Senator at any time except with the approval of and in the presence of a member of the Senate.

Rule 59. The News Media. Employees of the news media displaying a card of admission from the President may only occupy space designated for them in the Senate chamber. They shall be subject to all the rules of the Senate and shall conduct themselves with proper decorum while in the Senate chamber. They shall not lobby, directly or indirectly, for or against any measure pending before the legislature.

Rule 60. Secretary of Senate – Duties. The Secretary of the Senate shall be appointed by the President. It shall be the duty of the Secretary to call the roll; report correctly the result of all votes; correct the Journal as may be directed by the Senate; read all bills, resolutions, petitions or other papers which the Senate may require; deliver all messages to the House of Representatives; certify all enrolled bills and present same to the President or Vice President of the Senate for signature; endorse upon every paper presented in the Senate the successive stages of action had thereon, and see that proper records are made of the transmission of every paper from one house to the other, or from one office to another; and attend generally to such other matters as the office may require. The Secretary of the Senate shall deliver to the printer all bills and other documents ordered to be printed and take the receipt of the printer therefor. In order to secure a uniform and systematic procedure, the following clerks and their assistants shall be under

the supervision of the Secretary: Assistant Secretary of the Senate, Journal Clerks, Calendar Clerks, Enrolling Clerks, Bill Status Clerk, Reading Clerk and Bill Clerk.

Rule 61. Impeachment. The provisions of this rule shall apply to impeachment, and nothing in the rules of the Senate or in any statute shall impair or limit the powers of the Senate with respect to impeachment. In addition to other powers, the President shall possess the powers and perform the duties in this rule.

(1) The President shall call the Senate into session within 30 days of the receipt by the President of any request by a board of managers of the House of Representatives to lay articles of impeachment before the Senate.

(2) The Senate by a majority vote of the members then elected (or appointed) and qualified may adopt, amend or suspend rules applicable to trial of any impeachment.

(3) The President and any officer or committee acting under authority of this rule may follow any statutory procedure to the extent the same is not in conflict with the provisions of this rule, but nothing in this rule nor in any statute shall be deemed to constitute a waiver of any inherent powers of the Senate.

Rule 62. Sergeant at Arms – Duties. The Sergeant at Arms shall be appointed by the President, and shall serve under the President's direction, control and supervision and at the President's pleasure and shall execute all orders of the President or Senate. The Sergeant at Arms shall have the general supervision of the Senate Chamber, the cloak rooms, gallery and lobby, and shall preserve order within the chamber at all times. The Sergeant at Arms may arrest and take into custody any person gaining admission to the floor of the Senate through false representations or violation of Rule 56 (listing persons authorized to be admitted to the floor of the Senate). All violations shall be immediately reported to the President for action by the Senate. No person except those entitled to admittance on the floor of the Senate pursuant to Rule 56 (listing persons authorized to be admitted to the floor of the Senate) shall lounge or loaf in the Senate chamber when the Senate is not in session, and the Sergeant at Arms shall detail at least one assistant to remain in the chamber at all times when the same is open. The President may appoint and remove Assistant Sergeants at Arms to serve under the supervision of the Sergeant at Arms. All doorkeepers and night watchmen shall be Assistant Sergeants at Arms.

Rule 63. Requisitions for Printing. All requisitions upon the Director of Printing for calendars, bills, documents, and printed matter of any nature whatsoever, must be approved by the Director of Legislative Administrative Services.

Rule 64. Employees – Duties. All employees shall report each day to their respective supervisors. The Director of Legislative Administrative Services or some person designated by the director shall keep a record of the attendance of each employee. The supervisor of an employee may discharge the employee at any time. The word "employee" as used in this section shall include all persons employed by the Senate, except the secretaries of each of the members of the Senate and except the Secretary of the Senate and Sergeant at Arms, which officers may be removed by the President of the Senate.

Rule 65. Pages. Not more than 20 pages shall serve during any legislative day. Appointments shall be restricted to boys and girls of middle school, junior high or high school age.

Rule 66. Secretaries to Members. Each Senator shall be entitled to select a secretary and shall inform the Director of Legislative Administrative Services of the selection. The secretaries shall not be paid for time they are not in attendance unless excused by their respective Senators. From the convening of the Senate until adjournment on any day, except during recesses, no Senator's secretary shall be stationed at the Senator's desk, except that this provision shall not apply to the administrative assistant designated by the President.

Rule 67. Suspension of Rules. (a) A motion to suspend the rules may be made and considered under any order of business. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption. The motion shall be decided without debate.

(b) A motion to declare an emergency, suspend the rules, and advance a bill to Final Action shall be considered as one motion. It may be made and considered immediately under any order of business, and be debatable on the question of the emergency. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption.

(c) A bill advanced to Final Action under subsection (b) which is not considered during the legislative day on which it is advanced to Final Action shall be placed on the next legislative day on the Calendar under the order of business General Orders.

Rule 68. Amendments to Rules. No rule of the Senate shall be adopted, amended or revoked without a 2/3 affirmative vote of all members of the Senate then elected (or appointed) and qualified, and no motion to adopt, amend or revoke any rule of the Senate shall be in order without the unanimous consent of the Senate, unless one day's previous notice thereof shall be given in open session.

Notwithstanding any provision of the rules of the Senate to the contrary, no notice shall be required for the adoption of a resolution adopting, amending or revoking any one or more rules of the Senate at the commencement of a legislative session, and adoption of any such resolution shall require only the affirmative vote of not less than a majority of the Senators then elected (or appointed) and qualified, subject to the following conditions: (1) The resolution is sponsored by the President or any three Senators, and (2) either (a) a copy thereof is e-mailed to each Senator not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (b) in lieu of e-mailing copies of the resolution are made available to Senators on the first day of the legislative session and Final Action is taken on the second legislative day.

Rule 69. Robert's Rules of Order. In all cases where these rules or the joint rules of the Senate and House of Representatives do not apply, the rules of parliamentary law in Robert's Rules of Order Newly Revised, 11th edition, shall govern.

Rule 70. Number Designation of Substitute Bills and Substitute Concurrent Resolutions. (a) Whenever a substitute bill is recommended by a committee report, and whenever a substitute bill is approved by amendment from the floor, the substitute bill

shall be printed as provided for bills introduced, and the bill number designation shall be substantially as follows:

(1) In the case of bills substituted for Senate bills, "Substitute for Senate Bill No. _____," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(2) In the case of bills substituted for House bills, "Senate Substitute for House Bill No. _____," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(b) Whenever a substitute concurrent resolution is recommended by a committee report, and whenever a substitute concurrent resolution is approved by amendment from the floor, the substitute concurrent resolution shall be printed as provided for concurrent resolutions introduced, and the resolution number designation shall be substantially as follows:

(1) In the case of concurrent resolutions substituted for Senate concurrent resolutions, "Substitute for Senate Concurrent Resolution No. _____," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

(2) In the case of concurrent resolutions substituted for House concurrent resolutions, "Senate Substitute for House Concurrent Resolution No. _____," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

Rule 71. General Rule Not to Read Amendments. Amendments to bills or resolutions shall not require readings as for bills introduced or resolutions introduced, except as otherwise provided in Rule 72 (subject matter of bill or resolution materially changed by senate amendment) or Rule 73 (subject matter of senate bill or resolution materially changed by house amendment).

Rule 72. Subject Change by Senate. Whenever an amendment adopted by the Senate has materially changed the subject of a bill or resolution, the title of the bill or resolution so amended shall be read in the manner prescribed for the introduction of bills or resolutions, and take its place upon the Calendar under the order of business Final Action.

Rule 73. Subject Change by House. Whenever the House adopts amendments to a Senate bill or senate concurrent resolution which materially changes its subject, upon return of such bill or resolution to the Senate, the title of such bill or resolution shall be read in the manner prescribed for the introduction of bills or resolutions and such bill or resolution shall be referred as provided in Rule 32 (reference of bills and resolutions).

Rule 74. Determination of When Subject of Bill or Resolution Materially Changed. The President may determine when a bill or resolution is subject to Rule 72 (subject matter of bill or resolution materially changed by senate amendment) or Rule 73 (subject matter of senate bill or senate concurrent resolution materially changed by house amendment). The President's determination under this rule, that a bill or resolution has been materially changed is subject to an appeal to the Senate by any member. A 2/3 vote of the members of the Senate present and voting shall be required to overturn the ruling

of the chair. The vote on an appeal to the Senate under this rule shall not be a roll call vote. Every appeal under this rule shall be taken without debate.

Rule 75. Executive Reorganization Orders. When an executive reorganization order is received from the Governor, it shall be referred to an appropriate committee by the President. The committee to which an executive reorganization order is referred shall report its recommendations thereon, by recommending adoption of a Senate resolution, not later than the 60th calendar day of any regular session and not later than 30 calendar days after it has received such referral whichever occurs first. If a committee fails to report upon an executive reorganization order within the time specified in this rule, such committee shall be deemed to have returned the same to the Senate without recommendation. When a report or return of an executive reorganization is made, it and all resolutions for approval or disapproval thereof shall be made the special order of business in accordance with Rule 6 (special order of business) at a time not later than the last day the executive reorganization order may be disapproved under section 6 of article 1 of the Constitution of Kansas. The Senate shall act to approve or reject every reorganization order unless at the time set for such action the House of Representatives shall have already rejected such executive reorganization order.

Rule 76. Censure or Expulsion. Whenever three or more Senators desire to lodge a complaint against any other Senator requesting that the Senator be censured or expelled for misconduct, the complaining Senators shall sign and file a written statement of such complaint with the Secretary of the Senate. In such event, the President shall appoint a select committee for consideration thereof composed of five Senators, no more than three of whom shall be members of the same political party, and none of whom shall have signed the complaint to be considered. The select committee may dismiss the complaint after inquiry or may set the matter for hearing. Reasonable notice and an opportunity to appear shall be afforded the Senator against whom a complaint has been filed. Select committees meeting under authority of this section shall be authorized to meet and exercise compulsory process without further authorization, subject only to the limitations and conditions prescribed in article 10 of chapter 46 of Kansas Statutes Annotated. Upon completing its hearing and deliberations thereon the select committee may dismiss the complaint or may submit a recommendation to the full Senate for censure or expulsion, and upon receiving such report the Senate may without further hearing or investigation censure or expel the member against whom the complaint was filed. Censure or expulsion of a Senator under this rule shall require a 2/3 majority vote of those members elected (or appointed) and qualified.

Rule 77. Taking from the Table. The affirmative vote of a 2/3 majority of all Senators then elected (or appointed) and qualified shall be required for the adoption of a motion to take any question or proposition from the table after the adoption of a motion to table or lay such question or proposition on the table. The provisions of this rule shall apply to motions both in standing committees and the Senate.

Rule 78. Placing Material on Members' Desks. No items or material shall be placed upon the desk of any member of the Senate unless any such item or material bears the signature or name of the Senator responsible for its distribution. This Rule 78 shall not apply to items or material provided by legislative staff, the Governor or state agencies.

Rule 79. Decorum. During the time the Senate is in session professional dress is required on the floor of the Senate.

**Joint Rules
of the
Senate and
House of Representatives**



State of Kansas

2017-2018

January 2017

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JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES 2017-2018

Joint rule 1. Joint rules; application and date of expiration; adoption, amendment, suspension and revocation. (a) *Joint rules; expiration, adoption, amendment, suspension and revocation; vote required.* Joint rules are adopted under the authority of section 8 of article 2 of the Constitution of the State of Kansas and shall govern matters made subject thereto except when otherwise specifically provided by joint rule. Joint rules shall expire at the conclusion of the terms of representatives. Joint rules shall be adopted, amended, suspended and revoked by concurrent resolution of the two houses of the legislature. Concurrent resolutions adopting joint rules shall receive the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house.

(b) *Amendment, suspension or revocation of joint rules; previous notice; vote required.* After one day's previous notice, joint rules may be amended, suspended or revoked by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house. Upon the filing of such notice in either house, a message shall be sent to the other house advising of the filing of such notice and the reading of the message shall constitute notice to the members of such house. If such previous notice is not given, the affirmative vote of $\frac{2}{3}$ of the members then elected (or appointed) and qualified in each house shall be required for the amendment, suspension or revocation of a joint rule.

(c) *Amendment, suspension or revocation of joint rules at commencement of legislative session; vote required; conditions.* Notwithstanding any provision of this rule to the contrary, no notice shall be required for the adoption of a concurrent resolution amending, suspending or revoking any one or more joint rules at the commencement of a legislative session, and adoption of any such concurrent resolution shall require only the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house, subject to the following conditions: (1) The concurrent resolution is sponsored by the speaker or the president, and (2) either (a) a copy thereof is mailed to each member of the legislature by deposit in the United States mails not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (b) in lieu of mailing, copies of the concurrent resolution are made available to members on the first day of the legislative session and final action is taken on a subsequent legislative day.

Joint rule 2. Joint sessions. (a) *Joint session called by concurrent resolution; vote required; time, place and subject matter.* A joint session of the senate and house of representatives may be called by concurrent resolution adopted by the affirmative vote of not less than a majority of the members elected (or appointed) and qualified in each house of the legislature or as may otherwise be prescribed by law. Any such resolution shall fix the time and place of the joint session, and the subject matter to be considered at the joint

session. Joint sessions shall consider only such matters as are prescribed by law or by the concurrent resolution calling such joint session.

(b) *Presiding officer at joint sessions; record of joint session; rules applicable.* The speaker of the house of representatives shall preside at all joint sessions of the senate and house of representatives, and the clerk of the house of representatives shall keep a record of the proceedings thereof and shall enter the record of each such session in the journal of the house of representatives. The rules of the house of representatives and the joint rules of the two houses, insofar as the same may be applicable shall be the rules for joint sessions of the two houses.

(c) *Votes in joint session; taking; requirements.* All votes in a joint session shall be taken by yeas and nays, and in taking the same it shall be the duty of the secretary of the senate first to call the names of the members of the senate, and after which the clerk of the house of representatives shall in like manner call the names of the members of the house. Each member of the senate and the house of representatives present shall be required to vote on all matters considered in joint session, unless excused by a vote of a majority of the members of both houses present.

Joint rule 3. Conference committee procedure. (a) *Action by house of origin of bill or concurrent resolution amended by other house.* When a bill or concurrent resolution is returned to the house of origin with amendments by the other house, the house of origin may: (1) Concur in such amendments; (2) refuse to concur in such amendments; or (3) refuse to concur in such amendments and request a conference on the bill or concurrent resolution.

(b) *Concurrence by house of origin; concurrence prior to taking action on conference committee report by other house; final action; effect of failure of motion to concur.* The house of origin of any bill or concurrent resolution may concur in any amendments made by the other house, except that if the bill or concurrent resolution has been referred to a conference committee such action may only be taken prior to the taking of final action upon the conference committee report upon such bill or concurrent resolution by the other house. A vote in the house of origin of any bill or concurrent resolution on a motion to concur in amendments to such bill or concurrent resolution by the other house shall be considered action on the final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has been appointed and action has not been taken upon the report of such committee by the other house and such motion fails, the bill or concurrent resolution shall not be deemed to have been killed thereby and the motion to concur may be renewed but not on the same legislative day. If the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has not been appointed and such motion fails, the bill or concurrent resolution shall be deemed to be killed.

(c) *Motion to nonconcur; when considered final action; effect of adoption of motion.* A vote in the house of origin of any bill or concurrent resolution on a motion to nonconcur or to refuse to concur in amendments to such bill or concurrent resolution by the other house which is not coupled with a request for the appointment of a conference committee shall be considered action on final passage of the bill or concurrent resolution and

the affirmative and negative votes thereon shall be entered in the journal, and the bill or concurrent resolution shall be deemed killed on the adoption thereof.

(d) *House of origin refusal to concur or nonconcur; request for conference; procedure.* When a bill or concurrent resolution is returned by either house to the house of origin with amendments, and the house of origin refuses to concur or to nonconcur therein, a conference may be requested by a majority vote of the members present and voting. Such request shall be transmitted to the other house by message which shall include the names of the conferees on the part of the requesting house. Upon receipt of any such message, the receiving house may, in like manner, approve such conference, and shall thereupon notify the requesting house by message stating the names of its conferees.

(e) *Membership; appointment; chairperson; house of origin of substitute or materially changed bill or concurrent resolution; meetings of conference committee.* Each conference committee shall consist of three members of the senate and three members of the house of representatives, unless otherwise fixed by agreement of the president of the senate and speaker of the house. Senate members shall be appointed by the president of the senate and house members shall be appointed by the speaker of the house of representatives. The president or the speaker may replace any conferee previously appointed by such person. Not less than one member appointed from each house shall be a member of the minority political party of such house except when such representation for such house is waived by the minority leader of such house. In all cases, the first-named member of the house of origin of the bill or concurrent resolution assigned to the committee shall be chairperson of the conference committee. The house of origin of a substitute bill or substitute concurrent resolution shall be the house in which the bill or concurrent resolution in its original form was introduced. The chairperson of a conference committee on a bill or concurrent resolution the subject matter of which has been ruled to be materially changed shall be a member of the house which amended the bill or concurrent resolution to materially change the subject matter. Each conference committee shall meet on the call of its chairperson. All meetings of conference committees shall be open to the public and no meeting shall be adjourned to another time or place in order to subvert such policy.

(f) *Conference committee reports; matters which may be included; report not subject to amendment; house which acts first on report; copies of reports; reports considered under any order of business.* Only subject matters which are or have been included in the bill or concurrent resolution in conference or in bills or concurrent resolutions which have been passed or adopted in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution except in any appropriations bill there may be included a proviso relating to any such item of appropriation. Subject to any limitations imposed under the constitution of the state of Kansas, no more than a total of four additional bills or concurrent resolutions or parts of bills or concurrent resolutions in conference or bills or concurrent resolutions or parts of bills or concurrent resolutions which have passed in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution, except that reports of conference committees on any taxation bill are not subject to the limitation contained in this provision. A conference committee report shall not be subject to amendment. The original signed conference committee report shall be submitted to and acted

upon first by the house other than the house of origin of the bill or concurrent resolution. Except when a conference committee report is an agree to disagree coupled with a request that a new conference committee be appointed or is a recommendation to accede to or recede from all amendments of the second house, electronic and paper copies of the report shall be made available to all members of the house considering the report not later than 30 minutes before the time of its consideration, except that if the report is more than six pages in length no paper copies will be required to be distributed to individual members provided that at least 10 paper copies of the report are made available to members at the clerk's or secretary's desk at the front of the respective house. By written notice, the majority leader may direct the clerk or secretary to increase from six pages to some greater number of pages the size of conference committee reports that need not be distributed by paper copies to individual members pursuant to this rule. The affirmative vote of $\frac{2}{3}$ of the members present in the house at the time of consideration of the report shall be sufficient to dispense with distribution of copies of the conference committee report to all members of that house. Reports of conference committees may be received and considered under any order of business.

(g) *Signatures required on conference committee reports.* All initial conference committee reports other than an agreement to disagree coupled with a request that a new conference committee be appointed shall be signed by all of the conferees. All initial conference committee reports which are an agreement to disagree coupled with a request that a new conference committee be appointed shall be signed by a majority of the conferees appointed in each house. If a conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed is not adopted, a subsequent conference committee report shall be signed by all conferees unless a subsequent conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed is adopted, in which case a conference committee report subsequent to the adoption of such report shall be signed by a majority of the conferees appointed in each house. All other conference committee reports shall be signed by a majority of the conferees appointed in each house.

(h) *Vote to adopt conference committee report final action; effect of failure of motion to adopt conference committee report.* The vote to adopt the report of a conference committee, other than a report of failure to agree coupled with a recommendation for appointment of a new conference committee, shall be considered final action on the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion fails, the bill or concurrent resolution shall be deemed to be killed. If the motion on a conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed fails, the bill or concurrent resolution shall not be deemed to have been killed thereby and remains in conference.

(i) *Report of conference committee unable to agree; effect of failure to request new conference committee; effect of failure of motion to adopt report requesting new conference committee.* If a conference committee upon any bill or concurrent resolution is unable to agree, it shall report that fact to both houses. Such report may request that a new conference committee be appointed thereon. If the committee so reports but fails to request the appointment of a new conference committee thereon, the bill or concurrent res-

olution shall be deemed to have been killed upon the adoption by either house of such report. If the motion to adopt a report requesting the appointment of a new conference committee fails, the bill or concurrent resolution shall be deemed to be killed.

(j) *Bills or concurrent resolutions under consideration by conference committees and reports thereof; carryover from odd-numbered to even-numbered year.* Bills or concurrent resolutions under consideration by a conference committee, or a report of which has been filed but no action taken thereon in either house, at the time of adjournment of a regular session of the legislature held in an odd-numbered year shall remain alive during the interim and may be considered by the committee and legislature as the case may be at the regular session held in the following even-numbered year.

Joint rule 4. Deadlines for introduction and consideration of bills. The senate and house of representatives shall observe the following schedule of deadlines in making requests for drafting and in the introduction and consideration of bills.

(a) *Bill request deadline for individual members.* Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on January 30, 2017, during the 2017 regular session and on January 29, 2018, during the 2018 regular session.

(b) *Bill introduction deadline for individual members.* Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 8, 2017, during the 2017 regular session and on February 7, 2018, during the 2018 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

(c) *Bill request deadline for certain committees.* Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on February 6, 2017, during the 2017 regular session and on February 5, 2018, during the 2018 regular session.

(d) *Bill introduction deadline for certain committees.* Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 10, 2017, during the 2017 regular session and on February 9, 2018, during the 2018 regular session.

(e) *House of origin bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house com-

mittees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on February 23, 2017, during the 2017 regular session and on February 22, 2018, during the 2018 regular session.

(f) *Second house bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by either house, not the house of origin of such bill, after the hour of adjournment on March 30, 2017, during the 2017 regular session and March 29, 2018, during the 2018 regular session.

(g) *Exceptions to limitation of (d), (e) and (f); procedure.* Specific exceptions to the limitations prescribed in subsections (d), (e) and (f) may be made in either house by resolution adopted by the affirmative vote of not less than a majority of the members of such house then elected (or appointed) and qualified.

(h) *Deadline which falls on day neither house in session; effect.* In the event that any deadline prescribed in this rule falls on a day that neither house of the legislature is in session, such deadline shall be observed on the next following day that either house is in session.

(i) *Bills introduced in odd-numbered years after deadlines; effect.* Bills may be introduced by members and committees in regular sessions occurring in an odd-numbered year after the times prescribed in (b) and (d) of this rule, but there shall be no final action thereon by either house during the session when introduced. Such bills shall be held over for consideration at the next succeeding regular session held in an even-numbered year.

(j) *Modification of schedule of deadlines for introduction and consideration of bills; procedure.* In any regular session a concurrent resolution may be adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house setting forth a different schedule of deadlines for introduction and consideration of bills for that session and the provisions of such concurrent resolution shall apply to such session notwithstanding provisions of this rule to the contrary.

(k) *Bill consideration deadline; exceptions.* No bills shall be considered by the legislature after April 7, 2017, during the 2017 regular session and after April 6, 2018, during the 2018 regular session except bills vetoed by the Governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702, and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

Joint rule 5. Closure of meetings to consider matters relating to security. Any standing committee of the House of Representatives, any standing committee of the Senate, the Legislative Coordinating Council, any joint committee of both houses of the legislature, any special or select committee of the House of Representatives or the Senate, the House of Representatives in session, the Senate in session or a joint session of the House of Representatives and the Senate may meet in closed, executive session for the

purpose of receiving information and considering matters relating to the security of state officers or employees, or both, or the security of buildings and property under the ownership or control of the State of Kansas.

Joint rule 6. Floor amendments to bills making appropriations. (a) Unless by majority consent to correct an error in drafting, no amendment from the floor in either house of the legislature to increase the amount of expenditures that would be authorized in a provision of an appropriations bill shall be in order unless the amendment contains a provision reducing, by a like or greater amount, expenditures that would be authorized in another provision of such appropriations bill. Notwithstanding any rule in either house of the legislature, those portions of a motion to amend a bill as described in this rule shall be indivisible.

(b) The provisions of subsection (a) shall not apply if the ending balance in the state general fund for the ensuing fiscal year is equal to 7.5% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year based on the most recent budget profile of the Kansas legislative research department.

SENATE JOURNAL

PROCEEDINGS

OF THE

Senate

OF THE

KANSAS LEGISLATURE

TOPEKA, KANSAS

2018 REGULAR SESSION

January 8 through May 4, 2018

COREY CARNAHAN, *Secretary of the Senate*

EXPLANATION OF ABBREVIATIONS

Substantial economy of space was achieved in the text of the journals by shortening the numerous references to bill and resolution numbers. Placing these in bold face type facilitates locating the bills readily on each page. The abbreviations used are as follows:

SB 1.....	Senate Bill No. 1
SCR 1601.....	Senate Concurrent Resolution No. 1601
SP 1.....	Senate Petition No. 1
SR 1701.....	Senate Resolution No. 1701
HB 2001.....	House Bill No. 2001
HCR 5001.....	House Concurrent Resolution No. 5001

EXPLANATION OF PAGE NUMBERING

The Senate and House Journals are printed in separate volumes. Paging in both journals is consecutive for the 2017-2018 biennium. The 2018 Senate Journal begins with page 1471 and is consecutive throughout the remainder of the volume.

Under the section "History of Bills" SJ page numbers prior to page 1471 and HJ page numbers prior to 2115 refer to the 2017 Senate and House Journal books.

Journal of the Senate

FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 8, 2018, 2:00 p.m.

In accordance with the provisions of the constitution of the State of Kansas and by virtue of her office as President of the Senate, Senator Susan Wagle declared the 2018 Senate to be in session.

President Wagle welcomed the Reverend Cecil T. Washington, who will again serve as the Senate Chaplain. Reverend Washington delivered the following invocation:

Heavenly Father, we come again to begin a new legislative session. As we toil together, to deliver laws that will bless your people, we need Your wisdom to guide us.

In Proverbs 19:21, You said there are many plans in a man's heart, but it's the Lord's counsel...Your guiding principles that will stand.

In fact, You said in Psalm 33:10-12, that the plans of nations...mere human plans, crumble and are ruined. But Your plans will stand forever. Therefore, blessed is the nation whose God is the Lord Jehovah.

Lord, I'm reminded of the little boy, who went to his Pastor, trying to understand how he could fit Jesus into his heart, when the Lord was so big and he was so little. He said, "how could He fit in my heart? He would be sticking out all over." His Pastor said yes, that's what we want...that He might be seen in everything you do.

So, Lord, that's what we want in this legislature. We want You to be sticking out all over...to be seen in everything we do.

We want You to be seen in these Senators; in the supporting staff; in all who work in these halls.

And as legislation is delivered to Your people, let it be declared that it was Your presence and Your plans that prevailed.

I come once again, in the blessed Name of Jesus, Amen and Amen.

The Pledge of Allegiance was led by President Susan Wagle.

Roll was called by district with 39 senators present. Senator Lynn was excused.

President Wagle introduced Dr. John Feehan, president of the Kansas Academy of Family Physicians. The Academy sponsors the Doctor of the Day program in the Statehouse. President Wagle thanked Dr. Feehan and the Academy for their support of the program and for their outstanding assistance during session.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Wagle, Denning and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1758—

A RESOLUTION relating to the organization of the Senate.

Be it resolved by the Senate of the State of Kansas: That the Secretary of the Senate notify the House of Representatives that the Senate is organized with the following officers:

Susan Wagle, president,
 Jeff Longbine, vice-president,
 Jim Denning, majority leader,
 Anthony Hensley, minority leader,
 Corey Carnahan, secretary,
 Charles (Nick) Nicolay, sergeant at arms,
 and awaits the pleasure of the House of Representatives.

On emergency motion of Senator Denning **SR 1758** was adopted by voice vote.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 255, AN ACT concerning emergency telephone services; relating to the Kansas 911 act; audits by the division of legislative post audit; amending K.S.A. 2017 Supp. 12-5377 and repealing the existing section, by Committee on Legislative Post Audit Committee.

SB 256, AN ACT designating a portion of United States highway 50 as the SGT Gregg Steimel and PFC Richard Conrardy memorial highway; amending K.S.A. 68-1027 and repealing the existing section, by Senator Doll.

SB 257, AN ACT concerning the Kansas family law code; relating to legal custody, residency and parenting time; presumption in court determinations; amending K.S.A. 2017 Supp. 23-3202 and repealing the existing section, by Senator Fitzgerald.

SB 258, AN ACT concerning information technology projects; prohibiting state agencies from using the same vendor to plan and implement projects in certain cases, exceptions; amending K.S.A. 2017 Supp. 75-7209 and repealing the existing section, by Committee on Legislative Post Audit Committee.

SB 259, AN ACT concerning the legislative division of post audit; relating to K-12 education performance audits; special education; amending K.S.A. 2017 Supp. 72-5173 and repealing the existing section, by Committee on Legislative Post Audit Committee.

SB 260, AN ACT concerning audits of state agencies; financial-compliance audits; Kansas lottery security audit; selection of auditor, contracts with; creating the Kansas lottery audit contract committee and the department of administration audit contract committee; creating the department of administration audit services fund; amending K.S.A. 46-1108, 46-1112, 46-1115, 46-1116, 46-1122, 46-1123, 46-1125, 46-1126, 46-1127 and 74-2424 and K.S.A. 2017 Supp. 39-709b, 46-1106, 46-1114, 46-1118, 46-1128, 46-1135, 74-4921, 75-5133 and 79-3234 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 46-1121 and 46-1134, by Committee on Legislative Post Audit Committee.

SB 261, AN ACT concerning appraisal of real property before purchase or disposal by the state or any agency thereof; relating to duties of the judicial administrator and the director of property valuation; amending K.S.A. 2017 Supp. 75-3043a and repealing the existing section, by Senator Wilborn.

SB 262, AN ACT authorizing the construction of a permanent statue honoring Dwight D. Eisenhower on the state capitol grounds, by Senators Bowers and Hardy.

SB 263, AN ACT concerning agriculture; enacting the alternative crop research act; amending K.S.A. 2017 Supp. 21-5702 and repealing the existing section, by Senator Kerschen.

SB 264, AN ACT concerning elections; relating to application and ballot signature requirements for disabled voters; amending K.S.A. 2017 Supp. 25-1122, 25-1124 and 25-1128 and repealing the existing sections, by Senator Faust-Goudeau.

SENATE CONCURRENT RESOLUTION No. 1609—
By Senator Pyle

A PROPOSITION to amend the constitution of the state of Kansas by creating a new section limiting the authority to close a school district or attendance center within a school district to locally elected boards of education.

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: Article 6 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 11. Closure of school districts or attendance centers. (a) The locally elected board of a school district shall be the only government entity that may close a school district or attendance center within such school district, except as provided by law.

(b) The executive branch, judicial branch, state board of education or any constitutional officer of the executive department shall have no authority to effectuate the closure of a school district or attendance center within such school district by limiting, transferring, redirecting or stopping the expenditure of funds appropriated by law, except as provided by law."

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

"Explanatory statement. The purpose of this amendment is to clarify that except as provided by law, the locally elected board of a school district shall be the only government entity that may close schools and the executive branch, judicial branch, state board of education or any constitutional officer of the executive department shall have no authority to effectuate the closure of a school by limiting, transferring, redirecting or stopping the expenditure of funds appropriated by law. "

"A vote for this proposition would clarify that except as provided by law, the locally elected board of a school district shall be the only government entity that may close schools."

"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 a special election on April 17, 2018, or the next practicable Tuesday following April 17, 2018.

COMMUNICATION FROM STATE OFFICERS

January 8, 2018

The Honorable Susan Wagle
President, Kansas Senate
State Capitol
Topeka, Kansas 66612

Dear President Wagle:

During the 2017 Interim, I have received the reports and communications listed below. This listing will appear in the January 8, 2018 Senate Journal.

From Derek Schmidt, Attorney General, the annual report of the Consumer Protection and Antitrust Division.

From Alan D. Conroy, Executive Director, Kansas Public Employees Retirement System, the required annual report regarding KPERs Investments in Sudan.

From Greg Smith, Chairperson, the annual report of the Juvenile Justice Oversight Committee.

From James Hubbard, the annual report of the Johnson County Education Research Triangle.

From Scott W. Miller, Director, the annual report of the Pooled Money Investment Board.

From Pat Apple, Chairman, the annual Kansas Corporation Commission reports on Oil and Gas Remediation Site Status, Abandoned Oil and Gas Well Status, Utilities and Common Carriers, and Land-Spreading Procedures and Costs.

From the Office of Governor Sam Brownback:

Announcing the pardon of Mark Schmitt of Liberal, Kansas.

Executive Order 17-03 and 18-01, conditional and temporary relief from certain motor carrier rules and regulations.

Executive Directive 17-479, 17-481, 17-483, and 17-485 Authorizing Expenditure of Federal Funds.

Executive Directive 17-480, Authorizing Personnel Transactions and Expenditure of Federal Funds.

Executive Directive 17-482, Authorizing Personnel Transactions.

Executive Directive 17-484, Authorizing the Transfer of Funds between State General Fund Budget Units.

Sincerely,

COREY CARNAHAN

Secretary of the Senate

President Wagle announced that these reports are on file in the Office of the Secretary of State and available for review at any time.

MESSAGE FROM THE HOUSE

Announcing adoption of **HR 6038**, a resolution relating to the organization of the 2018 House of Representatives and selection of the following officers:

Ron Ryckman, Speaker of the House

Scott Schwab, Speaker Pro Tem

Don Hineman, Majority Leader

Jim Ward, Minority Leader

Susan Kannarr, Chief Clerk

Foster Chisholm, Sgt. at Arms

and awaits the pleasure of the House of Representatives.

Announcing adoption of **HCR 5018**, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2018 session of the Legislature is duly organized and ready to receive communication. Representatives Powell, Dietrich and Murnan were appointed as members of the committee to wait upon the Governor.

Announcing adoption of **HCR 5019**, a concurrent resolution providing for joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor and for the purpose of hearing a message from the Supreme Court.

The following escorts are appointed for the State of the State:

To escort the Governor: Representatives Powell, Dietrich and Gartner;

to escort the Lt. Governor: Representatives Hawkings, Mason and Horn;

to escort the Supreme Court: Representatives Rafie, Ralph and Hodge;

to escort the Senators: Representatives Jennings, Gallagher and Probst.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5018, HCR 5019 were thereupon introduced and read by title.

On emergency motion of Senator Denning, **HCR 5018** and **HCR 5019** were adopted by voice vote.

President Wagle appointed Senators Kerschen and Rogers to notify the Governor.

President Wagle appointed the following escorts for the State of the State:

To escort the Governor: Senators Alley and Faust-Goudeau;

to escort the Lt. Governor: Senators Taylor and Hawk;

to escort the Supreme Court: Senators Baumgardner and Haley.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, January 9, 2018.

Journal of the Senate

SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 9, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Lord God, You are Holy! You are immeasurably above all Your creation. You are infinitely pure, holy and righteous. Yet, in Leviticus 11:44 and 1 Peter 1:15-17, You call us, in our finiteness, to be like You; to be like You in holiness, like You in purity and righteousness.

And Lord, we're not measuring up, we fall far short of the rightness that You desire. But, due to Your love for us, You continue to grant us your mercy and grace. And, in spite of our shortcomings, You bless us with the privilege to come into Your presence, through the avenue of prayer.

In your Name, we can come to You when we're weak, weary, worn out and messing up. And, You still choose to use us in establishing Your standards of justice and righteousness in our society.

So Lord, guide us with Your Holy Spirit. As we are moved to occupy and dwell in this blessed place of prayer, help us to be like You in our decisions.

Let mercy, grace and righteousness rain down from these sacred halls; that the people we serve may know that we've been in Your presence.

Thanks, once again, for the privilege of prayer. In the precious holiness of Your Name, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

Vice President Longbine introduced Arturo Garcia, third-year law student at the University of Kansas, who will be serving as reading clerk for the 2018 Session. He also introduced two new staff members: Kay White, Desk Clerk, and Dave Link, Sergeant at Arms staff.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 263**.

Education: **SB 259**.

Ethics, Elections and Local Government: **SB 264**.

Federal and State Affairs: **SB 260**.

Judiciary: **SB 257, SB 261**.

Senate Select Committee on Education Finance: **SCR 1609**.

Transportation: **SB 256**.

Utilities: **SB 255**.

Ways and Means: **SB 258, SB 262**.

MESSAGES FROM THE GOVERNOR

May 10, 2017

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK
Governor

Member, Kansas Development Finance Authority, Suchitra Padmanabhan (U), Topeka, pursuant to the authority vested in me by K.S.A. 74-8903 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term to expire January 15 2021, to succeed herself.

Member, Racing and Gaming Commission, Brandon Jones (R), Topeka, pursuant to the authority vested in me by K.S.A. 74-8803 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2021, to succeed himself.

Member, State Banking Board, Kurt Knutson (R), Overland Park, pursuant to the authority vested in me by K.S.A. 74-3004 et seq. and effective upon the date of confirmation by the Senate, to serve a three year term, to expire March 15, 2019, to succeed himself.

Member, Human Rights Commission, David Brant (R), Wichita, pursuant to the authority vested in me by K.S.A. 44-1003 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2021, to succeed himself.

June 20, 2017

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK
Governor

Member, State Board of Indigent Defense Services, Ronald Wurtz (U), Topeka, pursuant to the authority vested in me by K.S.A. 22-4519 et seq., and effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2020, to succeed himself.

Member, Human Rights Commission, Michael Kane (D), Kansas City, pursuant to the authority vested in me by K.S.A. 44-1003 et seq., and effective upon the date of

confirmation by the Senate, to serve a four year term, to expire January 15, 2021, to succeed himself.

August 15, 2017

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK
Governor

Member, Human Rights Commission, Jonathon Westbrook (R), Kansas City, pursuant to the authority vested in me by K.S.A. 44-1003 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2019, to succeed Terry Crowder.

Member, Kansas Development Finance Authority, Chris Donnelly (R), Tonganoxie, pursuant to the authority vested in me by K.S.A. 74-8903 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2021, to succeed himself.

Member, Kansas Public Employees' Retirement System Board of Trustees, James Cusser (R), Mission Hills, pursuant to the authority vested in me by K.S.A. 74-4905 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2019, to succeed Chris Long.

August 30, 2017

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK
Governor

Member, Public Employee Relations Board, David M. Billingsley (R), Topeka, pursuant to the authority vested in me by K.S.A. 75-4323, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2021, to succeed Mark McGivern.

Member, State Civil Service Board, Allen Schmidt (D), Topeka, pursuant to the authority vested in me by K.S.A. 75-2929a et seq, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2021, to succeed himself.

Member, State Board of Regents, Daniel Bangerter (U), Dodge City, pursuant to the authority vested in me by K.S.A. 74-3202a et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire June 30, 2021, to succeed himself.

Member, State Board of Regents, Ann Brandau-Murguia (D), Kansas City, pursuant to the authority vested in me by K.S.A. 74-3202a et seq., and effective upon the date of

confirmation by the Senate, to serve a four year term, to expire June 30, 2021, to succeed herself.

Member, State Board of Regents, Helen Van Etten (R), Topeka, pursuant to the authority vested in me by K.S.A. 74-3202a et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire June 30, 2021, to succeed herself.

Member, State Banking Board, Leonard Wolfe (R), Frankfort, pursuant to the authority vested in me by K.S.A. 74-3004 et seq., and effective upon the date of confirmation by the Senate, to serve a three year term, to expire March 15, 2020, to succeed Thomas Pitner.

Member, State Banking Board, Irvin Mitchell (U), Russell, pursuant to the authority vested in me by K.S.A. 74-3004 et seq., and effective upon the date of confirmation by the Senate, to serve a three year term, to expire March 15, 2020, to succeed Jeffery Whitham.

May 11, 2017

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWBACK
Governor

Member, Kansas Development Finance Authority, C. Scott Anderson (R), Topeka, pursuant to the authority vested in me by K.S.A. 74-8903 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2021, to succeed James Cusser.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

Your Committee on **Confirmation Oversight** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Member, Kansas Development Finance Authority: K.S.A. 74-8903

C. Scott Anderson, to fill a term expiring on January 15, 2021

Chris Donnelly, to fill a term expiring on January 15, 2021

Suchitra Padmanabhan, to fill a term expiring on January 15, 2021

Member, Kansas Human Rights Commission: K.S.A. 44-1003

David Brant, to fill a term expiring on January 15, 2021

Michael Kane, to fill a term expiring on January 15, 2021

Jonathon Westbrook, to fill a term expiring on January 15, 2019

Member, Kansas Public Employees' Retirement System Board of Trustees: K.S.A. 74-4905

James Cusser, to fill a term expiring on January 15, 2019

Member, Kansas Racing and Gaming Commission: K.S.A. 74-8803

Brandon Jones, to fill a term expiring on January 15, 2021

Member, Public Employee Relations Board: K.S.A. 75-4323

David Billingsley, to fill a term expiring on March 15, 2021

Member, State Banking Board: K.S.A. 74-3004

Kurt Knutson, to fill a term expiring on March 15, 2019

Irvin Mitchell, to fill a term expiring on March 15, 2020

Leonard Wolfe, to fill a term expiring on March 15, 2020

Member, State Board of Indigent Defense Services: K.S.A. 22-4519

Ronald Wurtz, to fill a term expiring on January 15, 2020

Member, State Board of Regents: K.S.A. 74-3202a

Daniel Bangerter, to fill a term expiring on June 30, 2021

Ann Brandau-Murguia, to fill a term expiring on June 30, 2021

Helen Van Etten, to fill a term expiring on June 30, 2021

Member, State Civil Services Board: K.S.A. 75-2929a

Allen Schmidt, to fill a term expiring on March 15, 2021

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, January 10, 2018.

Journal of the Senate

THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 10, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, we stand again, embraced by and thankful for Your mercy and grace.

In Psalm 119:104-105, the Psalmist declared that understanding the issues of life comes from following the instructions of Your Word. He said, by Your Words, we can see where we're going. Your Words throw light on the paths we are to take. And that's why You want us to search in and be illuminated by the light of Your Word. Help us, Lord, to discern truth and to hate false information. Give us the leading of Your Spirit, that Your Word would shed light on the right paths to take.

You said, in James 1:25, that if we just catch a glimpse of Your Word, even out of the corner of the eye, and stick with it, we'd find delight in the results.

So, Lord, please let the decisions, made by these servants, be affirmed as coming from You. Let the outcomes be proof that Your Hand of blessings has truly been opened in these chambers.

Thanks for the hearing and the answering of this petition.
I come to you in the precious Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 265, AN ACT concerning crimes, punishment and criminal procedure; relating to crimes affecting family relationships and children; incest; amending K.S.A. 2017 Supp. 21-5604 and repealing the existing section, by Committee on Judiciary.

SB 266, AN ACT concerning the crime victims compensation board; relating to definitions; collateral source; amending K.S.A. 2017 Supp. 74-7301 and repealing the existing section, by Committee on Judiciary.

SB 267, AN ACT concerning insurance; relating to risk-based capital instruction; effective date; amending K.S.A. 2017 Supp. 40-2c01 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 268, AN ACT concerning crimes, punishment and criminal procedure; relating to expungement; requiring disclosure of certain records to the commissioner of insurance or securities commissioner; amending K.S.A. 2017 Supp. 12-4516 and 21-6614 and

repealing the existing sections; also repealing K.S.A. 2017 Supp. 12-4516f, by Committee on Financial Institutions and Insurance.

SB 269, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for the state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2017 Supp. 75-2263, 75-4209 and 75-6706 and repealing the existing sections, by Committee on Ways and Means.

SB 270, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, and June 30, 2023, for the department of education, by Committee on Ways and Means.

SB 271, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the department of education, by Committee on Ways and Means.

REPORT ON ENROLLED BILLS

SR 1758 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 10, 2018.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, January 11, 2018.

Journal of the Senate

FOURTH DAY

CHAMBER, TOPEKA, KANSAS
Thursday, January 11, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 34 members present.

Senators Baumgardner, Fitzgerald, Hawk, Masterson, Pettey and Pyle were excused.

Vice President Longbine introduced guest chaplain Pastor TD Hicks, Antioch Missionary Baptist Church, Topeka, who delivered the following invocation:

Lord, as we gather today in session we ask that You will be in our midst. Help us to make decisions that will be pleasing to You. Help us to be able to discuss the matters at hand in a reasonable way, and to be willing to give up having our own way.

God, let this session be productive, as should be the case in all areas of our lives, and help us to keep You at the forefront of our minds as we do the work set before us. In Your Name, Amen.

Vice President Longbine introduced Brock Booker, Wichita, who sang the national anthem.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 272, AN ACT regulating traffic; concerning passing on streets and highways; relating to waste collectors; amending K.S.A. 2017 Supp. 8-1531 and repealing the existing section, by Committee on Federal and State Affairs.

SB 273, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the city of Wichita license plate, by Committee on Transportation.

SB 274, AN ACT regulating traffic; concerning negligent driving, penalty; amending K.S.A. 2017 Supp. 8-2118 and repealing the existing section, by Committee on Transportation.

SB 275, AN ACT concerning the credit union council; relating to terms of service; two-term limit; amending K.S.A. 17-2232 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 276, AN ACT concerning the state corporation commission; relating to transfers of certain balances in the motor carrier license fees fund to the state highway fund; amending K.S.A. 2017 Supp. 66-1,142 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Financial Institutions and Insurance: **SB 267, SB 268.**

Judiciary: **SB 265, SB 266.**

Ways and Means: **SB 269, SB 270, SB 271.**

CHANGE OF REFERENCE

Vice President Longbine withdrew **Sub SB 155; SB 169, SB 76; S Sub HB 2386** from the Calendar under the heading of **General Orders**, and rereferred the bills to the Committee on **Federal and State Affairs**.

The Vice President withdrew **SB 10** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Judiciary**.

The Vice President withdrew **S Sub HB 2130** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Ways and Means**.

ORIGINAL MOTION

On motion of Senator Denning, the following bills were stricken from the Calendar under the heading of **General Orders: Sub SB 53; SB 77, SB 84; Sub SB 97; SB 98, SB 115, SB 188, SB 200, SB 216, SB 240.**

On motion of Senator Denning, the Senate adjourned pro forma until 8:00 a.m., January 12, 2018.

Journal of the Senate

FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 12, 2018, 8:00 a.m.

The Senate was called to order pro forma by Senator Vicki Schmidt.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 277, AN ACT concerning recognition of tribal court judgments, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Financial Institutions and Insurance: **SB 275**.

Transportation: **SB 272**, **SB 273**, **SB 274**.

Ways and Means: **SB 276**.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, January 16, 2018.

Journal of the Senate

SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 16, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 39 senators present.
Senator Holland was excused.
Invocation by Reverend Cecil T. Washington:

Lord, we come again, bowing in prayer. And Lord, when we bow, let us not be disingenuous or insincere in our humility. Let the outward be a true reflection of the inner. Let it be a sign of true humility.

In Isiah 6:1, the prophet revealed that seeing You exalted was humbling to him. Lord, in a like manner, help us to picture You in exalted greatness. Help us to see that You are far greater than all Your creation. The prophet said that in seeing You exalted, he was humbled when looking at himself.

History, experience and Your Words reveal that we can see at a higher level...we can see more clearly, when we look at things through your eyes...when we observe and make decisions, viewing from Your higher perspective.

Lord, in 1972 Johnny Nash gave us a song that we're asking You to put on our hearts. He said, "I can see clearly now, the rain is gone. I can see all obstacles in my way. Gone are the dark clouds that had me blind. It's gonna be a bright, bright Sun-Shiny day." And it seems like he knew that his ability to see things more clearly was coming from You, because he went on to say..."Here is the rainbow I've been prayin' for...it's gonna be a bright..."

And Lord, that's what we're praying for. Clear things up for us; for all levels of government, here in Kansas and all across this land; for all who serve in trying, stressful situations, give the wisdom, guidance and resources that only flow from Your righteous and mighty hand.

I'm coming to You in the precious Name of Jesus. Amen and Amen.

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Hilderbrand rose on a Point of Personal Privilege to recognize a group of ministers visiting the Statehouse from across Kansas. He thanked them for their faith and serving their communities. Senators honored the guests with a round of applause.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 278, AN ACT concerning public utilities; relating to the citizens' utility ratepayer board; powers of the consumer counsel; amending K.S.A. 66-1223 and repealing the existing section, by Committee on Utilities.

SB 279, AN ACT concerning utilities; relating to the gas safety reliability surcharge, definitions; amending K.S.A. 2017 Supp. 66-2202, 66-2203 and 66-2204 and repealing the existing sections, by Committee on Utilities.

SB 280, AN ACT concerning family law; relating to parentage; legal custody, residency and parenting time; amending K.S.A. 2017 Supp. 23-2201 and 23-2215 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 23-2225, by Committee on Judiciary.

SB 281, AN ACT concerning human trafficking and related crimes; relating to protection orders; protection from stalking, sexual assault or human trafficking act; amending K.S.A. 2017 Supp. 21-5924, 60-31a01, 60-31a02, 60-31a03, 60-31a04, 60-31a05, 60-31a06, 60-31a07, 60-31a08 and 60-31a09 and repealing the existing sections, by Committee on Judiciary.

SB 282, AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, II and III; amending K.S.A. 2017 Supp. 65-4105, 65-4107 and 65-4109 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 283, AN ACT concerning the regulation of financial institutions; relating to trust companies; office of the state bank commissioner; powers, duties and experience of certain employees; amending K.S.A. 2017 Supp. 9-1609, 9-1720, 9-1721 and 75-3135 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 284, AN ACT concerning financial institutions; updating the Kansas money transmitter act; amending K.S.A. 2017 Supp. 9-512 and 9-513 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 285, AN ACT concerning roads and highways; establishing the joint legislative transportation task force; relating to the evaluation of the state highway fund and the state highway transportation system; report to the legislature, by Committee on Ways and Means.

SB 286, AN ACT concerning agriculture; relating to the Kansas pet animal act; amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1719, 47-1720, 47-1733, 47-1734 and 47-1736 and K.S.A. 2017 Supp. 47-1701, 47-1721 and 47-1723 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

SB 287, AN ACT concerning agriculture; relating to the Kansas department of agriculture; activities requiring a live plant dealer's license; license renewal dates and late fees; amending K.S.A. 47-1208 and K.S.A. 2017 Supp. 2-2120, 2-2440, 2-2440b, 2-2905, 36-505, 47-1001e, 47-1503, 47-1805, 47-2101 and 65-691 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Judiciary: **SB 277**.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointments submitted by the Governor to the Senate for confirmation were considered.

Senator Denning moved the following appointments be confirmed as recommended by the Committee on **Confirmation and Oversight**.

By the Governor

On the appointment to the:

Kansas Development Finance Authority:

Craig Anderson, term ends January 15, 2021.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Regents:

Daniel Bangertter, term ends June 30, 2021.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Hensley.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Public Employee Relations Board:

David Billingsley, term ends March 15, 2021.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Human Rights Commission:

David Brant, term ends January 15, 2021.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Public Employees Retirement Board of Trustees:

James Cusser, term ends January 15, 2019.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Development Finance Authority:

Chris Donnelly, term ends January 15, 2021.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Racing and Gaming Commission:

Brandon Jones, term ends January 15, 2021.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor,

Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Human Rights Commission:

Michael Kane, term ends January 15, 2021.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Banking Board:

Kurt Knutson, term ends March 15, 2019.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Banking Board:

Irvin Mitchell, term ends March 15, 2020.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Regents:

Ann Brandau-Murguia, term ends June 30, 2021.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not

Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Pettey.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Development Finance Authority:

Suchitra Padmanabhan, term ends January 15, 2021.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Civil Service Board:

Allen Schmidt, term ends March 15, 2021.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Regents:

Helen Van Etten, term ends June 30, 2021.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Faust-Goudeau, Hensley.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Human Rights Commission:

Jonathon Westbrook, term ends January 15, 2019.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Banking Board:

Leonard Wolfe, term ends March 15, 2020.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Indigents Defense Services:

Ronald Wurtz, term ends January 15, 2020.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Holland.

The appointment was confirmed.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5021**, a concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Supreme Court.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5021, A CONCURRENT RESOLUTION providing for a joint session of the Senate and the House of Representatives for the purpose of hearing a message from the Supreme Court, was introduced and read by title.

On emergency motion of Senator Denning, **HCR 5021** was adopted by voice vote.

The President appointed Senators Wilborn and Hensley to escort the Supreme Court.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, January 17, 2018.

Journal of the Senate

SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 17, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, it was on this day in history that You brought into this world a man who'd become one of the Founding Fathers. You used Ben Franklin to significantly bless the people of this nation in a myriad of ways.

While serving as a Pennsylvania legislator, Lord, it was Your guiding providence that led him to practice what's come to be known as the "Ben Franklin Effect." You showed him how to overcome the animosity of a rival legislator and to actually gain their friendship by practicing a principle found in Your Holy Word.

In 1 Corinthians 13, You said the greatest of all virtues is love ... love that is demonstrated toward others ... love that is demonstrated toward others, even when we don't feel like it.

By Your providence, You led Ben Franklin to develop and carry the idea of that kind of love into his statements and efforts to remedy the hateful results of slavery.

On this anniversary of Your bringing him into this world, would You guide us to use what came to be known as the "Ben Franklin Effect."

Regardless of our varying positions, policies or practices, help us demonstrate what can come to be known as Your Love Effect in this legislature.

When we interact with one another, let the affect of Your love flowing through each of us have the effect of uniting us. For then, we'll overcome adversity and achieve the better good, both for us and for Your people.

In the Name of Him who loved us to death, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Lynn rose on a Point of Personal Privilege to introduce the Consulate General of Canada, Stephane Lessard, and to recognize the importance of the continuing partnership between Canada and the United States.

Senators honored Consulate General Lessard with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 288, AN ACT repealing K.S.A. 69-102; concerning service of process, by

Committee on Judiciary.

SB 289, AN ACT concerning criminal procedure; relating to search warrants; electronic devices; amending K.S.A. 2017 Supp. 22-2503 and 22-2506 and repealing the existing sections, by Committee on Judiciary.

SB 290, AN ACT concerning grand juries; relating to immunity from civil liability; witnesses; amending K.S.A. 2017 Supp. 22-3001 and 22-3008 and repealing the existing sections, by Committee on Judiciary.

SB 291, AN ACT designating a portion of United States highway 36 as the World War I veterans memorial highway; amending K.S.A. 2017 Supp. 68-1069 and repealing the existing section, by Committee on Transportation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 286, SB 287.**

Financial Institutions and Insurance: **SB 283, SB 284.**

Judiciary: **SB 280, SB 281.**

Public Health and Welfare: **SB 282.**

Utilities: **SB 278, SB 279.**

Ways and Means: **SB 285.**

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **HB 2343** be passed.

Committee on **Utilities** recommends **SB 255** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, January 18, 2018.

Journal of the Senate

EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 18, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Lord God, You're our Creator and Sustainer. You're our Way Maker and Provider. You've blessed us with another day...a day that was NOT promised to us.

You didn't promise us another 24 hours, and the clock is ticking. But prayerfully, You'll take us through this day guiding us to make wise decisions.

In Ephesians 5:16 and Colossians 4:5, You speak to us about time; not so much about its passing, but more about its usage. It's more about quality of days than quantity. More about hours invested, than in hours spent.

You've set limits on the amount of time that we have...the quantity, but it's up to us to maximize the quality. When You said we're to make the most of our time, it meant we're to be concerned with the usage of it over the amount of it.

Lord, we want our service to You and Your people, to be top notch...of the highest quality.

I'm reminded of that longstanding farmer, as he put his old tractor to rest, he said "Ya done me good!"

When the measuring of time for us is ended and our stewardship of time has concluded, we want to hear those precious words from You in Matthew 25:21, "Servant, well done." So, in this time that You've blessed us with, give us Your wisdom and Your guidance.

I come to You in the precious name of the Lord Jesus, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 292, AN ACT concerning financial institutions; relating to credit unions; pertaining to the expulsion of members; amending K.S.A. 17-2219 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 293, AN ACT concerning municipal energy agencies; relating to the state corporation commission, jurisdiction; amending K.S.A. 12-8,111 and repealing the existing section, by Committee on Utilities.

SB 294, AN ACT concerning motor vehicles; relating to the vehicle dealers and manufacturers licensing act; renewal of licenses; amending K.S.A. 2017 Supp. 8-2404

and repealing the existing section, by Committee on Transportation.

SB 295, AN ACT concerning legislative review of exceptions to disclosure of public records; amending K.S.A. 2017 Supp. 9-513c, 40-5007a, 40-5009a, 40-5012a and 45-229 and repealing the existing sections, by Committee on Judiciary.

SB 296, AN ACT concerning the safety belt use act; relating to evidence of failure to use a safety belt and admissibility in other actions; amending K.S.A. 2017 Supp. 8-2504 and repealing the existing section, by Committee on Judiciary.

SB 297, AN ACT concerning driving; relating to tests for alcohol or drugs; implied consent; amending K.S.A. 2017 Supp. 8-1001 and repealing the existing section, by Committee on Judiciary.

SB 298, AN ACT repealing K.S.A. 2017 Supp. 12-16,219; dealing with cities and counties and residential fire sprinkler systems, by Committee on Ethics, Elections and Local Government.

SB 299, AN ACT concerning elections; dealing with election commissioners; amending K.S.A. 19-3419a, 19-3420 and 19-3424 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 300, AN ACT concerning the Kansas medical assistance program; relating to powers, duties and functions of the department of health and environment, Kansas department for aging and disability services and department of administration; requiring prior legislative approval for substantial changes, by Committee on Ways and Means.

SB 301, AN ACT concerning the department of wildlife, parks and tourism; relating to hunting; outfitters and guides, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **SB 288**, **SB 289**, **SB 290**.

Transportation: **SB 291**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Petersen, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1759—

A RESOLUTION urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.

WHEREAS, The U.S. Department of Transportation's Federal Aviation Administration (FAA) established a pilot program to speed the integration of Unmanned Aerial Systems (UAS) into the National Airspace System (NAS) by creating partnerships between government bodies, UAS operators and other private stakeholders; and

WHEREAS, The goal of the program is to conduct advanced UAS operations safely and with public support with oversight by the FAA; and

WHEREAS, The program is designed to tackle the most significant challenges in integrating drones into the national airspace while reducing risks to public safety and security; and

WHEREAS, The program is further designed to provide greater regulatory certainty and stability to local governments and communities; and

WHEREAS, Industries within the State of Kansas could see immediate opportunities from the program, including commerce, search and rescue, emergency management, precision agriculture and infrastructure inspections and monitoring; and

WHEREAS, The program will evaluate a number of operational concepts, including night operations, flights over people, flights beyond the pilot's line of sight, package delivery, detect-and-avoid technologies, counter-UAS security operations, reliability and security of data links between pilots and aircraft, and local management of UAS operations subject to FAA oversight; and

WHEREAS, The State of Kansas is heavily vested in UAS and is demonstrating national leadership in this industry by becoming the first state to have an operational unmanned traffic management system in place for state agencies, all 138 airports and 37 institutions of higher education; and

WHEREAS, The program is an opportunity for state, local, and tribal governments to partner with private sector entities, such as UAS operators or manufacturers, to accelerate safe UAS integration; and

WHEREAS, The State of Kansas submitted an application to be included in the pilot program conducted by the FAA: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we urge the U.S. Department of Transportation to consider and select the application made by the State of Kansas in order to further promote unmanned aerial systems and the associated industries in Kansas; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to U.S. Department of Transportation Secretary Chao and an enrolled copy to each member of the Kansas congressional delegation.

On emergency motion of Senator Petersen **SR 1759** was adopted by voice vote.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 261** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Denning, the Senate adjourned pro forma until 8:00 a.m., January 19, 2018.

Journal of the Senate

NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 19, 2018, 8:00 a.m.

The Senate was called to order pro forma by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 302, AN ACT concerning financial institutions; relating to banks and banking; amending K.S.A. 9-1134 and 60-513 and K.S.A. 2017 Supp. 9-701, 9-808, 9-809, 9-1133, 9-1703, 39-709, 58-3974, 75-3036 and 75-3170a and repealing the existing sections; also repealing K.S.A. 17-5101, 17-5102, 17-5201, 17-5202, 17-5203, 17-5204, 17-5205, 17-5206, 17-5207, 17-5208, 17-5209, 17-5210, 17-5211, 17-5212, 17-5213, 17-5214, 17-5215, 17-5216, 17-5217, 17-5218, 17-5219, 17-5220, 17-5221, 17-5225, 17-5225a, 17-5225b, 17-5225c, 17-5226, 17-5227, 17-5228, 17-5229, 17-5230, 17-5301, 17-5302, 17-5303, 17-5304, 17-5305, 17-5306, 17-5307, 17-5308, 17-5309, 17-5310, 17-5311, 17-5312, 17-5313, 17-5314, 17-5315, 17-5316, 17-5317, 17-5318, 17-5319, 17-5320, 17-5321, 17-5322, 17-5323, 17-5324, 17-5325, 17-5326, 17-5327, 17-5328, 17-5329, 17-5401, 17-5402, 17-5403, 17-5404, 17-5405, 17-5406, 17-5407, 17-5408, 17-5409, 17-5410, 17-5412, 17-5413, 17-5414, 17-5415, 17-5416, 17-5417, 17-5418, 17-5419, 17-5420, 17-5421, 17-5422, 17-5423, 17-5424, 17-5425, 17-5426, 17-5427, 17-5428, 17-5429, 17-5430, 17-5501, 17-5501c, 17-5502, 17-5502a, 17-5503, 17-5504, 17-5505, 17-5506, 17-5508, 17-5509, 17-5510, 17-5511, 17-5512, 17-5512a, 17-5513, 17-5514, 17-5515, 17-5516, 17-5517, 17-5519, 17-5520, 17-5521, 17-5522, 17-5523, 17-5524, 17-5525, 17-5526, 17-5527, 17-5528, 17-5529, 17-5530, 17-5531, 17-5532, 17-5533, 17-5534, 17-5535, 17-5536, 17-5537, 17-5538, 17-5539, 17-5540, 17-5541, 17-5542, 17-5543, 17-5544, 17-5545, 17-5546, 17-5547, 17-5548, 17-5549, 17-5550, 17-5551, 17-5552, 17-5553, 17-5554, 17-5555, 17-5556, 17-5557, 17-5558, 17-5559, 17-5560, 17-5561, 17-5562, 17-5563, 17-5564, 17-5565, 17-5566, 17-5567, 17-5568, 17-5569, 17-5570, 17-5571, 17-5572, 17-5601, 17-5602, 17-5603, 17-5604, 17-5605, 17-5606, 17-5607, 17-5609a, 17-5611, 17-5612, 17-5613, 17-5614, 17-5615, 17-5616, 17-5617, 17-5618, 17-5619, 17-5620, 17-5621, 17-5622, 17-5623, 17-5624, 17-5625, 17-5626, 17-5627, 17-5628, 17-5629, 17-5630, 17-5631, 17-5632, 17-5633, 17-5634, 17-5635, 17-5636, 17-5637, 17-5638, 17-5639, 17-5640, 17-5641, 17-5642, 17-5643, 17-5644, 17-5645, 17-5702, 17-5703, 17-5704, 17-5705, 17-5706, 17-5801, 17-5802, 17-5803, 17-5804, 17-5805, 17-5806, 17-5807, 17-5808, 17-5809, 17-5810, 17-5811, 17-5812, 17-5814, 17-5816, 17-5817, 17-5818, 17-5819, 17-5820, 17-5821,

17-5822, 17-5823, 17-5824, 17-5825, 17-5826, 17-5827, 17-5830, 17-5831 and 17-5832 and K.S.A. 2017 Supp. 17-5225d, 17-5610, 17-5701, 17-5828 and 17-5829, by Committee on Financial Institutions and Insurance.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 301**.

Ethics, Elections and Local Government: **SB 299**.

Federal and State Affairs: **SB 298**.

Financial Institutions and Insurance: **SB 292**.

Judiciary: **SB 295, SB 296, SB 297**.

Transportation: **SB 294**.

Utilities: **SB 293**.

Ways and Means: **SB 300**.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the weeks of January 8 through January 12 and January 16 through January 19, 2018:

Senator Bowers: celebrating Alfreda Gasper's 100th Birthday, congratulating Arika Haresnape on receiving the 2018 Kansas Horizon Teacher Award, congratulating the Bennington High School Lady Bulldogs Girls Cross Country Team on winning the 2017 2A State Cross Country Championship, congratulating the Bennington High School Bulldogs Boys Cross Country Team on their second place finish at the state championships, congratulating KD Country 94 on receiving seven awards in the Small Market Radio Station category, congratulating Russell Gagnon on winning a First Place Award of Excellence from the Kansas Press Association, congratulating Stephen and Joan Heide on their 50th Wedding Anniversary, congratulating Hanover High School on winning the 2017 8-Man Division II Football State Championship, celebrating Naomi Alfreda Barleen's 100th Birthday, congratulating Lauren Speer on being named the Plainville 2017 Citizen of the Year, celebrating Mary Cerny's 100th Birthday, thanking Sgt. 1st Class Michael Maschmeier on his service to the Kansas National Guard, congratulating Jerry McReynolds on receiving the KFB Distinguished Service to Agriculture Award, congratulating the Ottawa County Conservation District on receiving the 2017 Governor's Service Award, congratulating Galen and Rudene Niedenthal on being named a KFB Farm Family of the Year, congratulating the Washington County High School FFA Veterinary Science Team for finishing first in the nation in veterinary science, congratulating Frank Rajewski on being named the Rooks County Health Center Employee of the Year, congratulating Aaron Hahn on achieving the rank of Eagle Scout;

Senator Faust-Goudeau: honoring the life of Lorenza Breckenridge, Sr., honoring participants in the Coffee with Cop Program;

Senator Hardy: celebrating Helen Myers Hauser's 100th Birthday;

Senator Hensley: celebrating Lola Belle Smith's 100th Birthday;

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Senator McGinn: congratulating Sandie Durflinger Kueker on being named the 2017 Kansas Pharmacist of the Year; and

Senator Wilborn: congratulating Landon John Vogts on achieving the rank of Eagle Scout.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, January 22, 2018.

Journal of the Senate

TENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 22, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 39 senators present.

Senator Lynn was excused.

Invocation by Reverend Cecil T. Washington:

Lord, we thank You for another weekend of rest from activities under this dome. We also thank You, that You enabled the government on the national level, to get back to work. And with your guidance, please bring varying options, both here and at the national level, into agreements that align with Your will and Your way.

In the composing of good music, there is often some discord or dissonance that's purposely written into the piece. Yet it turns into something beautiful, if the instruments are in tune with each other and each one plays its part.

Lord, it's the same as what You referred to in Romans 12:3-6. You said none of us is to think more highly of ourselves than another...even though we bring different and sometimes disagreeable viewpoints to the discussion.

As we tackle the many issues that we face, we see division and even discord in our opinions. People are arguing for the rights of the preborn while others of us are arguing for women's reproductive rights. When it comes to taxes, what should we do? When should we move to the left? When should we go to the right?

You've purposely made us different with different views. As our Creator and Master Composer, please tune each of us to You. Use Your tuning fork to bring us in line. Only You can blend our differences into something worthy of Your signature.

In Jesus Name, I pray, Amen!

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Suellentrop rose on a Point of Personal Privilege to introduce Julie Samaniego from Wichita and honor her for 30 years of adoption advocacy for women who choose adoption and for couples wanting to adopt. Ms. Samaniego is also the founder of the faith-based organization, Circle of Love.

Senators honored Ms. Samaniego with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 303, AN ACT concerning income taxation; relating to deductions, expense

deduction; amending K.S.A. 2017 Supp. 79-32,143a and repealing the existing section, by Committee on Assessment and Taxation.

SB 304, AN ACT concerning health and healthcare; relating to health insurance; prescription medication; step therapy protocols, by Committee on Public Health and Welfare.

SB 305, AN ACT concerning the department of health and environment; relating to regulation of programs for children; authority; exemption from certain licensure and inspection requirements; amending K.S.A. 2017 Supp. 65-508 and repealing the existing section, by Committee on Public Health and Welfare.

SB 306, AN ACT concerning state officers and employees; restricting outside employment, by Senator Hensley.

SB 307, AN ACT concerning amusement rides; relating to the Kansas amusement ride act; relating to home-owned amusement rides and agritourism activities; amending K.S.A. 2017 Supp. 40-4801, 40-4802, 44-1601, 44-1602, 44-1603, 44-1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-1611, 44-1612, 44-1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-1619 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Financial Institutions and Insurance: **SB 302**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Fitzgerald introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1760—

A RESOLUTION congratulating and commending the
Sporting Kansas City professional soccer club on an outstanding 2017 season
and for winning their fourth Lamar Hunt U.S. Open Cup title.

WHEREAS, Sporting Kansas City was founded as a Major League Soccer (MLS) charter team in 1995 by Lamar Hunt and was known then as the Kansas City Wizards; and

WHEREAS, In 2011, the team officially moved to its new home in Wyandotte County, Kansas, at the state-of-the-art Children's Mercy Park and was rebranded from the Kansas City Wizards to Sporting Kansas City; and

WHEREAS, Sporting Kansas City was crowned MLS Cup champions in 2000 and 2013, solidifying over a decade of dominance in MLS; and

WHEREAS, Sporting Kansas City won the 2017 Lamar Hunt U.S. Open Cup title; and

WHEREAS, Sporting Kansas City has won the Open Cup in three of the last six years and is one of only three MLS teams to have four Open Cup titles; and

WHEREAS, Sporting Kansas City won 12 games in the 2017 regular season and won an additional five thrilling games on their way to being crowned the 2017 U.S. Open Cup champions for the first time since 2015; and

WHEREAS, Four of the five games were played in Kansas City, Kansas, at Children's Mercy Park in front of a hometown crowd of more than 18,000 faithful fans

in "The Cauldron" and the general stands each night; and

WHEREAS, Sporting Kansas City amassed a remarkable 12 goals during the course of the Open Cup championship; and

WHEREAS, One of the more memorable games occurred on August 9, 2017, when Sporting Kansas City and the San Jose Earthquakes became ensnarled in a penalty shootout after a 1-1 draw. Sporting Kansas City would eventually win the shootout 5-4, thanks in large part to goalkeeper Tim Melia's efforts; and

WHEREAS, In one of the most thrilling games in Sporting Kansas City's history, the team edged out the New York Red Bulls 2-1 in the Open Cup final with a 25th minute header from Latif Blessing and a 66th minute strike from Daniel Sallio: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the owners, manager, coaches, trainers, other organizational personnel and, most of all, the players and fans of the Sporting Kansas City professional soccer club are be congratulated on their outstanding 2017 season, for winning their fourth Lamar Hunt U.S. Open Cup title and for bringing tremendous pride to the people of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Fitzgerald.

On emergency motion of Senator Fitzgerald **SR 1760** was adopted by voice vote.

Guests introduced were Jake Reid, Alan Kietrich and Marty Neushemel.

Senators honored the guests with a standing ovation.

REPORT ON ENROLLED BILLS

SR 1759 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 22, 2018.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, January 23, 2018.

Journal of the Senate

ELEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 23, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Doll was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, You have granted us another day...the 23rd of January. It brought to mind a different 23rd, one that should be reflected in all of our days.

As he considered Your place in his life, You inspired the Psalmist to write Psalm 23. Lord, let those words remind us that not only on the 23rd but on every other day as well, we are like sheep in continual need of the Shepherd.

So, lead each of us here to have that individual experience with You as our Shepherd. I pray that You would grant to each one of us that daily and personal experience of knowing You as Shepherd.

Help us personalize the words of David by saying...Lord, You are my shepherd. You give me everything I need. You provide me with times of rest, like the sheep in green pastures. In times of turmoil, You lead me to drink from still calm waters. You restore my soul, giving me new strength when I'm weary. And for the sake of Your name, You lead me along paths of righteousness.

Even when You have me walk through the dark, death-like, shadowy places of life, still I know that You are with me. Like the sheep, Your rod and staff are a comfort to me.

Lord, because of how You've been with me, in spite of those that would oppose me and because You've anointed my head for refreshment, I'm assured that Your goodness and mercy will be with me all the days of my life. And, I will dwell in Your house forever.

So Lord, help us to know that as smart as we are, like the sheep, we're not smart enough.

Therefore, let the decisions that are made in this house reflect the wisdom, will and way of Your house.

I come to You, in the Name of the Shepherd of the sheep, Amen and Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 308, AN ACT concerning the Kansas dental board; relating to the practice of

dental therapy; licensure of dental therapists; amending K.S.A. 65-1421, 65-1441, 65-1449, 65-1460, 65-1462, 74-1404 and 74-1406 and K.S.A. 2017 Supp. 65-1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405, 75-2935 and 75-6102 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 309, AN ACT concerning the judicial branch; relating to docket fees; disposition of docket fees for the fiscal years ending June 30, 2020, and June 30, 2021; amending K.S.A. 2017 Supp. 20-362 and repealing the existing section, by Committee on Judiciary.

SB 310, AN ACT concerning crimes, punishment and criminal procedure; relating to escape and aggravated escape from custody; definition of escape; amending K.S.A. 2017 Supp. 21-5911 and repealing the existing section, by Committee on Judiciary.

SB 311, AN ACT concerning reports of abuse; relating to abuse, neglect or exploitation of certain adults; emergency medical services personnel; amending K.S.A. 2017 Supp. 39-1402 and 39-1431 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 312, AN ACT concerning the Kansas dental board; relating to the practice of dental therapy; licensure of dental therapists; amending K.S.A. 65-1421, 65-1441, 65-1449, 65-1460, 65-1462 and 74-1406 and K.S.A. 2017 Supp. 65-1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405, 75-2935 and 75-6102 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 313, AN ACT concerning redevelopment authorities in certain counties; amending K.S.A. 19-4904 and repealing the existing section, by Committee on Ways and Means.

SB 314, AN ACT concerning townships; dealing with the special highway improvement fund; amending K.S.A. 68-589 and repealing the existing section, by Committee on Ways and Means.

SB 315, AN ACT concerning the Kansas state employees health care commission; members thereof; selection of the chairperson; amending K.S.A. 75-6502 and repealing the existing section, by Committee on Ways and Means.

SB 316, AN ACT concerning health and healthcare; relating to the Kansas medical assistance program; providing coverage for tobacco cessation treatments, by Committee on Public Health and Welfare.

SB 317, AN ACT concerning administrative rules and regulations; relating to reporting impact on business; joint committee on administrative rules and regulations; state rules and regulations board; amending K.S.A. 2017 Supp. 77-416, 77-423 and 77-436 and repealing the existing sections, by Committee on Joint Committee on Administrative Rules and Regulations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 303**.

Federal and State Affairs: **SB 306, SB 307**.

Public Health and Welfare: **SB 304, SB 305**.

MESSAGES FROM THE GOVERNOR

January 23, 2018

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 18-02 for your information.

With Warm Regards,

SAM BROWNBACK

Governor

President Wagle announced that this Executive Order is on file in the office of the Secretary of the Senate and available for review at any time.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Baumgardner and Berger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1761—

A RESOLUTION congratulating and commending
the members of the 2018 Kansas Teacher of the Year team.

WHEREAS, The Kansas State Department of Education sponsors the Kansas Teacher of the Year program, which identifies, recognizes and utilizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the program is to build and utilize a network of exemplary teachers who are leaders in the improvement of schools, student performance and the teaching profession; and

WHEREAS, Two teachers — one elementary and one secondary — in each of the state's four United States congressional districts were selected as finalists for recognition as the Kansas Teacher of the Year, with the winner being chosen from among the eight finalists. The Kansas Teacher of the Year is awarded the Hubbard Foundation Kansas Teacher of the Year Ambassadorship, which enables the person selected to devote significant time during the second semester to activities supporting the mission of the program. The 2018 Kansas Teacher of the Year and the finalists were honored at an awards banquet on November 18, 2017. All members received a cash award as well as mementos of the event; and

WHEREAS, The Kansas Teacher of the Year is nominated to represent Kansas in the National Teacher of the Year program, a project of the Council of Chief State School Officers, presented by Voya Financial; and

WHEREAS, The 2018 Kansas Teacher of the Year is Samantha "Sam" J. Neill, Buhler USD 313; and the regional finalists are: Jennifer L. Donovan, De Soto USD 232; Jamie D. Manhart, Silver Lake USD 372; Megan E. Nagel, Newton USD 373; Angela "Angie" R. Powers, Olathe USD 233; Gilbert "Gil" R. Still, Jr., Dodge City USD 443; Sarah C. VenJohn, Winfield USD 465; and Bradley "Brad" W. Weaver, Atchison USD 409; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the 2018 Kansas Teacher of the Year team and wish Samantha Neill success in the national competition; and

Be it further resolved: That the Secretary of the Senate shall send eight enrolled copies of this resolution to the Commissioner of Education for forwarding to the members of the 2018 Kansas Teacher of the Year team and two enrolled copies to Senator Berger.

On emergency motion of Senator Berger **SR 1761** was adopted by voice vote.
Senators honored the teachers with a standing ovation.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, January 24, 2018.

Journal of the Senate

TWELFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 24, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 38 senators present.
Senators Doll and Suellentrop were excused.
Invocation by Reverend Cecil T. Washington:

Shortly after becoming an American citizen, Irving Berlin set to music, the earliest version of this prayer...a prayer that went on to become a national anthem. Join me today as I pray...

Reverend Washington delivered his vocal rendition of "God Bless America" accompanied on the keyboard by his wife.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Tyson rose on a Point of Personal Privilege introducing David Lamb and other county clerks from across the state.

Senators honored them with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 318, AN ACT concerning civil actions; relating to immunity from liability; unattended persons and animals, by Committee on Federal and State Affairs.

SB 319, AN ACT concerning school districts; relating to residency requirements for attendance; children awaiting foster care or permanent family placement; amending K.S.A. 2017 Supp. 72-3122 and 72-6152 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 320, AN ACT concerning animal care; relating to the veterinary training program for rural Kansas; program agreements; amending K.S.A. 2017 Supp. 76-4,112 and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 321, AN ACT concerning crimes, punishment and criminal procedure; relating to involuntary manslaughter; battery; public safety sector employees; penalties; amending K.S.A. 2017 Supp. 21-5405 and 21-5413 and repealing the existing sections, by Committee on Judiciary.

SB 322, AN ACT concerning utilities; relating to the net metering and easy connection act; amending K.S.A. 2017 Supp. 66-1263, 66-1265, 66-1266 and 66-1267

and repealing the existing sections; also repealing K.S.A. 2017 Supp. 66-1271, by Committee on Utilities.

SB 323, AN ACT concerning electricity; relating to service rights of retail electric suppliers; relating to termination of a retail electric supplier's service rights; amending K.S.A. 66-1,176 and repealing the existing section, by Committee on Utilities.

SB 324, AN ACT concerning the vehicle dealers and manufacturers licensing act; relating to improvements to facilities; performance measurements; recall repairs, by Committee on Transportation.

SB 325, AN ACT concerning municipal elections; amending K.S.A. 2017 Supp. 19-3505, 25-2022, 25-2023, 25-2120, 25-21a01 and 80-2508 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 326, AN ACT concerning elections; amending K.S.A. 25-1120 and K.S.A. 2017 Supp. 25-1122, 25-1123, 25-2309, 25-2311, 25-2316c and 65-2418 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 25-2358, by Committee on Ethics, Elections and Local Government.

SB 327, AN ACT concerning education; relating to the Kansas school equity and enhancement act; relating to the transportation weighting; amending K.S.A. 2017 Supp. 72-5148 and repealing the existing section, by Senator Hensley.

SB 328, AN ACT concerning correctional institutions and juvenile correctional facilities; prohibiting the outsourcing or privatization of any operations or facilities thereof; allowing existing contracts to be renewed, by Senators Hensley and Denning.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **SB 309**, **SB 310**.

Public Health and Welfare: **SB 308**, **SB 311**, **SB 312**, **SB 316**.

COMMUNICATIONS FROM STATE OFFICERS

January 23, 2018

Elaine Frisbie, Kansas Board of Regents, submitted the Board of Regents' reports on the Kan-Ed program, KTIP and student financial aid programs.

The Vice President announced that this report is on file in the office of the Secretary of the Senate and available for review at any time.

REPORT ON ENROLLED BILLS

SR 1760, **SR 1761** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 24, 2018.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, January 25, 2018.

Journal of the Senate

THIRTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 25, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 39 senators present.

Senator Doll was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, it is once again, that we come humbly into an awareness of Your presence. In considering the commands that You've given us, You said, in Matthew 22:36-37, that the greatest of them all, was love...love for You.

Yet, we live in a world that is systematically pulling at us, trying to pull us away from loving You and tempting us to love it.

This world system, put in place by a deceiving spirit, is trying to entice us.

And Lord, we know it's nothing new. The enemy of our souls, started this way back in the beginning, with our first parents, tempting them with fruit that's desirable, but forbidden.

You said in Proverbs 27:12, that the prudent, those of us with good judgment, will see danger and take refuge, but the simpleminded, the naïve keep going and suffer for it. Lord, there's already too much suffering going on due to not following Your Word.

Let the decisions that arise from these halls reflect an uncompromising love for You and the principles of Your Holy Word. You said, if we love You we'll obey You. So, teach us how to make choices that reflect an adamant love for You that in the end will be love for, and blessings for, Your people.

In the precious name of Jesus, I pray. Amen and Amen

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 329, AN ACT concerning civil actions and civil procedure; relating to partition; enacting the uniform partition of heirs property act, by Committee on Judiciary.

SB 330, AN ACT concerning the department of wildlife, parks and tourism; relating to fees; amending K.S.A. 2017 Supp. 32-988 and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 331, AN ACT concerning the department of wildlife, parks and tourism; relating to state parks; designating Flint Hills trail state park and Little Jerusalem Badlands state park; amending K.S.A. 2017 Supp. 32-837 and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 332, AN ACT concerning the developmental disabilities reform act; relating to home and community-based services; powers, duties and functions of the secretary for aging and disability services and the secretary of health and environment; amending K.S.A. 39-1801, 39-1802, 39-1805, 39-1806 and 39-1808 and K.S.A. 2017 Supp. 39-1803 and 39-1804 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 39-1811, by Committee on Public Health and Welfare.

SB 333, AN ACT concerning school districts; relating to the Jason Flatt act; amending K.S.A. 2017 Supp. 72-6284 and repealing the existing section, by Committee on Education.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 320**.

Education: **SB 319**, **SB 327**.

Ethics, Elections and Local Government: **SB 313**, **SB 325**, **SB 326**.

Federal and State Affairs: **SB 317**, **SB 328**.

Judiciary: **SB 318**, **SB 321**.

Transportation: **SB 324**.

Utilities: **SB 322**, **SB 323**.

Ways and Means: **SB 314**, **SB 315**.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 267**, **SB 275** be passed.

Committee on **Judiciary** recommends **SB 265**, **SB 266** be passed.

Committee on **Ways and Means** recommends **SB 262** be amended on page 1, in line 16, after the first "the" by inserting "Dwight D."; in line 28, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 2, after "grounds" by inserting "; establishing the Dwight D. Eisenhower statue fund"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, January 26, 2018.

Journal of the Senate

FOURTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 26, 2018, 8:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 28 senators present.

Senators Baumgardner, Doll, Fitzgerald, Longbine, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Skubal, Sykes and Wilborn were excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father once again, the weekend is upon us. Time to break from the concerns of the dome and time to turn to the concerns of home.

Your Word says, in 1 John 4:8, that You are characterized by love. And the way we show our knowledge of You is to display that same character. So, this weekend, help us to show others that we do know You.

As this day progresses, even before we leave this place, give us opportunities to be like You. Teach us to be loving and gracious to those that differ from us...to those that don't accept our position. Help us to see, that even when we disagree, we're not to be disagreeable. Let our attitudes not be offensive.

Lord, You know our love temperature...whether we're warm or a little chilly. So, wherever it's needed, give us an attitude adjustment. Give us a desire for empathy over sympathy. Bestow upon us the longing to try walking in someone else's shoes.

Let the love that flows from You flow through us. While we represent different positions and take different stands on issues, let it be said that under this dome, and at home, when it comes to showing love and compassion, we are the "Real McCoy."

Thanks for Your love and compassion. In Jesus' name I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 334, AN ACT concerning economic development; relating to the high performance incentive program; tax credit availability; amending K.S.A. 2017 Supp. 79-32,160a and repealing the existing section, by Committee on Commerce.

SB 335, AN ACT concerning financial institutions; relating to banks and banking; including savings and loan associations and savings banks in the state banking code; repealing the savings and loan code; amending K.S.A. 2017 Supp. 9-701, 9-808, 9-809, 9-901a, 9-902, 9-903, 9-904, 9-905, 9-906, 9-907, 9-908, 9-910, 9-911, 9-912, 9-1101, 39-709, 58-3974, 75-3036 and 75-3170a and repealing the existing sections; also repealing K.S.A. 17-5101, 17-5102, 17-5201, 17-5202, 17-5203, 17-5204, 17-5205, 17-

5206, 17-5207, 17-5208, 17-5209, 17-5210, 17-5211, 17-5212, 17-5213, 17-5214, 17-5215, 17-5216, 17-5217, 17-5218, 17-5219, 17-5220, 17-5221, 17-5225, 17-5225a, 17-5225b, 17-5225c, 17-5226, 17-5227, 17-5228, 17-5229, 17-5230, 17-5301, 17-5302, 17-5303, 17-5304, 17-5305, 17-5306, 17-5307, 17-5308, 17-5309, 17-5310, 17-5311, 17-5312, 17-5313, 17-5314, 17-5315, 17-5316, 17-5317, 17-5318, 17-5319, 17-5320, 17-5321, 17-5322, 17-5323, 17-5324, 17-5325, 17-5326, 17-5327, 17-5328, 17-5329, 17-5401, 17-5402, 17-5403, 17-5404, 17-5405, 17-5406, 17-5407, 17-5408, 17-5409, 17-5410, 17-5412, 17-5413, 17-5414, 17-5415, 17-5416, 17-5417, 17-5418, 17-5419, 17-5420, 17-5421, 17-5422, 17-5423, 17-5424, 17-5425, 17-5426, 17-5427, 17-5428, 17-5429, 17-5430, 17-5501, 17-5501c, 17-5502, 17-5502a, 17-5503, 17-5504, 17-5505, 17-5506, 17-5508, 17-5509, 17-5510, 17-5511, 17-5512, 17-5512a, 17-5513, 17-5514, 17-5515, 17-5516, 17-5517, 17-5519, 17-5520, 17-5521, 17-5522, 17-5523, 17-5524, 17-5525, 17-5526, 17-5527, 17-5528, 17-5529, 17-5530, 17-5531, 17-5532, 17-5533, 17-5534, 17-5535, 17-5536, 17-5537, 17-5538, 17-5539, 17-5540, 17-5541, 17-5542, 17-5543, 17-5544, 17-5545, 17-5546, 17-5547, 17-5548, 17-5549, 17-5550, 17-5551, 17-5552, 17-5553, 17-5554, 17-5555, 17-5556, 17-5557, 17-5558, 17-5559, 17-5560, 17-5561, 17-5562, 17-5563, 17-5564, 17-5565, 17-5566, 17-5567, 17-5568, 17-5569, 17-5570, 17-5571, 17-5572, 17-5601, 17-5602, 17-5603, 17-5604, 17-5605, 17-5606, 17-5607, 17-5609a, 17-5611, 17-5612, 17-5613, 17-5614, 17-5615, 17-5616, 17-5617, 17-5618, 17-5619, 17-5620, 17-5621, 17-5622, 17-5623, 17-5624, 17-5625, 17-5626, 17-5627, 17-5628, 17-5629, 17-5630, 17-5631, 17-5632, 17-5633, 17-5634, 17-5635, 17-5636, 17-5637, 17-5638, 17-5639, 17-5640, 17-5641, 17-5642, 17-5643, 17-5644, 17-5645, 17-5702, 17-5703, 17-5704, 17-5705, 17-5706, 17-5801, 17-5802, 17-5803, 17-5804, 17-5805, 17-5806, 17-5807, 17-5808, 17-5809, 17-5810, 17-5811, 17-5812, 17-5814, 17-5816, 17-5817, 17-5818, 17-5819, 17-5820, 17-5821, 17-5822, 17-5823, 17-5824, 17-5825, 17-5826, 17-5827, 17-5830, 17-5831 and 17-5832 and K.S.A. 2017 Supp. 17-5225d, 17-5610, 17-5701, 17-5828 and 17-5829, by Committee on Financial Institutions and Insurance.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 330, SB 331.**

Education: **SB 333.**

Judiciary: **SB 329.**

Public Health and Welfare: **SB 332.**

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of January 22-26, 2018:

Senator Alley: celebrating Alice Schwartz's 100th Birthday;

Senator Billinger: congratulating Anna Briggs on winning the "If I Were Mayor" Essay Contest;

Senator Bowers: congratulating Karen Kiser on receiving the Kansas Rural Water Association's City Clerk Award;

Senator Faust-Goudeau: remembering the life of Betty Lucile Garrett;

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Senator Goddard: congratulating the Coffeyville Community College Volleyball Team on winning the 2017 NJCAA Division II National Championship; and
Senator Hardy: celebrating Ester M. Suhler's 100th Birthday.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, January 29, 2018.

Journal of the Senate

FIFTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 29, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

God of grace, God of mercy! In humility and thanksgiving, we come again into these sacred halls and approach these sacred desks; sacred because You've ordained, according to Your Word in Romans 13:1-7, that the decisions made here are to be representative of the authority coming from You.

So, as we enter in, we can celebrate that on this day in history, You gave birth to this state and the sacred purpose of its leaders. You've given us a unique and significantly responsible position in this country.

You've placed us in the heartland...in the heart of a land where our leaders are struggling with difficult decisions and trying to answer serious questions.

Lord, give us here in Kansas a team spirit. And I pray that every member of this team, from top to bottom will be inspired and moved by Your Holy Spirit to show forth that the decisions, arising from these halls, represent on a far reaching basis the reality of Your Divine presence.

Someone said that to solve a problem, you had to get to the heart of it. You're permitting the Governor of this heartland to move to Washington and begin addressing issues fundamental to our freedoms when it comes to serving You.

In a like manner, Lord, from this heartland and from these sacred desks, let our decisions reflect the essentials of Your Divine influence. And, let them have a far reaching impact. Let there be a ripple effect where decisions made here will wind up blessing more than just the people of Kansas.

And Lord, this is a big one! You've ordained Washington D.C. to be the capital of our nation's government. So then, as You've done in the past, and our history confirms it, You can ordain Kansas as capital of God-inspired decisions that will permeate this nation.

From Your Heart, to our hearts...and in due course, to the heart of this nation, I come to You, praying in the Name of Jesus, Amen and Amen.

The Pledge of Allegiance was led by President Susan Wagle.

In celebration of Kansas Day, Senator Givens led the singing of our state song: "Home on the Range".

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 336, AN ACT concerning civil actions; relating to wrongful conviction and imprisonment; compensation; amending K.S.A. 2017 Supp. 75-6117 and repealing the existing section, by Committee on Judiciary.

SB 337, AN ACT concerning the department of health and environment; relating to animal conversion units; poultry facilities; amending K.S.A. 2017 Supp. 65-171d and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 338, AN ACT concerning health and healthcare; relating to the practice of surgical technology; regulation of surgical technologists; amending K.S.A. 2017 Supp. 65-2872 and repealing the existing section, by Committee on Public Health and Welfare.

SB 339, AN ACT concerning workers compensation death benefits; initial payments; legal heirs; dependents; funeral expenses; conservatorship; adequacy and equivalency with respect to other benefit limits; amending K.S.A. 2017 Supp. 44-510b and repealing the existing section, by Committee on Commerce.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 334**.

Financial Institutions and Insurance: **SB 335**.

COMMUNICATIONS FROM STATE OFFICERS

January 26, 2018

Kansas Highway Patrol Superintendent, Mark A. Bruce, submitted the report regarding state forfeiture funds.

The President announced that this report is on file in the office of the Secretary of the Senate and available for review at any time.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2437**, **HB 2439**, **HB 2482**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2437, **HB 2439**, **HB 2482** were thereupon introduced and read by title.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, January 30, 2018.

Journal of the Senate

SIXTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 30, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, it was on this same day, January 30th, that the engineer Erno Rubik applied to have patented the Rubik's Cube, one of the greatest puzzles of all time. In designing it, he said he was looking for a way for the individual parts to be moving around without losing their connection to each other and without any of them losing their connection to the whole.

Lord, that's the puzzle we're faced with today. We're trying to find a way that each of us with our individual colors of character, skill and temperament, can be moving in and around each other without losing our connectedness to each other, and while together, remaining united...committed to the whole responsibility.

You said in James 1:3-4, that our faith would be tested and our patience would be given a chance to grow. So, grow us and teach us patience when we get it all twisted with folk. Help us look to You for answers. You are the Master at solving our puzzles... at resolving our "Rubiks Cube" dilemmas.

We'll always need Your counsel. We'll always need Your guidance. We'll always need You to turn, pull and twist us until we line up.

Thanks again Lord, for being our Master Engineer. In Jesus' name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 340, AN ACT concerning postsecondary educational institutions; establishing the campus free speech protection act, by Committee on Federal and State Affairs.

SB 341, AN ACT concerning sales taxation; relating to exemptions; Ronald McDonald house charities of Wichita, inc.; amending K.S.A. 2017 Supp. 79-3606 and repealing the existing section, by Committee on Federal and State Affairs.

SB 342, AN ACT concerning information systems and communications; creating the Kansas cybersecurity act; establishing the Kansas information security office; establishing the cybersecurity state fund, by Committee on Ways and Means.

SB 343, AN ACT concerning the disposition of state real property; authorizing the state board of regents and the state of Kansas to convey certain real property to Wichita state university, by Committee on Ways and Means.

SB 344, AN ACT concerning agriculture; relating to the control and eradication of noxious weeds in the state of Kansas; amending K.S.A. 2-1314b, 2-1320, 2-1323, 2-1330 and 2-1332 and K.S.A. 2017 Supp. 2-1314, 2-1315, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322 and 2-1331 and repealing the existing sections; also repealing K.S.A. 2-1316a, 2-1325, 2-1326, 2-1328 and 2-1329 and K.S.A. 2017 Supp. 2-1327 and 2-1334, by Committee on Agriculture and Natural Resources.

SB 345, AN ACT concerning sales taxation; relating to exemptions; friends of JCDS, inc.; amending K.S.A. 2017 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 337**.

Commerce: **SB 339**; **HB 2482**.

Federal and State Affairs: **HB 2437**.

Judiciary: **SB 336**; **HB 2439**.

Public Health and Welfare: **SB 338**.

Ways and Means: **SB 342**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Under the authority of the President, Vice President Longbine referred **SB 342** to the Committee on **Ways and Means**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Pilcher-Cook, Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Hardy, Hawk, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pyle, V. Schmidt, Suellentrop, Sykes, Taylor, Tyson, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1762—

A RESOLUTION recognizing that pornography is a public health hazard that leads to a broad spectrum of individual and public health impacts and societal harms.

WHEREAS, Pornography is creating a public health crisis and perpetuates a sexually toxic environment; and

WHEREAS, Efforts to prevent pornography exposure and addiction, to educate individuals and families concerning its harms and to develop recovery programs must be addressed systematically; and

WHEREAS, Due to advances in technology and the universal availability of the internet, young children are exposed to pornography at an alarming rate, with 27% of millennials, aged 25 to 30, reporting that they first viewed pornography before puberty, based on a 2016 Barna Group study; and

WHEREAS, This early exposure can lead to low self-esteem and body image disorders, an increase in problematic sexual activity at younger ages and an increased desire among adolescents to engage in risky sexual behavior; and

WHEREAS, Exposure to pornography often serves as a child's and a teen's sex education and shapes their sexual understanding, because pornography treats women and children as objects and commodities for the viewer's use. Pornography teaches girls that they are to be used and teaches boys to be users; and

WHEREAS, Pornography normalizes violence and abuse against women and children by treating women and children as objects, and often depicts rape and abuse as if they are harmless. Moreover, pornography equates violence towards women and children with sex, and equates pain with pleasure, which increases child sexual abuse and child pornography and the demand for sex trafficking and prostitution, according to a 2012 study published in The Protection Project Journal of Human Rights and Civil Society; and

WHEREAS, The potential detrimental effects on viewers of pornography can impact brain development and functioning, contribute to emotional and medical illnesses, shape deviant sexual arousal, as well as problematic or harmful sexual behaviors and addiction and lead to difficulty in forming or maintaining intimate relationships; and

WHEREAS, Recent research indicates that pornography is potentially biologically addictive, which means the user requires more mental stimulation, often in the form of more shocking material, in order to be satisfied. This biological addiction often leads to increasing themes of risky sexual behaviors, extreme degradation, violence and child sexual abuse images and child pornography; and

WHEREAS, Pornography use is linked to lessened desire in young men and women to marry, dissatisfaction in marriage and infidelity, which has a detrimental effect on the family unit; and

WHEREAS, Pornography has contributed to a rise in the occurrence of erectile dysfunction in young men; and

WHEREAS, Overcoming pornography's harms is extremely difficult for the afflicted individual to address alone: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize that pornography is a public health hazard that leads to a broad spectrum of individual and public health impacts and societal harms; and

Be it further resolved: That we recognize the need for additional education, prevention, research and policy change at the community and societal levels, and we urge this chamber and other governing bodies to take appropriate steps to ensure progress is made; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the Kansas Attorney General, Derek Schmidt; the Kansas Bureau of Investigation Director, Kirk Thompson; the Kansas Highway Patrol Superintendent, Colonel Mark Bruce; the Secretary of the Kansas Department of Health and Environment; the Kansas Library Association; the Kansas County & District Attorneys Association; the Kansas Sheriffs' Association; the Kansas Association of Chiefs of Police; the Kansas Association of District Court Clerks and Administrators; the Kansas Appellate Courts and the Kansas Supreme Court; the League of Kansas Municipalities; the Kansas County Commissioners Association; the American Family Association of Kansas and Missouri State Director, Phillip Cosby; and Senator Pilcher-Cook.

MESSAGES FROM THE GOVERNOR

January 30, 2018

Executive Order 18-03; Rescinding certain Executive Orders.

COMMUNICATIONS FROM STATE OFFICERS

January 30, 2018

Commissioner of Insurance, Ken Selzer, CPA, submitted the 2017 Annual Report of the Kansas Insurance Department.

The Vice President announced that this report is on file in the office of the Secretary of the Senate and available for review at any time.

COMMITTEE OF THE WHOLE

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

On motion of Senator Baumgardner the following report was adopted:

SB 267, SB 275 be passed.

SB 262 be amended by the adoption of the committee amendments, and the bills be passed as amended.

FINAL ACTION ON CONSENT CALENDAR

SB 255 and **SB 261** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 255, AN ACT concerning emergency telephone services; relating to the Kansas 911 act; audits by the division of legislative post audit; amending K.S.A. 2017 Supp. 12-5377 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly.

The bill passed.

SB 261, AN ACT concerning appraisal of real property before purchase or disposal by the state or any agency thereof; relating to duties of the judicial administrator and the director of property valuation; amending K.S.A. 2017 Supp. 75-3043a and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley,

Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 262**, **SB 267** and **SB 275** was advanced to Final Action and roll call.

SB 262, AN ACT authorizing the construction of a permanent statue honoring Dwight D. Eisenhower on the state capitol grounds; establishing the Dwight D. Eisenhower statue fund.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly.

The bill passed as amended.

SB 267, AN ACT concerning insurance; relating to risk-based capital instruction; effective date; amending K.S.A. 2017 Supp. 40-2c01 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly.

The bill passed.

SB 275, AN ACT concerning the credit union council; relating to terms of service; two-term limit; amending K.S.A. 17-2232 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly.

The bill passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, January 31, 2018.

Journal of the Senate

SEVENTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 31, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, citizens across this state are trusting You to guide these lawmakers, as decisions are being made to improve and stabilize our living conditions. The men and women under this dome seek to develop and enhance our state of affairs.

So, when they caucus...when their committees meet...when they come together in these chambers, the need is for You to intervene. We need You to be guiding at every turn. For without the stable reliability of Your direction, we'd be like the troubled person You described in Proverbs 25:19. You said it would be like trying to chew with a loose tooth, or trying to walk with a crippled foot.

Therefore, Lord, for the dependability and trustworthiness of what occurs here, keep us connected and in tune with You. I'm praying in the name of the Christ. Amen!

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 346, AN ACT concerning sales and compensating use tax; relating to exemptions; Stafford county economic development, inc.; amending K.S.A. 2017 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 347, AN ACT concerning utilities; relating to the state corporation commission; concerning demand-side programs, cost recovery; amending K.S.A. 2017 Supp. 66-1283 and repealing the existing section, by Committee on Utilities.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 344**.

Assessment and Taxation: **SB 341**, **SB 345**.

Federal and State Affairs: **SB 340**.

Ways and Means: **SB 343**.

REFERENCE OF BILLS AND SENATE RESOLUTIONS

President Wagle referred **SR 1762** to the Calendar under the heading of **General Orders**.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, February 1, 2018.

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 1, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 39 senators present.

Senator Hawk was excused.

Vice President Longbine introduced Reverend Sandra Brown, First Presbyterian Church, Topeka, who delivered the invocation:

Glorious God, we humbly ask Your blessing on these leaders and the work that they will do today. Bless them with wisdom, discernment, creativity and compassion. Help them find the gift in each and every challenge they face. And, God, give them a spirit of unity and joy in their work, for indeed it is such a great privilege to be able to make a difference in the lives of so many in this beloved land. Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 348, AN ACT concerning insurance; authorizing electronic delivery as the standard method of delivery for certain health benefit plan documents; amending K.S.A. 2017 Supp. 40-5802, 40-5803 and 40-5804 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 349, AN ACT concerning the offices of the governor and lieutenant governor; relating to vacancies therein, by Senator Pyle.

SB 350, AN ACT concerning the legislature; relating to bills; providing requirement that only committees and legislators may request bills for introduction; relating to requirements for printed bills and committee minutes, inclusion of requestor, by Senators Hawk, Sykes, Alley, Baumgardner, Berger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Hardy, Hensley, Holland, Kelly, Pettey, Rogers, Skubal, Taylor, Tyson and Wilborn.

SB 351, AN ACT concerning health and healthcare; relating to insurance; pharmacy benefits; enacting the Kansas pharmacy patients fair practices act, by Committee on Public Health and Welfare.

SB 352, AN ACT concerning education; relating to transportation funding for school districts from the state general fund; making and concerning appropriations for the fiscal year ending June 30, 2019, for the department of education; abolishing the general state aid transportation weighting - state highway fund, special education transportation weighting - state highway fund and career and technical education

transportation - state highway fund of the department of education, by Committee on Ways and Means.

SB 353, AN ACT concerning boiler inspections; abolishing the boiler inspection fee fund; transferring moneys to the fire marshal fee fund; amending K.S.A. 2017 Supp. 44-926, 44-931 and 75-3036 and repealing the existing sections, by Committee on Ways and Means.

SB 354, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Gadsden flag license plate, by Committee on Transportation.

SB 355, AN ACT concerning utilities; relating to electric cooperatives; concerning the state corporation commission, regulation of charges or fees for certain transmission services; amending K.S.A. 2017 Supp. 66-104d and repealing the existing section, by Committee on Utilities.

SB 356, AN ACT concerning utilities; relating to the state corporation commission; concerning reports to the legislature; relating to electric rates, regional comparisons, recommendations, increases; amending K.S.A. 66-117 and 66-117b and repealing the existing sections, by Committee on Utilities.

SB 357, AN ACT concerning education; relating to career technical education; cost study by the department of education; amending K.S.A. 2017 Supp. 72-296 and repealing the existing section, by Committee on Education.

SB 358, AN ACT enacting the massage therapist licensure act; regulation and licensing of massage therapists; powers, duties and functions of the state board of healing arts, by Committee on Public Health and Welfare.

SB 359, AN ACT concerning racial profiling; relating to data collection by law enforcement; amending K.S.A. 2017 Supp. 22-4606, 22-4610, 22-4611 and 22-4611a and repealing the existing sections, by Committee on Judiciary.

SB 360, AN ACT concerning the open records act; relating to copies of records; disclosure of law enforcement recordings using a body camera or vehicle camera; amending K.S.A. 2017 Supp. 45-219 and 45-254 and repealing the existing sections, by Committee on Judiciary.

SB 361, AN ACT concerning law enforcement; enacting the police and citizen protection act; relating to use of body cameras by law enforcement officers; disclosure of recordings; amending K.S.A. 2017 Supp. 45-254 and repealing the existing section, by Committee on Judiciary.

SB 362, AN ACT concerning insurance; relating to property and casualty insurers; exempting labor from depreciation in certain claims, by Committee on Assessment and Taxation.

SB 363, AN ACT concerning consumer protection; relating to unconscionable acts or practices; requiring technology protection measures on internet-accessible devices; enacting the human trafficking prevention act, by Senator Fitzgerald.

SENATE CONCURRENT RESOLUTION No. 1610—

By Committee on Commerce

A CONCURRENT RESOLUTION supporting and facilitating regionally competitive retail electric rates in the state of Kansas and urging the State Corporation Commission to take all lawful action to promptly set rates for retail electric service in the state of Kansas at regionally competitive levels.

WHEREAS, Rates for retail electric service in Kansas have risen significantly over the last decade; and

WHEREAS, Kansas retail electric rates are no longer competitive with rates for electric service in the surrounding region; and

WHEREAS, Kansas' regionally uncompetitive electric rates are negatively impacting the State's economic competitiveness as a location for industry and commerce; and

WHEREAS, Captive Kansas residents and businesses are economically harmed by the significantly escalating electric rates of monopoly electric public utilities, which are increasing at levels far outpacing the annual rate of inflation: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That it shall be the policy of the state of Kansas to have regionally competitive rates for retail electric service to promote economic growth and support local communities; and

Be it further resolved: That we urge the State Corporation Commission to take any and all lawful action to promptly reduce Kansas retail electric rates to regionally competitive levels; and

Be it further resolved: That, following any initiative to reduce retail electric rates, we urge the State Corporation Commission to take any and all lawful action to maintain Kansas retail electric rates at regionally competitive levels; and

Be it further resolved: That, to the extent the State Corporation Commission determines it does not have sufficient statutory authority to promptly and effectively undertake an initiative to materially reduce retail electric rates, we urge it to report to the Kansas legislature, identifying any new statutory authority that is necessary or that would assist the agency to reduce retail electric rates to regionally competitive levels; and

Be it further resolved: That the Secretary of State shall send enrolled copies of this resolution to Chairman Shari Feist Albrecht, Commissioner Jay Scott Emler and Commissioner Pat Apple of the State Corporation Commission.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 346.**

Utilities: **SB 347.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Kerschen, Baumgardner, Berger, Billinger, Bollier, Bowers, Francisco, Goddard, Hawk, Hensley, Holland, Kelly, Petersen, Rogers, V. Schmidt, Skubal, Sykes and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1763—

A RESOLUTION designating January 31, 2018, as MS Action Day.

WHEREAS, Multiple sclerosis (MS) is a neurological disease of the central nervous system affecting 2.3 million people worldwide; and

WHEREAS, The National Multiple Sclerosis Society – Mid America Chapter reports that more than 5,000 people are living with MS in Kansas, that the disease generally strikes people in the prime of life, between the ages of 20 and 50, that the cause and

course of the often-debilitating symptoms of MS remain unknown and that no cure currently exists; and

WHEREAS, The National Multiple Sclerosis Society has been committed for more than 70 years to a world free of MS, heightening public knowledge about and insight into the disease; and

WHEREAS, Since 1946, the National Multiple Sclerosis Society has been a driving force of MS research, relentlessly pursuing prevention, treatments and a cure, and has invested more than \$900 million in groundbreaking research; and

WHEREAS, Funds raised through the National Multiple Sclerosis Society fuel \$42.1 million in funding for 380 research projects at the best medical centers, universities and other institutions throughout the U.S. and abroad, leading to many breakthroughs in the treatment of MS; and

WHEREAS, The National Multiple Sclerosis Society's advocacy work prioritizes access to quality healthcare and prescription medication, keeping them affordable, simple and transparent for everyone who lives with MS; and

WHEREAS, Stopping MS in its tracks, restoring what has been lost, and ending MS forever is the mission of the National Multiple Sclerosis Society, and one that all Americans and Kansans should support; and

WHEREAS, The Kansas Senate recognizes the importance of finding the cause and cure of MS and expresses its appreciation for the dedication that the National Multiple Sclerosis Society – Mid America Chapter has shown toward creating a world free of MS: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate January 31, 2018, as MS Action Day, and commend this observance to all of our citizens, and encourage all Kansans to learn more about multiple sclerosis and what they can do to support individuals with MS and their families; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Kerschen.

On emergency motion of Senator Kerschen **SR 1763** was adopted by voice vote.

Senators Masterson, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1764—

A RESOLUTION opposing human trafficking and urging the dismantling of human trafficking networks.

WHEREAS, Each year in the United States, thousands of men, women and children are victims of human trafficking and are deprived of their freedom, human rights and dignity; and

WHEREAS, Human trafficking, which is modern-day slavery, takes the form of forced labor, sex trafficking and involuntary domestic servitude, in which victims are lured, forced or coerced for the purpose of commercial sex, debt bondage or forced labor; and

WHEREAS, We, the free people of the United States of America, believe we must abolish slavery in all its forms, ensuring that every person has the right to live without fear of being recruited, harbored, transported, obtained, patronized or solicited for the purposes of sexual or labor slavery. No state is exempt from the reality of slavery today, and we must correctly identify victims and stop the sale, exploitation and slavery present in all 50 states; and

WHEREAS, We, the free people of the United States of America, believe that every man, woman and child is made in the image of God and their lives are valuable and precious to the Creator. We believe that all people have the right to live free from slavery, torture and degrading treatment; that all people should have the freedom of movement and personal security; and that no human being should be forced to commit sex or labor acts against his or her own will. Every child has the right to their innocence and should not be corrupted physically, mentally or spiritually by exposure to sexually depraved content or acts; and

WHEREAS, We, the free people of the United States of America, believe that all people who have been trafficked and enslaved have the right to safe and loving communities and a means to safely seek justice. It is our responsibility as a nation to ensure victims have access to restorative and supportive services. We must also support parents and guardians in protecting their children and, when those adults are the perpetrators, intervene to ensure children are protected; and

WHEREAS, We, the free people of the United States of America, declare war on the businesses, systems and organizations that benefit from the industry of human trafficking. We believe that those who exploit the innocent should be prevented from manipulating the system of law. The government must bring the full weight of its legal and judicial systems against individuals or organizations that seek to enslave a human being. The government must evaluate punishments for the perpetrators of human trafficking crimes to ensure they fit the level of damage that victims incur: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That it is time to educate ourselves on human trafficking issues and how we may unknowingly perpetrate human trafficking through entertainment, consumerism and social media. It is time to unite in the battle against slavery – no matter our race, religion or nationality. America must link arms as one community and demand freedom for all. Finally, we declare our intentions to systematically dismantle every network and harbor that allows trafficking to flourish and to protect and safeguard every innocent person. May God have mercy on our souls should we not honor the intent and purpose of this document and may every human being enjoy freedom now; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Masterson.

On emergency motion of Senator Masterson **SR 1764** was adopted by voice vote.

Guests introduced were Barry Feaker, Hal Smith, Amber Cunningham, Jenny Falk, Terry Hund, Kevin Swift and Jennifer Montgomery, all with the Topeka Rescue Mission.

Senators honored the guests with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 263** be amended on page 1, following line 12, by inserting:

"(2) "Delta-9 tetrahydrocannabinol concentration" means the combined percentage of delta-9 tetrahydrocannabinol and its optical isomers, their salts and acids, and salts of their acids, reported as free THC on a dry weight basis, of any part of the plant cannabis sativa L.";

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

"(4) "Grower" means any person who has been approved and licensed by the department to grow or cultivate industrial hemp for the purposes of this act.";

Also on page 1, in line 16, by striking "metal" and inserting "meal"; in line 21, after "institution" by inserting ", a grower"; following line 23, by inserting:

"(7) "Person" includes an individual, partnership, corporation, association or other legal entity.";

Also on page 1, by striking all in lines 30 through 34; in line 36, after "institution" by inserting "or any grower";

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

On page 2, in line 17, by striking the second "and"; in line 19, after "research" by inserting "; and

(7) a pilot program in Russell county for the purpose of economic development and market research of industrial hemp and industrial hemp products";

Also on page 2, following line 19, by inserting:

"(b) The department shall oversee and annually license all persons participating in the cultivation, growth, research, oversight, study, analysis or transportation of certified seed or industrial hemp pursuant to this act.

(c) (1) The department shall require, as a qualification for initial or continuing licensure, all persons seeking a license or license renewal under this act to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or any other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the person and for making an official determination of the qualifications for initial or continuing licensure pursuant to this act and rules and regulations promulgated pursuant to this act. Disclosure or use of any information received by the department for any purpose other than the purpose provided for in this section shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.

(2) A person who has been convicted of any of the following shall be disqualified from initial or continuing licensure under this act: A felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act, prior to July 1, 2009.

(3) The Kansas bureau of investigation may charge a reasonable fee for conducting

a criminal history record check.

(4) The applicant shall pay the costs of fingerprinting and the state and national criminal history record check.";

Also on page 2, in line 20, by striking "have the authority to"; in line 22, after "act" by inserting "on or before December 31, 2018. Such rules and regulations shall include, but not be limited to, a requirement that license holders shall have a current license in their possession at all times that they are engaged in cultivation, growth, research, oversight, study, analysis or transportation of certified seed or industrial hemp pursuant to this act.

(e) The department shall submit a report to the legislature outlining the steps and timeline to implement a process that would allow persons to grow and process industrial hemp in Kansas and to sell industrial hemp in other states. Such report shall be submitted to the senate standing committee on agriculture and natural resources on or before January 14, 2019";

Also on page 2, in line 24, after the second "any" by inserting "state or";

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

Committee on **Ethics, Elections and Local Government** recommends **SB 264** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 283, SB 292** be passed.

Also, **SB 284** be amended on page 1, in line 33, by striking "9-2217" and inserting "9-513c"; and the bill be passed as amended.

SB 335 be amended on page 2, in line 41, by striking "under this section" and inserting "in a service corporation"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 288, SB 309, SB 310** be passed.

Also, **SB 180** be amended on page 1, in line 5, before "Section" by inserting "New"; also in line 5, by striking "candidate" and inserting "applicant"; in line 10, by striking "candidate" and inserting "applicant"; in line 13, by striking "candidate" and inserting "applicant"; also in line 13, after the second "the" by inserting "applicant's"; also in line 13, by striking "A"; in line 14, by striking "candidate" and inserting "An applicant"; in line 18, by striking "candidate" and inserting "applicant"; in line 21, after the first "the" by inserting "applicant's"; in line 27, after "(c)" by inserting "(1)"; in line 28, after "the" by inserting "applicant's"; in line 31, by striking "2017" and inserting "2018.

(2) A state or local law enforcement agency or governmental agency is required to disclose the applicant's files pursuant to subsection (b) if such files are subject to a binding nondisclosure agreement to which such agency is a party, and such agreement was executed on or after July 1, 2018, but the disclosure shall be limited to files necessary to determine the qualifications and fitness of the applicant for performance of duties in a law enforcement officer position.

(3) A state or local law enforcement agency or governmental agency may redact personally identifiable information of persons other than the applicant in files disclosed to the hiring agency";

Also on page 1, in line 35, by striking "candidate" and inserting "applicant";

On page 2, in line 19, by striking all before the period and inserting ", all complaints and all early warning information"; in line 23, after "(2)" by inserting ""Early warning information" means information from a databased management tool designed to identify

officers who may be exhibiting precursors of problems on the job that can result in providing those officers with counseling or training to divert them away from conduct that may become a disciplinary matter.

(3)";

Also on page 2, in line 25, after "a" by inserting "state or local";

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

Also, on page 2, following line 30, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 45-220 is hereby amended to read as follows: 45-220.

(a) Each public agency shall adopt procedures to be followed in requesting access to and obtaining copies of public records, which procedures shall provide full access to public records, protect public records from damage and disorganization, prevent excessive disruption of the agency's essential functions, provide assistance and information upon request and insure efficient and timely action in response to applications for inspection of public records.

(b) A public agency may require a written request for inspection of public records but shall not otherwise require a request to be made in any particular form. Except as otherwise provided by subsection (c), a public agency shall not require that a request contain more information than the requester's name and address and the information necessary to ascertain the records to which the requester desires access and the requester's right of access to the records. A public agency may require proof of identity of any person requesting access to a public record. No request shall be returned, delayed or denied because of any technicality unless it is impossible to determine the records to which the requester desires access.

(c) If access to public records of an agency or the purpose for which the records may be used is limited pursuant to K.S.A. 45-221 or K.S.A. 2017 Supp. 45-230, and amendments thereto, the agency may require a person requesting the records or information therein to provide written certification that:

(1) The requester has a right of access to the records and the basis of that right; or

(2) the requester does not intend to, and will not: (A) Use any list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or (B) sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

(d) A public agency shall establish, for business days when it does not maintain regular office hours, reasonable hours when persons may inspect and obtain copies of the agency's records. The public agency may require that any person desiring to inspect or obtain copies of the agency's records during such hours so notify the agency, but such notice shall not be required to be in writing and shall not be required to be given more than 24 hours prior to the hours established for inspection and obtaining copies.

(e) Each official custodian of public records shall designate such persons as necessary to carry out the duties of custodian under this act and shall ensure that a custodian is available during regular business hours of the public agency to carry out such duties.

(f) Each public agency shall provide, upon request of any person, the following

information:

(1) The principal office of the agency, its regular office hours and any additional hours established by the agency pursuant to subsection (c).

(2) The title and address of the official custodian of the agency's records and of any other custodian who is ordinarily available to act on requests made at the location where the information is displayed.

(3) The fees, if any, charged for access to or copies of the agency's records.

(4) The procedures to be followed in requesting access to and obtaining copies of the agency's records, including procedures for giving notice of a desire to inspect or obtain copies of records during hours established by the agency pursuant to subsection (c).

(g) (1) Except for requests of summary data compiled from information submitted by multiple criminal justice agencies or as otherwise provided by law, requests for records submitted to the central repository or any other repositories supporting the criminal justice information system which are maintained by the Kansas bureau of investigation pursuant to K.S.A. 22-4704 and 22-4705, and amendments thereto, shall be directed to the criminal justice agency from which the records originated.

~~(h)(2)~~ As used in this ~~section~~ subsection, the terms "central repository," "criminal justice agency" and "criminal justice information system" have the same meanings as defined in K.S.A. 22-4701, and amendments thereto.

(h) Requests for records defined as "files" pursuant to section 1, and amendments thereto, submitted to a state or local law enforcement agency or governmental agency shall be directed to the state or local law enforcement agency or governmental agency that made, maintained or kept such files, as required by section 1, and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 45-220 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "records" by inserting "; open records act; amending K.S.A. 2017 Supp. 45-220 and repealing the existing section"; and the bill be passed as amended.

SB 199 be amended on page 1, in line 6, by striking "2016" and inserting "2017";

On page 3, in line 24, by striking "\$25,000,0000" and inserting "\$25,000,000"; in line 26, by striking "\$1,000,000" and inserting "\$2,500,000"; in line 30, by striking "\$50,000,000" and inserting "\$25,000,000";

On page 4, in line 21, by striking all after "act"; by striking all in line 22; in line 23, by striking all before the period; in line 24, by striking "2016" and inserting "2017";

On page 1, in the title, in line 2, by striking "2016" and inserting "2017"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 195** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 195," as follows:

"Substitute for SENATE BILL No. 195

By Committee on Public Health and Welfare

"AN ACT concerning the Kansas medical assistance program; establishing a suspended eligibility status for recipients; relating to powers, duties and functions of the department of health and environment.";

And the substitute bill be passed.

Also, **SB 282** be amended on page 20, in line 26, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 256, SB 273** be passed.

Also, **Substitute HB 2194** be amended on page 1, in line 6, by striking "2016" and inserting "2017";

On page 2, in line 12, after "education" by inserting "and the motorcycle safety foundation"; in line 13, after the period by inserting "An applicant who completes a motorcycle safety curriculum shall provide a copy of the motorcycle safety foundation completion form to the division prior to receiving a class M license."; in line 15, by striking "administered by the division"; in line 19, by striking "administered by the division"; in line 21, after the period by inserting "The driving examination required by this paragraph shall be administered by the division, by the department of defense or as part of a curriculum recognized by the department of education.";

On page 5, in line 22, by striking "2016" and inserting "2017";

On page 8, in line 20, by striking "2016" and inserting "2017";

On page 1, in the title, in line 3, by striking "2016" and inserting "2017"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, February 2, 2018.

Journal of the Senate

NINETEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 2, 2018, 8:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 27 senators present.

Senators Baumgardner, Doll, Estes, Fitzgerald, Hawk, Lynn, Masterson, Olson, Pettey, Pilcher-Cook, Rogers, Sykes and Wagle were excused.

Invocation by Reverend Cecil T. Washington:

Gracious Lord, You have carried us through another legislative week...another week of service to You and the people You've called us to help.

As we head into this weekend, and drive to our various destinations, please give us traveling grace.

Upon our arrival, help us find things well and in order. And Lord, please provide times of refreshing. Through the Prophet Isaiah, You said in 40:29-31, that You'd strengthen those who are tired and weak.

So thank You Lord, for Your continuous faithfulness toward us. After this weekend, bring us back with clear, vibrant thought processes and fresh desire.

Father, I come to You in the name of Jesus. Amen and Amen

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 364, AN ACT concerning agriculture; relating to poultry confinement facilities; providing for the establishment thereof in a county; amending K.S.A. 2017 Supp. 17-5903 and 17-5904 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 365, AN ACT concerning agriculture; relating to poultry processing facilities and poultry slaughter facilities; providing for the establishment thereof in a county; amending K.S.A. 2017 Supp. 17-5903 and 17-5904 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 366, AN ACT concerning education; relating to the state board of education; creating the student opportunity scholarship program, by Committee on Assessment and Taxation.

SB 367, AN ACT concerning sales taxation; relating to the treatment of coupons; certain cash rebates on sales or leases of new motor vehicles; amending K.S.A. 2017

Supp. 79-3602 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SCR 1610**.

Education: **SB 352, SB 357**.

Ethics, Elections and Local Government: **SB 349**.

Federal and State Affairs: **SB 350**.

Financial Institutions and Insurance: **SB 348, SB 351, SB 362**.

Judiciary: **SB 359, SB 360, SB 361, SB 363**.

Public Health and Welfare: **SB 358**.

Transportation: **SB 354**.

Utilities: **SB 355, SB 356**.

Ways and Means: **SB 353**.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2362**, as amended by House Committee, be amended on page 1, in line 19, by striking all after the period; by striking all in line 20; in line 34, by striking "2016" and inserting "2017";

On page 2, in line 1, by striking "Except as provided further, "; in line 3, by striking "On"; by striking all in lines 4 and 5;

On page 3, in line 18, by striking "2016" and inserting "2017"; in line 21, by striking "Except as provided further, "; in line 23, by striking "On"; by striking all in lines 24 and 25;

On page 4, in line 13, by striking "2016" and inserting "2017";

On page 1, in the title, in line 4, by striking "sunset of the fee, "; also in line 4, by striking "2016" and inserting "2017"; and the bill be passed as amended.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of January 29-February 2, 2018:

Senator Berger: celebrating Genevieve Cramer's 103rd Birthday, celebrating Bert Chaney's 90th Birthday and commending his record of public service, celebrating Vella Moulton's 103rd Birthday;

Senator Billinger: congratulating The Phillips County Review on its 21 awards from the Kansas Press Association;

Senator Hardy: celebrating Nola Habiger's 101st Birthday;

Senator Skubal: recognizing Dwight Alden Love for his service in the United States Air Force; and

Senator Tyson: celebrating Isabel Read's 100th Birthday, congratulating Nick Coghill on achieving the rank of Eagle Scout, congratulating Jacob Griffin on achieving the rank of Eagle Scout, congratulating Joshua (JJ) Guymon on achieving the rank of Eagle Scout.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, February 5, 2018.

Journal of the Senate

TWENTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 5, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was call with 39 senators present.

Senator Holland was excused.

Vice President Longbine introduced guest chaplain, Elias B. Bracamonte, Associate Pastor, Topeka Highland Park Baptist Church, who delivered the invocation:

Our Father in heaven, thank You so much for allowing us to come to You in prayer.

Your Word tells us that You will "hear from heaven, and will forgive their sin and heal their land; if My people who are called by My name will humble themselves and pray and seek My face and turn from their wicked ways."

Today, dear Lord, grant us the blessing of Your providence to meet our needs and Your continued blessings that You have bestowed upon us. We acknowledge Your Sovereignty as Lord of lords and King of kings. Knowing that apart from You we can do nothing. And nothing can be done unless You allow it.

So this afternoon, Lord, bless this gathering of the Senate in this sacred place. Bless their respective staff and committees as You lead them, that they will make the right decisions at the right time for all the people of this great state of Kansas.

And, thank You for their time and effort and bless their families and constituents.

"May the Lord bless you and keep you, may the Lord make His face shine upon you, and may He be gracious to you, and may the Lord lift up His countenance upon you." For we pray in the Name of Jesus the Christ, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 368, AN ACT concerning the state corporation commission; relating to the record for commission orders, inclusion of public comments; amending K.S.A. 66-117 and repealing the existing section, by Committee on Utilities.

SB 369, AN ACT concerning the Kansas highway patrol; relating to minimum rank for certain persons; amending K.S.A. 2017 Supp. 74-2113 and repealing the existing section, by Committee on Utilities.

SB 370, AN ACT concerning municipalities; related to filling vacancies on governing bodies, by Committee on Ethics, Elections and Local Government.

SB 371, AN ACT concerning the Kansas sexually violent predator act; relating to

custody and detention before determination that a person is subject to civil commitment; amending K.S.A. 2017 Supp. 59-29a05 and repealing the existing section, by Committee on Judiciary.

SB 372, AN ACT concerning crimes, punishment and criminal procedure; relating to definitions in the Kansas criminal code; possession; amending K.S.A. 2017 Supp. 21-5111 and repealing the existing section, by Committee on Judiciary.

SB 373, AN ACT concerning county hospitals; amending K.S.A. 19-4625 and repealing the existing section, by Committee on Judiciary.

SB 374, AN ACT concerning driving under the influence; relating to testing; administrative penalties; crimes, punishment and criminal procedure; amending K.S.A. 8-2,137 and 8-2,145 and K.S.A. 2017 Supp. 8-2,142, 8-2,144, 8-1001, 8-1002, 8-1012, 8-1013, 8-1020, 8-1024, 8-1025, 8-1567, 65-1,107 and 75-712h and repealing the existing sections, by Committee on Judiciary.

SB 375, AN ACT regulating traffic; relating to length of vehicles, certain vehicle combinations; amending K.S.A. 2017 Supp. 8-1904 and repealing the existing section, by Committee on Transportation.

SB 376, AN ACT concerning tobacco; relating to rates of taxation, cigarettes and tobacco products; creating the cigarette and tobacco cessation fund; amending K.S.A. 79-3371 and K.S.A. 2017 Supp. 79-3310, 79-3310c, 79-3311, 79-3312, 79-3378 and 79-3387 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 377, AN ACT concerning health and healthcare; relating to the practice of pharmacy; authorizing pharmacists to administer a drug by injection pursuant to a prescription order; amending K.S.A. 2017 Supp. 65-1626 and repealing the existing section, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 364**, **SB 365**.

Assessment and Taxation: **SB 367**.

Education: **SB 366**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2042**, **HB 2145**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2042, **HB 2145** were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics, Elections and Local Government** recommends **HB 2256**, as amended by Senate Committee, be amended by adoption of the amendments recommended by the Senate Committee on Ethics, Elections and Local Government as reported in the Journal of the Senate on March 24, 2017, and the bill as printed with amendments of the Senate Committee be further amended, on page 1, in line 6, by striking "2016" and inserting "2017"; in line 25, by striking "or" and inserting a comma; also in line 25, after "highway" by inserting "or driveway or on private property that is

not used as a polling place"; in line 30, by striking "2016" and inserting "2017"; in line 33, by striking "2016" and inserting "2017";

On page 2, in line 1, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 2, by striking "2016" and inserting "2017"; and the bill be passed as amended.

Also, **HB 2333**, as amended by Senate Committee, be amended by adoption of the amendments recommended by the Senate Committee on Ethics, Elections and Local Government as reported in the Journal of the Senate on March 24, 2017, and the bill be further amended on page 1, in line 21, by striking all after the stricken language; in line 22, by striking all before the period and inserting "all races except: (1) Races involving judges; (2) uncontested races; and (3) races where the margin was more than 30%. Only one local race shall be selected for audit in odd-numbered year elections";

On page 2, in line 8, by striking "2018" and inserting "2019"; in line 9, by striking "2016" and inserting "2017"; in line 25, by striking "2016" and inserting "2017";

On page 3, in line 15, by striking "2016" and inserting "2017";

On page 4, in line 10, by striking "2016" and inserting "2017";

On page 1, in the title, in line 1, by striking "2016" and inserting "2017"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 285** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 285," as follows:

"Substitute for SENATE BILL No. 285

By Committee on Ways and Means

"AN ACT concerning roads and highways; establishing the joint legislative transportation task force; relating to the evaluation of the state highway fund and the state highway transportation system; report to the legislature.";

And the substitute bill be passed.

Also, **SB 276** be amended on page 1, in line 19, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, February 6, 2018.

Journal of the Senate

TWENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 6, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, this month of February, recognized as Black History Month, has been selected to acknowledge contributions coming from the Black community that have been, and are, a blessing to this nation.

Lord, we're told that the month of February was selected to coincide with the birthdays of Frederick Douglass and Abraham Lincoln. And Lord, You have us standing today on the shoulders of these two men, along with many others, who worked together guiding this nation in its quest for freedom and civility.

In Your providence, You led Douglass to become one of the most powerful leaders in the anti-slavery movement to work as an adviser to Abraham Lincoln during the Civil War, and later become one of the first African American citizens to hold a government position.

Lord, You've made it clear in Your Word, Psalms 27:1, and history has verified, that unless You are governing and guiding, the labor of this house is in vain.

I pray, therefore, that for the purposes of strengthening the freedoms and civility in this land, that You will look down upon these hallowed halls and give us guidance.

You are our Rock of Stability! Keep us leaning and depending on You. In the Name of Christ, Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 378, AN ACT concerning crimes, punishment and criminal procedure; creating the crime of counterfeiting currency, by Senator Berger.

SB 379, AN ACT concerning water; establishing a water law study commission, by Special Committee on Natural Resources.

SB 380, AN ACT concerning pawnbrokers and precious metal dealers; relating to recovery of misappropriated property; procedures and remedies; amending K.S.A. 16-706 and 16-720 and repealing the existing section, by Committee on Judiciary.

SB 381, AN ACT concerning the Kansas recreational trails act; relating to criminal penalties for certain conduct; duties of the responsible party for a recreational trail; duties of the attorney general; amending K.S.A. 58-3211, 58-3212 and 58-3213 and

K.S.A. 2017 Supp. 58-3214 and 58-3215 and repealing the existing sections, by Committee on Judiciary.

SB 382, AN ACT concerning crimes, punishment and criminal procedure; relating to domestic battery; sentencing; amending K.S.A. 2017 Supp. 21-5414 and repealing the existing section, by Committee on Judiciary.

SB 383, AN ACT concerning crimes, punishment and criminal procedure; relating to driving under the influence; sentencing; amending K.S.A. 2017 Supp. 8-1567 and repealing the existing section, by Committee on Judiciary.

SB 384, AN ACT concerning the Kansas criminal justice coordinating council; relating to the substance abuse policy board; membership and duties; amending K.S.A. 2017 Supp. 74-9501 and repealing the existing section, by Committee on Judiciary.

SB 385, AN ACT concerning the state corporation commission; relating to representation to regional transmission organizations, public comment; amending K.S.A. 2017 Supp. 74-633 and repealing the existing section, by Committee on Utilities.

SB 386, AN ACT concerning the behavioral sciences regulatory board; relating to professional counselors; licensure; educational requirements; amending K.S.A. 2017 Supp. 65-5804a and 65-5807 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 387, AN ACT concerning health and healthcare; relating to the practice of pharmacy; collaborative drug therapy management advisory committee; membership of the committee; authorizing a statewide protocol; amending K.S.A. 2017 Supp. 65-1626a and 65-1677 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 388, AN ACT concerning the judicial branch; relating to salaries of justices, judges and nonjudicial employees; making and concerning appropriations for fiscal year ending June 30, 2019; amending K.S.A. 75-3120f and K.S.A. 2017 Supp. 75-3120g, 75-3120h and 75-3120k and repealing the existing sections, by Senator Hardy.

SB 389, AN ACT concerning children and minors; relating to collection of student data; the student data privacy act; changing requirements to administer certain tests, questionnaires, surveys and examinations; allowing disclosure of de-identified student data; amending K.S.A. 2017 Supp. 72-6313, 72-6314 and 72-6316 and repealing the existing sections, by Committee on Ways and Means.

SB 390, AN ACT enacting the extreme risk protective order act, by Senator Bollier.

SB 391, AN ACT regulating traffic; relating to gross weight limits, emergency vehicles, by Committee on Transportation.

SB 392, AN ACT concerning the legislature; relating to bills introduced by committees, by Senators Pilcher-Cook, Alley, Denning, Estes, Fitzgerald, Lynn, Masterson, Petersen, Suellentrop, Wagle and Wilborn.

SB 393, AN ACT concerning legislative committees; requiring recording of votes of members, by Senators Pilcher-Cook, Fitzgerald, Masterson and Suellentrop.

SENATE CONCURRENT RESOLUTION No. 1611—

By Senators Wagle, Alley, Baumgardner, Billinger, Denning, Estes,
Givens, Goddard, Hardy, Kerschen, Lynn, Masterson, Olson,
Petersen, Pilcher-Cook, Suellentrop and Wilborn

A CONCURRENT RESOLUTION making application to the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States that impose limits on the federal government.

WHEREAS, The founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

WHEREAS, The federal government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, The federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

WHEREAS, It is the solemn duty of the states to protect the liberty of our people – particularly for the generations to come – by proposing amendments to the Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power: Now, therefore,

Be it resolved by the Legislature of the state of Kansas, two-thirds of the members elected (or appointed) to the Senate and two-thirds of the members elected (or appointed) to the House of Representatives concurring therein: The legislature of the state of Kansas hereby applies to Congress, under the provisions of Article V of the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for its officials and for members of Congress; and

Be it further resolved: This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made application on the same subject; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the President and the Secretary of the United States Senate and the Speaker and the Clerk of the United States House of Representatives, to the members of the United States Senate and the United States House of Representatives from this state and to the presiding officers of each of the legislative chambers in the several states.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 376.**

Ethics, Elections and Local Government: **SB 370, SB 373.**

Federal and State Affairs: **SB 369; HB 2042, HB 2145.**

Judiciary: **SB 371, SB 372, SB 374.**

Public Health and Welfare: **SB 377.**

Transportation: **SB 375.**

Utilities: **SB 368.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Baumgardner introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1765—

A RESOLUTION congratulating and commending
the individuals selected as award-winning educators in Kansas.

WHEREAS, The Milken Educator Awards program, established by the Milken Family Foundation, provides recognition and financial awards to elementary and secondary school teachers, principals and other educational professionals who are furthering excellence in education; and

WHEREAS, Heidi Albin, educator at Complete High School in Maize USD 266, has been selected as the Kansas recipient of the 2017 Milken Educator Award; and

WHEREAS, National Board Certification, which is a voluntary process, is achieved through a performance-based assessment process that measures a teacher's practice against high and rigorous advanced standards to demonstrate accomplished practices; and

WHEREAS, Chelsea Artzer, Farley Elementary School, Auburn-Washburn USD 437; Christina Bauer, Valley Center High School, Valley Center USD 262; Lisa Bauman, Blue Valley West High School, Blue Valley USD 229; Arvilla Bennett, Marshall Middle School, Wichita USD 259; Heather Bledsoe, Shawnee Mission North High School, Shawnee Mission USD 512; Jennifer Brown, Derby North Middle School, Derby USD 260; Lisa Cutler, Sunrise Point Elementary School, Blue Valley USD 229; Jennifer Duggan, Sunrise Point Elementary School, Blue Valley USD 229; Stacy Harris, Susan B. Anthony Middle School, Manhattan-Ogden USD 383; Jennifer Howard, Auburn Elementary School, Auburn-Washburn USD 437; Tonya Howard, Wichita Southeast High School, USD 259; Amy Johnston, Auburn Elementary School, Auburn-Washburn USD 437; Rachel Kufeldt, Cedar Creek Elementary School, Olathe USD 233; Nicole Meier, Farley Elementary School, Auburn-Washburn USD 437; Victoria Reed, Sunset Ridge Elementary School, Blue Valley USD 229; Michelle Scarpone, Stanley Elementary School, Blue Valley USD 229; Erin Schroeder, Whittier Elementary School, Kansas City USD 500; Jennifer Smith, Lakewood Middle School, Blue Valley USD 229; Kim Stetina, Prairie Star Middle School, Blue Valley USD 229; Denise Thomas, Wolf Springs Elementary School, Blue Valley USD 229; Katherine Whepley, Wichita North High School, Wichita USD 259; Amy Young, Prairie Star Middle School, Blue Valley USD 229, have satisfied the highest professional qualifications of the National Board of Professional Teaching Standards to be designated as 2017 National Board Certified Teachers; and

WHEREAS, 32 beginning educators from across the state have been named as 2018 Kansas Horizon Award Program educators; and

WHEREAS, The Kansas Horizon Award Program, currently in its 16th year and sponsored by the Kansas State Department of Education and Capitol Federal, identifies and recognizes exemplary first-year teachers from elementary and secondary classrooms across the state who perform in a way that distinguishes them as outstanding; and

WHEREAS, This year's recipients are: Region 1: Katie Crowsey, Lyons Middle School, Lyons USD 405; Tanner Dahlke, Riley Elementary School, Great Bend USD

428; Taylor Gros, Bluemont Elementary School, Manhattan-Ogden USD 383; Arika Haresnape, Clifton-Clyde High School, Clifton-Clyde USD 224; Mandy Malone, Hutchinson Middle School, Hutchinson USD 308; Kelly Oberheu, Emporia High School, Emporia USD 253; Jessica Steele, Cottonwood Elementary School, Salina USD 305; Courtney Unruh, Hutchinson Magnet School, Hutchinson USD 308; and

Region 2: Lindy Broeckelman, Logan Elementary School, Seaman USD 345; Brandon Daley, Woodlawn Elementary School, Lawrence USD 497; April Gee, Valley Heights Junior/Senior High School, Valley Heights USD 498; Avery Ozier, Pauline Central Primary School, Auburn-Washburn USD 437; Samuel Parrilla, Burlington Middle/High School, Burlington USD 244; Derek Smith, Southern Coffey County High School, Southern Coffey County USD 245; Ashley Snow, Lakeside Elementary School, Pittsburg USD 250; Berenice Weisel, Southwest Middle School, Lawrence USD 497; and

Region 3: Sarah Broddle, Monticello Trails Middle School, De Soto USD 232; Paige Fickbohm, Oak Grove Elementary School, Turner USD 202; Christopher Hagedorn, Spring Hill High School, Spring Hill USD 230; Melissa Kinzer, Chisholm Trail Middle School, Olathe USD 233; Alexandria Mackenzie, Apache Innovative School, Shawnee Mission USD 512; Katie Omo, Prairie Ridge Elementary School, De Soto USD 232; Michael Richards, Oxford Middle School, Blue Valley USD 229; Michaela Shandy, Blue River Elementary School, Blue Valley USD 229; and

Region 4: Connor Christensen, Apollo Elementary School, Goddard USD 265; Hilary Cosgrove, Freeman Elementary School, Haysville USD 261; Hannah Martin, Maize South Middle School, Maize USD 266; Constance Neale, Slate Creek Elementary School, Newton USD 373; Carlyn Olson, Winfield High School, Winfield USD 465; Colleen Tajchman, Derby Hills Elementary School, Derby USD 260; Rachel Villareale, Rose Hill Middle School, Rose Hill USD 394; Jessica Williams, Stafford Middle/High School, Stafford USD 349; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend these outstanding educators; and

Be it further resolved: That the Secretary of the Senate shall send 56 enrolled copies of this resolution to the Commissioner of Education for forwarding to each of the teachers so honored, plus one enrolled copy to the Commissioner of Education and one enrolled copy to Senator Baumgardner.

On emergency motion of Senator Baumgardner **SR 1765** was adopted by voice vote.

COMMITTEE OF THE WHOLE

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

On motion of Senator Kerschen the following report was adopted:

SB 283, SB 292 be passed.

SB 284, SB 335 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 256 be amended by motion of Senator Doll; on page 1, in line 22, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

SR 1762 be adopted.

FINAL ACTION ON BILLS AND SENATE RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 256**, **SB 283**, **SB 284**, **SB 292**; **SR 1762** were advanced to Final Action and roll call.

SB 256, AN ACT designating a portion of United States highway 50 as the SGT Gregg Steimel and PFC Richard Conrardy memorial highway; amending K.S.A. 68-1027 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly.

The bill passed as amended.

SB 283, AN ACT concerning the regulation of financial institutions; relating to trust companies; office of the state bank commissioner; powers, duties and experience of certain employees; amending K.S.A. 2017 Supp. 9-1609, 9-1720, 9-1721 and 75-3135 and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly.

The bill passed.

SB 284, AN ACT concerning financial institutions; updating the Kansas money transmitter act; amending K.S.A. 2017 Supp. 9-512 and 9-513 and repealing the existing sections.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

Yeas: Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Alley, Fitzgerald, Hilderbrand, Masterson, Pilcher-Cook.

Absent or Not Voting: Kelly.

The bill passed as amended.

SB 292, AN ACT concerning financial institutions; relating to credit unions; pertaining to the expulsion of members; amending K.S.A. 17-2219 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes,

Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly.

The bill passed.

SB 335, AN ACT concerning financial institutions; relating to banks and banking; including savings and loan associations and savings banks in the state banking code; repealing the savings and loan code; amending K.S.A. 2017 Supp. 9-701, 9-808, 9-809, 9-901a, 9-902, 9-903, 9-904, 9-905, 9-906, 9-907, 9-908, 9-910, 9-911, 9-912, 9-1101, 39-709, 58-3974, 75-3036 and 75-3170a and repealing the existing sections; also repealing K.S.A. 17-5101, 17-5102, 17-5201, 17-5202, 17-5203, 17-5204, 17-5205, 17-5206, 17-5207, 17-5208, 17-5209, 17-5210, 17-5211, 17-5212, 17-5213, 17-5214, 17-5215, 17-5216, 17-5217, 17-5218, 17-5219, 17-5220, 17-5221, 17-5225, 17-5225a, 17-5225b, 17-5225c, 17-5226, 17-5227, 17-5228, 17-5229, 17-5301, 17-5302, 17-5303, 17-5304, 17-5305, 17-5306, 17-5307, 17-5308, 17-5309, 17-5310, 17-5311, 17-5312, 17-5313, 17-5314, 17-5315, 17-5316, 17-5317, 17-5318, 17-5319, 17-5320, 17-5321, 17-5322, 17-5323, 17-5324, 17-5325, 17-5326, 17-5327, 17-5328, 17-5329, 17-5401, 17-5402, 17-5403, 17-5404, 17-5405, 17-5406, 17-5407, 17-5408, 17-5409, 17-5410, 17-5412, 17-5413, 17-5414, 17-5415, 17-5416, 17-5417, 17-5418, 17-5419, 17-5420, 17-5421, 17-5422, 17-5423, 17-5424, 17-5425, 17-5426, 17-5427, 17-5428, 17-5429, 17-5430, 17-5501, 17-5501c, 17-5502, 17-5502a, 17-5503, 17-5504, 17-5505, 17-5506, 17-5508, 17-5509, 17-5510, 17-5511, 17-5512, 17-5512a, 17-5513, 17-5514, 17-5515, 17-5516, 17-5517, 17-5519, 17-5520, 17-5521, 17-5522, 17-5523, 17-5524, 17-5525, 17-5526, 17-5527, 17-5528, 17-5529, 17-5530, 17-5531, 17-5532, 17-5533, 17-5534, 17-5535, 17-5536, 17-5537, 17-5538, 17-5539, 17-5540, 17-5541, 17-5542, 17-5543, 17-5544, 17-5545, 17-5546, 17-5547, 17-5548, 17-5549, 17-5550, 17-5551, 17-5552, 17-5553, 17-5554, 17-5555, 17-5556, 17-5557, 17-5558, 17-5559, 17-5560, 17-5561, 17-5562, 17-5563, 17-5564, 17-5565, 17-5566, 17-5567, 17-5568, 17-5569, 17-5570, 17-5571, 17-5572, 17-5572, 17-5601, 17-5602, 17-5603, 17-5604, 17-5605, 17-5606, 17-5607, 17-5609a, 17-5611, 17-5612, 17-5613, 17-5614, 17-5615, 17-5616, 17-5617, 17-5618, 17-5619, 17-5620, 17-5621, 17-5622, 17-5623, 17-5624, 17-5625, 17-5626, 17-5627, 17-5628, 17-5629, 17-5630, 17-5631, 17-5632, 17-5633, 17-5634, 17-5635, 17-5636, 17-5637, 17-5638, 17-5639, 17-5640, 17-5641, 17-5642, 17-5643, 17-5644, 17-5645, 17-5702, 17-5703, 17-5704, 17-5705, 17-5706, 17-5801, 17-5802, 17-5803, 17-5804, 17-5805, 17-5806, 17-5807, 17-5808, 17-5809, 17-5810, 17-5811, 17-5812, 17-5814, 17-5816, 17-5817, 17-5818, 17-5819, 17-5820, 17-5821, 17-5822, 17-5823, 17-5824, 17-5825, 17-5826, 17-5827, 17-5830, 17-5831 and 17-5832 and K.S.A. 2017 Supp. 17-5225d, 17-5610, 17-5701, 17-5828 and 17-5829.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly.

The bill passed as amended.

SR 1762, A Resolution recognizing that pornography is a public health hazard that leads to a broad spectrum of individual and public health impacts and societal harms.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Haley, Pettey, Skubal

Absent or Not Voting: Kelly

The resolution was adopted.

EXPLANATION OF VOTE

Madam President: I vote “NO” on **SR 1762** striving to affirm “pornography is a public health hazard that leads to a broad spectrum of individual and public health impacts and societal harms” for two reasons; both of which I speak to now, and in print, to mitigate any negative “postcards” that a once or future opponent may consider sending. Primarily, I have always held the constitutionality of the First Amendment (including freedom of speech and expression) to be held sacrosanct; most especially where such speech or conduct is private and held between consenting, mentally sound adults. Secondly, in my opinion, it is inaccurate and misleading to consider “pornography” in terms of a “public health” issue. Even though just a resolution, the danger in this language being affirmed by the majority in both Chambers I fear could lead to unintended consequences in many ways, including state funding. Most importantly, I do believe that pornography is rampant and that society is better served to minimize its existence, especially on public sources such as the internet, and to more vigorously protect our citizenry. We should prosecute examples where predatorily-generated pornography is against a child, the mentally infirm or under any economic servitude or duress.— DAVID HALEY

Senators Bollier, Pettey and Skubal request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **SR 1762**.

MESSAGE FROM THE GOVERNOR

February 5, 2018

Executive Order 18-04 was submitted.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5023**, A Concurrent Resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

The following escorts were appointed:

To escort the Governor: Representatives Averkamp, Markley and Winn.

To escort the Supreme Court: Representatives Mastroni, Dierks and Kuether.

To escort the Senate: Representatives Houser, Huebert and Finney.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5023 was thereupon introduced and read by title.

On emergency motion of Senator Denning, **HCR 5023** was adopted by voice vote.

President Wagle appointed the following escorts:

To escort the Governor: Senators Hardy and Faust-Goudeau.

To escort the Supreme Court: Senators Hilderbrand and Pettey.

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **SB 291** be passed.

Also, **SB 294** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, February 7, 2018.

Journal of the Senate

TWENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 7, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 40 senators present.

Vice President Longbine introduced guest chaplain, Pastor Tony Stanley, Harvest West Church, Topeka, to deliver the invocation:

Heavenly Father, in Jesus' Name we are gathered here today humbly asking Your blessing upon us as we open this senate session. Grant guidance and wisdom to the members of this senate. We pray today that wisdom, justice and compassion guide every member of this senate. Make every decision made and every plan contemplated be inspired from Heaven. May the work that is done today, in this place, by the powerful be done on the behalf of the powerless. We ask Your continued blessing upon every member here today as You lead, guide and strengthen their ability to make sound decisions for Your people. We ask these and other blessings in the precious Name of Jesus, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 394, AN ACT concerning state and judicial government contracts and other actions; relating to transparency; amending K.S.A. 46-225, 46-237, 46-269 and 46-271 and K.S.A. 2017 Supp. 46-222, 46-237a and 46-265 and repealing the existing sections, by Senators Wagle and Hensley.

SB 395, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; maximum amount of final average salary for computing retirement benefits of certain members; amending K.S.A. 20-2610 and K.S.A. 2017 Supp. 74-4902, 74-4952 and 74-4995 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 396, AN ACT concerning utilities; relating to electric public utilities; concerning electric rates, exclusion of taxes in excess of applicable rates; amending K.S.A. 66-117 and repealing the existing section, by Committee on Utilities.

SB 397, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the choose life license plate; amending K.S.A. 2017 Supp. 8-1,141 and repealing the existing section, by Committee on Transportation.

SB 398, AN ACT concerning the Kansas state board of cosmetology; relating to

cosmetology; licensure; senior status license; requirements; amending K.S.A. 2017 Supp. 65-1904 and repealing the existing section, by Committee on Public Health and Welfare.

SB 399, AN ACT concerning insurance; relating to health insurers and self-insurers; healthcare providers; medical care facilities; commissioner of insurance; enacting the patient right to shop act; rules and regulations, by Senators Pilcher-Cook and Suellentrop.

SB 400, AN ACT concerning taxation; amending K.S.A. 2017 Supp. 79-2925c and repealing the existing section, by Committee on Assessment and Taxation.

SB 401, AN ACT concerning children and minors; creating the adoption protection act; relating to the placement of children for foster care or adoption; relating to the religious freedoms of private entities providing such placement services, by Committee on Federal and State Affairs.

SB 402, AN ACT concerning veterans; relating to the uniform consumer credit code; enacting the Kansas veterans loan act; establishing the Kansas veterans loan act fee fund, by Committee on Federal and State Affairs.

SB 403, AN ACT concerning workers compensation; relating to freedom of choice of a health care provider by injured workers; amending K.S.A. 2017 Supp. 44-510h and repealing the existing section, by Senators Hensley, Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Holland, Kelly, Pettey, Rogers, Skubal, Sykes and Taylor.

SB 404, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Korean war, operation desert storm, operation Iraqi freedom and operation enduring freedom license plates; amending K.S.A. 2017 Supp. 8-1,141 and 8-1,147 and repealing the existing sections, by Committee on Ways and Means.

SB 405, AN ACT concerning the department of health and environment; relating to animal conversion units; poultry facilities; amending K.S.A. 2017 Supp. 65-171d and repealing the existing section, by Committee on Ways and Means.

SB 406, AN ACT concerning state finances; relating to the program service inventory, integrated budget fiscal process, performance-based budgeting system; postsecondary educational institutions; amending K.S.A. 2017 Supp. 75-3718b and repealing the existing section, by Committee on Ways and Means.

SB 407, AN ACT concerning the Kansas offender registration act; relating to violent offenders; duration of registration; amending K.S.A. 2017 Supp. 22-4906 and 22-4908 and repealing the existing sections, by Senator Fitzgerald.

SB 408, AN ACT concerning state officers; creating the office of state auditor and providing for the election and expiration thereof; relating to the powers and duties of the state auditor, subpoenas, reports; concerning audits of state entities, investigation of misuse of public funds; issuance of reports, by Senator Pyle.

SB 409, AN ACT concerning jurors; relating to contact; procedures and limitations; Kansas code of criminal procedure; code of civil procedure, by Senator Pettey.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 379**.

Education: **SB 389**.

Federal and State Affairs: **SB 392, SB 393; SCR 1611.**
 Judiciary: **SB 378, SB 380, SB 381, SB 382, SB 383, SB 384, SB 390.**
 Public Health and Welfare: **SB 386, SB 387.**
 Transportation: **SB 391.**
 Utilities: **SB 385.**
 Ways and Means: **SB 388.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Hilderbrand introduced the following Senate resolution, which was read:
 SENATE RESOLUTION No. 1766—

A RESOLUTION commemorating the city of Columbus on its 150th birthday.

WHEREAS, The city of Columbus was founded 150 years ago at the center point of Cherokee County; and

WHEREAS, The founders donated land for the town site in 1868, converting wild prairie grass into what became a bustling county seat; and

WHEREAS, Columbus, situated in the center of the county, became the home of Columbus Unified High School, because the citizens of Columbus took a special interest in education; and

WHEREAS, Columbus hosted as many as six rail lines and the national highway, making it a transportation center for agricultural produce, coal and minerals; and

WHEREAS, The 150th birthday of the city is of great significance to its citizens as their forefathers met the challenges of the past and gave them the opportunity to celebrate the future: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate the history and significance of the city of Columbus on its 150th birthday; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Hilderbrand.

On emergency motion of Senator Hilderbrand **SR 1766** was adopted by voice vote.

Guests introduced were Grant Spieth, Jean Pritchett and Larry Hiatt.

Senators honored the guests with a standing ovation.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2470, HB 2474.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2470, HB 2474 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **SB 324** be amended on page 3, in line 16, after "(b)" by inserting "(1)"; in line 28, by striking "(1)" and inserting "(A)"; in line 29, by striking "(2)" and inserting "(B)"; in line 31, before "The", by inserting "(2)"; following line 33, by inserting:

"(3) In the alternative, a manufacturer may compensate its new vehicle dealers subject to a stop-sale or do-not-drive order under a national recall compensation program, provided that the compensation under the program is equal to or greater than

that provided under this subsection, or the manufacturer and dealer otherwise agree."; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1762, SR 1765 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 7, 2018.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, February 8, 2018.

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 8, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, we come again to pray for these that have been chosen to serve in these hallowed halls. I pray that You will motivate each of us to do as the Apostle Paul did in Acts 24:16. Because he endeavored to keep his conscience clear...clear before You and his fellowman, You used him to communicate Your heart to a world of people.

Lord, we know that a clear, guilt free conscience is necessary to be on Your wave length...to be in tune with You.

So, Lord, please forgive and remove anything and everything that might defile our conscience. Show us how to love our neighbor, even when it's not returned.

Help us to love others, like You love us; to be forgiving and less critical even when we feel like cussing them out.

Help us rise above the tendencies of our fallen natures. And as leaders in our homes, in our communities and in these halls, make each of us an instrument of your peace. Help us make clear and ethical decisions, communicating Your heart to the world of people we serve.

In the Name of Jesus, I pray. Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Tyson rose on a Point of Personal Privilege to recognize Thrill's Gourmet Kettle Corn Company, founded in Burlingame, Kansas.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 410, AN ACT concerning insurance; relating to captive insurance companies; providing for association captive insurance companies, branch captive insurance companies and special purpose insurance captives; rules and regulations; amending K.S.A. 40-4301, 40-4302, 40-4303, 40-4304, 40-4306, 40-4307, 40-4308, 40-4309, 40-4310, 40-4311, 40-4313, 40-4314, 40-4317 and 40-4318 and repealing the existing sections; also repealing K.S.A. 40-4305, by Committee on Financial Institutions and Insurance.

SB 411, AN ACT concerning driving privileges; relating to failure to comply with a

traffic citation; amnesty agreements; division of vehicles of the department of revenue; courts, by Committee on Judiciary.

SB 412, AN ACT concerning the employment security law; relating to benefits for privately contracted school bus drivers; amending K.S.A. 2017 Supp. 44-706 and repealing the existing section, by Committee on Federal and State Affairs.

SB 413, AN ACT concerning elections; relating to voting systems and procedures; ballot counts by voters; amending K.S.A. 25-1122a, 25-1138, 25-26a02, 25-2808, 25-3004 and 25-3006 and K.S.A. 2017 Supp. 25-2701, 25-2810, 25-4401, 25-4403, 25-4404, 25-4406, 25-4412, 25-4603, 25-4611 and 25-4613 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 414, AN ACT concerning agriculture; relating to the Kansas egg law; repackaging by retailers, requirements; amending K.S.A. 2017 Supp. 2-2510 and repealing the existing section, by Committee on Ways and Means.

SB 415, AN ACT concerning the Kansas state fair; relating to state sales tax revenues collected on the Kansas state fairgrounds; deposit of revenues in state fair capital improvements fund; amending K.S.A. 2017 Supp. 2-223 and repealing the existing section, by Committee on Ways and Means.

SB 416, AN ACT concerning deprivation of rights under color of law; creating the crime of deprivation of rights under color of law; civil cause of action; restitution; amending K.S.A. 2017 Supp. 22-3424 and repealing the existing section, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 405**.

Assessment and Taxation: **SB 400**.

Commerce: **SB 403**.

Ethics, Elections and Local Government: **SB 394**.

Federal and State Affairs: **SB 401, SB 408; HB 2470**.

Financial Institutions and Insurance: **SB 395, SB 399, SB 402**.

Judiciary: **SB 407, SB 409; HB 2474**.

Public Health and Welfare: **SB 398**.

Transportation: **SB 397, SB 404**.

Utilities: **SB 396**.

Ways and Means: **SB 406**.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 262**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Sykes introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1767—

A RESOLUTION recognizing the month of February as American Heart Month.

WHEREAS, Cardiovascular diseases kill one in three women in the United States, yet 80% of cardiovascular diseases may be prevented; and

WHEREAS, Cardiovascular diseases and strokes kill one woman every 80 seconds in the United States; and

WHEREAS, An estimated 44 million women in the United States are affected by cardiovascular diseases; and

WHEREAS, 90% of women have one or more risk factors for developing a heart disease or a stroke; and

WHEREAS, Women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than for someone else having a heart attack; and

WHEREAS, Only 36% of African-American women and 34% of Hispanic women know that heart disease is their greatest health risk, compared to 65% of Caucasian women; and

WHEREAS, The American Heart Association's Go Red For Women movement motivates women to learn their family history and to meet with a healthcare provider to determine their risk for cardiovascular diseases and strokes; and

WHEREAS, Women involved with the Go Red For Women movement live healthier lives; and

WHEREAS, The Go Red For Women movement encourages women to take control of their heart health by knowing and managing these five numbers: 1) Total cholesterol, 2) HDL (good) cholesterol, 3) blood pressure, 4) blood sugar, and 5) body mass index (BMI): Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the month of February as American Heart Month to raise awareness for the importance of the ongoing fight against heart diseases and strokes and urge all citizens to show their support for women and the fight against heart disease by wearing the color red to commemorate this day. By increasing awareness, speaking out about heart disease, and empowering women to reduce their risk for cardiovascular diseases, we can save thousands of lives each year; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Sykes.

On emergency motion of Senator Sykes **SR 1767** was adopted unanimously.

Guests introduced were Erin Laurie and Abbi Key.

Senators honored the guests with a standing ovation.

Senator Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1768—

A RESOLUTION congratulating and commending Dr. Linda Fae Rhone and the Wichita Teacher Inquiry Group for their work to acknowledge bullying in schools.

WHEREAS, Bullying at school is larger than one child pushing, hitting or kicking another, but there have been no national conversations about how direct and indirect forms of bullying at school are connected to ideological beliefs, structural practices and cultural competence; and

WHEREAS, Dr. Linda Fae Rhone, of Wichita, Kansas, who earned her master's degree in social foundations of education at California State University, Los Angeles, and a doctor of education degree in curriculum and instruction/cultural foundations of education at West Virginia University, is now leading a program to bring social justice learning to a group of students in Wichita to address bullying at schools. She has been

supported by her mother Irene Strong Rhone and her sister Marva Joyce Rhone in her endeavors; and

WHEREAS, The Wichita Teacher Inquiry Group was funded and established in 2009 as a university and public school partnership. Dr. Kimberly Burkhalter assisted with this endeavor, designed to acknowledge that bullying can be systemic and perpetuated by school practices, administration and faculty, and that culturally competent teachers, teaching for social justice and using transformative teaching strategies, can lessen bullying behavior at school and communicate more effectively with culturally diverse families; and

WHEREAS, A new social justice grant project, the Wichita Scholars' Inquiry Group, focuses on middle and high school students, particularly those who are growing up in single-family homes, to help create opportunities for students to act out their growing sense of agency and to learn from and reflect on their successes and struggles; and

WHEREAS, The group will ultimately lead to a community research colloquium, to be held in the Wichita community to allow stakeholders to see that students have been exposed to the most current research in their areas of interests. Student-scholars will read their original research papers and will have the opportunity to discuss the research with the audience; and

WHEREAS, The group is the only one of its kind in the Midwest and moves beyond multiculturalism to promote critical thinking, social change, equity and social justice: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Dr. Linda Fae Rhone and the Wichita Teacher Inquiry Group for their work to acknowledge that bullying is a serious behavioral issue, for raising awareness about cultural competencies as a way to lessen bullying behavior, and for equipping teachers with transformational teaching strategies to lessen bullying and promote social justice in classrooms across the state of Kansas; and

Be it further resolved: That we support the Wichita Scholars' Inquiry Group in its continued effort to promote critical thinking and social justice among students in Kansas; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Faust-Goudeau and one enrolled copy to Dr. Linda Fae Rhone.

On emergency motion of Senator Faust-Goudeau **SR 1768** was adopted by voice vote.

Guests introduced were Dr. Linda Rhone, Irene Rhone and Maura Rhone.
Senators honored the guests with a standing ovation.

COMMITTEE OF THE WHOLE

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

On motion of Senator Masterson the following report was adopted:

SB 288; HB 2343 be passed.

SB 180, SB 282 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Francisco to amend **SB 282** failed.

The committee report on **SB 285** recommending **Sub SB 285** be adopted and **Sub SB 285** be amended by motion of Senator Petersen: on page 2, in line 23, by striking "and"; in line 24, after "designee" by inserting "; and

(D) the chief executive officer of the Kansas turnpike authority, or the chief executive officer's designee"

Sub SB 285 be further amended by motion of Senator Suellentrop; on page 3, in line 35, after the comma by inserting "the legislative"; in line 38, by striking all after "thereto"; by striking all in line 39; in line 40, by striking all before the period

Sub SB 285 be further amended by motion of Senator Baumgardner; on page 3, in line 43, by striking "statute book" and inserting "Kansas register"; and the substitute bill be passed as further amended.

A motion was offered by Senator Olson to re-refer **Sub SB 285** back to the Committee on Ways and Means.

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

On roll call, the vote was: Yeas 9; Nays 29; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Fitzgerald, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop.

Nays: Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Bollier, Kelly.

The motion failed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 180**, **SB 282**; **Sub SB 285**; **SB 288**; **HB 2343** were advanced to Final Action and roll call.

SB 180, AN ACT concerning law enforcement; relating to hiring practices and consideration of prior employment records; open records act; amending K.S.A. 2017 Supp. 45-220 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Bollier, Kelly.

The bill passed, as amended.

SB 282, AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, II and III; amending K.S.A. 2017 Supp. 65-4105, 65-4107 and 65-4109 and repealing the existing sections.

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 2; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-

Goudeau, Fitzgerald, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Francisco, Haley.

Absent or Not Voting: Bollier, Kelly.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote “PASS” on **SB 282**. I appreciate the work of the Senate Committee on Public Health and Welfare and those agencies who testified in support of the bill however I cannot vote “YEA” after the amendment that was offered to remove Mitragynine from the list failed. I certainly recognize that there are legitimate concerns, however I have been hearing from individuals who are reporting positive benefits from the use of Kratom, the plant substance that includes Mitragynine. Most importantly there is interest in using Kratom to help individuals who are seeking relief from opioid addiction. If Mitragynine is added to the list of controlled substances we have taken away the opportunity for further research on this substance. We need that research as we search for solutions for the health of individuals and our communities.—MARCI FRANCISCO

Senator Haley requests the record to show that he concurs with the Explanation of Vote offered by Senator Francisco on **SB 282**.

Sub SB 285, AN ACT concerning roads and highways; establishing the joint legislative transportation task force; relating to the evaluation of the state highway fund and the state highway transportation system; report to the legislature.

On roll call, the vote was: Yeas 33; Nays 5; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Hilderbrand*, Masterson, Olson, Pilcher-Cook, Pyle.

Absent or Not Voting: Bollier, Kelly.

The substitute bill passed, as amended.

SB 288, AN ACT repealing K.S.A. 69-102; concerning service of process.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Hilderbrand*.

Absent or Not Voting: Bollier, Kelly.

The bill passed.

* See Journal for February 9, 2018 for additional detail.

HB 2343, AN ACT concerning health and health care; relating to organ transplants; ensuring nondiscrimination in access to organ transplants.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Bollier, Kelly.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 194** be amended on page 1, in line 6, by striking "2016" and inserting "2017"; in line 12, by striking "\$1.50" and inserting "\$2.00"; in line 13, by striking all after "right"; by striking all in lines 14 through 16; in line 17, by striking all before the period; in line 22, by striking "may" and inserting "shall"; in line 25, by striking all after the period; in line 26, by striking all before the second "The"; in line 28, by striking "\$.10" and inserting "\$0.05";

On page 3, in line 3, by striking "2016" and inserting "2017";

On page 1, in the title, in line 2, by striking "2016" and inserting "2017"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2439**, as amended by Committee of the Whole, be passed.

Committee on **Ways and Means** recommends **SB 343** be passed.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, February 9, 2018.

Journal of the Senate

TWENTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 9, 2018, 8:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 28 senators present.
Senators Baumgardner, Bollier, Doll, Estes, Faust-Goudeau, Fitzgerald, Longbine, Lynn, Masterson, Olson, Pilcher-Cook and Suellentrop were excused.
Invocation by Reverend Cecil T. Washington:

Gracious Master, as we move into the weekend and leave for a few days, we can leave here with an ongoing awareness that You won't leave us. Your Word confirms Your continuing presence.

Through the Psalmist, we find in Psalm 139:3, that You know where we're going and You know everything we do. We find in that same Psalm, that You are all around us—in front and in back; that there's no place we can go where You are not there with us.

So, as we leave for our various destinations, keep us mindful of Your ongoing support.

In Psalm 142:3, we see that when You're with us, You're with us to help us. Whenever we feel low, you are there to lift us. When we need direction, You're there to guide us.

So, Lord, we trust You to maintain Your hedge of protection around us and our loved ones. Then return us to these halls renewed and refreshed.

In Jesus' Name I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 417, AN ACT enacting the Kansas contraceptive equity act; providing insurance coverage for contraceptives; amending K.S.A. 2017 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 414**.

Assessment and Taxation: **SB 415**.

Commerce: **SB 412**.

Ethics, Elections and Local Government: **SB 413**.

Financial Institutions and Insurance: **SB 410**.
Judiciary: **SB 411, SB 416**.

ORIGINAL MOTION

Pursuant to Senate Rule 39, Senator Hilderbrand moved to amend the voting record on February 8, 2018 by correcting his vote on **SB 285** from nay to yea and on **SB 288** from yea to nay. Upon objection of Senator Hensley on **SB 285**, the motion, requiring unanimous consent, was rejected. The motion on **SB 288** carried.

EXPLANATION OF VOTE

Madam President: Yesterday I incorrectly cross referenced two different senate bills and voted "NO" on **SB 285** when I was intending to vote "NO" on **SB 288**. I strongly support **SB 285** which establishes a joint legislative transportation task force, relating to the state highway fund and state highway transportation system. This is an essential piece of legislation for Kansans and for the future of our highway transportation system. **SB 285** will expand economic opportunity and development while bringing more jobs to southeast Kansas.—RICHARD HILDERBRAND

MESSAGES FROM THE GOVERNOR

February 8, 2018

The following Executive Orders were submitted: EO 18-05, EO 18-06, EO 18-07, EO 18-08.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2438, HB 2441, HB 2446, HB 2469, HB 2492, HB 2502**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2438, HB 2441, HB 2446, HB 2469, HB 2492, HB 2502 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **HB 2031**, as amended by House Committee of the Whole, be amended on page 1, in line 17, by striking "2017" and inserting "2018";

On page 3, by striking all in lines 1 through 3; by striking all in lines 29 through 31; and the bill be passed as amended.

Also, **HB 2106**, as amended by House Committee, be amended on page 1, in line 6, by striking "2016" and inserting "2017"; in line 33, by striking "2016" and inserting "2017";

Also on page 1, in the title, in line 2, by striking "2016" and inserting "2017"; and the bill be passed as amended.

HB 2232, as amended by House Committee, be amended on page 1, in line 10, by striking "and"; in line 15, after "communications" by inserting "; and

(4) "resident's room" means a room in an adult care home that is used as a resident's private living quarters";

On page 2, in line 43, by striking "(1)";

On page 3, in line 1, after "home" by inserting "and each resident's room"; by striking all in lines 4 through 8;

On page 4, in line 2, after "(m)" by inserting "No court or state agency shall admit into evidence or consider during any proceeding any tape or recording created using an electronic monitoring device in a resident's room in an adult care home, whether authorized under this section or not, or take or authorize any action based on such tape or recording, unless:

(1) The tape or recording shows the time and date when the events shown on the tape or recording occurred, if the tape or recording is a video tape or recording; and

(2) the contents of the tape or recording have not been edited or artificially enhanced.

(n)";

Also on page 4, in line 18, by striking "4" and inserting "8"; in line 20, after "regulations" by inserting "prior to January 1, 2019,";

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

REPORT ON ENROLLED BILLS

SR 1766, SR 1767, SR 1768 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 9, 2018.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 5-9, 2018:

Senator Bowers: recognizing the City of Delphos Sesquicentennial Celebration;

Senator Faust-Goudeau: remembering the life of Deloris Cox and her many contributions to the Wichita Community; and

Senator Tyson: commending Thrills Kettle Corn on their numerous awards and customer service.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, February 12, 2018.

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 12, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 38 senators present.

Senators Holland and Kelly were excused.

Invocation by Reverend Cecil T. Washington:

Gracious, Merciful God of Heaven and earth, Your goodness toward us has kept us through the weekend, returning us to these sacred duties. Keep us mindful Lord, that we're serving in Your stead; making decisions to represent Your guidance.

Give us the same determination found in the Apostle Paul who You used to write most of the Scriptures in the New Testament.

Inspired by Your Holy Spirit, in Romans 1:13-16 he expressed an indebtedness...a sense of obligation to serve and bless all people regardless of their status. He said he was ready and eager to bless everyone whether rich or poor, educated or uneducated. And because of how it would benefit people, he would not be ashamed of what he had to say or how he would live. There was to be no shame in his game.

Lord, You're the only One that knows how many people or groups have been touched through that man's dedication.

We stand here today, like Paul, needing inspiration from You, to be a blessing. So, move us, to sense that same obligation to serve, to be ready and eager to serve and not be ashamed of the positions we take or how we serve, knowing that our guidance is coming from You.

I offer this prayer in the blessed Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 418, AN ACT concerning public records; relating to the unlawful use of names derived from public records, exceptions; amending K.S.A. 2017 Supp. 45-230 and repealing the existing section, by Committee on Federal and State Affairs.

SB 419, AN ACT concerning the Kansas appraisal management company registration act; AMC ownership limitations and removal of appraisers; amending K.S.A. 2017 Supp. 58-4704, 58-4708, 58-4709 and 58-4721 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 420, AN ACT concerning the Kansas 911 act; relating to emergency services; concerning 911 fees, collection and distribution; amending K.S.A. 2017 Supp. 12-5363,

12-5364, 12-5365, 12-5366, 12-5367, 12-5368, 12-5369, 12-5370, 12-5371, 12-5372, 12-5373, 12-5374, 12-5375, 12-5376, 12-5377, 12-5378 and 12-5380 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 12-5327, 12-5338 and 12-5361, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2492**.

Federal and State Affairs: **HB 2438**, **HB 2441**, **HB 2502**.

Financial Institutions and Insurance: **SB 417**; **HB 2469**.

Ways and Means: **HB 2446**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2531**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2531 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 320**, **SB 330**, **SB 331** be passed.

Committee on **Federal and State Affairs** recommends **SB 328** be amended on page 1, in line 6, after "(a)" by inserting "(1)"; in line 8, after the first "any" by inserting "security"; also in line 8, by striking "or facilities"; in line 14, after the second "any" by inserting "security"; also in line 14, by striking "facility" and inserting "job classifications and duties associated with a security operation"; following line 15, by inserting:

"(2) For the purposes of this section, "security operations" shall include the supervision of inmates in a correctional institution or juvenile correctional facility by a corrections officer or warden as those terms are defined in K.S.A. 75-5202, and amendments thereto, or any other position that is part of security operations as identified in rules and regulations adopted by the secretary.

(3) The secretary of corrections may adopt rules and regulations to identify job classifications and duties that are part of the security operations of a correctional institution or juvenile correctional facility.";

Also on page 1, in the title, in line 2, after "any" by inserting "security"; in line 3, by striking all before "thereof"; and the bill be passed as amended.

Also, **HB 2437** 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 **Public Health and Welfare** recommends **SB 221** be amended on page 1, in line 8, by striking "2016" and inserting "2017"; in line 21, by striking "2016" and inserting "2017"; in line 35, by striking "2016" and inserting "2017";

On page 2, in line 6, by striking "2016" and inserting "2017"; in line 18, by striking "2016" and inserting "2017"; in line 22, by striking "2016" and inserting "2017"; in line 24, by striking "2016" and inserting "2017"; in line 26, by striking "2016" and inserting "2017"; in line 29, by striking "2016" and inserting "2017"; in line 40, by striking

"2016" and inserting "2017";

On page 3, in line 18, by striking "2016" and inserting "2017";

On page 4, in line 5, by striking "2016" and inserting "2017"; in line 25, by striking "2016" and inserting "2017"; in line 37, by striking "2016" and inserting "2017";

On page 5, in line 31, by striking "2016" and inserting "2017"; in line 35, by striking "2016" and inserting "2017"; in line 41, by striking "2016" and inserting "2017";

On page 6, following line 17, by inserting:

"Sec. 2. On and after July 1, 2019, K.S.A. 2017 Supp. 38-2202, as amended by section 1 of this act, is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:

(a) "Abandon" or "abandonment" means to forsake, desert or, without making appropriate provision for substitute care, cease providing care for the child.

(b) "Adult correction facility" means any public or private facility, secure or nonsecure, which is used for the lawful custody of accused or convicted adult criminal offenders.

(c) "Aggravated circumstances" means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

(d) "Child in need of care" means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 2017 Supp. 38-2242, and amendments thereto, who:

(1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian;

(2) is without the care or control necessary for the child's physical, mental or emotional health;

(3) has been physically, mentally or emotionally abused or neglected or sexually abused;

(4) has been placed for care or adoption in violation of law;

(5) has been abandoned or does not have a known living parent;

(6) is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments thereto;

(7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2017 Supp. 21-6301(a)(14), and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult;

(8) while less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2017 Supp. 21-5102, and amendments thereto;

(9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian;

(10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee;

(11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected,

or sexually abused;

(12) while less than 10 years of age commits the offense defined in K.S.A. 2017 Supp. 21-6301(a)(14), and amendments thereto;

(13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve; or

(14) has been subjected to an act which would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or has committed an act which, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 2017 Supp. 21-6419, and amendments thereto.

(e) "Citizen review board" is a group of community volunteers appointed by the court and whose duties are prescribed by K.S.A. 2017 Supp. 38-2207 and 38-2208, and amendments thereto.

(f) "Civil custody case" includes any case filed under chapter 23 of the Kansas Statutes Annotated, and amendments thereto, the Kansas family law code, article 11 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, determination of parentage, article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, adoption and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators.

(g) "Court-appointed special advocate" means a responsible adult other than an attorney guardian ad litem who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 2017 Supp. 38-2206, and amendments thereto, in a proceeding pursuant to this code.

(h) "Custody" whether temporary, protective or legal, means the status created by court order or statute which vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.

(i) "Extended out of home placement" means a child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date at which a child in the custody of the secretary was removed from the child's home.

(j) "Educational institution" means all schools at the elementary and secondary levels.

(k) "Educator" means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has exposure to a pupil specified in K.S.A. 72-89b03(a), and amendments thereto.

(l) "Harm" means physical or psychological injury or damage.

(m) "Interested party" means the grandparent of the child, a person with whom the child has been living for a significant period of time when the child in need of care petition is filed, and any person made an interested party by the court pursuant to K.S.A. 2017 Supp. 38-2241, and amendments thereto, or Indian tribe seeking to intervene that is not a party.

(n) "Jail" means:

(1) An adult jail or lockup; or

(2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensure requirements under law

and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(o) "Juvenile detention facility" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders which must not be a jail.

(p) "Juvenile intake and assessment worker" means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(q) "Kinship care placement" means the placement of a child in the home of an adult with whom the child or the child's parent already has close emotional ties.

(r) "Law enforcement officer" means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(s) "Multidisciplinary team" means a group of persons, appointed by the court under K.S.A. 2017 Supp. 38-2228, and amendments thereto, which has knowledge of the circumstances of a child in need of care.

(t) "Neglect" means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include, but shall not be limited to:

(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;

(2) failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or

(3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to K.S.A. 2017 Supp. 38-2217(a)(2), and amendments thereto.

(u) "Parent" when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.

(v) "Party" means the state, the petitioner, the child, any parent of the child and an Indian child's tribe intervening pursuant to the Indian child welfare act.

(w) "Permanency goal" means the outcome of the permanency planning process which may be reintegration, adoption, appointment of a permanent custodian or another planned permanent living arrangement.

(x) "Permanent custodian" means a judicially approved permanent guardian of a child pursuant to K.S.A. 2017 Supp. 38-2272, and amendments thereto.

(y) "Physical, mental or emotional abuse" means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.

(z) "Placement" means the designation by the individual or agency having custody of where and with whom the child will live.

(aa) "Reasonable and prudent parenting standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural and social activities.

(bb) "Relative" means a person related by blood, marriage or adoption.

(cc) "Runaway" means a child who is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian.

(dd) "Secretary" means the secretary for children and families or the secretary's designee.

(ee) "Secure facility" means a facility, other than a staff secure facility or juvenile detention facility which is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility shall be in a city or county jail.

(ff) "Sexual abuse" means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include, but is not limited to, allowing, permitting or encouraging a child to:

(1) Be photographed, filmed or depicted in pornographic material; or

(2) be subjected to aggravated human trafficking, as defined in K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the offender or another, or be subjected to an act which would constitute conduct proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2017 Supp. 21-6419 or 21-6422, and amendments thereto.

(gg) "Shelter facility" means any public or private facility or home, other than a juvenile detention facility or staff secure facility, that may be used in accordance with this code for the purpose of providing either temporary placement for children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

(hh) "Staff secure facility" means a facility described in K.S.A. 2017 Supp. 65-535, and amendments thereto: (1) That does not include construction features designed to physically restrict the movements and activities of juvenile residents who are placed therein; (2) that may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. No staff secure facility shall be in a city or county jail.

(ii) "Transition plan" means, when used in relation to a youth in the custody of the

secretary, an individualized strategy for the provision of medical, mental health, education, employment and housing supports as needed for the adult and, if applicable, for any minor child of the adult, to live independently and specifically provides for the supports and any services for which an adult with a disability is eligible including, but not limited to, funding for home and community based services waivers.

(jj) "Youth residential facility" means any home, foster home or structure which provides 24-hour-a-day care for children and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.;"

Also on page 6, in line 18, by striking "2016" and inserting "2017";

On page 7, in line 2, by striking "2016" and inserting "2017"; in line 3, by striking "2016" and inserting "2017";

On page 8, in line 2, by striking "2016" and inserting "2017"; in line 4, by striking "2016" and inserting "2017"; in line 6, by striking "2016" and inserting "2017"; in line 41, by striking "2016" and inserting "2017";

On page 9, in line 6, by striking "2016" and inserting "2017"; in line 16, by striking "2016" and inserting "2017"; in line 18, by striking "2016" and inserting "2017"; in line 20, by striking "2016" and inserting "2017"; in line 21, by striking "2016" and inserting "2017";

On page 10, in line 19, by striking "2016" and inserting "2017"; in line 39, by striking "2016" and inserting "2017"; in line 42, by striking "2016" and inserting "2017";

On page 11, in line 3, by striking "2016" and inserting "2017"; in line 9, by striking "2016" and inserting "2017";

On page 12, in line 27, by striking "2016" and inserting "2017";

On page 13, in line 32, by striking "2016" and inserting "2017";

On page 14, in line 13, by striking "2016" and inserting "2017"; in line 14, by striking "2016" and inserting "2017"; in line 18, by striking "2016" and inserting "2017"; in line 22, by striking "2016" and inserting "2017"; in line 24, by striking "2016" and inserting "2017"; in line 35, by striking "2016" and inserting "2017";

On page 15, in line 43, by striking "2016" and inserting "2017";

On page 17, in line 10, by striking "2016" and inserting "2017";

On page 19, in line 41, by striking "2016" and inserting "2017";

On page 21, in line 21, by striking "2016" and inserting "2017"; in line 25, by striking "2016" and inserting "2017"; following line 26, by inserting:

"Sec. 11. On and after July 1, 2019, K.S.A. 2015 Supp. 38-2202, as amended by section 23 of chapter 46 of the 2016 Session Laws of Kansas, and K.S.A. 2017 Supp. 38-2202, as amended by section 1 of this act, are hereby repealed.;"

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking "2016" and inserting "2017"; also in line 4, after the first comma by inserting "38-2202, as amended by section 1 of this act,;" in line 5, after "sections" by inserting "; also repealing K.S.A. 2015 Supp. 38-2202, as amended by section 23 of chapter 46 of the 2016 Session Laws of Kansas"; and the bill be passed as amended.

Also, **SB 312** be amended on page 1, in line 36, by striking "2(c)" and inserting "2(d) or (e)";

On page 2, in line 30, by striking "that the dentist in the dental office" and inserting "the supervision of tasks and procedures with the presence of the dentist in the office or

on the premises at the time the tasks or procedures are being performed where the dentist";

Also on page 2, in line 38, after "(c)" by inserting "Subject to prohibitions, limitations and conditions imposed by rules and regulations adopted by the Kansas dental board, a licensed dental therapist may perform dental hygiene tasks and procedures that may be performed by a licensed dental hygienist under K.S.A. 65-1456, and amendments thereto, except that restrictions imposed by K.S.A. 65-1456, and amendment thereto, that limit the locations or premises where a licensed dental hygienist may perform extended care permit III dental hygiene tasks and procedures shall not apply to a licensed dental therapist.

(d)";

On page 3, in line 1, by striking "and" and inserting a comma; also in line 1, by striking ", including" and inserting "and oral health-related"; in line 2, by striking "counseling"; also in line 2, by striking "analysis" and inserting "instruction";

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

On page 16, following line 19, by inserting:

"Sec. 15. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1456 is hereby amended to read as follows: 65-1456. (a) The board may suspend or revoke the license of any dentist who shall permit any dental hygienist operating under such dentist's supervision to perform any operation other than ~~that those~~ permitted under ~~the provisions of~~ article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and may suspend or revoke the license of any hygienist found guilty of performing any operation other than those permitted under article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. No license of any dentist or dental hygienist shall be suspended or revoked in any administrative proceedings without first complying with the notice and hearing requirements of the Kansas administrative procedure act.

(b) The practice of dental hygiene shall include those educational, preventive, and therapeutic procedures ~~which that~~ result in the removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci. Included among those educational, preventive and therapeutic procedures are the instruction of the patient as to daily personal care, protecting the teeth from dental caries, the scaling and polishing of the crown surfaces and the planing of the root surfaces, in addition to the curettage of those soft tissues lining the free gingiva to the depth of the gingival sulcus and such additional educational, preventive and therapeutic procedures as the board may establish by rules and regulations.

(c) Subject to such prohibitions, limitations and conditions as the board may prescribe by rules and regulations, any licensed dental hygienist may practice dental hygiene and may also perform such dental service as may be performed by a dental assistant under the provisions of K.S.A. 65-1423, and amendments thereto.

(d) Except as otherwise provided in this section, the practice of dental hygiene shall be performed under the direct or general supervision of a licensed dentist at the office of such licensed dentist. The board shall designate by rules and regulations the procedures ~~which that~~ may be performed by a dental hygienist under direct supervision and the procedures ~~which that~~ may be performed under general supervision of a licensed dentist. As used in this section: (1) "Direct supervision" means ~~that the dentist is in the dental office,~~ the supervision of tasks and procedures with the presence of the dentist in

the office or on the premises at the time the tasks or procedures are being performed where the dentist personally diagnoses the condition to be treated, personally authorizes the procedure and, before dismissal of the patient, evaluates the dental hygienist's performance; and (2) "general supervision" means a Kansas licensed dentist may delegate verbally or by written authorization the performance of a service, task or procedure to a licensed dental hygienist under the supervision and responsibility of the dentist, if the dental hygienist is licensed to perform the function; and the supervising dentist examines the patient at the time the dental hygiene procedure is performed, or during the 12 calendar months preceding the performance of the procedure, except that the licensed hygienist shall not be permitted to diagnose a dental disease or ailment, prescribe any treatment or a regimen thereof, prescribe, order or dispense medication or perform any procedure ~~which that~~ is irreversible or ~~which that~~ involves the intentional cutting of the soft or hard tissue by any means. A dentist is not required to be on the premises at the time a hygienist performs a function delegated under ~~part paragraph (2) of this subsection.~~

(e) The practice of dental hygiene may be performed at an adult care home, hospital long-term care unit, state institution, local health department or indigent health care clinic on a resident of a facility, client or patient thereof so long as:

(1) A licensed dentist has delegated the performance of the service, task or procedure;

(2) the dental hygienist is under the supervision and responsibility of the dentist;

(3) either the supervising dentist is personally present or the services, tasks and procedures are limited to the cleaning of teeth, education and preventive care; and

(4) the supervising dentist examines the patient at the time the dental hygiene procedure is performed or has examined the patient during the 12 calendar months preceding performance of the procedure.

(f) The practice of dental hygiene may be performed, with consent of the parent or legal guardian; On children participating in residential and nonresidential centers for therapeutic services; on all children in families ~~which that~~ are receiving family preservation services; on all children in the custody of the secretary for children and families or the commissioner of juvenile justice authority and in an out-of-home placement residing in foster care homes; on children being served by runaway youth programs and homeless shelters; ~~and~~ on children ~~birth up to~~ up to five years old and children in public and nonpublic schools in kindergarten or grades one through grade 12, regardless of the time of year and children participating in youth organizations, so long as such children who are dentally underserved are targeted; at any state correctional institution, local health department or indigent health care clinic, as defined in K.S.A. 65-1466, and amendments thereto, and at any federally qualified health center, federally qualified health center look-alike or a community health center that receives funding from section 330 of the health center consolidation act, on a person, inmate, client or patient thereof; and on other persons as may be defined by the board; so long as:

(1) The dental hygienist has received an "extended care permit I" from the Kansas dental board specifying that the dental hygienist has performed 1,200 hours of dental hygiene care within the past three years or has been an instructor at an accredited dental hygiene program for two academic years within the past three years;

(2) the dental hygienist shows proof of professional liability insurance;

(3) the dental hygienist is sponsored by a dentist licensed in the state of Kansas, including a signed agreement stating that the dentist shall monitor the dental hygienist's activities, except such dentist shall not monitor more than five dental hygienists with an extended care permit;

(4) the tasks and procedures are limited to: (A) Removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci; (B) the application of topical anesthetic, if the dental hygienist has completed the required course of instruction approved by the dental board; (C) the application of fluoride; (D) dental hygiene instruction; (E) assessment of the patient's apparent need for further evaluation by a dentist to diagnose the presence of dental caries and other abnormalities; and (F) other duties as may be delegated verbally or in writing by the sponsoring dentists consistent with this act;

(5) the dental hygienist advises the patient and legal guardian that the services are preventive in nature and do not constitute a comprehensive dental diagnosis and care;

(6) the dental hygienist provides a copy of the findings and the report of treatment to the sponsoring dentist and any other dental or medical supervisor at a participating organization found in this subsection; and

(7) any payment to the dental hygienist for dental hygiene services is received from the sponsoring dentist or the participating organization found in this subsection.

(g) The practice of dental hygiene may be performed on persons with developmental disabilities and on persons who are 65 years and older who live in a residential center, an adult care home, subsidized housing, hospital long-term care unit, or state institution or are served in a community senior service center, elderly nutrition program or at the home of a homebound person who qualifies for the federal home and community-based service (HCBS) waiver on a resident of a facility, client or patient thereof so long as:

(1) The dental hygienist has received an "extended care permit II" from the Kansas dental board specifying that the dental hygienist has: (A) Performed 1,600 hours of dental hygiene care or has been an instructor at an accredited dental hygiene program for two academic years within the past three years; and (B) completed six hours of training on the care of special needs patients or other training as may be accepted by the board;

(2) the dental hygienist shows proof of professional liability insurance;

(3) the dental hygienist is sponsored by a dentist licensed in the state of Kansas, including a signed agreement stating that the dentist shall monitor the dental hygienist's activities, except such dentist shall not monitor more than five dental hygienists with an extended care permit II;

(4) the tasks and procedures are limited to: (A) Removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci; (B) the application of topical anesthetic if the dental hygienist has completed the required course of instruction approved by the dental board; (C) the application of fluoride; (D) dental hygiene instruction; (E) assessment of the patient's apparent need for further evaluation by a dentist to diagnose the presence of dental caries and other abnormalities; and (F) other duties as may be delegated verbally or in writing by the sponsoring dentist consistent with this act;

(5) the dental hygienist advises the patient and legal guardian that the services are preventive in nature and do not constitute comprehensive dental diagnosis and care;

(6) the dental hygienist provides a copy of the findings and the report of treatment to the sponsoring dentist and any other dental or medical supervisor at a participating organization found in this subsection;

(7) any payment to the dental hygienist for dental hygiene services is received from the sponsoring dentist or the participating organization found in this subsection; and

(8) the dental hygienist completes a minimum of three hours of education in the area of special needs care within the board's continuing dental education requirements for relicensure.

(h) The expanded practice of dental hygiene may be performed, with consent of the parent or legal guardian; On children participating in residential and nonresidential centers for therapeutic services; on all children in families ~~which that~~ are receiving family preservation services; on all children in the custody of the secretary for children and families or the commissioner of juvenile justice authority and in an out-of-home placement residing in foster care homes; on children being served by runaway youth programs and homeless shelters; and on children ~~birth up to five years old~~ and children in public and nonpublic schools in kindergarten or grades one through grade 12, regardless of the time of year and children participating in youth organizations, so long as such children who are dentally underserved are targeted; at any state correctional institution, local health department or indigent health care clinic, as defined in K.S.A. 65-1466, and amendments thereto, and at any federally qualified health center, federally qualified health center look-alike or a community health center that receives funding from section 330 of the health center consolidation act, on a person, inmate, client or patient; on persons with developmental disabilities and on persons who are 65 years and older who live in a residential center, an adult care home, subsidized housing, hospital long-term care unit; or state institution or are served in a community senior service center, elderly nutrition program or at the home of a homebound person who qualifies for the federal home and community-based service (HCBS) waiver on a resident of a facility, client or patient thereof so long as:

(1) The dental hygienist has received an "extended care permit III" from the Kansas dental board specifying that the dental hygienist has: (A) Performed 2,000 hours of dental hygiene care or has been an instructor at an accredited dental hygiene program for three academic years within the past four years; and (B) completed a course of study of 18 seat hours approved by the board ~~which that~~ includes, but is not limited to, emergency dental care techniques, the preparation and placement of temporary restorations, the adjustment of dental prostheses and appropriate pharmacology;

(2) the dental hygienist shows proof of professional liability insurance;

(3) the dental hygienist is sponsored by a dentist licensed in the state of Kansas, including a signed agreement stating that the dentist shall monitor the dental hygienist's activities, except such dentist shall not monitor more than five dental hygienists with an extended care permit III;

(4) the tasks and procedures are limited to: (A) Removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci; (B) the application of topical anesthetic if the dental hygienist has completed the required course of instruction approved by the dental board; (C) the application of fluoride; (D) dental hygiene instruction; (E) assessment of the patient's apparent need for further evaluation by a dentist to diagnose the presence of dental caries and other abnormalities; (F) identification and removal of decay using

hand instrumentation and placing a temporary filling, including glass ionomer and other palliative materials; (G) adjustment of dentures, placing soft relin in dentures, checking partial dentures for sore spots and placing permanent identification labeling in dentures; (H) smoothing of a sharp tooth with a slow speed dental handpiece; (I) use of local anesthetic, including topical, infiltration and block anesthesia, when appropriate to assist with procedures where medical services are available in a nursing home, health clinic or any other settings if the dental hygienist has completed a course on local anesthesia and nitrous oxide as required in this act; (J) extraction of deciduous teeth that are partially exfoliated with class-4~~3~~ mobility; and (K) other duties as may be delegated verbally or in writing by the sponsoring dentist consistent with this act;

(5) the dental hygienist advises the patient and legal guardian that the services are palliative or preventive in nature and do not constitute comprehensive dental diagnosis and care;

(6) the dental hygienist provides a copy of the findings and the report of treatment to the sponsoring dentist and any other dental or medical supervisor at a participating organization found in this subsection;

(7) the dental hygienist notifies the patient or the patient's parent or legal guardian of such patient's need for treatment by a dentist, when the dental hygienist finds an apparent need for evaluation to diagnose the presence of dental caries and other abnormalities;

(8) any payment to the dental hygienist for dental hygiene services is received from the sponsoring dentist or the participating organization found in this subsection; and

(9) the dental hygienist completes a minimum of three hours of education related to the expanded scope of dental hygiene practice in subsection (h)(4)-of this act within the board's continuing dental education requirements for relicensure.

(i) In addition to the duties specifically mentioned in subsection (b) any duly licensed dental hygienist may:

(1) Give fluoride treatments as a prophylactic measure, as defined by the United States public health service and as recommended for use in dentistry;

(2) remove overhanging restoration margins and periodontal surgery materials by hand scaling instruments; and

(3) administer local block and infiltration anaesthesia and nitrous oxide. (A) The administration of local anaesthesia shall be performed under the direct supervision of a licensed dentist, except that topically applied local anaesthesia, as defined by the board, may be administered under the general supervision of a licensed dentist. (B) Each dental hygienist who administers local anaesthesia, regardless of the type, shall have completed courses of instruction in local anaesthesia and nitrous oxide-which that have been approved by the board.

(j) (1) The courses of instruction required in subsection (i)(3)(B) shall provide a minimum of 12 hours of instruction at a teaching institution accredited by the American dental association.

(2) The courses of instruction shall include courses-which that provide both didactic and clinical instruction in: (A) Theory of pain control; (B) anatomy; (C) medical history; (D) pharmacology; and (E) emergencies and complications.

(3) Certification in cardiac pulmonary resuscitation shall be required in all cases.

(k) The board is authorized to issue to a qualified dental hygienist an extended care permit I-~~or~~, extended care permit II, or extended care permit III as provided in

subsections (f), (g) and (h) ~~of this section.~~

(l) Nothing in this section shall be construed to prevent a dental hygienist from providing dental hygiene instruction or visual oral health care screenings or fluoride applications in a school or community-based setting regardless of the age of the patient.

(m) As used in this section, "dentally underserved" means a person who lacks resources to pay for medically necessary health care services and who meets the eligibility criteria for qualification as a medically indigent person established by the secretary of health and environment under K.S.A. 75-6120, and amendments thereto.;

On page 34, in line 6, after the fourth comma by inserting "65-1456,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first semicolon by inserting "the practice of dental hygiene;"; in line 4, after the fifth comma by inserting "65-1456,"; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 323** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 323," as follows:

"Substitute for SENATE BILL No. 323

By Committee on Utilities

"AN ACT concerning utilities; relating to the retail electric suppliers act; concerning termination of service territory; relating to the state corporation commission; concerning regulation of municipal energy agencies; relating to electric cooperatives, regulation of certain transmission services; amending K.S.A. 12-8,111 and 66-1,176 and K.S.A. 2017 Supp. 66-104d and repealing the existing sections.";

And the substitute bill be passed.

Also, **SB 279** be amended on page 1, in line 16, by striking "and regulatory assets"; in line 36, by striking "existing" and inserting "obsolete";

On page 2, in line 20, by striking all after "(h)"; by striking all in lines 21 through 34; in line 35, by striking all before the semicolon and inserting "'obsolete facility" means a facility: (1) Comprised of materials that are no longer produced or supported by the manufacturer; (2) that shows signs of physical deterioration; or (3) does not meet current safety codes or industry standards. "Obsolete facility" includes the cost-effective replacement of other facilities that are not considered obsolete when the replacement of such is done in conjunction with the replacement of an obsolete facility";

On page 6, in line 16, by striking "or regulatory assets"; in line 26, by striking "or regulatory assets"; in line 31, before "its", by inserting "January 1, 2019, and"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 262 reported correctly enrolled, properly signed and presented to the Governor on February 12, 2018.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, February 13, 2018.

Journal of the Senate

TWENTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 13, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, this week and particularly with tomorrow being Valentine's Day, help us turn our thoughts to the subject of love, a four-letter word that's saturated and dripping with significance.

Lord, the idea of love is so profound and multifaceted that it's almost impossible to define. It's like Your love for us with so many layers and facets, that even though we know it's there and can feel it, it's just hard to describe.

When You package Your love for distribution, You send it under a variety of different labels. And we don't realize the many heart-shaped ways that You bundle Your love until we look inside and taste of Your goodness.

We need You to help us recognize and appreciate the many ways in which You do love us...the ways in which Your goodness over-shadows our badness.

Your love comes labeled as mercy and undeserved favor in forgiving our faults. When life is disappointing it comes as hope for tomorrow. It's the unexplainable peace You provide in our times of sorrow.

And Lord, because You have loved us with such an abundance, You've said in 1 John 4:11 that surely we ought to love one another.

So, Lord, let the love that flows to each of us, flow through each of us, that it might be said of us that in this house the rules of love were never suspended.

In the Name of Him Who loved us to death, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Holland rose on a Point of Personal Privilege to recognize high school students with the Council of International Education Exchange program (CIEE). The students represent four countries: Germany, Italy, Moldova and Pakistan.

Guests introduced were CIEE Coordinator, Anita Sass, Alessandra Maltempi, Saskia Nowak, Fritz Wisser, Mathes Trauer, Sophie Simon, Iana Cuznetov and Prah Haider.

Senators honored the students with a standing ovation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 419**.

Federal and State Affairs: **SB 418**.

Transportation: **HB 2531**.

Utilities: **SB 420**.

COMMITTEE OF THE WHOLE

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

On motion of Senator Billinger the following report was adopted:

SB 343 be passed.

SB 194, SB 199; HB 2106 be amended by the adoption of the committee amendments, and the bills be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 307** be amended on page 3, in line 42, after the semicolon, by inserting:

"(F) any ride commonly known as a hayrack ride in which patrons sit in a wagon or cart that is then pulled by horses or a tractor or other motor vehicle;

(G) any ride commonly known as a barrel train, which has a series of handmade cars fashioned from barrels that are connected and pulled by a tractor or other motor vehicle;"

On page 5, in line 19, by striking the second "or"; in line 26, before "or" by inserting ", when applicable,"; in line 27, after "organization" by inserting ";

(4) for purposes of inspecting inflatable devices that are rented on a regular basis and erected at temporary locations, provides satisfactory evidence of completing a minimum of five years of experience working with inflatable devices and has received qualified training from a third party, such as attainment of an advanced inflatable safety operations certification from the safe inflatable operators training organization, or other similar qualification from another nationally recognized organization";

On page 6, in line 1, by striking "15" and inserting "20"; in line 2, after "ride" by inserting ", but does not include any such slide that is owned or operated by a municipality as defined in K.S.A. 75-6102, and amendments thereto";

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

On page 7, following line 15, by inserting:

"Sec. 7. K.S.A. 2017 Supp. 44-1605 is hereby amended to read as follows: 44-1605. (a) No amusement ride shall be operated in this state unless the operator has satisfactorily completed training that includes, at a minimum:

(1) Instruction on operating procedures for the ride, the specific duties of the operator, general safety procedures and emergency procedures;

(2) demonstration of physical operation of the ride; and

(3) supervised observation of the operator's physical operation of the ride.

(b) No amusement ride shall be operated in this state unless the name of each

operator trained to operate the ride and the certificate of each such operator's satisfactory completion of such training, signed and dated by the trainer, is available to any person contracting with the owner for the amusement ride's operation on the premises where the amusement ride is operated, during the hours of operation of the ride.

(c) No inflatable device that is rented on a regular basis and erected at a temporary location shall be operated in this state unless the operator has attained a basic inflatable safety operations certification from the safe inflatable operators training organization, or other similar qualification from another nationally recognized organization.;

On page 9, in line 40, by striking "adopted" and inserting "developed";

On page 10, in line 18, after "standards" by inserting "pertaining to ride maintenance and operation";

On page 12, in line 10, by striking all after "service"; in line 11, by striking "secretary"; also in line 11, by striking "if" and inserting "upon notification, the department shall acknowledge receipt of such notice and determine if an"; in line 12, after "injury" by inserting "is necessary. If an investigation"; in line 41, after the first comma by inserting "44-1605,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the second comma by inserting "44-1605,"; and the bill be passed as amended.

Also, **SB 369** 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 **Judiciary** recommends **SB 296** be passed.

Committee on **Transportation** recommends **SB 274** be amended on page 1, in line 5, by striking all after "(a)"; by striking all in line 6; in line 7, by striking all before the period and inserting: "No person shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the right or the safety of others, or inattentively in such a manner as to endanger, or be likely to endanger, any person or property"; and the bill be passed as amended.

Also, **SB 375** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, February 14, 2018.

Journal of the Senate

TWENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 14, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Kelly was excused.

Senator Wagle introduced Emmanuel Herron, New Beginning Baptist Church in Topeka, to deliver the invocation:

Our Father in heaven, Hallowed be Thy name. Oh, gracious Creator, Sovereign Savior of the fallen, Magnificent Master of the Universe, we magnify Your name! As we stand before You in unity as one body, birthed in sin and shaped in iniquity, we humbly request Your forgiveness. We're standing here pleading Your mercy and grace. Father, go into the secret places of our hearts, purify us of our transgressions, heal us of our sufferings and deliver us of our afflictions. As Jesus said, if two of you agree on earth concerning anything that is asked, it will be done for them by My Father in heaven. The Word says that petitions, prayers, intercessions and thanksgiving be made for all people – for kings and all those in authority – that we may live peaceful and quiet lives in all godliness and holiness. As all of the senators gather together, equip them with The Divine decisions to accomplish Your purpose. Give them the strength and reassurance that You are with them, be their guide today and forever more. We want to thank You for your undying faithfulness, for answered and unanswered prayers and let Your will, not our will, be done. In the name of Your son Jesus...Amen and Amen.

The Pledge of Allegiance was led by President Wagle.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2436, HB 2444, HB 2455, HB 2456.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2436, HB 2444, HB 2455, HB 2456 were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 194, AN ACT concerning water; relating to groundwater management districts; user charges; amending K.S.A. 2017 Supp. 82a-1030 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Hilderbrand, Masterson, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Kelly.

The bill passed, as amended.

SB 199, AN ACT concerning civil procedure; relating to appellate procedure; supersedeas bond requirements; amending K.S.A. 2017 Supp. 60-2103 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Francisco, Haley, Hawk, Hensley, Holland, Pettey, Rogers.

Absent or Not Voting: Kelly.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote “NO” on **SB 199**. I believe that the current law is working. I am particularly concerned that the new limitations on the amount required for supersedeas bonds created in this bill come without the protections currently established to allow the appellee to prove that the appellant bringing the appeal is purposefully dissipating or diverting assets outside of the ordinary course of its business and also gives the court the opportunity to enter such orders as are necessary to stop the dissipation and diversion of assets. If this bill is worked in the House, I hope that at a minimum this is rectified.—MARCI FRANCISCO

Senator Hawk requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **SB 199**.

Madam President: I vote “NO” on **SB 199**. Current law regarding supersedeas bonds protects both appellants and appellees. It provides security to the court and the appellee that the judgment can be paid while providing the court discretion to lower the bond where the appellant will suffer undue hardship. This well-struck balance has been in place for many years. **SB 199** tips the scales in favor of losing parties and makes it easier for them to drag out the appeals process while not putting forward the necessary security to cover the judgment if the appeal is unsuccessful. This bill also ignores the possibility that the appellee may be a small business who will suffer undue hardship by a dragged-out appeals process. Current law already contemplates all of the arguments in favor of this bill, making it unnecessary. For these reasons, I vote “NO” on **SB 199**.

—LYNN ROGERS

Senators Haley, Hawk, Hensley and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **SB 199**.

SB 343, AN ACT concerning the disposition of state real property; authorizing the state board of regents and the state of Kansas to convey certain real property to Wichita state university, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly.

The bill passed.

HB 2106, AN ACT concerning treatment facilities; relating to license renewal; amending K.S.A. 2017 Supp. 65-4014 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly.

The bill passed, as amended.

COMMITTEE OF THE WHOLE

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

On motion of Senator Bollier the following report was adopted:

SB 266 be passed.

SB 324; HB 2232 be amended by the adoption of the committee amendments, and the bills be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **SB 391** be passed.

Committee on **Ways and Means** recommends **SB 314** be passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, February 15, 2018.

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 15, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 39 senators present.

Senator Sykes was excused.

Vice President Longbine introduced Reverend Shirley Heermance, St. Mark's A.M.E. Church in Topeka, to deliver the invocation:

Almighty God, Maker of all things, Judge of all people: I stand before You and this body in a spirit of gratitude for this opportunity. Giving thanks to You for each vision and determination, born out of this chamber for the betterment of State and Country. And, I pray Your blessings to fall afresh over each seated.

As February is recognized as Black History Month, we take this opportunity to thank You for Your presence and Your power, exhibited and registered in the chronicles of our human saga. Thank You, God, for the diversity of our humanity. Thank You for the countless numbers of people (both recorded into the pages of history and those names never reported) who, regardless of their gender, age, color, creed or social status, gave to ensure the freedoms of today. Thank You for the commitment and courage, put to action, by people who understood that You created all humankind in the magnitude of Your likeness. Thank You for the struggles won to break the shackles of slavery. Thank You for all who labored through the toils of the Civil Rights movement. Thank You for the honesty and morality of people, gone before us, who fought to redress long standing harms born from discrimination of all kind. And, thank You that today we can say, "we've come a long way" even in our knowing that we have a long way to go.

To this cause, I ask Lord, for Your continued guidance, that we the people who have come to the shored of this great country called America, the home of the brave and the land of the free, will one day truly value one another and live in the unity of humanity. Still see us today, God, in our uniqueness, as we occupy this space together. Then empower us, emancipate us and cause us to be unfettered from any burdens that produce discord. Bless the President and all those who are in position, nationally and otherwise, to lead us and cause them never a desire to lord over us. Help us to value always the precepts of our democracy, so to ensure that the history we make from today forward will one day lead to the reality of liberty and justice for all. Then, bless this day and these people with Your presence and Your power. I pray in the Precious Name of Him who is the Liberator and Reconciler of all. Amen

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Tyson rose on a Point of Personal Privilege to recognize Christopher Tyson and his parents, Roger and Rhonda Tyson. Christopher was visiting the Statehouse as part of the 23rd Annual Kansas All-State Academic Team, an achievement reached while he bravely battled Leukemia. Senators honored Christopher's extraordinary courage and commitment to academics with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 421, AN ACT concerning labor; relating to licensing of professional occupations; concerning applications of persons with certain criminal records; amending K.S.A. 74-120 and repealing the existing section, by Committee on Federal and State Affairs.

SB 422, AN ACT concerning education; relating to the financing thereof; relating to the Kansas school equity and enhancement act; relating to local option budgets; amending K.S.A. 2017 Supp. 72-5143 and 72-5145 and repealing the existing sections, by Committee on Ways and Means.

SB 423, AN ACT concerning education; relating to the financing thereof; relating to the Kansas school equity and enhancement act; at-risk weighting; capital outlay; amending K.S.A. 2017 Supp. 72-5151, 72-53,113 and 72-53,116 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Financial Institutions and Insurance: **HB 2444**.

Judiciary: **HB 2455**, **HB 2456**.

Transportation: **HB 2436**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2476**, **HB 2505**, **HB 2506**.

Announcing passage of **SB 283**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2476, **HB 2505**, **HB 2506** were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Faust-Goudeau and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1769—

A RESOLUTION recognizing the members of Delta Sigma Theta Sorority, Inc. for their outstanding service to the citizens of our state, our nation and the international community, and for their promotion of sisterhood, scholarship and service.

WHEREAS, Delta Sigma Theta Sorority, Inc. is a private, not-for-profit organization whose purpose is to provide assistance and support through established programs in

local communities throughout the world. The organization is a sisterhood of predominantly black, college-educated women; and

WHEREAS, On January 13, 2018, Delta Sigma Theta Sorority, Inc. celebrated 105 years of thoughtful service to and conscientious leadership in communities throughout the United States and the world in diverse fields relating to public service and the organization's five-point programmatic thrust: Economic development, educational development, international awareness and involvement, physical and mental health, and political awareness and involvement; and

WHEREAS, On January 13, 1913, Delta Sigma Theta Sorority, Inc. was founded at Howard University in the District of Columbia by: Osceola Macarthy Adams, Marguerite Young Alexander, Winona Cargile Alexander, Ethel Cuff Black, Bertha Pitts Campbell, Zephyr Chisom Carter, Edna Brown Coleman, Jessie McGuire Dent, Frederica Chase Dodd, Myra Davis Hemmings, Olive C. Jones, Jimmie Bugg Middleton, Pauline Oberdorfer Minor, Vashti Turley Murphy, Naomi Sewell Richardson, Mamie Reddy Rose, Eliza Pearl Shippen, Florence Letcher Toms, Ethel Carr Watson, Wertie Blackwell Weaver, Madree Penn White and Edith Motte Young; and

WHEREAS, In March 1913, the founders of Delta Sigma Theta Sorority, Inc. participated in the Women's Suffrage March in the District of Columbia, the sorority's first public act; and

WHEREAS, Since its founding, more than 200,000 women have joined the organization. Delta Sigma Theta Sorority, Inc. has eight chapters in Kansas and 1,000 chapters in the United States, England, Japan, Germany, the Virgin Islands, Bermuda, the Bahamas and South Korea; and

WHEREAS, Delta Sigma Theta Sorority, Inc. is represented in Kansas by Kansas State Coordinator Sue E. Wilson, Kansas State Facilitator Adriannte Etheridge, Kansas City Kansas Alumnae Chapter President Jill Hall, Leavenworth Alumnae Chapter President Natalie Bynum, Topeka Alumnae Chapter President Tami Farr-Smith, Geary Riley Saline Alumnae Chapter President Dr. Pat Dozier, Wichita Alumnae Chapter President Emile McGill, Wichita Alumnae Chapter Social Action Chairperson Trudy Baker, Psi (Kansas University) Chapter President Jonnette Oakes, Eta Gamma (Kansas State University) Chapter President Shaneka Cabe, and Zeta Beta (Wichita State University) Chapter President Raven Hodges: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the members of Delta Sigma Theta Sorority, Inc. for their outstanding service to the citizens of our state, our nation and the international community, and for their promotion of sisterhood, scholarship and service during this annual Delta Day at the Capitol; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Sue E. Wilson, Adriannte Etheridge, Jill Hall, Natalie Bynum, Tami Farr-Smith, Dr. Pat Dozier, Emile McGill, Trudy Baker, Jonnette Oakes, Shaneka Cabe, Raven Hodges, Senator Faust-Goudeau and Senator Haley.

On emergency motion of Senator Faust-Goudeau **SR 1769** was adopted by voice vote.

Guests introduced were: Johnette Oakes, Sue Wilson, Adriannte Etheridge, Jill Hall, Natalie Bynum, Tami Farr-Smith, Shaneka Cabe, Raven Hodges, Emile McGill, Dr. Pat Dozier and Trudy Baker.

Senators honored the ladies with a standing ovation.

Senators Haley, Bowers, Denning, Faust-Goudeau, Francisco, Hawk, Hensley, Kelly, Longbine, Lynn, McGinn, Petersen, Pettey, Rogers and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1770—

A RESOLUTION honoring the life of Fred Hollomon and his service as Chaplain of the Kansas Senate.

WHEREAS, Reverend Fred Hollomon served as the Chaplain of the Kansas Senate for 31 years, retiring in 2012; and

WHEREAS, Reverend Fred Hollomon, known affectionately by all in the statehouse as Reverend Fred, was born on May 25, 1925, near Dawson, Georgia; and

WHEREAS, Reverend Fred's family moved to Dothan, Alabama, in 1938, where he graduated from high school in 1942. He attended the University of Alabama for one year before joining the U.S. Navy; and

WHEREAS, Reverend Fred was in the Navy from 1943 to 1946, where he graduated from Midshipman's School at Notre Dame and Aerial Navigator's School in Clinton, Oklahoma; and

WHEREAS, Reverend Fred returned to the University of Alabama, where he received a Bachelor of Science degree in Business Administration in 1949. He worked in a bank for a year and a half, and then went to Southwestern Baptist Theological Seminary in Ft. Worth, Texas, where he graduated with a Master of Religious Education degree and a Master of Divinity degree in 1956. He was ordained in the gospel ministry while at the seminary; and

WHEREAS, Reverend Fred served as pastor for 50 years in eight different Southern Baptist churches. The last church was in Topeka, where he served as pastor for 14 years. He retired from the pastorate in 2002; and

WHEREAS, Reverend Fred worked as an administrative assistant in both the House and the Senate, which gave him a unique insider's perspective to the workings of the Legislature and the day-to-day challenges faced by those in public service; and

WHEREAS, Reverend Fred and his wife, Pat, were married for more than 45 years and had a large, blended family of nine children and many grandchildren and great-grandchildren; and

WHEREAS, Reverend Fred's prayers opened each day of the session by encouraging, uplifting and renewing us, often bringing a smile at the same time. As Chaplain, Reverend Fred offered inspiration and guidance to the men and women of the Senate through his pastoral presence and his spiritual invocations, often given in perfect rhyme; and

WHEREAS, Reverend Fred Hollomon passed away on Tuesday, February 13, 2018, in Lawrence, Kansas, at the age of 92. Services will be held on Saturday, February 17, 2018, at the Emmanuel Baptist Church in Topeka, Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we joyfully remember the life and spirit of Reverend Fred Hollomon and express our gratitude for his service as Chaplain of the Kansas Senate, and we further express our appreciation for his wonderful wife, Pat, for sharing him with this body. We benefited from the wisdom, kindness and down-home wit of the original prayers and prayer-poems delivered by Reverend Fred in this chamber. We deeply appreciate his devotion to serving God, our chamber and our people in his unique and prayerful way and celebrate his life; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Pat Hollomon and an enrolled copy to Senator Haley.

On emergency motion of Senator Haley **SR 1770** was adopted by voice vote.

FINAL ACTION ON CONSENT CALENDAR

SB 294, HB 2437 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 294, AN ACT concerning motor vehicles; relating to the vehicle dealers and manufacturers licensing act; renewal of licenses; amending K.S.A. 2017 Supp. 8-2404 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly, Sykes.

The bill passed.

HB 2437, AN ACT concerning days of commemoration; relating to the national day of the cowboy; amending K.S.A. 2017 Supp. 35-208 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly, Sykes.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 266, AN ACT concerning the crime victims compensation board; relating to definitions; collateral source; amending K.S.A. 2017 Supp. 74-7301 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly, Sykes.

The bill passed.

SB 324, AN ACT concerning the vehicle dealers and manufacturers licensing act; relating to improvements to facilities; performance measurements; recall repairs, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 2; Present and Passing 3; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Taylor, Tyson, Wagle, Wilborn.

Nays: Pilcher-Cook, Pyle.

Present and Passing: Bowers, Longbine, Suellentrop.

Absent or Not Voting: Kelly, Sykes.

The bill passed, as amended.

HB 2232, AN ACT concerning adult care homes; relating to electronic monitoring, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly, Sykes.

The bill passed, as amended.

COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

SB 312 be amended by the adoption of the committee amendments, and the bill be passed as amended.

SB 307 be amended by the adoption of the committee amendments; be further amended by motion of Senator Billinger, on page 6, by striking all in line 43;

On page 7, by striking all in lines 1 through 8;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly and **SB 307** be passed as further amended.

The committee report on **SB 323** recommending a **Sub SB 323** be adopted, be amended by motion of Senator Olson, on page 1, in line 20, by striking all before "public"; also in line 20, by striking all after "necessity"; by striking all in line 21; in line 22, by striking "rights"; also in line 22, by striking "consider" and inserting "apply"; in line 23, after "thereto" by inserting ", to a municipal energy agency to the same extent it does to a retail electric supplier, as defined in K.S.A. 66-1,170, and amendments thereto";

On page 2, in line 34, by striking "and that" and inserting "which";

On page 5, in line 3, by striking "and that" and inserting "which" and **Sub SB 323** be passed as amended.

HB 2256 be passed over and retain a place on the calendar.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 307**, **SB 312** and **Sub SB 323** were advanced to Final Action and roll call.

SB 307, AN ACT concerning amusement rides; relating to the Kansas amusement ride act; relating to home-owned amusement rides and agritourism activities; amending K.S.A. 2017 Supp. 40-4801, 40-4802, 44-1601, 44-1602, 44-1603, 44-1605, 44-1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-1611, 44-1612, 44-1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-1619 and repealing the existing sections.

On roll call, the vote was: Yeas 36; Nays 0; Present and Passing 2; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Olson, Pyle.

Absent or Not Voting: Kelly, Sykes.

The bill passed, as amended.

SB 312, AN ACT concerning the Kansas dental board; relating to the practice of dental therapy; the practice of dental hygiene; licensure of dental therapists; amending K.S.A. 65-1421, 65-1441, 65-1449, 65-1460, 65-1462 and 74-1406 and K.S.A. 2017 Supp. 65-1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-1456, 65-1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405, 75-2935 and 75-6102 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly, Sykes.

The bill passed, as amended.

Sub SB 323, AN ACT concerning utilities; relating to the retail electric suppliers act; concerning termination of service territory; relating to the state corporation commission; concerning regulation of municipal energy agencies; relating to electric cooperatives, regulation of certain transmission services; amending K.S.A. 12-8,111 and 66-1,176 and K.S.A. 2017 Supp. 66-104d and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Kelly, Sykes.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 405** be passed.

Committee on **Assessment and Taxation** recommends **SB 303** be passed.

Committee on **Commerce** recommends **SB 185** be passed.

Also, **SB 334** be amended on page 5, in line 5, by striking "total amount of the tax credit is used" and inserting "25th taxable year succeeding the taxable year in which the credit initially was claimed"; in line 12, after the period by inserting "No credit carryforward shall be allowed after the 25th taxable year succeeding the taxable year in which the credit was initially claimed."; and the bill be passed as amended.

HB 2482 be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2017 Supp. 41-308a is hereby amended to read as follows: 41-308a. (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, public venues, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 41-2645, and amendments thereto, and caterers;

(3) the sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (c), if the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) the sale of wine manufactured by the licensee for consumption on the licensed premises, provided, the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments. Wine sold pursuant to this paragraph shall not be subject to the provisions of the club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto, and no drinking establishment license shall be required to make such sales;

(6) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(7) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

(8) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

(9) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2017 Supp. 41-350, and amendments thereto.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall

allow:

(1) The sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee, and the sale of wine manufactured by the licensee for consumption on the licensed premises, provided, the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments. Wine sold pursuant to this paragraph shall not be subject to the provisions of the club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto, and no drinking establishment license shall be required to make the sale;

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (e), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; and

(3) the manufacture of domestic table wine and domestic fortified wine and the storage thereof; provided, that the aggregate quantity of wine produced by the farm winery licensee, including all winery outlets, shall not exceed 100,000 gallons per year.

(c) Not less than 30% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production requirement of this subsection shall be determined based on the annual production of domestic table wine and domestic fortified wine by the farm winery.

(d) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day ~~except Sunday and between 12 noon and 6 p.m. on Sunday~~. If authorized by subsection (a), a farm winery may serve samples of wine manufactured by the licensee and wine imported under subsection (e) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(e) The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(f) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

(i) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 2. K.S.A. 2017 Supp. 41-308b is hereby amended to read as follows: 41-308b.

(a) A microbrewery license shall allow:

(1) The manufacture of not less than 100 nor more than 60,000 barrels of domestic beer during the calendar year and the storage thereof, if, however, the licensee holds a 10% or greater ownership interest in one or more entities that also hold a microbrewery license, then the aggregate number of barrels of domestic beer manufactured by all such licensees with such common ownership shall not exceed the 60,000 barrel limit;

(2) the manufacture in the aggregate of not more than 100,000 gallons of hard cider during the calendar year and the storage thereof;

(3) the sale to beer distributors of beer and the sale to wine distributors of hard cider, manufactured by the licensee;

(4) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of beer and hard cider manufactured by the licensee;

(5) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of beer and hard cider manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(6) if the premises is also licensed as a club or drinking establishment, the sale and transfer of domestic beer to such club or drinking establishment and the sale of domestic beer and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(7) if the premises is also licensed as a caterer, the sale of domestic beer and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act; and

(8) if the licensee holds a 10% or greater ownership interest in one or more entities that also hold a microbrewery license, the domestic beer may be manufactured and transferred for sale or storage among such microbrewery licensees with such common ownership.

(b) Not less than 30% of the products utilized in the manufacture of hard cider by a microbrewery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production

requirement of this subsection shall be determined based on the annual production of domestic hard cider.

(c) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microbrewery licensee, the director may issue not to exceed one microbrewery packaging and warehousing facility license to the microbrewery licensee. A microbrewery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microbrewery to the licensed premises of the microbrewery packaging and warehousing facility, of beer and hard cider manufactured by the licensee, for the purpose of packaging or storage, or both;

(2) the transfer, from the licensed premises of the microbrewery packaging and warehousing facility to the licensed premises of any microbrewery of such licensee, of beer manufactured by the licensee;

(3) the removal from the licensed premises of the microbrewery packaging and warehousing facility of beer manufactured by the licensee for the purpose of delivery to a licensed beer wholesaler; and

(4) the removal from the licensed premises of the microbrewery packaging and warehousing facility of hard cider manufactured by the licensee for the purpose of delivery to a licensed wine distributor.

(d) A microbrewery may sell domestic beer in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day ~~except Sunday and between 11 a.m. and 7 p.m. on Sunday~~. If authorized by subsection (a), a microbrewery may serve samples of domestic beer and serve and sell domestic beer and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(e) The director may issue to the Kansas state fair or any bona fide group of brewers a permit to import into this state small quantities of beer. Such beer shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such beer shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of beer to be imported, the quantity to be imported, the tasting programs for which the beer is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of beer pursuant to this subsection and the conduct of tasting programs for which such beer is imported.

(f) A microbrewery license or microbrewery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No microbrewery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a microbrewery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

Sec. 3. K.S.A. 2017 Supp. 41-354 is hereby amended to read as follows: 41-354.

(a) A microdistillery license shall allow:

(1) The manufacture of not more than 50,000 gallons of spirits per year and the storage thereof;

(2) the sale to spirit distributors of spirits, manufactured by the licensee;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of spirits manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of spirits manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of spirits and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; and

(6) if the licensee is also licensed as a caterer, the sale of spirits and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microdistillery licensee, the director may issue not to exceed one microdistillery packaging and warehousing facility license to the microdistillery licensee. A microdistillery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microdistillery to the licensed premises of the microdistillery packaging and warehousing facility, of spirits manufactured by the licensee, for the purpose of packaging or storage, or both;

(2) the transfer, from the licensed premises of the microdistillery packaging and warehousing facility to the licensed premises of the microdistillery, of spirits manufactured by the licensee; or

(3) the removal from the licensed premises of the microdistillery packaging and warehousing facility of spirits manufactured by the licensee for the purpose of delivery to a licensed spirits wholesaler.

(c) A microdistillery may sell spirits in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day ~~except Sunday and between 11 a.m. and 7 p.m. on Sunday~~. If authorized by subsection (a), a microdistillery may serve samples of spirits and serve and sell spirits and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(d) The director may issue to the Kansas state fair or any bona fide group of distillers a permit to import into this state small quantities of spirits. Such spirits shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such spirits shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of spirit to be imported, the quantity to be imported, the tasting programs for which the spirit is

to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of spirits pursuant to this subsection and the conduct of tasting programs for which such spirits are imported.

(e) A microdistillery license or microdistillery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(f) No microdistillery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(g) Whenever a microdistillery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

(h) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(i) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(j) This section shall be a part of and supplemental to the Kansas liquor control act.;

On page 3, in line 28, after "Supp." by inserting "41-308a, 41-308b, 41-354,;"

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking the second "of"; in line 2, by striking all before the semicolon and inserting "; farm winery outlet sales for consumption"; also in line 2, after "Supp." by inserting "41-308a, 41-308b, 41-354,;" and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **SB 394** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 348** be amended on page 1, in line 14, after "plan" by inserting "or nonprofit dental services corporation"; in line 18, after "plan" by inserting "or nonprofit dental services corporation"; in line 19, after "plan" by inserting "or nonprofit dental services corporation"; following line 36, by inserting:

"(d) "Nonprofit dental services corporation" means a nonprofit corporation organized pursuant to the nonprofit dental service corporation act, K.S.A. 40-19a01 et seq., and amendments thereto.;"

On page 5, in line 2, after "plan" by inserting "or nonprofit dental services corporation"; and the bill be passed as amended.

Also, **SB 351** be amended on page 1, by striking all in lines 9 through 13; following line 15, by inserting:

"(2) "Health carrier" means the same as defined in K.S.A. 2017 Supp. 40-2,195, and amendments thereto.";

Also on page 1, by striking all in lines 16 and 17; by striking all in lines 20 through 36;

On page 2, by striking all in lines 1 through 36 and inserting the following:

"(c) (1) Co-payments applied by a health carrier for a prescription drug may not exceed the total submitted charges by the network pharmacy.

(2) A pharmacy or pharmacist shall have the right to provide a covered person with information regarding the amount of the covered person's cost share for a prescription drug. Neither a pharmacy nor a pharmacist shall be proscribed by a pharmacy benefits manager from discussing any such information or for selling a more affordable alternative to the covered person if such an alternative is available.";

Also on page 2, in line 40, by striking "July 1, 2018" and inserting "January 1, 2019";

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

Committee on **Judiciary** recommends **SB 295**, **SB 329** be passed.

Also, **SB 12** be amended on page 1, in line 7, by striking "2016" and inserting "2017";

On page 2, in line 13, by striking "2016" and inserting "2017"; in line 39, by striking "2016" and inserting "2017";

On page 1, in the title, in line 3, by striking "2016" and inserting "2017"; and the bill be passed as amended.

SB 281 be amended on page 2, following line 6, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 60-3104 is hereby amended to read as follows: 60-3104. (a) An intimate partner or household member may seek relief under the protection from abuse act by filing a verified petition with any district judge or with the clerk of the court alleging abuse by another intimate partner or household member.

(b) ~~A parent of or an adult residing with a minor child~~ The following persons may seek relief under the protection from abuse act on behalf of ~~the~~ a minor child by filing a verified petition with any district judge or with the clerk of the court alleging abuse by another intimate partner or household member: (1) A parent of the minor child; (2) an adult residing with the minor child; or (3) the child's court-appointed legal custodian or court-appointed legal guardian.

(c) The clerk of the court shall supply the forms for the petition and orders, which shall be prescribed by the judicial council.

(d) Service of process served under this section shall be by personal service and not by certified mail return receipt requested. No docket fee shall be required for proceedings under the protection from abuse act.

(e) If the court finds that the plaintiff's address or telephone number, or both, needs to remain confidential for the protection of the plaintiff, plaintiff's minor children or minor children residing with the plaintiff, such information shall not be disclosed to the public, but only to authorized court or law enforcement personnel and to the commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.";

On page 3, in line 30, by striking "A parent of or an adult residing with a minor child" and inserting "The following persons"; in line 32, by striking the first "the" and

inserting "a"; in line 34, after "occurred" by inserting ": (1) A parent of the minor child; (2) an adult residing with the minor child; or (3) the child's court-appointed legal custodian or court-appointed legal guardian"; in line 41, after "(3)" by inserting "the child's court-appointed legal custodian or court-appointed legal guardian; (4)"; also in line 41, by striking "(4)" and inserting "(5)";

On page 7, in line 2, after the first comma by inserting "60-3104,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, after the semicolon by inserting "relating to the protection from abuse act; the"; in line 3, after the first comma by inserting "60-3104,"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 386**, **SB 398** be passed.

Committee on **Transportation** recommends **SB 272** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 272," as follows: "Substitute for SENATE BILL No. 272

By Committee on Transportation

"AN ACT regulating traffic; concerning passing on streets and highways; waste collectors; amending K.S.A. 2017 Supp. 8-2118 and repealing the existing section.";

And the substitute bill be passed.

Committee on **Ways and Means** recommends **SB 353** be passed.

Also, **SB 247** be amended on page 1, in line 9, by striking "2017" and inserting "2018"; in line 11, by striking "2018" and inserting "2019"; in line 13, by striking all after "(c)"; by striking all in lines 14 through 25; in line 26, by striking all before the period and inserting "On and after March 1, 2022, the Hillside cemetery district shall not receive any property tax revenues generated from property located within the territory of the city of Valley Center"; and the bill be passed as amended.

SB 300 be amended on page 1, in line 13, after "different" by inserting ", except as provided in subsection (e),"; in line 15, by striking "2017" and inserting "2018"; in line 21, by striking "studies" and inserting "services"; in line 32, by striking "the renewal of"; also in line 32, by striking "in effect on January 1, 2017" and inserting "that comply with this section, including altering the request for proposal identified by the department of administration as bid event 0005464, opened on October 27, 2017, and closed on January 5, 2018, limited to persons that have submitted a bid in response to bid event 0005464"; in line 35, by striking "renewal"; in line 36, by striking "one year" and inserting "three years";

On page 2, in line 1, by striking "such"; also in line 1, after "contracts" by inserting "for the administration and provision of state medicaid services under the Kansas medical assistance program using a capitated managed care delivery system"; also in line 1, by striking all after the first comma; in line 2, by striking all before the second comma and inserting "2018"; in line 4, by striking "2017" and inserting "2018"; in line 8, by striking "one year" and inserting "three years"; also in line 8, by striking "2017" and inserting "2018"; in line 10, after "system" by inserting "in accordance with this section";

Also on page 2, following line 10, by inserting:

"(e) The department of health and environment may modify the manner in which state medicaid services are provided on January 1, 2018, by implementing:

(1) Any provision of K.S.A. 2017 Supp. 39-709h or 39-709i, and amendments thereto;

(2) any policy that expands access to behavioral health services or services delivered through telehealth technology services, provided that the policy does not impose any new eligibility requirements or limitations to receive state medicaid services that are not in effect on January 1, 2018; and

(3) any other action approved by express prior authorization by an act or appropriation act of the legislature.

(f) This section shall expire on June 30, 2021."; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned pro forma until 8:00 a.m., February 16, 2018.

Journal of the Senate

TWENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 16, 2018, 8:00 a.m.

The Senate was called to order pro forma by Senator Vicki Schmidt.

POINT OF PERSONAL PRIVILEGE

The following remarks were offered by Senator David Haley on February 15, 2018.

LIFT every voice and sing until Earth and Heaven ring
Ring with the harmonies of liberty.
Let our rejoicing rise High as the listening skies
Let it resound; loud as the rolling sea.
Sing a song full of the faith that the dark past has brought us,
Sing a song full of the hope that the present has brought us;
Facing the rising sun of our new day begun,
Let us march on till victory is won.

STONY the road we trod, bitter the chastening rod,
Felt in the days when hope unborn had died;
Yet with a steady beat, have not our weary feet,
Come to the place for which our father sighed?
We have come over a way that with tears have been watered.
We have come, treading our path through the blood of the slaughtered.
Out from the gloomy past, till now we stand at last
Where the white gleam of our bright star is cast.

GOD of our weary years, God of our silent tears,
Thou Who hast brought us thus far on the way;
Thou Who hast by Thy might, led us into the light,
Keep us forever in the path, we pray.
Lest our feet, stray from the places our God where we met Thee.
Lest our hearts, drunk with the wine of the world we forget Thee.
Shadowed beneath Thy hand, may we forever stand,
True to our God, true to our native land.

(LIFT EVERY VOICE AND SING “The Negro National Anthem”: James Weldon Johnson)

Today, during Black History Month (the shortest month of the calendar) we recognize and honor the contributions of African-Americans; especially those from or

living in Kansas ("Afri-Kansans," as I like to refer to us!) before the Kansas Senate. The words of the Negro National anthem resonate in the minds and the hearts and the resolve of advocates, many in the Chamber and in the lobby yet now, who believe that we have come a long way towards achievement; liberty and freedom.

So grateful today for the blessings of those who have gone before us, we have "a ways yet to go."

Joining us today in the Chamber are two distinguished colleagues; both of whom served the Senate and Kansas well representing from the 29th Senate District in Wichita. Senator U.L. "Rip" Gooch, now almost 95, was the last Senator to serve in the Kansas Senate who actively served our country in World War II. Senator Donald Betts, now 39 and one of the youngest Kansans elected to the Senate, is a successful businessman, completing his law degree in Australia where he lives with his wife, Tania, and children.

Today we recognize them and the other eight Afri-Kansans who served in the Kansas Senate since our Statehood in 1861. Often against the backdrop of stark, disparate treatment, they represented not only Black Kansans but often many Kansans weathered by social and economic strife regardless of color.

A gentle colleague asked me yesterday "Why do you feel like we need to recognize Black history? Aren't we ALL Americans, David, regardless of color.?" I tried to explain to her that indeed we ARE all Americans. But the stark reality was, and remains, that too often the innovativeness, the courage, the accomplishments or the credit is never accorded TO Black Americans, especially after overcoming social stigma and barriers or, often, theft by a co-opting majority of OUR ideas and advocacies.

So today, during this Black Legislative Advocacy day of action, during this Black History Month, we recognize and thank the efforts of so so many people; many whose names may have been known and so so many whose names and efforts were lost to the struggles that any other would not have had to have endured. We magnify and glorify that Afri-Kansans are an integral contributing part of our Great State and that in joining the need for balance and respect and American freedoms and liberties to which every American should be heir...we SHALL march on; UNTIL that victory, is indeed won!

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics, Elections and Local Government: **HB 2505, HB 2506.**

Federal and State Affairs: **SB 421; HB 2476.**

Senate Select Committee on Education Finance: **SB 422, SB 423.**

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 260** be amended on page 2, in line 24, by striking "bidders" and inserting "firms"; also in line 24, by striking "invitations for bid" and inserting "requests for proposals"; in line 29, by striking "invitations for bid" and inserting "requests for proposals"; also in line 29, by striking "bids" and inserting "proposals"; in line 31, by striking "an invitation for bid" and inserting "a request for proposals"; in line 32, by striking "bidders" and inserting "firm"; in line 33, by striking "invitation" and inserting "request for proposals"; in line 36, by striking "bids" and inserting "proposals"; in line 37, by striking "invitations" and

inserting "requests for proposals";

On page 3, in line 23, before the comma by inserting "or 75-37,102 or K.S.A. 2017 Supp. 75-37,130 through 75-37,135";

On page 7, in line 7, by striking "bidders" and inserting "firms"; also in line 7, by striking "invitations for bid" and inserting "requests for proposals"; in line 11, by striking "invitations for bid" and inserting "requests for proposals"; also in line 11, by striking "bids" and inserting "proposals"; in line 13, by striking "an"; in line 14, by striking all before the first "to" and inserting "a request for proposals"; also in line 14, by striking "bidders" and inserting "firm"; in line 16, by striking "invitation" and inserting "request for proposals"; in line 18, by striking "bids" and inserting "proposals"; in line 19, by striking "invitations" and inserting "request for proposals";

On page 8, in line 7, before the comma by inserting "or 75-37,102 or K.S.A. 2017 Supp. 75-37,130 through 75-37,135"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1769, SR 1770 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 16, 2018.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 12-16, 2018:

Senator Bowers: congratulating Don Musil on being named the 2017 Kansas Veterinarian of the Year, congratulating Susie Haver on receiving the 2017 Marian D. Cook Legacy Award;

Senator Fitzgerald: congratulating Leah Wiegers on receiving the Top Youth Volunteer in Kansas Prudential Spirit of Community Award;

Senator Haley: recognizing Cheryl Pilate and Midwest Innocence Project on their work to exonerate the wrongfully convicted;

Senator McGinn: congratulating Michaelia Ferguson on winning first place at the student photo contest;

Senator Skubal: commending Julia Luetje on her innovative spirit and service to the State of Kansas;

Senator Faust-Goudeau and Senator Haley: remembering the life of Michael P. Haynes; and

Senator Tyson and Senator Hilderbrand: congratulating Joe Grisolano on his election as president of the National Association of County Collectors, Treasurers, and Finance Officers.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, February 19, 2018.

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 19, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Lord, we come today, reminded of two great men of faith and prayer.

You led one of them to become the first President. In George Washington's life of service, he always remembered what his mother instilled in him: that God, You are our only sure trust...and that we are to never neglect the duty of prayer.

Also, under the influence of Godly parents, You enabled Pastor Fred Hollomon to faithfully serve in this Senate, as a man of prayer, for 31 years.

Lord, one-third of the 92 years You gave him was spent serving under this dome. Now You've brought him home to be with You.

In 1 Thessalonians 4:13, when we grieve over the loss of one who has been faithful, You encourage us to not be immersed in sadness, like people with nothing to look forward to. Because the grave does not have the final word.

While he served here, and before he left here, Pastor Fred encouraged us to join him in the journey of faith and prayer.

So Lord, being reminded of our own mortality, as we give of ourselves in service, help us to persevere in our faith life and continue in our prayer life.

That one day we may enter Your blessed presence, joining with other great servants, to move from labor to reward.

Thank You for that blessed hope. In Jesus name, I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 424, AN ACT concerning education; establishing the office of education inspector general within the office of the state treasurer; providing the duties and functions thereof, by Committee on Federal and State Affairs.

SB 425, AN ACT concerning crimes and punishment; unlawful operation of a motor vehicle that resembles an emergency medical services vehicle, by Committee on Federal and State Affairs.

SB 426, AN ACT concerning contracts; relating to dealership agreements for farm equipment, outdoor power equipment and lawn and garden equipment; amending K.S.A. 16-120, 16-1002, 16-1202, 16-1203, 16-1204, 16-1205, 16-1302, 16-1305, 16-

1306, 16-1307, 16-1309, 16-1402, 16-1405, 16-1406, 16-1407 and 16-1409 and repealing the existing sections, by Committee on Federal and State Affairs.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2435, HB 2488, HB 2547; Sub HB 2556; HB 2558, HB 2608.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2435, HB 2488, HB 2547; Sub HB 2556; HB 2558, HB 2608 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Sykes introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1771—

A RESOLUTION recognizing the Kansas tiny-k programs and the individuals involved who provide early intervention services for children with exceptional needs.

WHEREAS, It is the 30th anniversary of the passage of public law 99-457, which established early intervention services for children, from birth to age three, and their families; and

WHEREAS, Early childhood intervention programs provide services to infants and toddlers who have a developmental delay or disability; and

WHEREAS, The period between birth and age three is a critical time in a child's development and offers a unique opportunity to change the life course of a child with an identified developmental delay; and

WHEREAS, The earlier a child with a developmental delay or disability receives services and support, the greater the beneficial effects of those services and support, which, in many cases, can reduce the severity of a disability or completely eliminate a developmental delay; and

WHEREAS, The quality of life for families engaged in early intervention services is greatly improved; and

WHEREAS, In 2017, more than 10,000 children between birth and age three received early intervention services in Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Kansas tiny-k programs and the individuals involved who provide early intervention services, individualized family support and services for young children with exceptional needs; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Sykes.

On emergency motion of Senator Sykes **SR 1771** was adopted by voice vote.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 414** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 414," as follows:

"Substitute for SENATE BILL No. 414

By Committee on Agriculture and Natural Resources

"AN ACT concerning agriculture; relating to eggs; repackaging requirements for retailers; amending K.S.A. 2017 Supp. 2-2510 and repealing the existing section.";

And the substitute bill be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 410** be amended on page 1, in line 10, after the second "through" by inserting "40-4315, 40-4317 and";

On page 6, in line 9, by striking "40-4315" and inserting "40-4307"; in line 12, by striking "40-4315" and inserting "40-4307"; in line 16, by striking "40-4315" and inserting "40-4307"; in line 18, by striking "40-4316" and inserting "40-4308"; in line 20, by striking "40-4316" and inserting "40-4308"; in line 34, by striking "40-4316" and inserting "40-4308"; in line 36, by striking "40-4319" and inserting "40-4314";

On page 7, in line 30, by striking "16" and inserting "17";

On page 38, in line 7, after "40-4314," by inserting "40-4316,";

On page 1, in the title, in line 7, after "40-4305" by inserting "and 40-4316"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 409** be amended on page 1, in line 10, after "(b)" by inserting "Immediately"; in line 14, by striking "and the discussion takes place at a reasonable time and place"; in line 16, by striking all after "time"; in line 17, by striking all before the comma and inserting "other than immediately following the discharge of the jury";

On page 2, in line 4, after "(b)" by inserting "Immediately"; in line 7, by striking "and"; in line 8, by striking all before the period; in line 10, by striking all after "time"; in line 11, by striking all before the comma and inserting "other than immediately following the discharge of the jury"; and the bill be passed as amended.

Also, **SB 372** 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 **Public Health and Welfare** recommends **SB 311** be passed.

Also, **SB 38** be amended on page 1, in line 11, by striking "2018" and inserting "2019";

On page 2, in line 28, by striking "2018" and inserting "2019";

On page 3, in line 16, by striking "8, 2018" and inserting "14, 2019";

On page 4, in line 11, by striking "8, 2018" and inserting "14, 2019"; in line 18, by striking "8, 2018" and inserting "14, 2019"; in line 30, by striking "8, 2018" and inserting "14, 2019"; and the bill be passed as amended.

SB 316 be amended on page 1, in line 19, after "attempts" by inserting "for counseling treatments"; in line 20, after "basis" by inserting ", but shall be limited to four covered tobacco cessation attempts per year for medication treatments"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, February 20, 2018.

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 20, 2018, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 39 senators present.

Senator Baumgardner was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, our prayer today is short, straightforward and to the point. It's a prayer for wisdom...wisdom for all Your servants concerned with legislative decisions. By the leading of Your Holy Spirit, give each one here a clear understanding of Your will and confirm it by the principles of Your Word. Then give them the determination... the firm resolve the Psalmist had in 119:112, where he said "I have made the decision to obey Your laws, because they offer a reward that never ends." So, again Lord, guide these servants in the ways of Your wisdom.

In the Name of Love and Wisdom personified, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 427, AN ACT concerning gaming; relating to the Kansas expanded lottery act; state debtor setoff program; horse and greyhound racing; creating the Kansas horse council fund, privilege fee repayment fund and racetrack gaming facility management repayment fund; amending K.S.A. 74-8836 and K.S.A. 2017 Supp. 74-8702, 74-8741, 74-8743, 74-8744, 74-8746, 74-8747, 74-8766, 74-8814 and 75-6204 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2547**, **HB 2558**.

Assessment and Taxation: **HB 2488**.

Education: **SB 424**.

Judiciary: **SB 425**.

Transportation: **SB 426**.

Utilities: **HB 2435**.

Ways and Means: **Sub HB 2556**; **HB 2608**.

COMMITTEE OF THE WHOLE

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

SB 314, SB 331, SB 353, SB 391 be passed.

The motion to recommend **SB 296** for passage failed.

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

On roll call, the vote was: Yeas 19; Nays 19; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Petersen, V. Schmidt, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Pilcher-Cook, Pyle, Rogers, Skubal, Sykes.

Present and Passing: Olson.

Absent or Not Voting: Baumgardner.

SB 221, SB 260, SB 276; HB 2362, be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 272** recommending **Sub SB 272** be adopted, and the substitute bill be passed.

A motion by Senator Pilcher-Cook to amend **SB 221** failed.

The committee rose and reported progress (See Committee of the Whole afternoon session).

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Longbine in the chair.

ORIGINAL MOTION

Having voted on the prevailing side, Senator Goddard moved to reconsider previous action on **SB 296**. The motioned carried.

Senator Wilborn motioned to advance **SB 296** favorably to final action.

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

On roll call, the vote was: Yeas 21; Nays 17; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Petersen, V. Schmidt, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Pilcher-Cook, Pyle, Rogers, Skubal, Sykes, Taylor.

Present and Passing: Olson.

Absent or Not Voting: Baumgardner.

SB 296 be passed and forwarded to final action.

EXPLANATION OF VOTE

Mr. Vice President: I vote "No", just as the majority of us did a few hours ago before lunch, on advancing this measure (**SB 296**) to Final Action. Because "integrity" is an integral component of many opinions for what constitutes "respectable" leadership, I have no choice but to vote the same way I do in the afternoon as I did that same morning. No amount of mass "education" can be possible in that short amount of time. Whatever your opinion of David Haley might be, recognize again and remember, my principles and convictions are consistent. Continuity should count. Because the best auto manufacturer in Kansas is campus-ed in my District, I am confident that its safety and quality standards will remain unimpeachable as a party to any lawsuit where an auto occupant did or did not wear a safety belt. Apparent by this drastic "Senatorial" shifting in record time, buckling in similar restraints on honorable members' continuity and resolve might be needed to protect the public from drastic impact shifting, too.—
DAVID HALEY

Mr. Vice President: I chose to support this bill. If Kansas is serious about seat belt usage, and it is, then a bill that reflects that philosophy deserves support.—RANDALL HARDY

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for consideration bills under the heading of General Orders with Senator Bollier in the chair.

On motion of Senator Bollier the report for the morning and afternoon sessions were adopted.

SB 310 be passed.

SB 394 be amended by motion of Senator McGinn; on page 10, in line 36, by striking "and" and inserting a comma; in line 37, after "hospitality" by inserting "and the date the gift, entertainment or hospitality was provided" and the bill be passed as amended.

A motion by Senator Pyle to amend **SB 394** failed.

SB 247, **SB 328**; **HB 2482** be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Olson to amend **HB 2482** failed and the following amendment was rejected; on page 2, in line 19, by striking all after "licensee"; by striking all in lines 20 through 25; in line 26, by striking all before the semicolon;

On page 1, in the title, by striking all in line 2; in line 3, by striking "consumption"

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

On roll call, the vote was: Yeas 7; Nays 32; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Fitzgerald, Hilderbrand, Olson, Petersen, Pyle, Suellentrop.

Nays: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Baumgardner.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics, Elections and Local Government** recommends **Substitute for HB 2223**, as amended by House Committee, be amended on page 3, in line 42, by striking "2016" and inserting "2017";

On page 4, in line 26, after "late" by inserting ", but in no case shall the civil penalty exceed \$1,000"; in line 36, after "late" by inserting ", but in no case shall the civil penalty exceed \$1,000";

On page 5, in line 4, by striking "2016" and inserting "2017"; in line 23, by striking "2016" and inserting "2017";

On page 6, in line 2, after "late" by inserting ", but in no case shall the civil penalty exceed \$1,000"; in line 34, by striking "2016" and inserting "2017";

On page 1, in the title, in line 3, by striking "2016" and inserting "2017"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 340** be amended on page 1, in line 13, after "institutions" by inserting "continue to"; in line 17, by striking "or other faculty"; in line 20, by striking "and faculty"; in line 26, after "speech" by inserting ", except that institutions may require compliance with constitutional time, place and manner restrictions";

On page 2, in line 25, after "to" by inserting "established constitutional limitations and"; also in line 25, by striking ", and amendments thereto";

On page 3, in line 2, by striking all before the semicolon; in line 3, by striking "and faculty"; in line 13, by striking "and faculty"; in line 15, by striking all after "(9)"; by striking all in lines 16 and 17; in line 18, by striking "(10)" and inserting "subject to reasonable constitutional time, place and manner restrictions,"; in line 34, by striking "and faculty"; in line 36, by striking "and" and inserting:

"(15) for event requests or activism projects, an institution shall provide a written explanation to inform the student or faculty group why such event request or activism project was tabled or denied; and";

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

On page 4, in line 16, by striking "adopt" and inserting "have"; in line 17, after "and" by inserting ", except as required by law,"; in line 33, by striking "nonpublic" and inserting "any"; and the bill be passed as amended.

Also, **SCR 1611** be amended in line 25 after "States" by inserting ", for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States" and the bill be adopted as amended.

Committee on **Judiciary** recommends **SB 336** be amended on page 2, in line 17, by striking "\$80,000" and inserting "\$50,000"; in line 18, by striking "(d)" and inserting "(e)"; in line 27, by striking all after "(3)"; by striking all in lines 28 and 29; in line 30, by striking all before the period and inserting "(A) Except as provided in subparagraph (B), the court shall order that the award be paid as a combination of an initial payment not to exceed \$100,000 and the remainder as an annuity not to exceed \$80,000 per year. The claimant shall designate a beneficiary or beneficiaries for the annuity by filing such designation with the court.

(B) The court may order that the award be paid in one lump sum if the court finds that it is in the best interests of the claimant";

Also on page 2, in line 34, by striking all before the semicolon and inserting

"incurred in the action brought pursuant to this section"; also in line 34, by striking "and"; in line 36, by striking all after the second comma; in line 37, by striking "assistance,"; also in line 37, by striking "health insurance coverage" and inserting "personal finance literacy assistance"; in line 38, after "appropriate" by inserting ";

(C) shall be entitled to receive tuition assistance pursuant to section 2, and amendments thereto; and

(D) shall be entitled to participate in the state health care benefits program pursuant to K.S.A. 75-6501, and amendments thereto";

Also on page 2, in line 43, after the comma by inserting "or has entered into a settlement agreement with the state or any political subdivision thereof related to the same subject,";

On page 3, in line 1, after "action" by inserting "or the amount received in the settlement agreement"; in line 2, after "action" by inserting "or obtaining the settlement agreement"; in line 9, after the comma by inserting "or enters into a settlement agreement with the state or any political subdivision thereof related to the same subject,"; in line 10, after "(e)" by inserting ", less any sums paid to attorneys or for costs in litigating the other civil action or obtaining the settlement agreement"; in line 13, after "action" by inserting "or the amount received in the settlement agreement.

(3) Whenever any judgment has been entered pursuant to this section, the attorney general shall seek to recover damages for the state of Kansas, for the benefit of the state general fund, from any persons who contributed to the wrongful conviction and imprisonment of the claimant, to the extent the evidence in the case warrants such action. The attorney general shall also prosecute ouster and criminal proceedings as the evidence in the case warrants";

Also on page 3, in line 42, after the period by inserting "The Kansas bureau of investigation shall provide confirmation of such action to the court.";

On page 4, in line 3, after "(i)" by inserting "Upon entry of a certificate of innocence, the court shall order the expungement and destruction of the associated biological samples authorized by and given to the Kansas bureau of investigation in accordance with K.S.A. 21-2511, and amendments thereto. The order shall state the information required to be stated in a petition to expunge and destroy the samples and profile record pursuant to K.S.A. 21-2511, and amendments thereto, and shall direct the Kansas bureau of investigation to expunge and destroy such samples and profile record. The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation, which shall carry out the order and provide confirmation of such action to the court.

(j) ";

Also on page 4, following line 4, by inserting:

"(k) Nothing in this section shall preclude the department of corrections from providing reentry services to a claimant that are provided to other persons, including, but not limited to, financial assistance, housing assistance, mentoring and counseling. Such services shall be provided while an action under this section is pending and after any judgment is entered, as appropriate for such claimant.

New Sec. 2. (a) Any individual awarded tuition assistance pursuant to section 1, and amendments thereto, shall receive a waiver of tuition and required fees for attendance at a postsecondary educational institution for up to 130 credit hours. Such individual may attend a postsecondary educational institution either full or part time.

(b) (1) Subject to appropriations, the state board of regents may make expenditures to reimburse each individual awarded tuition assistance pursuant to section 1, and amendments thereto, who is enrolled in a postsecondary educational institution for additional fees, including, but not limited to, fees for room and board, technical equipment and course-required books.

(2) No postsecondary educational institution shall delay enrollment of an individual who is awarded tuition assistance pursuant to section 1, and amendments thereto, because appropriations are not available for any additional fees provided to such individual.

(c) To remain eligible for the tuition and fees waiver under this section, an individual shall remain in good standing at the postsecondary educational institution where the individual is enrolled.

(d) Individuals shall provide a written or electronic copy of the court order awarding relief in the form of tuition assistance to the postsecondary educational institution or the state board of regents.

(e) The state board of regents shall adopt rules and regulations to administer the provisions of this section.

(f) As used in this section, "postsecondary educational institution" means any state educational institution as defined in K.S.A. 76-711, and amendments thereto, municipal university, community college, technical college or institute of technology in Kansas.;

Also on page 4, in line 18, after "thereto" by inserting ", including, but not limited to, premiums under the state health care benefits program";

On page 5, following line 2, by inserting:

"Sec. 4. K.S.A. 2017 Supp. 75-6501 is hereby amended to read as follows: 75-6501. (a) Within the limits of appropriations made or available therefor and subject to the provisions of appropriation acts relating thereto, the Kansas state employees health care commission shall develop and provide for the implementation and administration of a state health care benefits program.

(b) (1) Subject to the provisions of paragraph (2), the state health care benefits program may provide benefits for persons qualified to participate in the program for hospitalization, medical services, surgical services, nonmedical remedial care and treatment rendered in accordance with a religious method of healing and other health services. The program may include such provisions as are established by the Kansas state employees health care commission, including, but not limited to, qualifications for benefits, services covered, schedules and graduation of benefits, conversion privileges, deductible amounts, limitations on eligibility for benefits by reason of termination of employment or other change of status, leaves of absence, military service or other interruptions in service and other reasonable provisions as may be established by the commission.

(2) The state health care benefits program shall provide the benefits and services required by K.S.A. 2017 Supp. 75-6524, and amendments thereto.

(c) The Kansas state employees health care commission shall designate by rules and regulations those persons who are qualified to participate in the state health care benefits program, including active and retired public officers and employees and their dependents as defined by rules and regulations of the commission. Such rules and regulations shall not apply to students attending a state educational institution as defined in K.S.A. 76-711, and amendments thereto, who are covered by insurance

contracts entered into by the board of regents pursuant to K.S.A. 75-4101, and amendments thereto. In designating persons qualified to participate in the state health care benefits program, the commission may establish such conditions, restrictions, limitations and exclusions as the commission deems reasonable. Such conditions, restrictions, limitations and exclusions shall include the conditions contained in ~~subsection (d) of K.S.A. 75-6506(d)~~, and amendments thereto. Each person who was formerly elected or appointed and qualified to an elective state office and who was covered immediately preceding the date such person ceased to hold such office by the provisions of group health insurance or a health maintenance organization plan under the law in effect prior to August 1, 1984, or the state health care benefits program in effect after that date, shall continue to be qualified to participate in the state health care benefits program and shall pay the cost of participation in the program as established and in accordance with the procedures prescribed by the commission if such person chooses to participate therein.

(d) (1) Commencing with the 2009 plan year that begins January 1, 2009, if a state employee elects the high deductible health plan and health savings account, the state's employer contribution shall equal the state's contribution to any other health benefit plan offered by the state. The cost savings to the state for the high deductible health plan shall be deposited monthly into the employee's health savings account up to the maximum annual amount allowed pursuant to ~~subsection (d) of 26 U.S.C. § 223(d)~~, as amended, for as long as the employee participates in the high deductible plan.

(2) If the employee had not previously participated in the state health benefits plan, the employer shall calculate the average savings to the employer of the high deductible plan compared to the other available plans and contribute that amount monthly to the employee's health savings account up to the maximum annual amount allowed pursuant to ~~subsection (d) of 26 U.S.C. § 223(d)~~, as amended.

(3) The employer shall allow additional voluntary contributions by the employee to their health savings account by payroll deduction up to the maximum annual amount allowed pursuant to ~~subsection (d) of 26 U.S.C. § 223(d)~~, as amended.

(e) The commission shall have no authority to assess charges for employer contributions under the student health care benefits component of the state health care benefits program for persons who are covered by insurance contracts entered into by the board of regents pursuant to K.S.A. 75-4101, and amendments thereto.

(f) Nothing in this act shall be construed to permit the Kansas state employees health care commission to discontinue the student health care benefits component of the state health care benefits program until the state board of regents has contracts in effect that provide student coverage pursuant to the authority granted therefor in K.S.A. 75-4101, and amendments thereto.

(g) (1) On and after July 1, 2018, the commission shall designate claimants, as defined in section 1, and amendments thereto, as qualified to participate in the state health care benefits program. The commission shall implement this subsection in accordance with applicable federal law, including, but not limited to, the employee retirement income security act of 1974 and any regulations issued by the United States department of the treasury.

(2) A claimant shall have 31 calendar days from the date of judgment entered pursuant to section 1, and amendments thereto, to complete or decline enrollment in the state health care benefits program. A claimant shall be qualified to participate in the

state health care benefits program for the remainder of the plan year when judgment is entered pursuant to section 1, and amendments thereto, and for the next ensuing plan year. A claimant shall not be qualified to elect a high-deductible health plan and health savings account under the state health care benefits program.

(3) Costs of premiums under the state health care benefits program for a claimant shall be paid from the tort claims fund established by K.S.A. 75-6117, and amendments thereto, and shall not be charged to the claimant. A claimant shall be responsible to pay any applicable copayments, deductibles and other related costs under the state health care benefits program.

(4) A claimant may elect to include the claimant's dependents under the state health care benefits program. For any covered dependents, the claimant shall be responsible to pay the costs of premiums, copayments, deductibles and other related costs under the state health care benefits program.

(5) The attorney general shall provide assistance to a claimant to obtain and maintain coverage under the state health care benefits program pursuant to this subsection, including: Enrollment; maintenance of related records; and other assistance as may be required or incidental to implement this subsection.";

Also on page 5, in line 3, by striking "is" and inserting "and 75-6501 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second semicolon by inserting "tuition assistance; state health care benefits program;"; also in line 2, after "75-6117" by inserting "and 75-6501"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **SB 374** be amended on page 1, by striking all in lines 8 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 34;

On page 4, by striking all in lines 4 through 43;

By striking all on page 5 and 6;

On page 7, by striking all in lines 1 through 14;

On page 12, by striking all in lines 12 through 26;

On page 13, by striking all in lines 6 through 9; in line 10, by striking all before the period and inserting:

"(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county that prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this subsection shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account: (A) This section; (B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (C) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 2017 Supp. 21-5405(a)(3), and amendments thereto; (D) aggravated battery as described in K.S.A. 2017 Supp. 21-5413(b)(3), and

amendments thereto; and (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (n)(2); (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state that would constitute a crime described in subsection (n)(1) or (n)(2); and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act that was committed on a military reservation and that would constitute a crime described in subsection (n)(1) or (n)(2) if committed off a military reservation in this state;

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) multiple convictions of any crime described in subsection (n)(1) or (n)(2) arising from the same arrest shall only be counted as one conviction";

Also on page 13, by striking all in lines 27 through 43;

By striking all on pages 14 and 15;

On page 16, by striking all in lines 1 through 17;

On page 22, in line 3, by striking all after the period; by striking all in lines 4 and 5;

On page 23, by striking all in lines 21 through 43;

By striking all on pages 24 and 25;

On page 26, by striking all in lines 1 through 8;

On page 27, in line 14, by striking the third "or"; in line 15, by striking all before the first comma; in line 24, by striking all after "8-1567"; in line 25, by striking all before the first comma;

On page 28, in line 10, by striking all after "breath"; by striking all in lines 11 and 12; in line 22, by striking all after "8-1567"; in line 23, by striking "8-1025"; by striking all in lines 25 through 43;

By striking all on pages 29 through 33;

On page 34, by striking all in lines 1 through 30;

By striking all on pages 35 through 42;

On page 43, by striking all in lines 1 through 13; in line 27, following the stricken material by inserting "or"; in line 30, by striking all after "vehicle"; by striking all in lines 31 through 39; in line 40, by striking all before the period;

On page 49, by striking all in lines 13 through 26;

On page 50, by striking all in lines 7 through 14; in line 15, by striking all before the period and inserting:

"(1) Convictions for a violation of this section, or a violation of an ordinance of any city or resolution of any county that prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this subsection shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account: (A) Driving a commercial motor vehicle

under the influence, K.S.A. 8-2,144, and amendments thereto; (B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (C) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 2017 Supp. 21-5405(a)(3), and amendments thereto; (D) aggravated battery as described in K.S.A. 2017 Supp. 21-5413(b)(3), and amendments thereto; and (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (i)(2); (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state that would constitute a crime described in subsection (i)(1) or (i)(2); and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act that was committed on a military reservation and that would constitute a crime described in subsection (i)(1) or (i)(2) if committed off a military reservation in this state;

(4) multiple convictions of any crime described in subsection (i)(1) or (i)(2) arising from the same arrest shall only be counted as one conviction;

(5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section or an ordinance that prohibits the acts of this section only once during the person's lifetime";

On page 51, in line 18, by striking all after the period; by striking all in lines 19 and 20;

On page 53, in line 2, by striking "8-2,145 and"; also in line 2, by striking "8-2,142,"; in line 3, by striking "8-1002,"; also in line 3, by striking "8-1020,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "8-2,145 and"; also in line 3, by striking "8-2,142,"; in line 4, by striking "8-1002,"; also in line 4, by striking "8-1020,"; also in line 4, by striking "8-1025,"; in line 5, after "sections" by inserting "; also repealing K.S.A. 2017 Supp. 8-1025"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 283 reported correctly enrolled, properly signed and presented to the Governor on February 20, 2018.

SR 1771 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 20, 2018.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, February 21, 2018.

Journal of the Senate

THIRTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 21, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

President Wagle introduced Emmanuel Herron, New Beginnings Baptist Church in Topeka, to deliver the invocation:

Oh, Gracious Father, Immutable Maker of men, we praise Your name. Your presence is constant and Your grace and mercy are endless.

As we come before You today, we ask that You forgive us of our sins and blot out our pain. We thank You for Your forgiveness, we thank You for Your comfort and forever give You praise.

As we begin session, we ask that You give us the favor You would have us to have and forever direct our steps in all that we do.

We thank You and ask all these things in the Name of Your Son, Jesus. Amen

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 428, AN ACT concerning the department of health and environment; relating to regulation of child care facilities; exemption from certain licensure and inspection requirements; amending K.S.A. 65-527 and repealing the existing section, by Committee on Ways and Means.

SB 429, AN ACT concerning the regulation of scrap metal; relating to the scrap metal theft reduction act; enforcement; amending K.S.A. 2017 Supp. 50-6,109a, 50-6,109c, 50-6,110, 50-6,111, 50-6,112a and 50-6,112b and repealing the existing sections, by Committee on Assessment and Taxation.

SB 430, AN ACT concerning economic development; relating to the high performance incentive program; tax credit availability extended to 25 years; amending K.S.A. 2017 Supp. 79-32,160a and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Federal and State Affairs: **SB 427**.

CHANGE OF REFERENCE

An objection having been made to **SB 372** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

The President withdrew **SB 334** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Commerce**.

MESSAGE FROM THE HOUSE

Announcing passage of, **Sub HB 2147; HB 2465, HB 2486, HB 2511, HB 2628, HB 2729**

Announcing passage of **SB 217**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2147; HB 2465, HB 2486, HB 2511, HB 2628, HB 2729 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator V. Schmidt the Senate nonconcurrent in the House amendments to **SB 217** and requested a conference committee be appointed.

The President appointed Senators V. Schmidt, Bollier and Kelly as a conference committee on the part of the Senate.

COMMITTEE OF THE WHOLE

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

SB 265, SB 311, SB 386, SB 398; HB 2439 be passed.

SB 348, SB 410 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 351 be amended by the adoption of the committee amendments, be further amended by motion of Senator Longbine; on page 3, in line 5, after "(d)" by inserting "(1)"; following line 8, by inserting:

"(2) The provisions of this section shall not apply to any policy or certificate that provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-2227, and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rule and regulation, any coverage issued as a supplement to liability insurance, workers compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis." and **SB 351** be passed as further amended.

The committee report on **SB 414** recommending **Sub SB 414** be adopted, and the substitute bill be passed.

The committee rose and reported progress (See Committee of the Whole afternoon session.)

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Longbine in the chair.

FINAL ACTION ON CONSENT CALENDAR

SB 369, SB 375 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 369, AN ACT concerning the Kansas highway patrol; relating to minimum rank for certain persons; amending K.S.A. 2017 Supp. 74-2113 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

SB 375, AN ACT regulating traffic; relating to length of vehicles, certain vehicle combinations; amending K.S.A. 2017 Supp. 8-1904 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 221, AN ACT concerning children and minors; relating to the revised Kansas code for care of children; newborn infant protection act; powers and duties of the secretary for children and families; amending K.S.A. 39-713c and K.S.A. 2017 Supp. 38-2202, 38-2202, as amended by section 1 of this act, 38-2254, 38-2255, 38-2268, 38-2269, 38-2282 and 39-708c and repealing the existing sections; also repealing K.S.A. 2015 Supp. 38-2202, as amended by section 23 of chapter 46 of the 2016 Session Laws of Kansas, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Lynn, Masterson, Olson, Pilcher-Cook, Pyle.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: Increasing the number of days from 45 to 60 for parents to abandon their child is not a pro-life position. In 2000, when the Legislature established 45 days as the period a parent could turn over their child to authorities, it was considered ample time for a parent to make this decision. Some would argue the time frame should be even shorter. However, it is clear anything beyond 45 days is not pro-life, but instead encouraging the abandonment of a child without consequences. I vote no on **SB 221**.—MARY PILCHER-COOK

Senators Lynn and Olson request the record to show they concur with the "Explanation of Vote" offered by Senator Pilcher-Cook on **SB 221**.

SB 247, AN ACT concerning certain cemetery districts and the deannexation of territory located within a city and reimbursement of the cemetery district, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

SB 260, AN ACT concerning audits of state agencies; financial-compliance audits; Kansas lottery security audit; selection of auditor, contracts with; creating the Kansas lottery audit contract committee and the department of administration audit contract committee; creating the department of administration audit services fund; amending K.S.A. 46-1108, 46-1112, 46-1115, 46-1116, 46-1122, 46-1123, 46-1125, 46-1126, 46-1127 and 74-2424 and K.S.A. 2017 Supp. 39-709b, 46-1106, 46-1114, 46-1118, 46-1128, 46-1135, 74-4921, 75-5133 and 79-3234 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 46-1121 and 46-1134, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

Sub SB 272, AN ACT regulating traffic; concerning passing on streets and highways; waste collectors; amending K.S.A. 2017 Supp. 8-2118 and repealing the existing section, was considered on final action.

Upon the showing of five hands, a Call of the Senate was requested.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson,

Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The substitute bill passed.

The Call of the Senate was lifted.

SB 276, AN ACT concerning the state corporation commission; relating to transfers of certain balances in the motor carrier license fees fund to the state highway fund; amending K.S.A. 2017 Supp. 66-1,142 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Hilderbrand.

The bill passed, as amended.

SB 296, AN ACT concerning the safety belt use act; relating to evidence of failure to use a safety belt and admissibility in other actions; amending K.S.A. 2017 Supp. 8-2504 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 25; Nays 15; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pyle, V. Schmidt, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Pilcher-Cook, Rogers, Skubal, Sykes.

The bill passed.

EXPLANATION OF VOTE

Madam President: I vote "NO" on **Senate Bill 296**. This bill forces juries to speculate what the victim's injuries might have been instead of determining the injuries the victim actually suffered. This bill will also increase the cost of litigation by forcing victims to hire expert witnesses in cases where seat belts are at issue. As Mothers Against Drunk Driving said about this bill, "we cannot start blaming victims for these senseless tragedies. This bill does not serve the Kansas Citizen and must be voted against." We should not be needlessly punishing victims by letting drunk drivers improperly influence juries with irrelevant and prejudicial evidence aimed at reducing their liability. For those reasons, I vote "NO" on **Senate Bill 296**.—ANTHONY HENSLEY

Senators Haley, Hawk, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 296**.

Madam President: I vote "No" on **SB 296**. This legislation financially blindsides unsuspecting motorists, through no fault of their own, and their passengers through no fault of their own. How many of those injured will go untreated as a result of this bill? How many families, through no fault of their own, will be forced into financial ruin due to a drunk or reckless driver injuring a loved one who was not wearing a seat belt? I

vote "No" to shifting the blame from drunk or reckless drivers to the victims. I vote "No" on **SB 296**.—TOM HOLLAND

Senator Haley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Holland on **SB 296**.

Madam President: I vote "NO" on **Senate Bill 296**. This bill would allow the responsibility of a collision to be shifted from the defendant driver onto the victims of the accident, just because an individual wasn't buckled up. In our current jury system, jurors are limited in the information they are allowed to hear so that their decisions are not clouded. This ALEC bill has nothing to do with increasing road safety. Thirty states do not allow a victim's failure to use a seat belt to be used by a negligent driver as a defense. Comparing failure to buckle-up with speeding, texting, or DUIs in an auto collision that leads to injury or death is not fair when considering negligence.—PAT PETTEY

Senators Bollier, Hawk and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **SB 296**.

Madam President: I vote "no" on **SB 296**. On the surface this bill might sound "fair", but like most ALEC bills, it isn't. It simply allows a guilty party to shift responsibility of their actions to someone else. This is not justice. A drunk driver will now be able to run a red light and hit an innocent family – causing possible death or injury. The victims, if not wearing a seat belt (or could not prove they were wearing a seat belt) would now bear the financial cost of the accident. This bill will allow drunk drivers to avoid their responsibility – taking them from being 100% at fault for drinking and driving to something less. This bill will move the responsibility for medical costs from the wrong doer's car insurance to the victim's (or their employer's) health insurance plan. Medical bills don't just evaporate. Do not let anyone tell you this will improve seat belt usage. This is a cruel cost avoidance measure.—LYNN ROGERS

Senators Hawk, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **SB 296**.

Madam President: I know it seems like we should be passing laws to encourage seat belt use. But this bill would have some very troubling effects. Not only would negligent parties (like a drunk driver) get to benefit if they are lucky enough to hit someone not wearing a seat belt, but the bill would make routine car wreck cases very difficult. The lawyers would have to argue (and a jury decide) whether seat belt use would or would not have prevented specific injuries. This would drastically raise the cost of litigation for all parties, including insurance companies, who would end up paying more in attorneys fees and expert costs. And it would take up the valuable time of our court system, which is already severely lacking personnel and funding.—DINAH SYKES

Senators Bollier, Doll, Francisco, Haley, Hawk, Kelly, McGinn, Pettey and Skubal request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **SB 296**.

SB 310, AN ACT concerning crimes, punishment and criminal procedure; relating to escape and aggravated escape from custody; definition of escape; amending K.S.A. 2017 Supp. 21-5911 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not

Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

SB 314, AN ACT concerning townships; dealing with the special highway improvement fund; amending K.S.A. 68-589 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

SB 328, AN ACT concerning correctional institutions and juvenile correctional facilities; prohibiting the outsourcing or privatization of any security operations thereof; allowing existing contracts to be renewed, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

SB 331, AN ACT concerning the department of wildlife, parks and tourism; relating to state parks; designating Flint Hills trail state park and Little Jerusalem Badlands state park; amending K.S.A. 2017 Supp. 32-837 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bowers, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

Nays: Alley, Baumgardner, Bollier, Denning, Fitzgerald, Hilderbrand, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle.

The bill passed.

EXPLANATION OF VOTE

Madam President: **SB 331** is not about parks and walking trails. It is a land grab. That is why I join the Kansas Farm Bureau, Kansas Livestock Association and property owners in their opposition to **SB 331**. We talk about upholding the rule-of-law but for some reason it doesn't apply when we give consideration to our rails-for-trails. Most of

the right-of-way grants that the railroads obtained back in the 1870's were grants for railroad purposes only and contained a clause that said if the railroad ceased using the grant for railroad purposes that the right-of way reverted to the adjacent landowner. Courts, including the U.S. Supreme Court, have ruled against similar land grabs. In the heightened focus of transparency, you should know that landowners were not notified when the trails were established, and they have not been notified the easement could become a state park.—CARYN TYSON

Senators Alley, Baumgardner, Hilderbrand and Suellentrop request the record to show they concur with the "Explanation of Vote" offered by Senator Tyson on **SB 331**.

SB 353, AN ACT concerning boiler inspections; abolishing the boiler inspection fee fund; transferring moneys to the fire marshal fee fund; amending K.S.A. 2017 Supp. 44-926, 44-931 and 75-3036 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

SB 391, AN ACT regulating traffic; relating to gross weight limits, emergency vehicles, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

SB 394, AN ACT concerning state and judicial government contracts and other actions; relating to transparency; amending K.S.A. 46-225, 46-237, 46-269 and 46-271 and K.S.A. 2017 Supp. 46-222, 46-237a and 46-265 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

HB 2362, AN ACT concerning the department of revenue; relating to the division of alcoholic beverage control; fees; establishing the alcoholic beverage control modernization fee and the alcoholic beverage control modernization fund; amending

K.S.A. 2017 Supp. 41-317 and 41-2606 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Hilderbrand, Pilcher-Cook, Tyson.

The bill passed, as amended.

HB 2482, AN ACT concerning alcoholic beverages; relating to the hours of sale; farm winery outlet sales for consumption; amending K.S.A. 2017 Supp. 41-308a, 41-308b, 41-354, 41-2614 and 41-2640 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Alley, Doll, Hilderbrand, Pyle, Suellentrop.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I agree with the comment made yesterday by the carrier of **HB 2482**, the Senator from Johnson, that this bill is very complex. What started as a change for one group of food and liquor retailers morphed into a major expansion in the hours and days of serving liquor and a revamping of serving regulations for our growing Agra-tourism winery industry. I represent a growing number of grape growers and wineries. I support this change and this bill on their behalf. But I'm troubled by the movement to serve alcohol at 6 a.m. Floor discussion yesterday included this allows Kansans working a night shift to stop for drinks after work. The CDC reports that sleep deprivation, a common issue for folks working night shifts, affects a driver's ability to make good decisions and slows reaction time. The CDC also reports the physiological impact of sleep deprivation equates to a blood alcohol level of .05. The combination of alcohol consumption and sleep deprivation is a dangerous mix. While Carey A. Nation was mentioned yesterday in jest, what's often forgotten is that her hatchet attacks were driven, in part, by her personal experience of being married to an alcoholic, compounded by her frustration that establishments were serving liquor, including on Sundays, despite that being illegal in Kansas. Finally, the timing of a move to expand the service hours for liquor is in stark contrast to our efforts to tighten our drunk driving laws, which we debated on the floor earlier today. At this time, we're unable to predict the impact the passing of this bill will have on Kansans.—MOLLY BAUMGARDNER

Senators Alley and Hilderbrand request the record to show they concur with the "Explanation of Vote" offered by Senator Baumgardner on **HB 2482**.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for consideration of bills under the heading of General Orders with Senator Masterson in the chair.

On motion of Senator Masterson the report for the morning and afternoon sessions were adopted.

SB 303 be passed.

Senator Bollier moved **SB 303** be rereferred to the Committee on Assessment and Taxation. The motion failed.

SB 263 be amended by the adoption of the committee amendments, be further amended by motion of Senator Kerschens; as amended by Senate Committee, on page 1, in line 18, by striking all after "(4)"; by striking all in lines 19 and 20; in line 21, by striking "(5)"; in line 28, by striking ", a grower"; by striking all in lines 31 and 32;

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

On page 2, in line 9, by striking "or any grower"; in line 32, by striking "persons" and inserting "individuals"; in line 37, by striking "persons" and inserting "individuals"; in line 40, by striking the first "person" and inserting "individual"; also in line 40, by striking the second "person" and inserting "individual";

On page 3, in line 3, by striking "person" and inserting "individual"; in line 11, by striking "A person" and inserting "An individual"; in line 30, by striking "persons" and inserting "individuals and business entities"; in line 36, by striking "person" and inserting "individual"

SB 263 be further amended by motion of Senator Fitzgerald; as amended by Senate Committee, on page 4, following line 2, by inserting:

"Sec. 4. K.S.A. 2017 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner; or
(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Board" means the state board of pharmacy.

(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(f) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in

K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(h) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(i) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(o) "Distributor" means a person who distributes.

(p) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or animals; (3) substances (other than food) intended to affect the structure or any function of the body of human or animals; and (4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(q) "Immediate precursor" means a substance which the board has found to be and

by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(aa) "Marijuana" means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination; ~~or~~ (2) any substance listed in schedules II through V of the uniform controlled substances act; or (3) industrial hemp as defined in section 1, and amendments thereto.

(bb) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

(cc) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(dd) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(ff) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

(gg) "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited

pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized recordkeeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.";

Also on page 4, in line 3, by striking "is" and inserting "and 65-4101 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "agriculture" and inserting "industrial hemp"; also in line 1, after the second semicolon by inserting "excluding industrial hemp from the definition of marijuana;"; in line 2, after "21-5702" by inserting "and 65-4101"; in line 3, by striking "section" and inserting "sections"

SB 263 be further amended by motion of Senator Rogers; as amended by Senate Committee, on page 3, following line 36, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 2017 Supp. 21-5701 through 21-5717, and amendments thereto: (a) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(b) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules

designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(c) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(d) "Distribute" means the actual, constructive or attempted transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for sale or any act that causes some item to be transferred from one person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act or otherwise authorized by law.

(e) "Drug" means:

(1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

(2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals;

(3) substances, other than food, intended to affect the structure or any function of the body of man or animals; and

(4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(f) "Drug paraphernalia" means all equipment and materials of any kind which are used, or primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance and in violation of this act. "Drug paraphernalia" shall include, but is not limited to:

(1) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance;

(4) testing equipment used or intended for use in identifying or in analyzing the

strength, effectiveness or purity of controlled substances;

(5) scales and balances used or intended for use in weighing or measuring controlled substances;

(6) diluents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances;

(7) separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana;

(8) blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

(9) capsules, balloons, envelopes, bags and other containers used or intended for use in packaging small quantities of controlled substances;

(10) containers and other objects used or intended for use in storing or concealing controlled substances;

(11) hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;

(12) objects used or primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(B) water pipes, bongs or smoking pipes designed to draw smoke through water or another cooling device;

(C) carburetion pipes, glass or other heat resistant tubes or any other device used, intended to be used or designed to be used to cause vaporization of a controlled substance for inhalation;

(D) smoking and carburetion masks;

(E) roach clips, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(F) miniature cocaine spoons and cocaine vials;

(G) chamber smoking pipes;

(H) carburetor smoking pipes;

(I) electric smoking pipes;

(J) air-driven smoking pipes;

(K) chillums;

(L) bongs;

(M) ice pipes or chillers;

(N) any smoking pipe manufactured to disguise its intended purpose;

(O) wired cigarette papers; or

(P) cocaine freebase kits.

"Drug paraphernalia" shall not include any products, chemicals or materials described in K.S.A. 2017 Supp. 21-5709(a), and amendments thereto.

(g) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rules and regulations designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(h) "Isomer" means all enantiomers and diastereomers.

(i) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacture" does not include:

(1) The preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(A) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(B) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance; or

(2) the addition of diluents or adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose or lactose, which are intended for use in cutting a controlled substance.

(j) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination; ~~or~~ (2) any substance listed in schedules II through V of the uniform controlled substances act; or (3) industrial hemp as defined in section 1, and amendments thereto.

(k) "Minor" means a person under 18 years of age.

(l) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(m) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. "Opiate" does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments

thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). "Opiate" does include its racemic and levorotatory forms.

(n) "Opium poppy" means the plant of the species *Papaver somniferum* l. except its seeds.

(o) "Person" means [an] individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or any other legal entity.

(p) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(q) "Possession" means having joint or exclusive control over an item with knowledge of and intent to have such control or knowingly keeping some item in a place where the person has some measure of access and right of control.

(r) "School property" means property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12. This definition shall not be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the above definition, the actual use of that structure or property at the time alleged shall not be a defense to the crime charged or the sentence imposed.

(s) "Simulated controlled substance" means any product which identifies itself by a common name or slang term associated with a controlled substance and which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.";

On page 4, following line 2, by inserting:

"Sec. 5. K.S.A. 2017 Supp. 65-4105 is hereby amended to read as follows: 65-4105. 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....9821
- (2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl] N-phenylacetamide).....9815
- (3) Acetylmethadol.....9601
- (4) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl] benzamide).....9551
- (5) Allylprodine.....9602
- (6) Alphacetylmethadol.....9603
(except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM)
- (7) Alphameprodine.....9604
- (8) Alphamethadol.....9605
- (9) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]

propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).....	9814
(10) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9832
(11) Benzethidine.....	9606
(12) Betacetylmethadol.....	9607
(13) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).....	9830
(14) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).....	9831
(15) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide).....	9836
(16) Betameprodine.....	9608
(17) Betamethadol.....	9609
(18) Betaprodine.....	9611
(19) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide).....	9822
(20) Clonitazene.....	9612
(21) Dextromoramide.....	9613
(22) Diampromide.....	9615
(23) Diethylthiambutene.....	9616
(24) Difenoxin.....	9168
(25) Dimenoxadol.....	9617
(26) Dimepheptanol.....	9618
(27) Dimethylthiambutene.....	9619
(28) Dioxaphetyl butyrate.....	9621
(29) Dipipanone.....	9622
(30) Ethylmethylthiambutene.....	9623
(31) Etonitazene.....	9624
(32) Etoperidine.....	9625
(33) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide).....	9834
(34) Furethidine.....	9626
(35) Hydroxypethidine.....	9627
(36) Ketobemidone.....	9628
(37) Levomoramide.....	9629
(38) Levophenacymorphan.....	9631
(39) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).....	9813
(40) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9833
(41) Morpheridine.....	9632
(42) O-desmethyltramado Some trade or other names: 2-((dimethylamino)methyl-1-(3-hydroxyphenyl)cyclohexanol);3-(2-((dimethylamino)methyl)-1-hydroxycyclohexyl)phenol	
(43) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
(44) Noracymethadol.....	9633
(45) Norlevorphanol.....	9634

(46) Normethadone.....9635
 (47) Norpipanone.....9636
 (48) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide).....9812
 (49) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine).....9663
 (50) Phenadoxone.....9637
 (51) Phenampromide.....9638
 (52) Phenomorphan.....9647
 (53) Phenoperidine.....9641
 (54) Piritramide.....9642
 (55) Proheptazine.....9643
 (56) Properidine.....9644
 (57) Propiram.....9649
 (58) Racemoramide.....9645
 (59) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide).....9835
 (60) Tilidine.....9750
 (61) Trimeperidine.....9646
 (62) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine.....9319
 (2) Acetyldihydrocodeine.....9051
 (3) Benzylmorphine.....9052
 (4) Codeine methylbromide.....9070
 (5) Codeine-N-Oxide.....9053
 (6) Cyprenorphine.....9054
 (7) Desomorphine.....9055
 (8) Dihydromorphine.....9145
 (9) Drotebanol.....9335
 (10) Etorphine (except hydrochloride salt).....9056
 (11) Heroin.....9200
 (12) Hydromorphinol.....9301
 (13) Methyl-desorphine.....9302
 (14) Methyl-dihydromorphine.....9304
 (15) Morphine methylbromide.....9305
 (16) Morphine methylsulfonate.....9306
 (17) Morphine-N-Oxide.....9307
 (18) Myrophine.....9308
 (19) Nicocodeine.....9309
 (20) Nicomorphine.....9312
 (21) Normorphine.....9313
 (22) Pholcodine.....9314
 (23) Thebacon.....9315

(d) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless

specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Alpha-ethyltryptamine 7249 Some trade or other names: etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET.
- (2) 4-bromo-2,5-dimethoxy-amphetamine.....7391
Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.
- (3) 2,5-dimethoxyamphetamine.....7396
Some trade or other names: 2,5-dimethoxy-alpha-methyl-phenethylamine; 2,5-DMA.
- (4) 4-methoxyamphetamine.....7411
Some trade or other names: 4-methoxy-alpha-methylphene-thylamine; paramethoxyamphetamine; PMA.
- (5) 5-methoxy-3,4-methylenedioxy-amphetamine.....7401
- (6) 4-methyl-2,5-dimethoxy-amphetamine.....7395
Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".
- (7) 3,4-methylenedioxy amphetamine.....7400
- (8) 3,4-methylenedioxymethamphetamine (MDMA).....7405
- (9) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA).....7404
- (10) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine, and N-hydroxy MDA).....7402
- (11) 3,4,5-trimethoxy amphetamine.....7390
- (12) Bufotenine.....7433
Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine.
- (13) Diethyltryptamine.....7434
Some trade or other names: N,N-Diethyltryptamine; DET.
- (14) Dimethyltryptamine.....7435
Some trade or other names: DMT.
- (15) Ibogaine.....7260
Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano -5H-pyrido[1',2':1,2] azepero [5,4-b]indole; Tabernanthe iboga
- (16) Lysergic acid diethylamide.....7315
- (17) Marijuana.....7360
- (18) Mescaline.....7381
- (19) Parahexyl.....7374
Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.
- (20) Peyote.....7415

Meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.

- (21) N-ethyl-3-piperidyl benzilate.....7482
- (22) N-methyl-3-piperidyl benzilate.....7484
- (23) Psilocybin.....7437
- (24) Psilocyn.....7438
Some trade or other names: Psilocin.
- (25) Ethylamine analog of phencyclidine.....7455
Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.
- (26) Pyrrolidine analog of phencyclidine.....7458
Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP.
- (27) Thiophene analog of phencyclidine.....7470
Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.
- (28) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine.....7473
Some other names: TCPy.
- (29) 2,5-dimethoxy-4-ethylamphetamine.....7399
Some trade or other names: DOET.
- (30) *Salvia divinorum* or *salvinorum* A; all parts of the plant presently classified botanically as *salvia divinorum*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
- (31) *Datura stramonium*, commonly known as gypsum weed or jimson weed; all parts of the plant presently classified botanically as *datura stramonium*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
- (32) N-benzylpiperazine.....7493
Some trade or other names: BZP.
- (33) 1-(3-[trifluoromethylphenyl])piperazine
Some trade or other names: TFMPP.
- (34) 4-Bromo-2,5-dimethoxyphenethylamine.....7392
- (35) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of optical isomers.....7348
- (36) Alpha-methyltryptamine (other name: AMT).....7432
- (37) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers.....7439
- (38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....7509
- (39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....7508
- (40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).....7519

- (41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....7518
- (42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).....7385
- (43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).....7532
- (44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....7517
- (45) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).....7521
- (46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).....7524
- (47) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT).....7431
Some trade or other names: 5-methoxy-3-[2-(dimethylamino) ethyl]indole.
- (48) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine.....7538
Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5.
- (49) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine.....7537
Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82.
- (50) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....7536
Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36.
- (51) 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25H-NBOMe.
- (52) 2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.
- (53) 2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl) ethanamine
Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.
- (e) Any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (1) Etizolam
Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)
- (2) Mecloqualone.....2572
- (3) Methaqualone.....2565
- (4) Gamma hydroxybutyric acid
- (f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:
- (1) Aminorex.....1585
Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine
- (2) Fenethylamine.....1503
- (3) N-ethylamphetamine.....1475
- (4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine).....1590

- (5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzenethanamine; N,N-alpha-trimethylphenethylamine).....1480
- (6) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norphedrone).....1235
- (7) Substituted cathinones
 Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
 - (A) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
 - (B) by substitution at the 3-position with an acyclic alkyl substituent;
 - (C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
 - (D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.
- (g) Any material, compound, mixture or preparation which contains any quantity of the following substances:
 - (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers.....9818
 - (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers.....9834
 - (h) Except industrial hemp as defined in section 1, and amendments thereto, any of the following cannabinoids, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
 - (1) Tetrahydrocannabinols.....7370
 Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)
 - (2) Naphthoylindoles
 Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or naphthyl ring to any extent.

- (3) Naphthylmethylindoles
Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or naphthyl ring to any extent.
- (4) Naphthoylpyrroles
Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.
- (5) Naphthylmethylindenenes
Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.
- (6) Phenylacetylindoles
Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the benzyl or phenyl ring to any extent.
- (7) Cyclohexylphenols
Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent.
- (8) Benzoylindoles
Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or phenyl ring to any extent.
- (9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.
Some trade or other names: WIN 55,212-2.

- (10) 9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[*c*]chromen-1-ol
Some trade or other names: HU-210, HU-211.
- (11) Tetramethylcyclopropanoylindoles
Any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(*N*-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(*N*-methyl-2-pyrrolidinyl)methyl, 1-(*N*-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or tetramethylcyclopropyl rings to any extent.
- (12) Indole-3-carboxylate esters
Any compound containing a 1*H*-indole-3-carboxylate ester structure with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or adamantyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, *N*-methyl-2-piperidinylmethyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to any extent.
- (13) Indazole-3-carboxamides
Any compound containing a 1*H*-indazole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, *N*-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.
- (14) (1*H*-indazol-3-yl)methanones
Any compound containing a (1*H*-indazol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, *N*-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl or benzyl groups to any extent.";

Also on page 4, in line 3, after "Supp." by inserting "21-5701,"; also in line 3, by striking "is" and inserting "and 65-4105 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "agriculture" and inserting "industrial hemp"; also in line 1, after the second semicolon by inserting "excluding industrial hemp from definition of marijuana and cannabinoids;"; in line 2, after "Supp." by inserting "21-5701,"; also in line 2, after "21-5702" by inserting "and 65-4105"; in line 3, by striking "section" and inserting "sections" and **SB 263** be passed as further amended.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2088, HB 2361, HB 2448, HB 2454, HB 2479, HB 2498, HB 2501, HB 2534, HB 2539, HB 2542, HB 2551, HB 2597, HB 2600.**

Announcing passage of **SB 256.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2088, HB 2361, HB 2448, HB 2454, HB 2479, HB 2498, HB 2501, HB 2534, HB 2539, HB 2542, HB 2551, HB 2597, HB 2600, were thereupon introduced and read by title.

On motion of Senator Denning, the Senate adjourned until 11:00 a.m., Thursday, February 22, 2018.

Journal of the Senate

THIRTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 22, 2018, 11:00 a.m.

The Senate was called to order by Vice President Longbine.

The roll was called with 39 senators present.

Senator Suellentrop was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, we thank You this morning. Thank You for another day. Thank You for keeping us safe. Thank You for a reasonable portion of health and strength. Thank You for another opportunity to serve, and for a modicum of intelligence in doing so.

Lord, while there are problems that need resolving, and questions needing answers, You cautioned us, in Proverbs 3:5-7, not to rely on our limited degree of brainpower but on Your power... Your power to assist our brainpower.

When we're wise enough to know that we're not all that wise; when You show us that our understanding falls short of understanding, let that be the driving motivation, to more urgently seek Your wisdom.

Our ability to analyze problems and reason through to successful ends can only occur through Your leading.

So Lord, by faith, we're going to trust You to enable these tiny little brains of ours, to accomplish some giant-sized good as we serve You and Your people.

So, give us today, the direction and guidance we need. I'm making this appeal, in the precious name of Jesus, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 431, AN ACT enacting the extreme risk protective order act, by Committee on Ways and Means.

SB 432, AN ACT concerning STAR bonds; relating to establishment of an underwriting commission; project information on department of commerce website; project costs; STAR bond project financial viability determination; requirements for project approval; audit report; reports to legislature; amending K.S.A. 2017 Supp. 12-17,162, 12-17,164, 12-17,166, 12-17,169 and 12-17,176 and repealing the existing sections, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2729**.

Assessment and Taxation: **Sub HB 2147**.

Commerce: **SB 430**.

Education: **HB 2542**.

Ethics, Elections and Local Government: **HB 2539, HB 2597, HB 2628**.

Federal and State Affairs: **HB 2465, HB 2498**.

Financial Institutions and Insurance: **HB 2448**.

Judiciary: **SB 429; HB 2088, HB 2454, HB 2479, HB 2534, HB 2551**.

Public Health and Welfare: **SB 428; HB 2501, HB 2600**.

Transportation: **HB 2486, HB 2511**.

Ways and Means: **HB 2361**.

MESSAGES FROM THE GOVERNOR

SB 262 approved on February 21, 2018.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2458, HB 2459, HB 2472, HB 2477, HB 2478, HB 2480, HB 2481, HB 2509, HB 2523, HB 2524, HB 2567, HB 2568, HB 2571, HB 2579, HB 2580, HB 2583, HB 2599, HB 2603, HB 2619, HB 2648**.

Announcing passage of **Sub SB 323**.

The House accedes to the request of the Senate for a conference on **SB 217** and has appointed Representatives Hawkins, Concannon and Murnan as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2458, HB 2459, HB 2472, HB 2477, HB 2478, HB 2480, HB 2481, HB 2509, HB 2523, HB 2524, HB 2567, HB 2568, HB 2571, HB 2579, HB 2580, HB 2583, HB 2599, HB 2603, HB 2619, HB 2648 were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 263, AN ACT concerning industrial hemp; enacting the alternative crop research act; excluding industrial hemp from definition of marijuana and cannabinoids; amending K.S.A. 2017 Supp. 21-5701, 21-5702 and 65-4105 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Baumgardner, Pilcher-Cook, Pyle.

Absent or Not Voting: Suellentrop.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr Vice President: I have always advocated for finding new and different ways to develop economic opportunities in Kansas. This includes new opportunities for farmers. What I find unacceptable in **SB 263** is the mandate that farmers must be subjected to a Kansas Bureau of Investigation background check, finger printing – which is then maintained in the KBI database, and disqualification for planting a crop if the farmer has any prior felony convictions. I oppose **SB 263** because it unnecessarily infringes on the privacy of Kansas farmers and is punitive in a manner unlike any other economic development opportunities this body has addressed.—MOLLY BAUMGARDNER

Senator Haley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Baumgardner on **SB 263**.

Mr. Vice President: I vote in support of **SB 263**. As we all know the Ag Sector and Kansas farmers are experiencing severe economic hardships and are in dire need for an alternate crop. Industrial hemp provides a promise for an alternate crop. It will not necessarily be an all encompassing panacea for the ag economy but it could provide some relief. I do believe that removing “growers” from the bill will make it less robust than it could have been.—ED BERGER

Senators Bollier, Francisco, Haley, Kerschen, Lynn, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **SB 263**.

SB 265, AN ACT concerning crimes, punishment and criminal procedure; relating to crimes affecting family relationships and children; incest; amending K.S.A. 2017 Supp. 21-5604 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed.

SB 303, AN ACT concerning income taxation; relating to deductions, expense deduction; amending K.S.A. 2017 Supp. 79-32,143a and repealing the existing section, was considered on final action.

Upon the showing of five hands, a Call of the Senate was requested.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Pettey, Rogers.

Absent or Not Voting: Suellentrop.

The bill passed.

The call was lifted.

EXPLANATION OF VOTE

Mr. Vice President: While I voted "AYE" on **SB 303**, I brought forth a motion yesterday to refer this bill back to committee. I support local business, but it is not the right time to be cutting taxes. We do not yet know what our revenues will be, what will be required to settle the Gannon school funding case, and what our budget needs to be for 2019. I have heard repeatedly from our leadership that we cannot bring forward a Medicaid Expansion bill for a hearing because we don't know what our revenues will be, and yet, the \$21 million fiscal note on **SB 303** would nearly meet the \$25 million price tag for Medicaid expansion. If we are truly listening to our small businesses, we must bring forward and pass Medicaid expansion; a few of my local chambers were clear that they would gladly wait for the tax changes of **SB 303** if we could put that money into Medicaid expansion.—BARBARA BOLLIER

Senator Kelly request the record to show she concurs with the "Explanation of Vote" offered by Senator Bollier on **SB 303**.

Mr. Vice President: I vote "NO" on **Senate Bill 303**. In 2013 state lawyers argued in Gannon that "the coming limitation of the state's resources require the Legislature to make difficult appropriation decisions." At the same time they were making this argument, Republican legislators approved **HB 2117**, which cut income taxes by one billion dollars in the first year. The trial panel concluded that the state's argument was "completely illogical" given these massive income tax cuts. Five years later, we are taking a first step on the same path. While there are those who complain how more money for schools will damage other parts of the budget, the first bill of significant cost to the budget is a tax cut, thereby reducing general fund revenues by \$21 million in the first year and \$10 million every year thereafter. I'm quite certain that if other revenue reducing measures pass this session, the Kansas Supreme Court will question the sincerity of those who say they can't meet the adequacy test in Gannon because they wanted to protect other parts of the budget. For those reasons, I vote "NO" on **Senate Bill 303**.—ANTHONY HENSLEY

Senators Faust-Goudeau, Hawk, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 303**.

Mr. Vice President: I vote "NO" on **Senate Bill 303**. I support small business and I support tax fairness, but I do not support this bill right now. My support of this bill is evident by the fact that I made the motion to send this bill out of committee. However, I never anticipated that we would take action this soon. I don't see how this body can justify this small business tax cut when we don't know what we're going to do to address our underfunded public schools. Our first priority should be school finance. This body should not have considered any tax bill until we have solved the school finance issue. Small businesses not only want tax fairness, they want their children and the children of their employees and the children of their customers to attend fully funded schools. This bill could have waited. For these reasons, I vote "NO" on **Senate Bill 303**.—TOM HOLLAND

Senators Hawk, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Holland on **SB 303**.

Mr. Vice President: I vote "aye" on **SB 303** with the following caveat. As the Senate Commerce Committee continues to produce business best practice applications in our major economic development programs, we are also preparing the same solutions to our 6.2B in tax exemptions and credits as outlined in a recent Legislative Post Audit Report and PEW Research Institute as presented to the Interim Committee on Commerce held this summer. Those reports revealed that Kansas is one of 5 States in the nation with no regularly scheduled oversight and evaluation. In addition, there is currently no policy in place directing the legislature regarding eligibility parameters. We must be held accountable for providing taxpayers, who ultimately pay for these credits, Kansas best practice solutions as modeled in business and in other States.—JULIA LYNN

SB 311, AN ACT concerning reports of abuse; relating to abuse, neglect or exploitation of certain adults; emergency medical services personnel; amending K.S.A. 2017 Supp. 39-1402 and 39-1431 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed.

SB 348, AN ACT concerning insurance; authorizing electronic delivery as the standard method of delivery for certain health benefit plan documents; amending K.S.A. 2017 Supp. 40-5802, 40-5803 and 40-5804 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed, as amended.

SB 351, AN ACT concerning health and healthcare; relating to insurance; pharmacy benefits; enacting the Kansas pharmacy patients fair practices act, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed, as amended.

SB 386, AN ACT concerning the behavioral sciences regulatory board; relating to professional counselors; licensure; educational requirements; amending K.S.A. 2017 Supp. 65-5804a and 65-5807 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed.

SB 398, AN ACT concerning the Kansas state board of cosmetology; relating to cosmetology; licensure; senior status license; requirements; amending K.S.A. 2017 Supp. 65-1904 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed.

SB 410, AN ACT concerning insurance; relating to captive insurance companies; providing for association captive insurance companies, branch captive insurance companies and special purpose insurance captives; rules and regulations; amending K.S.A. 40-4301, 40-4302, 40-4303, 40-4304, 40-4306, 40-4307, 40-4308, 40-4309, 40-4310, 40-4311, 40-4313, 40-4314, 40-4317 and 40-4318 and repealing the existing sections; also repealing K.S.A. 40-4305 and 40-4316, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Hilderbrand.

Absent or Not Voting: Suellentrop.

The bill passed, as amended.

Sub SB 414, AN ACT concerning agriculture; relating to eggs; repackaging requirements for retailers; amending K.S.A. 2017 Supp. 2-2510 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not

Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The substitute bill passed.

HB 2439, AN ACT concerning crimes, punishment and criminal procedure; relating to involuntary manslaughter; aggravated battery; involving certain violations of driving under the influence of alcohol or drugs; amending K.S.A. 2017 Supp. 8-262, 8-2,144, 8-1013, 8-1025, 8-1567, 21-5405, 21-5413, 21-6811, 38-2312 and 75-52,148 and repealing the existing sections.was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed.

COMMITTEE OF THE WHOLE

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

On motion of Senator Baumgardner the following report was adopted:

SB 185, SB 264, SB 309 be passed.

SB 405 be amended by motion of Senator Francisco; on page 2, in line 10, after "any" by inserting "building,";

On page 1, in the title, in line 2, following the second semicolon by inserting "confined feeding facilities;" and **SB 405** be passed as amended.

A motion by Senator Holland to amend **SB 405** failed, and the following amendment was rejected (Visit kslegislature.org for text of the amendment):

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

On roll call, the vote was: Yeas 9; Nays 25; Present and Passing 5; Absent or Not Voting 1.

Yeas: Bollier, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Lynn, Rogers.

Nays: Alley, Berger, Billinger, Bowers, Denning, Doll, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Baumgardner, Haley, Kelly, Pettey, Sykes.

Absent or Not Voting: Suellentrop.

Two additional motions by Senator Francisco to amend **SB 405** failed.

SB 279, SB 281, SB 374, be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Denning to further amend **SB 279** failed.

A motion by Senator Haley to amend **SB 374** failed.

SB 336 be amended by the adoption of the committee amendments, be further amended by motion of Senator Petersen; on page 3, in line 37, after "who" by inserting "knowingly".

SB 336 be further amended by motion of Senator Pilcher-Cook; on page 4, in line 41, after the period by inserting "Nothing in this subsection shall require the Kansas bureau of investigation to expunge and destroy any samples or profile record associated with the claimant that was submitted pursuant to K.S.A. 21-2511(a), and amendments thereto, related to any offense other than the offense for which the court has entered a certificate of innocence." and **SB 336** be passed as further amended.

A motion by Senator Pilcher-Cook to amend **SB 336** failed.

A motion by Senator Haley to amend **SB 336** failed.

FINAL ACTION ON SENATE BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 185, SB 264, SB 279, SB 281, SB 309, SB 336, SB 374, SB 405** were advanced to Final Action and roll call.

SB 185, AN ACT concerning economic development; relating to redevelopment districts encompassing federal enclaves; authorization of franchises for the provision of utilities.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed.

SB 264, AN ACT concerning elections; relating to application and ballot signature requirements for disabled voters; amending K.S.A. 2017 Supp. 25-1122, 25-1124 and 25-1128 and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I Vote “Yes” on **SB 264**. Intentionally this legislation didn't get much media attention. And, sometimes when this body doesn't receive a lot of emails or phone calls from our Constituents in support or in opposition for a bill, we call it a simple bill. However, I know for a fact! that the 23 Disabled and Elderly Kansas Voters in Sedgwick County who thought their Votes were counted when we elected new City Council and School Board Members in Wichita only to find out later that their advanced ballots were tossed out and disqualified by County Commissioners in a recent election on November 7th, 2017 Thinks it's a Big Deal! And, I do too! Because Mr. Vice President I believe, that in order for Democracy to truly work! Every vote must count! And, on behalf of the 23 citizens in Wichita I appreciate each Senators Vote today for **SB 264**.—OLETHA FAUST-GOUDEAU

SB 279, AN ACT concerning utilities; relating to the gas safety reliability surcharge, definitions; amending K.S.A. 2017 Supp. 66-2202, 66-2203 and 66-2204 and repealing the existing sections.

On roll call, the vote was: Yeas 32; Nays 6; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wilborn.

Nays: Bollier, Denning, Hensley, Hilderbrand, Holland, Wagle.

Present and Passing: Francisco.

Absent or Not Voting: Suellentrop.

The bill passed, as amended.

SB 281, AN ACT concerning protection orders; relating to the protection from abuse act; the protection from stalking, sexual assault or human trafficking act; amending K.S.A. 2017 Supp. 21-5924, 60-3104, 60-31a01, 60-31a02, 60-31a03, 60-31a04, 60-31a05, 60-31a06, 60-31a07, 60-31a08 and 60-31a09 and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed, as amended.

SB 309, AN ACT concerning the judicial branch; relating to docket fees; disposition of docket fees for the fiscal years ending June 30, 2020, and June 30, 2021; amending K.S.A. 2017 Supp. 20-362 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson,

Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed.

SB 336, AN ACT concerning civil actions; relating to wrongful conviction and imprisonment; compensation; tuition assistance; state health care benefits program; amending K.S.A. 2017 Supp. 75-6117 and 75-6501 and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote “Aye” on **SB 336** which provides compensation for the wrongfully incarcerated. There should be no opposition to this bill and should have been none to a similar House bill which passed their Final Action, 122-1, today. Many States and the federal system ALREADY have some automatic formula for compensating an innocent party who is the victim of having liberty stolen; exonerated and left without reparation. As a member of Claims Against the State, I attest exonerates come for redress and are left to patchworks of resolution; seldom equitable or complete. When I first sponsored bills on this subject (alone, of course) a decade ago and several Sessions since (most recently in 2017 as **SB 125** which was referred to Kansas Judicial Council for “study”), the State’s perpetrating of such miscarriages of justice were seldom well known or publicized. Today, poignant examples enhance public awareness; retaining its shock and disappointment tinged by tragic ironies. **SB 336** is a far superior measure and, among other advocates, I especially thank the Innocence Project – civil rights worker Alvin Sykes – for promoting it. Harry Truman said “It’s amazing how much you can get accomplished, if you don’t care who gets the credit.” But it truly IS theirs.—DAVID HALEY

SB 374, AN ACT concerning driving under the influence; relating to testing; administrative penalties; crimes, punishment and criminal procedure; amending K.S.A. 8-2,137 and K.S.A. 2017 Supp. 8-2,144, 8-1001, 8-1012, 8-1013, 8-1024, 8-1567, 65-1,107 and 75-712h and repealing the existing sections; also repealing K.S.A. 2017 Supp. 8-1025.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The bill passed, as amended.

SB 405, AN ACT concerning the department of health and environment; relating to animal conversion units; poultry facilities; confined feeding facilities; amending K.S.A. 2017 Supp. 65-171d and repealing the existing section.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Lynn, Rogers.

Absent or Not Voting: Suellentrop.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote nay on **SB 405** despite the fact that I strongly support the expansion of our agricultural economy. The bill does reflect recent improvements in technology and permits increased productivity. However, the bill lacks a clause that would allow local communities to participate in the decision to have such facilities in their midst. It is for that reason that I vote nay. —STEVE FITZGERALD

Mr. Vice President: I vote NO on **SB 405**. I agree that a lower conversion equivalent for animal units should be set for laying hens or broilers if the facility has a dry manure process. I would like to see, however, the legislature consider the comparable amounts of nitrogen and phosphorus produced because they are the chief non-point source contaminants in water pollution. And because Kansas does not allow counties to have zoning requirements for agricultural use, I think appropriate setback distances from property lines should be set in statute along with the separation distances required from habitable structures. County residents may be able to have a say in the economic and environmental impacts of a hatchery, feed mill and processing plant but will have none over the sets of barns where 333,000 chickens could be raised, especially those built in neighboring counties. It is unfortunate that this bill passed in its current form without including all of the amendments that were offered. —MARCI FRANCISCO

Mr. Vice President: Big poultry is coming home to roost in Kansas. Too bad the Kansas Senate chickened out today by not giving their constituents a voice as to where industrial poultry CAFOs can be located. I vote "NO" on **SB 405**.—TOM HOLLAND

Mr Vice President: I have long supported Agriculture – my entire career was in that industry. I know how this industry finances these kind of businesses and farm operations. Successful operations are very concerned about their relationship with neighbors but poor operators can wreak havoc in a rural or suburban community. Operators do need a certain size of operation to make a profit, however, 2 million birds annually per CAFO affects a neighbor's quality of life and our shared resources. There is risk of significant turnover in ownership as they struggle to make money. The end result is that the neighbor that erects the barns is often not the current operator.

Adopting the proposed amendments – local control and size of operation – would have made the bill more palatable but they failed. I hope our livestock industry is ready to help these farm operators know what they are getting in to. We must balance the needs of regular Kansans as well as Agri-business. It is unfortunate this bill passed in its current form.—LYNN ROGERS

Senators Faust-Goudeau, Hawk, Holland and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **SB 405**.

CHANGE OF REFERENCE

Vice President Longbine withdrew **SB 429** from the Committee on **Judiciary**, and referred the bill to the Committee on **Assessment and Taxation**.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5026**, A Concurrent Resolution relating to the adjournment of the senate and house of representatives for a period of time during the 2018 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Denning, **HCR 5026** was adopted by voice vote.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, February 28, 2018.

Journal of the Senate

THIRTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 28, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 39 senators present.
Senator McGinn was excused.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, after a brief break, we come again in need of Your direction. And Lord, we want it to be apparent in our attitudes and in our actions, that You are the guiding influence in these halls.

An engraver puts the imprint or the image of a character on a coin and then names it after the one it characterizes.

In Luke 20:24-25, the question was asked, whose face...whose image or icon was on a certain coin...and whose name was on it?

Lord, in the same way, that the coin's image and name reflected who the coin represented, we want the work that we do to represent You.

Let the efforts put forth in these halls bear Your image.

As the Master Engraver, would You etch into our character the Godly qualities of love for You and compassion for our neighbors? Let them be reflected in what we legislate and in what we demonstrate.

Thanks for choosing us. Thanks for loving us enough to use us.

In the dear Name of Jesus, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1612—

By Senators Lynn, Alley, Baumgardner, Berger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Masterson, McGinn, Petersen, Pilcher-Cook, Rogers, Skubal, Suellentrop, Sykes, Taylor, and Wagle

A CONCURRENT RESOLUTION supporting and facilitating regionally competitive retail electric rates in the state of Kansas and urging the State Corporation Commission to take all lawful action to promptly set rates for retail electric service in the state of Kansas at regionally competitive levels.

WHEREAS, Rates for retail electric service in Kansas have risen significantly over the last decade; and

WHEREAS, Kansas retail electric rates are no longer competitive with rates for electric service in the surrounding region; and

WHEREAS, Kansas' regionally uncompetitive electric rates are negatively impacting the State's economic competitiveness as a location for industry and commerce; and

WHEREAS, Captive Kansas residents and businesses are economically harmed by the significantly escalating electric rates of monopolistic electric public utilities, which are increasing rates at levels far outpacing the annual rate of inflation: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That it shall be the policy of the state of Kansas to have regionally competitive rates for retail electric service to promote economic growth and support local communities; and

Be it further resolved: That we urge the State Corporation Commission to take any and all lawful action to promptly reduce Kansas retail electric rates to regionally competitive levels; and

Be it further resolved: That, following any initiative to reduce retail electric rates, we urge the State Corporation Commission to take any and all lawful action to maintain Kansas retail electric rates at regionally competitive levels; and

Be it further resolved: That, to the extent the State Corporation Commission determines it does not have sufficient statutory authority to promptly and effectively undertake an initiative to materially reduce retail electric rates, we urge it to report to the Kansas legislature, identifying any new statutory authority that is necessary or that would assist the agency to reduce retail electric rates to regionally competitive levels; and

Be it further resolved: That the Secretary of State shall send enrolled copies of this resolution to Chairman Shari Feist Albrecht, Commissioner Jay Scott Emler and Commissioner Pat Apple of the State Corporation Commission.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2477, HB 2478, HB 2583, HB 2619.**

Commerce: **SB 432; HB 2580.**

Ethics, Elections and Local Government: **HB 2509.**

Judiciary: **SB 431; HB 2458, HB 2459, HB 2480, HB 2481, HB 2523, HB 2524, HB 2567, HB 2568, HB 2571, HB 2579, HB 2603, HB 2648.**

Public Health and Welfare: **HB 2472.**

Transportation: **HB 2599.**

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5026.**

Announcing passage of **Sub HB 2040; HB 2419, HB 2457, HB 2496, HB 2530, HB 2549, HB 2566, HB 2573, HB 2577, HB 2581, HB 2590; Sub HB 2602; HB 2604, HB 2639, HB 2642, HB 2674, HB 2691, HB 2700, HB 2701.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2040; HB 2419, HB 2457, HB 2496, HB 2530, HB 2549, HB 2566, HB 2573, HB 2577, HB 2581, HB 2590; Sub HB 2602; HB 2604, HB 2639, HB 2642, HB 2674, HB 2691, HB 2700, HB 2701 were thereupon introduced and read by title.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, March 1, 2018.

Journal of the Senate

THIRTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 1, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 38 senators present.

Senators McGinn and Suellentrop were excused.

Invocation by Reverend Cecil T. Washington:

Lord, with much gratefulness we come again, duty bound to use the gifts You've bestowed upon us to serve You and Your people.

It's a daunting responsibility, so when we interact with one another...when we debate various positions and share with those we serve, help us to do it like the Apostle Paul in 1 Corinthians 1:1-5.

Not trying to impress people by using lofty rhetoric, but realizing the weakness and inadequacy of man's wisdom, bring us humbly to these tasks with fear and trembling.

Rather than trying to use clever and persuasive words, lead us to engage one another in humility, trusting in the leading of Your Holy Spirit.

For then, and only then, will the giftedness You've bestowed on each of us be unselfishly shared to benefit all of us.

For the sake of finishing a work worthy of representing You, keep us duty bound to the humility of this task.

In the Name of Jesus, Humility Personified, I pray these words. Amen

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 433, AN ACT concerning alcoholic beverages; authorizing self-service of beer from automated devices; amending K.S.A. 2017 Supp. 41-2640 and repealing the existing section, by Committee on Federal and State Affairs.

SB 434, AN ACT concerning STAR bonds; relating to project costs; tourist attraction component; requirements for project approval; limitations on certain businesses; portion of state sales tax increment financing permitted; addition of area; amending K.S.A. 2017 Supp. 12-17,162, 12-17,164, 12-17,169 and 12-17,171 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 435, AN ACT concerning real estate brokers and salespersons; relating to rebates; amending K.S.A. 2017 Supp. 58-3035 and 58-3062 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2577, HB 2691.**

Commerce: **SCR 1612; HB 2701** (*referred separately, see Utilities*).

Education: **Sub HB 2602.**

Ethics, Elections and Local Government: **HB 2604, HB 2642, HB 2700.**

Judiciary: **HB 2457, HB 2566, HB 2581.**

Public Health and Welfare: **HB 2496, HB 2530, HB 2549, HB 2573, HB 2590, HB 2639, HB 2674.**

Transportation: **Sub HB 2040.**

Utilities: **HB 2701** (*referred separately, see Commerce*)

Ways and Means: **HB 2419.**

CHANGE OF REFERENCE

The President withdrew **HB 2580** from the Committee on **Commerce**, and referred the bill to the Committee on **Financial Institutions and Insurance**.

The President withdrew **SB 320** from the Calendar under the heading of **General Orders**, and re-referred the bill to the Committee on **Agriculture and Natural Resources**.

The President withdrew **SB 12, SB 295, SB 329, SB 372, SB 409** from the Calendar under the heading of **General Orders**, and re-referred the bills to the Committee on **Judiciary**.

The President withdrew **SB 316** from the Calendar under the heading of **General Orders**, and re-referred the bill to the Committee on **Public Health and Welfare**.

The President withdrew **SB 273, SB 274, SB 291** from the Calendar under the heading of **General Orders**, and re-referred the bills to the Committee on **Transportation**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Faust-Goudeau introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1772—

A RESOLUTION congratulating and commending Rise Up For Youth for its inspirational and motivational mentoring programs for youth.

WHEREAS, Rise Up For Youth inspires and motivates future generations to unlock their full potential through education, mentoring and empowerment. Through two mentoring programs, Caring Ladies Assisting Students to Succeed (CLASS) and Do You Want To Live Or Die?, Rise Up For Youth works to keep students in school, out of legal trouble and on their way to a life of purpose; and

WHEREAS, Students come to Rise Up For Youth on their own, through friends, school counselors, law enforcement and other mentoring programs. Most are academically underperforming, come from challenging family backgrounds and have a greater chance than their peers of dropping out of school and finding their way into the criminal justice system. They have few positive role models. They need extra support – academically, emotionally and socially – to get through school; and

WHEREAS, Through programs such as CLASS, for teen girls, and Do You Want To Live Or Die?, for young men, Rise Up For Youth helps participants through mentoring, education and empowerment; and

WHEREAS, CLASS and Do You Want To Live Or Die? conduct weekly group mentoring sessions in four USD 259 high schools in the Wichita area. These directed sessions allow participants to address concerns in their lives and support one another. Monthly enrichment workshops outside of school focus on specific areas to help participants develop skills necessary to be successful. Workshop topics have included healthy relationships, job skills, college prep, how to work with law enforcement and positive self-esteem. Both programs also conduct one-on-one mentoring. Staff and mentors are available 24/7 and go to where the students need them – at other schools, outside schools and online. This combination of group mentoring, skills development and full-time one-on-one mentoring makes Rise Up For Youth's programs unique in Wichita; and

WHEREAS, The most visible part of Rise Up For Youth's work comes from its education piece. Four-year graduation rates among African-American and Hispanic students in USD 259 was less than 72% for young men and 77% for young women. Failure to graduate dramatically increases the chances of imprisonment and continuing the cycle of poverty. With this in mind, Rise Up For Youth's primary goal is to help kids graduate from high school and encourage post-secondary education or quality full-time employment. Mentors monitor report cards quarterly to find problems that would prevent or delay high school graduation. They also give participants a view of college by taking them on college visits. By far the most popular aspect of the program is the taking of participants on tours of local and state colleges and traveling outside of Kansas. Every year, they go to at least one historically black college or university. For many students, college seemed like something that was not for them or was out of reach. By arranging visits to colleges, especially historically black colleges and universities, Rise Up For Youth shows participants the possibilities available to them; and

WHEREAS, Rise Up For Youth also prepares youth for college through ACT prep, help with FAFSA and assistance in applying for college. Rise Up For Youth understands the difficulty many participants face financially, so mentors make sure everyone goes off to college with a college care package of dorm and school necessities and provide educational scholarships for deserving students when resources are available; and

WHEREAS, The greatest role models for participants are David and Lynn Gilkey. Their personal journeys inspire children and adults alike. Many students say the way Lynn and David care about them and connect with them have made the most impact in their successes. Their commitment to student success really allows participants to know someone cares and to seek out support when they need it. David and Lynn also inspire the adults around them to provide support socially and financially to help young people succeed in life; and

WHEREAS, Rise Up For Youth, CLASS, and Do You Want To Live Or Die? want to empower participants. Empowered teens will become adults with purpose and are more able to make healthy lifestyle choices. Rise Up For Youth provides the participants with cultural and volunteer opportunities outside of school and home that they may not otherwise have access to. Community service gives participants the chance to give back to their community and teaches them about service leadership. Enrichment programs

include visiting the Kansas African-American Museum, participating in the Kansas Youth Leadership Summit, touring prisons and attending cultural and arts events. Participants who attend events frequently and meet academic expectations are given positive incentive awards. These include outings to Worlds of Fun, K-State football games, bowling and other local activities; and

WHEREAS, Most importantly, Rise Up For Youth provides positive role modeling. By having active and engaged community members, participants can be inspired to live purposeful lives. Business and community leaders have come together to engage and inspire. By seeing what their lives can be and having access to the tools to get there, participants can emulate role models and achieve success; and

WHEREAS, The Rise Up For Youth staff is made up of Lynn Gilkey, co-founder and CLASS Program Director; David Gilkey, co-founder and Do You Want To Live Or Die? Program Director; Ariel Rodriguez-Williams, Executive Director; and Kareem Collins, Program Coordinator. The volunteer board of directors has 13 individuals representing business, community and educational leaders. Volunteers for the organization come from a broad range of area residents, and all are committed to the success of the young people in the programs: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Rise Up For Youth for its inspirational and motivational mentoring programs for youth in Kansas; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Lynn Gilkey, David Gilkey, Ariel Rodriguez-Williams, Kareem Collins and Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1772** was adopted by voice vote.

Guests introduced were Ariel Rodriguez-Williams, Lynn Gilkey, Tiara Brown, Aalissa Rippatoe, Roxzana Martinez, Kim Voth and Kamilah Sharpe.

Senators honored the students and sponsors with a standing ovation.

MESSAGES FROM THE GOVERNOR

SB 283 approved on March 1, 2018.

February 5, 2018

To the Senate of the State of Kansas

Submitted herewith for confirmation by the Senate are the appointments made by me as the Governor of the State of Kansas, pursuant to law.

JEFF COLYER
Governor

Governor's Appointee, Kansas Public Employees' Retirement System Board of Trustees, James Zakoura, Overland Park, pursuant to the authority vested in me by KSA 74-4905 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, ending January 15, 2021, to succeed Lois Cox.

February 6, 2018

To the Senate of the State of Kansas

Submitted herewith for confirmation by the Senate are the appointments made by me as the Governor of the State of Kansas, pursuant to law.

JEFF COLYER
Governor

Public Member, Employment Security Board of Review, Phillip Hayes, Haysville, pursuant to the authority vested in me by KSA 44-709(f) et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, ending March 15, 2021, to succeed himself.

Public Member, University of Kansas Hospital Authority, Monte Coffman, Coffeyville, pursuant to the authority vested in me by KSA 76-3304 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, ending March 15, 2019, to succeed himself.

Secretary, Kansas Department for Children and Family Services, Gina Meier-Hummel, Lawrence, pursuant to the authority vested in me by KSA 75-5301 et seq., and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor to succeed Phyllis Gilmore.

Commissioner, Kansas Human Rights Commission, James Terrones, Olathe, pursuant to the authority vested in me by KSA 44-1003 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, ending January 15, 2021, to succeed Eric Laverentz.

Commissioner, Kansas Racing and Gaming Commission, Larry Turnquist, Saline, pursuant to the authority vested in me by KSA 74-8803 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, ending January 15, 2019, to succeed Dennis McKinney.

Secretary, Kansas Department of Health and Environment, Jeffrey Anderson, Overland Park, pursuant to the authority vested in me by KSA 75-5601 et seq., and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor to succeed Susan Mosier.

Member, State Board of Indigent Defense Services, Braden Perry, Mission Hills, pursuant to the authority vested in me by KSA 22-4519 et seq., and effective upon the date of confirmation by the Senate, to serve a three year term, ending January 15, 2020, to succeed Andrew Wimmer. Member.

Racing and Gaming Commission, Dave Myres, Shawnee, pursuant to the authority vested in me by KSA 74-8803 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, ending January 15, 2020, to succeed Eileen King.

MARCH 1, 2018

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COMMUNICATIONS FROM STATE OFFICERS

August 29, 2017
OFFICE OF THE ATTORNEY GENERAL

Pursuant to KSA 74-7303, I am appointing Nan Porter as a member of the Crime Victims Compensation Board.

Sincerely

DEREK SCHMIDT
Kansas Attorney General

STRICKEN FROM THE CALENDAR

On motion of Senator Denning **SB 330** was stricken from the calendar.

On motion of Senator Denning, the Senate adjourned pro forma until 8:00 a.m., Friday, March 2, 2018.

Journal of the Senate

THIRTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 2, 2018, 8:00 a.m.

The Senate was called to order pro forma by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 434, SB 435.**

Federal and State Affairs: **SB 433.**

REFERENCE OF APPOINTMENTS

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member, State Board of Indigents Defense Services:

Braden Perry, to serve a term ending January 15, 2020.

(Committee on Judiciary)

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member, Kansas Racing and Gaming Commission:

Dave Myres, to serve a term ending January 15, 2020.

(Committee on Federal and State Affairs)

The following appointment made by the Attorney General and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member, Kansas Crime Victims Compensation Board:

Nan Porter, to serve a term ending March 15, 2021.

(Committee on Judiciary)

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member, Kansas Employment Security Board of Review:

Phillip Hayes, to serve a term ending March 15, 2021.

(Committee on Commerce)

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member, University of Kansas Hospital Authority:

Monte Coffman, to serve a term ending March 15, 2019.

(Committee on Public Health and Welfare)

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Secretary, Department for Children and Families:

Gina Meier-Hummel, to serve at the pleasure of the governor.
(Committee on Public Health and Welfare)

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member, Kansas Human Rights Commission:

James Terrones, to serve a term ending January 15, 2021.
(Committee on Federal and State Affairs)

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member, Kansas Racing and Gaming Commission:

Larry Turnquist, to serve a term ending January 15, 2019.
(Committee on Federal and State Affairs)

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Secretary, Department of Health and Environment:

Jeffrey Anderson, to serve at the pleasure of the governor.
(Committee on Public Health and Welfare)

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member, Kansas Public Employees Retirement Board of Trustees:

James Zakoura, to serve a term ending January 15, 2021.
(Committee on Financial Institutions and Insurance)

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2470**, as amended by House Committee, **HB 2476**, as amended by House Committee, **HB 2502** be passed.

Committee on **Utilities** recommends **HB 2435** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

REPORT ON ENROLLED BILLS

SB 256; Sub SB 323 reported correctly enrolled, properly signed and presented to the Governor on March 2, 2018.

SR 1772 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 2, 2018.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the weeks of February 19-22 and February 28-March 2, 2018:

Senator Billinger: congratulating Adam Klausmeyer on achieving the rank of Eagle Scout, congratulating Ty Schultz on achieving the rank of Eagle Scout, congratulating Wyatt Mong on achieving the rank of Eagle Scout;

Senator Bowers: congratulating Larry Gallagher on receiving the 2017 Harold and Leola Wood Community Service Award, congratulating Beloit High School on being named a 2018 State School of Character, congratulating My Phillips County Online on being named a 2017 Business of the Year, congratulating the Linn High School Scholars

Bowl Team on winning the 2018 Class 1A Division II State Championship, congratulating the Washington County High School Scholars Bowl Team on finishing third place at the 2018 Class 1A Division I State Championships, congratulating the Belleville Telescope on winning six awards of excellence from the Kansas Press Association;

Senator Petersen: congratulating Derek G. Journey on achieving the rank of Eagle Scout, congratulating Zane M. Todd on achieving the rank of Eagle Scout, congratulating James M. Moyse on achieving the rank of Eagle Scout, congratulating Brian Hernandez on achieving the rank of Eagle Scout; and

Senator Wagle: congratulating Maureen Botros on being named a Top Youth Volunteer in Kansas.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, March 5, 2018.

Journal of the Senate

THIRTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 5, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

President Wagle introduced Mohamed M. Odah, who delivered the invocation:

In the name of God, the beneficent, the merciful. The one who created us and made us into nations and tribes so that we may know one another. Today we gather united as your respectful servants, seeking your guidance and your blessings. We pray to the one who created Adam and saved Noah, who spoke to Moses and sent us Jesus and brought forth Mohammad as a mercy to mankind. Unite us into a community that will manifest your power and benevolence. Gather us in love and help us to lead our lives in the way that is most pleasing to you. We pray that you guide our trusted representatives to act in accordance with what is best for our community, our state and our nation. We thank you for the blessings of liberty and the honor to be citizens of a great nation. Grant them the wisdom to recognize good and the courage to stand by it and to recognize evil and the courage to stand against it. Dear God, you have said that the true worshippers are those who walk on this earth gently and when they are wronged they respond with peace. Make us from amongst those who pursue justice with patience and who answer with peace. Purify our hearts and fill them with love and compassion for one another. And help us to stand against all forms of oppression. Our God, shower this world with your mercy and let wisdom prevail. Do not abandon us or leave us as orphans in the storm. Make this world a better place for all. We pray to the one God of all prophets and messengers and all of humanity. In your most holiest names we pray, Amen.

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Bollier rose on a Point of Personal Privilege to speak in recognition of the 3rd annual Muslim Advocacy Day and submitted the following comments: Over 100 Muslims, Christians, Jews, Unitarians and others have come here today to meet with legislators and to attest that Muslim Kansans are a valued and valuable part of our state and our communities. We welcome to the Senate chamber representatives of two groups: the Kansas Chapter of the Council on Islamic-American Relations, or CAIR (pronounced "CARE") and Kansas Interfaith Action. This past weekend I attended a memorial service for a constituent, Graham Porter, who lived to be nearly 101. In his late 90's he published a book, and I would like to quote an excerpt now, reflecting the wisdom Graham garnered over his many years of life: "On a recent trip to the Rocky

Mountains...it was almost as if I could hear God saying...Look, my friend. All you see represents my cathedral, my church, and my temple, in which I play no favorites as to an individual's color, faith, or creed. Whether you are Christian, Muslim, or Jewish, or whatever, if you sincerely strive to treat others – all others – as you wish to be treated in return, then I am a part of you, and you are a part of me...If we all will but share that belief, together we could change the world to one of never ending, joyful, and glorious peace.” While Muslim Advocacy Days is being celebrated today throughout the country, in Kansas we designed it as an interfaith event. We stand together in love and support of our Muslim brothers and sisters, and strongly oppose any efforts to target or vilify them. As Kansans, we can sum up our beliefs in two phrases: We are all equal in God's eyes, and we all have the right to equal protection under the law. Freedom of religion is sacred to our democracy. Today we celebrate that freedom and our commitment to love one another.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 436, AN ACT concerning health and healthcare; relating to the Kansas medical assistance program; providing coverage for tobacco cessation treatments, by Committee on Ways and Means.

CHANGE OF REFERENCE

The President withdrew **SB 425**; **HB 2551** from the Committee on **Judiciary**, and referred the bills to the Committee on **Federal and State Affairs**.

The President withdrew **HB 2524** from the Committee on **Judiciary**, and referred the bill to the Committee on **Utilities**.

MESSAGES FROM THE GOVERNOR

March 1, 2018

Executive Order No. 18-09 was submitted.

SB 256; **Sub SB 323** approved on March 5, 2018.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2332**, **Sub HB 2359**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2332, **Sub HB 2359** were thereupon introduced and read by title.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, March 6, 2018.

Journal of the Senate

THIRTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 6, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 39 senators present.

Senator Pettey was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, in Genesis 1:26-27, the book of beginnings, You created this world and it's wealth of resources. Then in Your image, You created us with gifts and abilities, to manage those resources.

Please Lord, remind us continuously that along with the responsibility comes accountability. We're accountable to those we serve, but our utmost accountability is in service to You. Let that which You give value to, be reflected in what we prioritize.

In Mark 12:31, You said that no other commandment has greater priority than Love for You and Love for our neighbors. And, we cannot be absolved or pardoned from either one. You have made it clear, that next to You what You treasure, is people. People over programs; people over property. People are Your priority!

So, Lord, while we're here in time and space, and while we're blessed with the ability to serve, guide the decisions we make. Direct us in our choices, that they demonstrate a greater love for You and an impartial love for our neighbors.

And when the day comes for final accountability, we want to hear twelve words from You, "Well done, My good and faithful servant. Come, from labor to reward!"

In the Name of the Creator; In the Name of the One Who sustains us; In the Name of the Lord Jesus, it is in gratefulness that I come. Amen

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize SPEEA Union Members from Wichita. Introduced were Matthew Cannon, Mark Gayer, Earl and Ponolar Washington.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Public Health and Welfare: **SB 436**.

Ways and Means: **Sub HB 2332, Sub HB 2359**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hilderbrand and Tyson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1773—

A RESOLUTION congratulating and commending the members of the Fort Scott High School debate team for their performance in the class 4A state debate tournament.

WHEREAS, The Fort Scott High School debate team traveled to Coffeyville, Kansas, for the 4A State Debate Tournament on January 12 and 13; and

WHEREAS, The team was represented in the four-speaker division by the regional championship team of Darby Toth, Rebekah Sweyko, Joe Adams and Isabella Provence, with alternates Kaden Kiwan and Ashtyn Dowell. The team took fourth place to KC Piper, Bishop Miege and Louisburg by one win; and

WHEREAS, In the two-speaker division, the team took four pairs, the maximum number allowed for a school. In order to qualify, the teams earned a win-loss record of 50% or better over four tournaments above the novice level. Fort Scott was represented by the teams of Madison Toth and Mark Adams; Zoe Self and Elizabeth Ngatia; Brooklyn Lyons and Dalton Womeldorff; and Tayton Majors and Sara Al-Shawish; and

WHEREAS, Sixty teams participated in the tournament and all four Fort Scott teams broke to double octofinals. In the double octofinal round, Madison Toth and Mark Adams lost to Nickerson, while Brooklyn Lyons and Dalton Womeldorff lost to Louisburg. Tayton Majors and Sara Al-Shawish made it to the quarterfinals and ended up fourth after losing to Topeka Hayden. The team of Zoe Self, a first-year debater, and Elizabeth Ngatia, a second-year debater, lost in the finals to Wichita Collegiate and brought home the second-place trophy; and

WHEREAS, The Fort Scott High School debate team has been state champion or state runner-up in four of the last five years and is coached by Amber Toth, with assistant coaches Travis Toth and Sarah Bahr: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Fort Scott High School debate team and their coaches for their outstanding performance in the class 4A state debate tournament; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Senators Hilderbrand and Tyson, and 18 enrolled copies to Amber Toth.

On emergency motion of Senator Hilderbrand **SR 1773** was adopted by voice vote. Senators honored the students with a standing ovation.

COMMITTEE OF THE WHOLE

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

On motion of Senator Goddard the following report was adopted:

HB 2502 be passed.

HB 2470 be amended by motion of Senator Estes; on page 3, in line 41, by striking "statute book" and inserting "Kansas register".

HB 2470 be further amended by motion of Senator McGinn; on page 3, following line 38, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 41-104 is hereby amended to read as follows: 41-104. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, except that nothing contained in this act shall prevent:

(a) The possession and transportation of alcoholic liquor for the personal use of the possessor, the possessor's family and guests except that the provisions of K.S.A. 41-407, and amendments thereto, shall be applicable to all persons;

(b) the making of wine, cider or beer by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, the maker's family, guests and judges at a contest or competition of such beverages, provided, the maker receives no compensation for producing such beverages or for allowing the consumption thereof;

(c) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of the medical or dental profession;

(d) any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or institution;

(e) any drugstore employing a licensed pharmacist from possessing and using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

(f) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church;

(g) the sale of wine to a consumer in this state by a person which holds a valid license authorizing the manufacture of wine in this or another state and the shipment of such wine directly to such consumer, subject to the following: (1) The consumer must be at least 21 years of age; (2) the consumer must purchase the wine while physically present on the premises of the wine manufacturer; (3) the wine must be for the consumer's personal consumption and not for resale; and (4) the consumer shall comply with the provisions of K.S.A. 41-407, and amendments thereto, by payment of all applicable taxes within such time after purchase of the wine as prescribed by rules and regulations adopted by the secretary;

(h) the serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to 26 U.S.C.A. § 501(c) and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto; or

(i) the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or owner's agent at an event

sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the governing body of the city, county or township wherein the event will take place and whereby the director of the alcoholic beverage control has been notified thereof no less than 10 days in advance.

(j) For purposes of subsection (b), ~~the term:~~

(1) "Guest" means a natural person who is known to the host and receives a personal invitation to an event conducted by the host. The term "guest" shall not mean a natural person who receives an invitation to an event conducted by the host when such invitation has been made available to the general public.

(2) "Judge" means a person who receives an invitation to an event conducted by the host when such invitation has been made available to the general public. The director may adopt reasonable rules and regulations governing contests or competitions held pursuant to subsection (b) when invitations to the contest or competition to participate as a judge are made available to the general public."

Also on page 3, in line 39, after "Supp." by inserting "41-104 and"; also in line 39, 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 "homebrew competitions;"; in line 2, after "Supp." by inserting "41-104 and"; also in line 3, by striking "section" and inserting "sections"; and **HB 2470** be passed as amended amended.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2042**, as amended by House Committee of the Whole, be amended on page 3, by striking all in lines 3 through 43;

By striking all on pages 4 through 12;

On page 13, by striking all in lines 1 through 38; in line 39, by striking "2016" and inserting "2017"; also in line 39, by striking "21-6302, 21-6302,"; also in line 39, by striking the last comma; in line 40, by striking "75-7c04," and inserting "and"; also in line 40, by striking "and 75-7c20 and 75-7c20";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "relating to eligibility for a license;"; in line 4, by striking all after the semicolon; by striking line 5; in line 6, by striking "21-6302, 21-6302,"; in line 7, by striking ", 75-7c04,, 75-7c04" and inserting "and"; also in line 7, by striking "75-7c20 and"; and the bill be passed as amended.

Also, **HB 2145**, as amended by House Committee of the Whole, be amended on page 1, in line 9, by striking the comma and inserting "or"; also in line 9, by striking "or throwing star"; in line 12, after the comma by inserting "throwing star,";

On page 4, in line 21, after "(i)" by inserting "(1) Subsection (a)(4) shall not apply to or affect any person in possession of a device or attachment designed, used or intended for use in suppressing the report of any firearm, if such device or attachment satisfies the description of a Kansas-made firearm accessory as set forth in K.S.A. 2017 Supp. 50-1204, and amendments thereto.

(2) The provisions of this subsection shall apply to any violation of subsection (a) (4) that occurred on or after April 25, 2013.

(j)";

On page 5, in line 13, by striking "(k)" and inserting "(l)"; in line 14, by striking "(k)" and inserting "(l)";

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

On page 6, in line 7, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 2, after the semicolon by inserting "exempting certain suppressors;"; and the bill be passed as amended.

HB 2498 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 **Financial Institutions and Insurance** recommends **HB 2469**, as amended by House Committee, 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 **Judiciary** recommends **HB 2454**, as amended by House Committee, be amended on page 4, following line 37, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 38-2391 is hereby amended to read as follows: 38-2391. (a) Upon adjudication as a juvenile offender pursuant to K.S.A. 2017 Supp. 38-2356, and amendments thereto, modification of sentence pursuant to K.S.A. 2017 Supp. 38-2367, and amendments thereto, or violation of a condition of sentence pursuant to K.S.A. 2017 Supp. 38-2368, and amendments thereto, the court may impose one or more of the sentencing alternatives under K.S.A. 2017 Supp. 38-2361, and amendments thereto, for a period of time pursuant to this section and K.S.A. 2017 Supp. 38-2369, and amendments thereto. The period of time ordered by the court shall not exceed the overall case length limit.

(b) Except as provided in subsection (c), the overall case length limit shall be calculated based on the adjudicated offense and the results of a risk and needs assessment, as follows:

(1) Offenders adjudicated for a misdemeanor may remain under the jurisdiction of the court for up to 12 months;

(2) low-risk and moderate-risk offenders adjudicated for a felony may remain under court jurisdiction for up to 15 months; and

(3) high-risk offenders adjudicated for a felony may remain under court jurisdiction for up to 18 months.

(c) There shall be no overall case length limit for a juvenile adjudicated for a felony which, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony.

(d) When a juvenile is adjudicated for multiple counts, the maximum overall case length shall be calculated based on the most severe adjudicated count or any other adjudicated count at the court's discretion. The court shall not run multiple adjudicated counts consecutively.

(e) When the juvenile is adjudicated for multiple cases simultaneously, the court shall run those cases concurrently.

(f) Upon expiration of the overall case length limit as defined in subsection (b), the court's jurisdiction terminates and shall not be extended.

(g) (1) For the purposes of placing juvenile offenders on probation pursuant to K.S.A. 2017 Supp. 38-2361, and amendments thereto, the court shall establish a specific term of probation as specified in this subsection based on the most serious adjudicated count in combination with the results of a risk and needs assessment, as

follows, except that the term of probation shall not exceed the overall case length limit:

(A) Low-risk and moderate-risk offenders adjudicated for a misdemeanor and low-risk offenders adjudicated for a felony may be placed on probation for a term up to six months;

(B) high-risk offenders adjudicated for a misdemeanor and moderate-risk offenders adjudicated for a felony may be placed on probation for a term up to nine months; and

(C) high-risk offenders adjudicated for a felony may be placed on probation for a term up to 12 months.

(2) The court may extend the term of probation if a juvenile needs time to complete an evidence-based program as determined to be necessary based on the results of a validated risk and needs assessment. The court may also extend the term of probation for good cause shown for one month for low-risk offenders, three months for moderate-risk offenders and six months for high-risk offenders. Prior to extension of the initial probationary term, the court shall find and enter into the written record the criteria permitting extension of probation. Extensions of probation shall only be granted incrementally and shall not exceed the overall case length limit. When the court extends the term of probation for a juvenile offender, the court services officer or community correctional services officer responsible for monitoring such juvenile offender shall record the reason given for extending probation. Court services officers shall report such records to the office of judicial administration, and community correctional services officers shall report such records to the department of corrections. The office of judicial administration and the department of corrections shall report such recorded data to the Kansas juvenile justice oversight committee on a quarterly basis.

(3) The probation term limits do not apply to those offenders adjudicated for an offense which, if committed by an adult, would constitute an off-grid crime, rape as defined in K.S.A. 2017 Supp. 21-5503(a)(1), and amendments thereto, aggravated criminal sodomy as defined in K.S.A. 2017 Supp. 21-5504(b)(3), and amendments thereto, or murder in the second degree as defined in K.S.A. 2017 Supp. 21-5403, and amendments thereto. Such offenders may be placed on probation for a term consistent with the overall case length limit.

(4) The probation term limits and overall case length limits provided in this section shall be tolled during any time that the offender has absconded from supervision while on probation, and the time on such limits shall not start to run again until the offender is located and brought back to the jurisdiction.

(h) For the purpose of placing juvenile offenders in detention pursuant to K.S.A. 2017 Supp. 38-2361 and 38-2369, and amendments thereto, the court shall establish a specific term of detention. The term of detention shall not exceed the overall case length limit or the cumulative detention limit. Cumulative detention use shall be limited to a maximum of 45 days over the course of the juvenile offender's case, except that there shall be no limit on cumulative detention for juvenile offenders adjudicated for a felony which, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony.

(i) The provisions of this section shall apply upon disposition or 15 days after adjudication, whichever is sooner, unless the juvenile fails to appear for such juvenile's dispositional hearing. If a juvenile fails to appear at such juvenile's dispositional hearing, the probation term limits and overall case length limits provided in this section shall not apply until the juvenile is brought before the court for disposition in such

juvenile's case.

(j) This section shall be part of and supplemental to the revised Kansas juvenile justice code.

Sec. 4. K.S.A. 2017 Supp. 75-52,161 is hereby amended to read as follows: 75-52,161. (a) There is hereby established the Kansas juvenile justice oversight committee for the purpose of overseeing the implementation of reform measures intended to improve the state's juvenile justice system.

(b) The Kansas juvenile justice oversight committee shall be composed of 21 members including the following individuals:

- (1) The governor or the governor's designee;
- (2) one member of the house of representatives appointed by the speaker of the house of representatives;
- (3) one member of the house of representatives appointed by the minority leader of the house of representatives;
- (4) one member of the senate appointed by the president of the senate;
- (5) one member of the senate appointed by the minority leader of the senate;
- (6) the secretary of corrections or the secretary's designee;
- (7) the secretary for children and families or the secretary's designee;
- (8) the commissioner of education or the commissioner's designee;
- (9) the deputy secretary of juvenile services at the department of corrections or the deputy's designee;
- (10) the director of community-based services at the department of corrections, or the director's designee;
- (11) two district court judges appointed by the chief justice of the supreme court;
- (12) one chief court services officer appointed by the chief justice of the supreme court;
- (13) one member of the office of judicial administration appointed by the chief justice of the supreme court;
- (14) one juvenile defense attorney appointed by the chief justice of the supreme court;
- (15) one juvenile crime victim advocate appointed by the governor;
- (16) one member from a local law enforcement agency appointed by the attorney general;
- (17) one attorney from a prosecuting attorney's office appointed by the attorney general;
- (18) one member from a community corrections agency appointed by the governor;
- (19) one youth member of the Kansas advisory group on juvenile justice and delinquency prevention appointed by the chair of the Kansas advisory group on juvenile justice and delinquency prevention; and
- (20) one director of a juvenile detention facility appointed by the attorney general.

(c) The committee shall be appointed by September 1, 2016, and shall meet within 60 days after appointment and at least quarterly thereafter, upon notice by the chair. The committee shall select a chairperson and vice-chairperson, and 11 members shall be considered a quorum.

(d) The committee shall perform the following duties:

- (1) Guide and evaluate the implementation of the changes in law relating to juvenile justice reform;

- (2) define performance measures and recidivism;
- (3) approve a plan developed by court services and the department of corrections instituting a uniform process for collecting and reviewing performance measures and recidivism, costs and outcomes of programs;
- (4) consider utilizing the Kansas criminal justice information system for data collection and analyses;
- (5) ensure system integration and accountability;
- (6) monitor the fidelity of implementation efforts to programs and training efforts;
- (7) ~~calculate~~ monitor any state expenditures that have been avoided by reductions in the number of youth placed in out-of-home placements to recommend to the governor and the legislature reinvestment of funds into:
 - (A) Evidence-based practices and programs in the community pursuant to K.S.A. 2017 Supp. 38-2302, and amendments thereto, for use by intake and assessment services, immediate intervention, probation and conditional release;
 - (B) training on evidence-based practices for juvenile justice system staff, including, but not limited to, training in cognitive behavioral therapies, family-centered therapies, substance abuse, sex offender therapy and other services that address a juvenile's risks and needs; and
 - (C) monitor the plan from the department of corrections for the prioritization of funds pursuant to K.S.A. 2017 Supp. 75-52,164(d), and amendments thereto;
- (8) continue to review any additional topics relating to the continued improvement of the juvenile justice system, including:
 - (A) The confidentiality of juvenile records;
 - (B) the reduction of the financial burden placed on families involved in the juvenile justice system;
 - (C) juvenile due process rights, including, but not limited to, the development of rights to a speedy trial and preliminary hearings;
 - (D) the improvement of conditions of confinement for juveniles;
 - (E) the removal from the home of children in need of care for non-abuse or neglect, truancy, running away or additional child behavior problems when there is no court finding of parental abuse or neglect; and
 - (F) the requirement for youth residential facilities to maintain sight and sound separation between children in need of care that have an open juvenile offender case and children in need of care that do not have an open juvenile offender case;
- (9) adhere to the goals of the juvenile justice code as provided in K.S.A. 2017 Supp. 38-2301, and amendments thereto;
- (10) analyze and investigate gaps in the juvenile justice system and explore alternatives to out-of-home placement of juvenile offenders in youth residential facilities;
- (11) identify evidence-based training models, needs and resources and make appropriate recommendations;
- (12) study and create a plan to address the disparate treatment and availability of resources for juveniles with mental health needs in the juvenile justice system; and
- (13) review portions of juvenile justice reform that require the department of corrections and the office of judicial administration to cooperate and make recommendations when there is not consensus between the two agencies.
 - (e) The committee shall issue an annual report to the governor, the president of the

senate, the speaker of the house of representatives and the chief justice of the supreme court on or before November 30 each year starting in 2017. Such report shall include:

(1) An assessment of the progress made in implementation of juvenile justice reform efforts;

(2) a summary of the committee's efforts in fulfilling its duties as set forth in this section;

(3) an analysis of the recidivism data obtained by the committee pursuant to this section;

(4) a summary of the averted costs ~~calculated by the committee~~ determined pursuant to this section and a recommendation for any reinvestment of the averted costs to fund services or programs to expand Kansas' continuum of alternatives for juveniles who would otherwise be placed in out-of-home placements;

(5) an analysis of detention risk-assessment data to determine if any disparate impacts resulted at any stage of the juvenile justice system based on race, sex, national origin or economic status;

(6) recommendations for continued improvements to the juvenile justice system;

(7) data pertaining to the completion of training on evidence-based practices in juvenile justice, including, but not limited to, the number of judges, district and county attorneys and appointed defense attorneys, that participated in training; and

(8) data received from the office of judicial administration and the department of corrections, pursuant to K.S.A. 2017 Supp. 38-2391, and amendments thereto, pertaining to extensions of probation for juvenile offenders and an analysis of such data to identify how probation extensions are being used and conclusions regarding the effectiveness of such extensions.

(f) After initial appointment, members appointed to this committee by the governor, the president of the senate, the speaker of the house of representatives or the chief justice of the supreme court pursuant to subsection (b), shall serve for a term of two years and shall be eligible for reappointment to such position. All members appointed to the committee shall serve until a successor has been duly appointed.

(g) The staff of the Kansas department of corrections shall provide such assistance as may be requested by the committee. To facilitate the organization of the meetings of the committee, the Kansas department of corrections shall provide administrative assistance.";

Also on page 4, in line 38, by striking "and" and inserting a comma; also in line 38, after "38-2360" by inserting ", 38-2391 and 75-52,161";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "hearing" by inserting "; overall case length limits; absconders; Kansas juvenile justice oversight committee"; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "38-2360" by inserting ", 38-2391 and 75-52,161"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 428** be passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, March 7, 2018.

Journal of the Senate

THIRTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 7, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 39 senators present.

Senator Doll was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, we're in the middle of the week. Monday's past and we look forward to Friday. We're in between the beginning of this session and the adjournment at the end. We're in the middle. And this is where we really need You; here, in the middle.

We thank You for an eager beginning, and pray for Your presence in the end. But right now, we need You with us in the middle.

When seed time has passed and the harvest is yet to come. Where we find ourselves is in the middle. Storms occur in the middle. All kinds of problems arise in the middle.

Like the Apostle Paul, in Philippians 3:13-14, we'll be forgetting what's behind us while we're pressing toward a productive conclusion. But, here and now, we're in the middle. You don't have us where we were when You originally brought us here, and we're not sure when You're going to take us out of here. So, our focus for now is the dash in middle.

We're looking forward, toward a glorious finish. But while we're here in the middle, we need Your encouragement and guidance.

Lord, I've asked You for words that will increase our faith, that we may trust and obey You just a little bit more. In the words of the hymn writer, not a shadow can rise, not a cloud in the skies, but Your smile quickly drives them away. Not a doubt or a fear, not a sigh or a tear, can abide while we trust and obey.

Thank You Lord, for answering prayer. Thank You for Your presence while we're going through the middle.

In the Name of Jesus, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 437, AN ACT concerning sales and compensating use tax; relating to exemptions, sales of currency, certain coins or bullion; amending K.S.A. 2017 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 438, AN ACT concerning health and healthcare; relating to the Kansas medical assistance program; removing prior authorization requirements for medicaid recipients

receiving treatment from certain providers; amending K.S.A. 2017 Supp. 39-7,121b and repealing the existing section, by Committee on Ways and Means.

SB 439, AN ACT concerning criminal procedure; relating to grand juries; amending K.S.A. 2017 Supp. 22-3006, 22-3011 and 22-3015 and repealing the existing sections, by Committee on Ways and Means.

SB 440, AN ACT concerning sales and compensating use tax; relating to exemptions, midland care connection, inc.; amending K.S.A. 2017 Supp. 79-3606 and repealing the existing section, by Committee on Ways and Means.

SB 441, AN ACT regulating traffic; concerning negligent driving, penalty; amending K.S.A. 2017 Supp. 8-2118 and repealing the existing section, by Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2416**, **HB 2606**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2416, **HB 2606** were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2470, AN ACT concerning alcoholic beverages; dealing with microbreweries; homebrew competitions; amending K.S.A. 2017 Supp. 41-104 and 41-308b and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Doll.

The bill passed, as amended.

HB 2502, AN ACT concerning alcoholic beverages; relating to the Kansas cereal malt beverage act; relating to the sale of beer by cereal malt beverage licensees; amending K.S.A. 2016 Supp. 41-2702, as amended by section 8 of chapter 56 of the 2017 Session Laws of Kansas, and 41-2704, as amended by section 9 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A. 2017 Supp. 41-212 and 79-3602 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Doll.

The bill passed.

COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

SCR 1611 be amended by the adoption of the committee amendments and the resolution be adopted as amended.

HB 2476 be passed over and retain a place on the calendar.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2567** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, March 8, 2018.

Journal of the Senate

FORTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 8, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Doll was excused.

Invocation by Reverend Cecil T. Washington:

Most Holy and Gracious Father, we're here today, concerned with laws...legislating actions that mirror Your graciousness. We're looking to establish policies and procedures that align with Your will and Your ways.

To guide us in this, You've given us Your commands...commands that direct us on how to relate to You and how to treat others.

When it comes to efforts we launch, aimed at impacting the lives of others, You summarized in Matthew 7:11-12 what Your commands were all about. You said we're to treat others as we would want them to treat us.

So, Lord while we're on this mission to make our lives a little better, let Your Holy Spirit be our chaperon. GPS us; Guide us by Your Gracious, Proving Spirit to emulate Your will and Your ways, that life in our communities will be enhanced. In the Name of our Lord and Savior, Amen and Amen.

The National Anthem was played by the Winfield High School Orchestra. They also performed "Big Sky Serenade" commissioned especially for the orchestra's 130th anniversary. Senators honored the students with a standing ovation.

POINT OF PERSONAL PRIVILEGE

Senator Alley rose on a Point of Personal Privilege to recognize the Winfield High School Orchestra. In 1888 the Winfield School Board hired L. M. Gordon to teach orchestra, making it the very first public school orchestra in the United States. Over the years students have become players in major symphonies, including an assistant conductor of the New York Philharmonic and nationally known music educators. This year marks the 130th year of the long and illustrious musical history of the Winfield High School Orchestra and the tradition continues with the orchestra performing in the chamber today.

Senator Hensley rose on a Point of Personal Privilege to recognize The Kansas Volunteer Commission, one of 52 state service commissions nationwide, which engages staff and Governor-appointed Commissioners to achieve its mission of empowering all Kansans to meet community needs through service. The Kansas Volunteer Commission

manages the \$1.4 million AmeriCorps Kansas portfolio, supports mentoring organizations through Kansas Mentors and provides funding, training and resources to volunteer organizations throughout the state. The Kansas Volunteer Commission determines social needs in our state, sets policy and program priorities, competitively awards grants to local nonprofits and agencies, provides training and technical assistance, monitors grantees to ensure compliance with federal and state laws and helps Kansas tap the power of citizens to solve problems and strengthen our communities.

Senator Rogers rose on a Point of Personal Privilege to welcome advocates from the ARC of Sedgwick County. The group has made a difference in the lives of individuals and families living with intellectual and developmental disabilities in Sedgwick County for the past 60 years. ARC is a grassroots effort by parents concerned about services and future opportunities for their children. Their vision is for community-based services. My first introduction to them was as a School Board member seeing their successful summer YESS program for K-12 grade students. They are here today to celebrate Developmental Disability Awareness Month. The following advocates of ARC of Sedgwick County were introduced: Marvin Patterson, Mary Hovey, Cammie Funston and Nicole Hall.

Senator V. Schmidt rose on a Point of Personal Privilege to recognize Kansas Boys and Girls Club Youth of the Year. Since 1947, Youth of the Year has been Boys and Girls Clubs of America's premier recognition program, celebrating the extraordinary achievements of Club members. Each year, one exceptional young person from a Boys and Girls Club rises to the role of National Youth of the Year. The National Youth of the Year serves as both an exemplary ambassador for Boys and Girls Club youth and as a strong voice for all of our nation's young people. The journey to being named National Youth of the Year begins locally and progresses to state, regional and national levels, with an additional military phase for members of BGCA-affiliated Youth Centers on U.S. military installations. The 2018 Youth of the Year candidates are: Ivy Auletti (Boys and Girls Clubs of Manhattan), Christopher Burrell (Boys and Girls Clubs of South Central Kansas), Isabel Calle (Fort Riley CYS Boys and Girls Club), Ruth Gathunguri (Boys and Girls Club of Lawrence), Tavian Gray (Boys and Girls Clubs of Hutchinson), Juleonna Stevenson (Boys and Girls Club of Coffeyville), and Carlos Vega (Fort Leavenworth CYS Boys and Girls Club). Last night, Ruth Gathunguri was named the State Youth of the Year and will move on to regional and national competitions. Isabel Calle was named Kansas Military Youth of the Year. It was an honor last night to attend the Awards Ceremony with Senators Billinger, Berger, Faust-Goudeau, Francisco and Goddard. These individuals gave speeches that were inspirational. They have all triumphed over many events in their lives and have succeeded through the support of mentors and interactions with the Boys and Girls Club staff at their respective clubs. They are gracious, humble, thankful individuals who represent Kansas well and certainly their clubs. Good luck to Ruth Gathunguri and Isabel Calle in the next competitions. Thank you for being here today and allowing us to honor each of you. You are all winners!

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 442, AN ACT concerning education; relating to the Kansas school equity and enhancement act; relating to transportation weighting; amending K.S.A. 2017 Supp. 72-5148 and repealing the existing section, by Committee on Ways and Means.

SB 443, AN ACT concerning children and minors; relating to preliminary inquiries to determine whether a child is in need of care; investigations of suspected abuse or neglect; amending K.S.A. 2017 Supp. 38-2223, 38-2226 and 38-2230 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 437**, **SB 440**; **HB 2416**.

Judiciary: **SB 439**.

Public Health and Welfare: **SB 438**.

Transportation: **SB 441**; **HB 2606**.

MESSAGES FROM THE GOVERNOR

Executive Order No. 18-10 was submitted.

COMMUNICATIONS FROM STATE OFFICERS

March 7, 2018

Kansas Board of Regents submitted the Postsecondary Technical Education Authority annual report.

President Wagle announced the above report is on file in the office of the Secretary of the Senate and are available for review at any time.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2757**, **HB 2758**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2757, **HB 2758** were thereupon introduced and read by title.

FINAL ACTION ON CONSENT CALENDAR

HB 2435 having appeared on the Consent Calendar for the required two full legislative days without objection from any member was considered on final action.

HB 2435, AN ACT concerning emergency telephone services; relating to the Kansas 911 act; audits by the division of legislative post audit; amending K.S.A. 2017 Supp. 12-5377 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Doll, Holland.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SCR 1611, A CONCURRENT RESOLUTION making application to the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States that impose limits on the federal government, was considered on final action.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 22; Nays 16; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Hilderbrand, Kelly, McGinn, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Absent or Not Voting: Doll, Holland.

The Call of the Senate was lifted.

A two-thirds constitutional majority having not voted in favor of the resolution, **SCR 1611** was not adopted.

EXPLANATION OF VOTE

Madam President: I VOTE "NO" ON **SCR 1611**; WHICH WOULD CALL FOR KANSAS TO JOIN A COMPACT WITH OTHER STATES TO HOLD A CONSTITUTIONAL CONFERENCE. Our sworn oath of office to the Kansas Senate includes an affirmation to defend and protect the Constitution of the United States and the Constitution of the State of Kansas. Respecting our governments and fearful of the proposed uncertain procedures, it is my sincere belief that if this SCR were to pass, and the threshold for other States to convene were met, an ensuing convention might erode the Constitution of the United States of America.—DAVID HALEY

Senators Hawk, Kelly, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **SCR 1611**.

Madam President: I vote "NO" on **SCR 1611**. The United States Constitution has been amended 27 times since 1791, in every case by the amendment process under Article V, which provides that two-thirds of both houses of Congress approves an amendment and three-quarters of state legislatures are required to ratify it. This process involves elected representatives of the people at the federal and state levels. Over the past 227 years, this process has served all citizens of the United States very well. On the contrary, a convention of the states to amend the Constitution would put unelected, unaccountable delegates in charge with the potential of rewriting our entire Constitution. Article V gives no guidance on how a convention of the states would work. How would the rules be established? How many delegates would each state get? How will they be selected? Who will determine what issues the convention can consider? How much influence would powerful, well-funded special interest groups have over the delegates? If you believe, as I believe, that constitutional amendments should be proposed and ratified by those elected by the people, you should be voting "NO" on **SCR 1611**.—ANTHONY HENSLEY

Senators Haley, Hawk, Kelly, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SCR 1611**.

Madam President: These issues are very important to all of us and I applaud our body for addressing these very important issues within **SCR 1611**. This body has yet to address some very serious issues prior to this resolution. We already have two active resolutions calling for a convention. We have not clearly defined how we will be picking our delegates to represent our state. We have not clearly defined the rules of which our delegates will follow. We have not clearly defined the rules for which the amendments coming out of a convention will be ratified. We, as a state government, cannot with a clear conscious wish to impose term limits on our US government, when we ourselves do not have them. We, as a state government, cannot with a clear conscious wish to impose a balanced budget on our US government, when we use budget maneuvers to balance ours. We, as a state government, cannot with a clear conscious wish to impose restrictions on our US government while we have nearly 10,000 active state regulations. We must give our constituents what they are desperately seeking. But to do this we must lead by example. For these reasons I vote "NO".—
RICHARD HILDERBRAND

Madam President: I, also, am concerned – no alarmed – with the federal debt and out of control federal spending, and believe the federal government is out of bounds constitutionally. At this time however, I cannot support calling an Article V convention, until the selection process for choosing delegates to the convention (for amending the constitution), and the process for ratification of adopted amendments is firmly understood and in place. Calling for an Article V convention before putting the appropriate processes in place is simply putting the cart ahead of the horse.—DENNIS
PYLE

Senators McGinn, Rogers and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Pyle on **SCR 1611**.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 415** be passed.

Also, **SB 236** be amended on page 1, in line 6, by striking "2016" and inserting "2017";

On page 2, in line 37, by striking "2016" and inserting "2017";

On page 1, in the title, in line 2, by striking "2016" and inserting "2017"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, Kansas Public Employees' Retirement Systems Board of Trustees: K.S.A. 74-4905

James Zakoura, to fill a term expiring on January 15, 2021.

REPORT ON ENROLLED BILLS

SR 1773 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 8, 2018.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, March 9, 2018.

Journal of the Senate

FORTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 9, 2018, 8:00 a.m.

The Senate was called to order by Senator Vicki Schmidt.

The roll was called with 26 senators present.

Senators Alley, Baumgardner, Doll, Estes, Faust-Goudeau, Fitzgerald, Hardy, Holland, Kerschen, Longbine, Masterson, Pilcher-Cook, Skubal and Wagle were excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, the weekend is upon us. Thanks for the work You've blessed us to accomplish. Now, we're turning homeward. We're praying for safe travel and pleasurable arrivals. Help us to find that while we were here, concerned with the business in this house, that You were simultaneously and concurrently concerned with the business at our house.

In Deuteronomy 31:6, You declared that You would go with Your people; that You would not forsake or abandon them.

So Lord, as we go down from this place encourage our faith, that we may confidently practice Your presence in all that we do.

In the Name of Jesus, I thank You for the promise to always be there. Amen.

The Pledge of Allegiance was led by Senator Schmidt.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 444, AN ACT concerning sales and compensating use tax; relating to rates, food and food ingredients; amending K.S.A. 2017 Supp. 79-3602, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 445, AN ACT concerning savings programs; relating to beneficiaries of ABLE accounts, transfers, qualified higher education expenses; income taxation, deduction for contributions; amending K.S.A. 2017 Supp. 75-655 and 79-32,117 and repealing the existing sections, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **HB 2757**, **HB 2758**.

Public Health and Welfare: **SB 443**.

Senate Select Committee on Education Finance: **SB 442**.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of March 5-9, 2018:

Senator Alley: congratulating and commending the Winfield High School Orchestra on its 130th Anniversary;

Senator Hardy: celebrating Nora Shaffer's 106th Birthday, celebrating Elinor Cramer's 100th Birthday, celebrating Ruth Alt's 100th Birthday;

Senator Petersen: congratulating Ngoc Vuong on being named a top youth volunteer in Kansas;

Senator Rogers: commending SoCe Life on its service to the Wichita Community and the State of Kansas, recognizing Richard L. Taylor for his forty-four years of service to the Plumbers and Pipefitters Local Union 441; and

Senator Skubal: congratulating Matthew Logan Lettow on achieving the rank of Eagle Scout.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, March 12, 2018.

Journal of the Senate

FORTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 12, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

President Wagle introduced guest chaplain, Reverend Robert Smith, Saint Francis Ministries, to deliver the invocation:

Gracious and loving God. You created us for one another; You created us for community. Stay present in this chamber, dear God. Let Your loving presence be made known through right actions and decisions that fortify and uphold the common good. You made us for one another. We need one another. I pray Your love guides and directs all that are honored to serve the people of Kansas. Bless all who give themselves to the service of others; that with wisdom, patience and courage they may serve selflessly to the suffering, the friendless and needy. Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION No. 1613—

By Senator Pyle

A PROPOSITION to amend article 14 of the constitution of the state of Kansas by adding a new section thereto, relating to reserving the initiative and referendum powers to the people.

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: Article 14 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 3. Initiative and referendum powers. (a) The people reserve the power to propose and enact or reject amendments to the constitution by initiative, independent of the legislature.

(1) An initiative amendment to the constitution may be proposed only by a petition signed by qualified electors equal in number to not less than 5% of the number of electors who voted at the last preceding general election.

(2) An initiative petition shall be filed with the secretary of state not less than 90 days before the election at which the proposed amendment to the constitution is to be voted upon.

(3) An initiative petition shall include the full text of the proposed amendment to the constitution. A proposed amendment to the constitution shall not contain more than one subject and the enacting clause thereof shall be "Be it resolved by the people of the State of Kansas:".

(4) The title by which a proposed amendment to the constitution is submitted shall be specified in the initiative petition and shall be a brief nontechnical statement expressing the intent or purpose of the proposed amendment to the constitution and the effect of a vote for and a vote against the proposed amendment to the constitution.

(5) When more than one proposed amendment to the constitution is submitted at the same election, such proposed amendments to the constitution shall be so submitted as to enable the electors to vote on each proposed amendment to the constitution separately.

(6) One amendment of the constitution may revise any entire article, except the article on general provisions, and in revising any article, the article may be renumbered and all or parts of other articles may be amended, or amended and transferred to the article being revised.

(7) Not more than five amendments proposed by initiative shall be submitted at the same election.

(b) Notwithstanding the provisions of section 1 of article 2, the people reserve the power to propose and enact or reject laws by initiative, independent of the legislature.

(1) An initiative law may be proposed only by a petition signed by qualified electors equal in number to not less than 5% of the number of electors who voted at the last preceding general election.

(2) An initiative petition shall be filed with the secretary of state not less than 90 days before the election at which the proposed law is to be voted upon.

(3) An initiative petition shall include the full text of the proposed law. A proposed law shall not contain more than one subject and the enacting clause thereof shall be "Be it enacted by the people of the State of Kansas:".

(4) The title by which a proposed law is submitted shall be specified in the initiative petition and shall be a brief nontechnical statement expressing the intent or purpose of the proposed law and the effect of a vote for and a vote against the proposed law.

(5) When more than one proposed law is submitted at the same election, such proposed law shall be so submitted as to enable the electors to vote on each proposed law separately.

(c) The people reserve the power to approve or reject by referendum any bill enacted by the legislature, except as otherwise provided in this subsection.

(1) A referendum on a bill, or any part thereof, may be ordered by a petition signed by qualified electors equal in number to not less than 5% of the number of electors who voted at the last preceding general election. A referendum petition shall be filed with the secretary of state not more than 90 days after the final adjournment of the session of the legislature at which the bill was passed.

(2) A referendum petition shall not be allowed on any part of a bill: (A) Necessary for the immediate preservation of the public peace, health or safety; or (B) making or repealing any appropriation.

(3) A referendum ordered by petition on a part of a bill shall not delay the remainder of the bill from becoming effective.

(4) A referendum on a bill may be ordered by the legislature by law.

(5) Notwithstanding section 14 of article 2, bills ordering a referendum and bills on which a referendum is ordered shall not require the signature of the governor or be subject to veto by the governor.

(d) All elections on initiative and referendum measures shall be held at the regular general elections in odd-numbered years, unless otherwise ordered by the legislature subject to subsection (c)(4).

(e) Notwithstanding any provision of this constitution to the contrary, an initiative or referendum measure becomes effective 30 days after the day on which it is enacted or approved by a majority of the votes cast thereon. When conflicting measures are approved at the same election, the one receiving the largest affirmative vote shall prevail.

(f) The provisions of this section shall be self-executing, but legislation may be enacted to facilitate its implementation. The legislature shall provide for reporting of expenditures and contributions made to support or oppose an initiative or referendum measure submitted to the electors pursuant to this section."

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

"Explanatory statement. This amendment would allow the people to propose and enact or reject amendments to the constitution by initiative, independent of the legislature. This amendment would also allow the people to propose and enact or reject laws by initiative, independent of the legislature. Finally, this amendment would allow a referendum on any bill enacted by the legislature, either by petition from the people, or by order of the legislature by law. A referendum petition would not be allowed on any part of a bill necessary for the immediate preservation of the public peace, health or safety or any part of a bill making or repealing any appropriation.

"A vote for this proposition would reserve to the people the power to propose and enact or reject laws and amendments to the constitution by initiative, independent of the legislature, and the power to approve or reject by referendum any bill enacted by the legislature.

"A vote against this proposition would not amend the constitution and would not reserve the initiative and referendum powers to the people."

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 2018, unless a special election is called at a sooner date by concurrent resolution of

the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 444, SB 445.**

CHANGE OF REFERENCE

The President withdrew **SB 415** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Assessment and Taxation.**

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2572.**

The House concurs in Senate amendments to **HB 2106.**

The House concurs in Senate amendments to **HB 2362.**

The House nonconcurrs in Senate amendments to **HB 2470**, requests a conference and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2482**, requests a conference and has appointed Representatives Mason, Corbet and Whipple as conferees on the part of the House.

Announcing passage of **SB 405.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2572 was thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Skubal introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1774—

A RESOLUTION urging the small business community in Kansas to assist in developing a model for saving for retirement that is accessible to working Kansans.

WHEREAS, Nearly 45% of working-age households in the United States do not own any retirement assets; and

WHEREAS, Among those who do save for retirement in Kansas, the average 401(k) balance is only about \$23,000; and

WHEREAS, More than 420,000 Kansans do not have a way to save for retirement at work, leaving them more likely to rely on social security as their only source of retirement income; and

WHEREAS, The average monthly social security benefit in Kansas is \$1,281; and

WHEREAS, 47.9% of Kansans rely on social security for 50% or more of their retirement income; and

WHEREAS, In Kansas, 47% of the state's population would have an income below the poverty line without social security; and

WHEREAS, Nationwide, only 55% of private sector workers have access to a retirement plan at work; and

WHEREAS, In Kansas, 42% of private sector employees, including workers at all income levels and all levels of education, do not have access to a payroll deduction retirement plan; and

WHEREAS, In Kansas, only 20% of those who work for small businesses, meaning businesses with fewer than 10 employees, have access to a retirement plan at work; and

WHEREAS, Research shows that offering a person a way to save for retirement through their job dramatically increases their ability to save, and workers are 20 times more likely to save for retirement if they can do so automatically out of their paycheck; and

WHEREAS, Only 5% of people without access to a payroll deduction plan at work will establish a retirement savings plan strategy on their own; and

WHEREAS, AARP Kansas' data shows that, regardless of political affiliation, 68% of those surveyed believe that the state should do more to encourage retirement savings; and

WHEREAS, Half of all households are at risk of financial insecurity in retirement, causing taxpayers to shoulder the burden of ensuring that retirees have their basic needs met through social safety net programs; and

WHEREAS, Kansas could save \$51.7 million on public assistance programs between 2018 and 2032 if lower-income retirees save enough to increase their retirement income by \$1,000 more per year; and

WHEREAS, Making it easier for small businesses to offer a retirement plan to their workers and making it easier for employees to save their own money for retirement should be a high priority for policymakers; and

WHEREAS, It is in the best interest of Kansas small business employees, Kansas small business owners, taxpayers and for the state of Kansas to take action to enable Kansans to prepare for their futures and allow them to be self-sufficient in retirement, rather than depending on government services: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we encourage Kansans to prepare for retirement in a financially secure manner, to develop a retirement plan individually or through the workplace and to support state leaders in taking any and all measures necessary to make this an obtainable goal; and

Be it further resolved: That we urge Kansas' small business community and employees to join with the Legislature and the State Treasurer to assist in developing a model for saving for retirement through the workplace that is accessible to working Kansans; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Skubal.

On emergency motion of Senator Skubal **SR 1774** was adopted by voice vote.

Senators Tyson, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Lynn, McGinn, Petersen, Pettey, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1775—

A RESOLUTION urging the United States Department of Agriculture's Food and Nutrition Service to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.

WHEREAS, The Kansas Department of Health and Environment participates in the Kansas Senior Farmers Market Nutrition Program, which uses federal funding to provide low-income seniors with resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, herbs and honey from farmers markets, roadside stands and Community Supported Agriculture (CSA) programs; and

WHEREAS, Coupon redemption rates in Kansas have traditionally been low compared to other states; and

WHEREAS, Twelve percent of senior males and 24% of senior females eat significantly less protein than recommended; and

WHEREAS, Kansas has a strong tradition of an agricultural-based economy, and the agricultural sector employs 13% of the state's workforce; and

WHEREAS, Beef cattle ranching and farming, including feedlots and dual-purpose ranching and farming, is the top employer in the agriculture industry, with more than 42,000 employees in Kansas; and

WHEREAS, Purchases of locally sourced proteins, including unprepared meats and eggs, can support the local economy, farmers, farmers markets, roadside stands and CSA programs, thus reducing the number of "food miles" those commodities must travel to reach the end consumer; and

WHEREAS, The Kansas Department of Health and Environment can encourage education to low-income seniors about how to select, store and prepare local proteins: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we urge the United States Department of Agriculture's Food and Nutrition Service to consider and accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include the addition of proteins to improve the program and to stimulate the growth of the Kansas agricultural sector; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Tyson.

On emergency motion of Senator Tyson **SR 1775** was adopted by voice vote.

ORIGINAL MOTION

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2470**.

The President appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **HB 2482**.

The President appointed Senators Lynn, Suellentrop and Holland as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** begs leave to submit the following report: The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:
Secretary, Kansas Department for Children and Families: K.S.A. 75-5301
Gina Meier-Hummel, to serve at the pleasure of the Governor

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, March 13, 2018.

Journal of the Senate

FORTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 13, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, our desire today is to promote progress, looking to arrive at productive ends. But Lord, successful progress can only be achieved with You being the wind at our backs.

Like seagoing people, we often experience headwinds; contrary winds, that make progress difficult, or slow or maybe not at all. But then come the tailwinds that help us along, that reduce or eliminate resistance and increase the speed of our accomplishments.

In Acts 27:4-44, Paul and those with him encountered a contrary wind. Although it slowed them and even stopped them, it didn't defeat them. You provided success.

In business, in government, in our families, even in ourselves and our relationships, the winds blow. Some are contrary headwinds, but thankfully they're often offset by tailwinds – people.

You get behind us and push us along. You use the criticisms of some, as a headwind to slow us down or stop us. And You use the compliments of others as an encouraging tailwind to give us a shove.

Thank You for those that are with us on this journey, the friendly winds that are our helpers. But we also thank You for those who oppose us, and actually make us stronger. You use them to make us, rather than to break us.

In the final analysis, it is You that we need as our Captain. We need You at the helm in this journey. We need You, as the Wind, at our backs.

Thanks now, for being the Wind at our backs, and even more so, the Wind beneath our wings. In Jesus' Name I pray, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 446, AN ACT concerning consumer protection; relating to unconscionable acts or practices; requiring technology protection measures on internet-accessible devices; enacting the human trafficking and child exploitation prevention act; establishing the human trafficking and child exploitation prevention fund, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **Sub HB 2572**.

Federal and State Affairs: **SCR 1613**.

CHANGE OF REFERENCE

An objection having been made to **HB 2498** appearing on the Consent Calendar, the Vice President directed the bill be removed and placed on the calendar under the heading of General Orders.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2541, HB 2650; SB 267; Sub SB 414**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2541, HB 2650 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Holland, Berger, Billinger, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hawk, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, McGinn, Petersen, Rogers, V. Schmidt, Sykes, Taylor and Tyson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1776—

A RESOLUTION recognizing the
Kansas Small Business Development Center's 2018 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (SBDC), a member of the national organization of America's SBDC, is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting and training and the identification of appropriate resources; and

WHEREAS, The Kansas SBDC regional directors and staff selected seven Emerging Business of the Year award recipients, eight Existing Business of the Year award recipients and two Exporting Business of the Year award recipients; and

WHEREAS, The Kansas SBDC's Business of the Year awards are designed to recognize Kansas SBDC clients for superior performance; and

WHEREAS, Business of the Year award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and positive economic impact, which is based on a record of profitability and the Kansas SBDC Economic Impact Tracking spreadsheet, and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2018 Kansas SBDC Emerging Businesses of the Year are: BellaRose Boutique and Tanning Salon, LLC, in Burlington, owned by Lindsay Beyer; Lost Creek Supply in Kensington, owned by Kaid Baumann; Angel Competition Bikinis, LCC, in Lenexa, owned by Karah and Lauren Beeves; HMC Performance Coatings in Tonganoxie, owned by Shawn and Amie Bristol; Root Coffeeshouse in Pittsburg, owned by Lindsey and Trent King; Advantage Marketing in Wichita, owned

by Cori Kohlmeier and Amy Hoefler; and Sugar Creek Country Store in St. Marys, owned by Dan Hohman; and

WHEREAS, The 2018 Kansas SBDC Existing Businesses of the Year are: Radius Brewing Company, LLC, in Emporia, owned by Justin Bays, Jeremy Johns and Chad Swift; KYVZ Radio in Atwood, owned by Joe Vysourek; KC Restoration, LLC, in Olathe, owned by Bill and LeAnn Luemmen; KEAdvisors in Lawrence, owned by Keith Ely; LaHarpe Telephone Company, Inc., in LaHarpe, owned by Harry Lee, Joyce Lee and Carol Higginbotham; T & B Towing, LLC, in Turpin, Oklahoma, owned by Ty Rader; Overstock Art, LLC, in Wichita, owned by David Sasson; and Wabaunsee County Signal – Enterprise in Alma, owned by Lori Daniel; and

WHEREAS, The 2018 Kansas SBDC Exporting Businesses of the Year are: Double D Family Mat Shop, Inc., in Park, owned by Dale and Dena Goetz; and Northwind Technical Services, LLC, in Sabetha, owned by Mike and Marlene Bosworth; and

WHEREAS, The Kansas SBDC Businesses of the Year serve as examples of the success that the Kansas SBDC and small business owners across Kansas can achieve: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Kansas Small Business Development Center's 2018 Emerging, Existing and Exporting Businesses of the Year and wish all of them, the Kansas SBDC and America's SBDC, continued success in the future; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1776** was adopted by voice vote.

Senators honored the 2018 Kansas Small Business Development Center businesses of the year with a standing ovation.

COMMITTEE OF THE WHOLE

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

On motion of Senator Hardy the following report was adopted:

HB 2476 be amended by motion of Senator Denning; on page 1, in line 20, by striking "0.5%" and inserting "1%";

On page 4, in line 34, by striking "0.5%" and inserting "1%";

On page 10, following line 11, by inserting:

"Sec. 4. K.S.A. 65-664 is hereby amended to read as follows: 65-664. A food shall be deemed to be adulterated:

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of the substance in such food does not ordinarily render it injurious to health; or (2) (A) it bears or contains any added poisonous or added deleterious substance, other than one which is: (i) A pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive, which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto; ~~or~~ (B) it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto; or (C) it is or it bears or contains any food additive which is

unsafe within the meaning of K.S.A. 65-667, and amendments thereto. Where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under K.S.A. 65-667, and amendments thereto, and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed food shall, notwithstanding the provisions of K.S.A. 65-667, and amendments thereto, and ~~clause subparagraph (C)~~ of this subsection, not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of such residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity; ~~or~~ (3) it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or is otherwise unfit for food; ~~or~~ (4) it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; ~~or~~ (5) it is the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse; or (6) its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(b) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; ~~or~~ (2) any substance has been substituted wholly or in part therefor; ~~or~~ (3) damage or inferiority has been concealed in any manner; or (4) any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is. This subsection does not apply to any cured or smoked pork product by reason of its containing added water.

(c) If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of ~~$\frac{4}{10}$ of 1%~~ 0.4%, harmless natural wax not in excess of ~~$\frac{4}{10}$ of 1%~~ 0.4%, harmless natural gum, and pectin. This subsection does not apply to any confectionery by reason of its containing ~~less than $\frac{1}{2}$ of~~ not more than 1% by volume of alcohol ~~derived solely from the use of flavoring extracts~~, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

(d) If it is or bears or contains any color additive which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto;

Also on page 10, in line 12, before "K.S.A." by inserting "K.S.A. 65-664 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "confectionery" and inserting "confectionery"; in line 3, by striking "relating to" and inserting "confectionery products containing alcohol and adulterated food products;"; in line 6, after "amending" by inserting "K.S.A. 65-664 and"; and the bill be passed as amended.

Sub HB 2194 be amended by the adoption of the committee amendments, be further amended by motion of Senator Petersen; on page 2, in line 12, by striking all after "or"; in line 13, by striking all before "the"; in line 15, by striking all after "applicant"; in line 16, by striking all before "shall" and inserting "seeking exemption from the written and driving tests pursuant to this paragraph"; in line 28, by striking all after "the"; in line 29, by striking "education" and inserting "motorcycle safety foundation";

On page 5, by striking all in lines 30 through 43;

By striking all on pages 6 and 7;

On page 8, by striking all in lines 1 through 27; in line 28, by striking "and 8-272 are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking ", location for safety courses"; in line 3, by striking "and 8-272"; in line 4, by striking "sections" and inserting "section"; and the bill be passed as further amended.

HB 2031 be passed over and retain a place on the calendar.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2619**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **HB 2691**, as amended by House Committee, 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 **Assessment and Taxation** recommends **SB 367** be amended on page 8, in line 9, before "Sales" by inserting "'Sales or selling price" includes consideration received by the seller from third parties if:

(A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(B) the seller has an obligation to pass the price reduction or discount through to the purchaser;

(C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(D) one of the following criteria is met:

(i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) the purchaser identifies to the seller that the purchaser is a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group; or

(iii) the price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

(3)";

Also on page 8, in line 22, by striking "2018" and inserting "2019";

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

Also, **SB 415** be amended on page 2, by striking all in lines 37 through 43;

On page 3, by striking all in lines 1 through 10 and inserting:

"New Sec. 2. (a) Notwithstanding any provision to the contrary in the Kansas retailers' sales tax act, state sales tax levied pursuant to K.S.A. 79-3603, and amendments thereto, and collected by the Kansas state fair or any retailer upon the

gross receipts received from the sale of tangible personal property at retail while on the Kansas state fairgrounds, shall be remitted to the director of taxation who shall remit all such state sales tax 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 and credit to the state highway fund the same percentage in effect and credited pursuant to K.S.A. 79-3620(c), and amendments thereto, of the sales tax revenue collected and the remainder to be credited to the state fair capital improvements fund established pursuant to K.S.A. 2-223, and amendments thereto.

(b) The provisions of this section shall be part of and supplemental to the Kansas sales tax act.";

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 433** be amended on page 2, in line 36, by striking all after "(2)"; by striking all in line 37; in line 38, by striking "subsection" and inserting "(A) For purposes of this subsection, "automated device" shall mean any mechanized device capable of dispensing wine or beer directly to a customer in exchange for compensation that a licensee has received directly from the customer.

(B) No licensee shall allow an automated device to be used on its licensed premises without first providing written or electronic notification to the director of the licensee's intent to use the automated device. The licensee shall provide this notification at least 48 hours before any automated device is used on the licensed premises.

(C) Each licensee offering customer self-service of wine or beer from any automated device shall provide constant video monitoring of the automated device at all times during which the licensee is open to the public. The licensee shall keep recorded footage from the video monitoring for at least 60 days and shall provide the footage, upon request, to any agent of the director or other authorized law enforcement agent.

(D) The compensation required by subsection (a) shall be in the form of a programmable, prepaid access card containing a fixed amount of monetary credit that may be directly exchanged for beer or wine dispensed from the automated device. Access cards may be sold, used or reactivated only during a business day. Each access card shall be purchased from the licensee by a customer. A licensee shall not issue more than one active access card to a customer. For purposes of this subsection, an access card shall be deemed active if the access card contains monetary credit or has not yet been used to dispense 15 ounces of wine or 32 ounces of beer. Each purchase of an access card under this regulation shall be subject to the liquor drink tax imposed by K.S.A. 79-41a02, and amendments thereto.

(E) In order to obtain a prepaid access card from a licensee, each customer shall produce a valid driver's license, identification card or other government-issued document that contains a photograph of the individual and demonstrates that the individual is at least 21 years of age. Each access card shall be programmed to require the production of the customer's valid identification before the access card can be used for the first time during any business day or for any subsequent reactivation as provided in subparagraph (D).

(F) Each access card shall become inactive at the end of each business day.

(G) Each access card shall be programmed to allow the dispensing of no more than 15 ounces of wine or 32 ounces of beer to a customer. Once an access card has been

used to dispense 15 ounces of wine or 32 ounces of beer to a customer, the access card shall become inactive. Any customer in possession of an inactive access card may, upon production of the customer's valid identification to the licensee or licensee's employee, have the access card reactivated to allow the dispensing of an additional 15 ounces of wine or 32 ounces of beer from an automated device.

Subparagraphs (D), (E), (F) or (G) shall not apply to wine or beer that is dispensed directly to the licensee or the licensee's agent or employee.

(3) The secretary shall adopt rules and regulations prior to January 1, 2019, as necessary to implement the provisions of this subsection.

(4) Notwithstanding any other provision of law, all laws and rules and regulations applicable to the sale of alcoholic liquor to persons under the legal age of consumption shall be applicable to the sales transaction of the prepaid access card";

On page 3, following line 13, by inserting:

"(i) For purposes of this section, the term "day" means 6:00 a.m. until 2:00 a.m. the following calendar day.

Sec. 2. K.S.A. 2017 Supp. 41-2614 is hereby amended to read as follows: 41-2614.

(a) Except as provided by subsection (c), no public venue, club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and ~~9:00~~ 6:00 a.m. on any day.

(b) No caterer shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.

(c) A hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment/caterer may allow at any time the serving, mixing and consumption of alcoholic liquor and cereal malt beverage from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.";

Also on page 3, in line 14, after "Supp." by inserting "41-2614 and"; also in line 14, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "Supp." by inserting "41-2614 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **SB 418** 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 **Federal and State Affairs** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Commissioner, Kansas Human Rights Commission: K.S.A. 44-1003

James Terrones, to fill a term expiring on January 15, 2021

Commissioner, Kansas Racing and Gaming Commission: K.S.A. 74-8803 John

Daniel Myres, to fill a term expiring on January 15, 2020

Commissioner, Kansas Racing and Gaming Commissioner: K.S.A. 74-8803

Larry Turnquist, to fill a term expiring on January 15, 2019

Committee on **Judiciary** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, State Board of Indigents' Defense Services: K.S.A. 22-4519

Braden Perry, to fill a term expiring on January 15, 2020

Committee on **Public Health and Welfare** recommends **SB 436** be passed.

Also begs leave to submit the following report: The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Secretary, Department of Health and Environment: K.S.A. 75-5601

Jeffrey Thomas Andersen, to serve at the pleasure of the Governor

Member, University of Kansas Hospital Authority: K.S.A. 76-3304

Monte Coffman, to fill a term expiring on March 15, 2019

Committee on **Transportation** recommends **HB 2531** be amended on page 1, in line 10, by striking "D." and inserting "L."; in line 13, by striking "D." and inserting "L.";

On page 4, following line 33, by inserting:

"New Sec. 18. On and after July 1, 2018, any sign that commemoratively designates a highway, bridge, interchange or trail in honor of an individual shall include, if applicable, the individual's:

(a) Rank, if a current or former member of law enforcement, the United States military or national guard; or

(b) title, if a current or former holder of an elected office or member of an elected body.

New Sec. 19. The portion of United States highway 69 from the junction of United States highway 69 and 167th street in Johnson county, then south on United States highway 69 to the junction of United States highway 69 and 215th street is hereby designated as the master deputy Brandon Collins memorial highway. Upon compliance with K.S.A. 2017 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the master deputy Brandon Collins memorial highway.

New Sec. 20. Upon the death of governor John Carlin, the portion of interstate highway No. 70 from the junction with highway K-15, then west to the junction with United States highway No. 81 shall be designated as the governor John Carlin memorial highway. Upon compliance with K.S.A. 2017 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the governor John Carlin memorial highway.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the semicolon; in line 2, by striking "Kansas and United States highways for" and inserting "relating to memorial highways, contents of signs, master deputy Brandon Collins, governor John Carlin and"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, March 14, 2018.

Journal of the Senate

FORTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 14, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Gracious Master, Lord, God of Heaven and earth, once again, You've allowed us to gather in this place. A place where we make significant decisions. A place where we look to You for wisdom and guidance.

But, with our natural eyes, we cannot see You. With our natural ears, we cannot hear You. Lord, we can be in this place and miss connecting with You.

Yet hearing from You, is the need, and it's what You want us to practice and get good at.

There's a movie out called the "War Room." It's a small room where upon entering, distractions are reduced...the noises that naturally exist all around us are minimized, and a private visit with You becomes qualitative.

In Matthew 6:6, You've told us how to go into that place where we can hear from You. It's not a natural place, it's a spiritual place. It's a place of privacy where we can go in with You, while physically sitting or standing right where we are.

Lord, I want to give each of us a chance to try it right now. For the next few seconds; for the next few moments, help us, in the Spirit, to prayerfully enter a private place with You.

Thank You for hearing us Lord. Thanks for a moment of private time with You. Without Your wisdom and guidance, we'd be like a ship without a rudder. Help us to practice it and to get good at it.

I come to You in the precious Name of Jesus, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **HB 2541**.

Federal and State Affairs: **SB 446; HB 2650**.

CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **HB 2700** from the Committee on **Ethics, Elections and Local Government**, and referred the bill to the Committee on **Federal and State Affairs**.

The Vice President withdrew **SB 352** from the Committee on **Education**, and referred the bill to the **Senate Select Committee on Education Finance**.

The Vice President withdrew **HB 2531** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Transportation**.

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **HB 2232**, requests a conference and has appointed Representatives Davis, Gallagher and Ousley as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator V. Schmidt, the Senate acceded to the request of the House for a conference on **HB 2232**.

The Vice President appointed Senators V. Schmidt, Bollier and Kelly as conferees on the part of the Senate.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointment, submitted by the Governor to the Senate for confirmation was considered.

Senator Denning moved the following appointment be confirmed as recommended by the **Committee on Public Health and Welfare**.

Department for Children and Families:

Gina Meier-Hummel, to serve at the pleasure of the governor.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

HB 2469, **HB 2567** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2469, AN ACT concerning insurance; relating to property and casualty insurance; exempting certain claims handling operations from certain local ordinances and restrictions during a catastrophic event threatening life or property.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

HB 2567, AN ACT concerning crimes, punishment and criminal procedure; relating to determination of an offender's criminal history classification; amending K.S.A. 2017 Supp. 21-6811 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2194, AN ACT concerning motor vehicles; relating to motorcycles, approved safety training curriculum; amending K.S.A. 2017 Supp. 8-240 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The substitute bill passed, as amended.

HB 2476, AN ACT concerning alcoholic beverages; relating to the definition of alcoholic liquor, including alcoholic candy and confectionery products to the definition of alcoholic liquor; confectionery products containing alcohol and adulterated food products; microbreweries; authorizing the on-premises sale of certain large containers of beer for off-premises consumption, labeling requirements thereof; amending K.S.A. 65-664 and K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas and K.S.A. 2017 Supp. 41-102 and 41-308b and repealing the existing sections; also repealing K.S.A. 2017 Supp. 41-102, as amended by section 1 of this act, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Hilderbrand, Pyle.

The bill passed, as amended.

SPECIAL REMARKS – EXPLANATION OF VOTES

Mr. Vice President: As both a product of and a student of history (among other notable examples in my own life, my father George Haley was the first black person elected to serve in the Kansas Senate and my uncle Alex Haley traced our family's

genealogy in ROOTS back to Africa) I am keenly aware of this particular Senate roll call vote; the likes of which has not been experienced by this Chamber in almost a century and a half. In as much a number of years in the 1800's (1870's-1900) as in this millennium (2000-present) and ALL of the 1900's, ONLY Republicans OR Democrats have existed, and voted, in the Kansas Senate. So today, for the first time in a very long time, with the vote of the Senator from Finney who is now a registered Independent, a certain lapse in history, a drought if you will, Mr. Vice President, is broken. Whether Republican or Democrat, we are each participatory heir to this historic roll call. And I, for one, am particularly proud of it. – DAVID HALEY

COMMITTEE OF THE WHOLE

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

On motion of Senator Baumgardner the following report was adopted:

HB 2498 be passed.

SB 428 be amended by motion of Senator V. Schmidt; on page 2, in line 9, after "comply" by inserting "with"; and the bill be passed as amended.

SB 340 be amended by the adoption of the committee amendments, be further amended by Senator Rogers; on page 3, in line 29, after "advocates" by inserting ". Any meeting of the postsecondary education institution or any group or committee thereof to discuss the allocation of student activities fees shall be subject to the Kansas open meetings act";

On page 4, in line 9, after "annually" by inserting "and a public notice shall be published in the student newspaper each year listing where the policy can be found".

A ruling of the chair was requested as to the germaneness of the amendment. The Chair of the Rules Committee ruled the amendment was germane to the bill. The above amendment was adopted and **SB 340** be passed as further amended.

A motion by Senator Rogers to amend **SB 340** failed and the following amendment was rejected; on page 3, in line 6, before "are" by inserting "and faculty"; in line 16, before the first comma by inserting "and faculty"; in line 20, after the stricken material, by inserting "the primary responsibility of faculty is to engage an honest, courageous and persistent effort to search out and communicate the truth that lies in the areas of their competence;"; in line 21, before "subject" by inserting "(10)";

On page 5, in line 2 after the stricken material, by striking "any" and inserting "nonpublic";

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

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

On roll call, the vote was: Yeas 12; Nays 26; Present and Passing 2; Absent or Not Voting 0.

Yeas: Berger, Bollier, Doll, Faust-Goudeau, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Pettey, Rogers.

Nays: Alley, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Baumgardner, Francisco.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2558** 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 **Assessment and Taxation** recommends **SB 437** be amended on page 37, in line 13, by striking the first comma and inserting "and"; also in line 13, by striking "and numismatic"; also in line 13, after the semicolon by inserting "and"; in line 14, by striking "; and currency"; in line 17, by striking "'Currency'"; by striking all in lines 18 through 19;

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

Committee on **Ethics, Elections and Local Government** recommends **SB 313** 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 **Judiciary** recommends **HB 2457**, as amended by House Committee, be passed.

Also, **Judiciary** recommends **HB 2571**, as amended by House Committee, be amended on page 12, in line 34, by striking "request" and inserting "make a request in accordance with procedures adopted under K.S.A. 45-220, and amendments thereto,"; and the bill be passed as amended.

HB 2579, as amended by House Committee, be amended on page 2, in line 25, by striking "\$80,000" and inserting "\$50,000"; in line 35, by striking all after "(3)"; by striking all in lines 36 and 37; in line 38, by striking all before the period and inserting "(A) Except as provided in subparagraph (B), the court shall order that the award be paid as a combination of an initial payment not to exceed \$100,000 and the remainder as an annuity not to exceed \$80,000 per year. The claimant shall designate a beneficiary or beneficiaries for the annuity by filing such designation with the court.

(B) The court may order that the award be paid in one lump sum if the court finds that it is in the best interests of the claimant";

Also on page 2, in line 43, by striking "and";

On page 3, in line 2, by striking all after the second comma; in line 3, by striking "assistance,"; also in line 3, by striking "health insurance coverage" and inserting "personal finance literary assistance"; in line 4, after "appropriate" by inserting ";

(C) shall be entitled to receive tuition assistance pursuant to section 2, and amendments thereto; and

(D) shall be entitled to participate in the state health care benefits program pursuant to K.S.A. 75-6501, and amendments thereto";

Also on page 3, following line 29, by inserting:

(3) Whenever any judgment has been entered pursuant to this section, the attorney general shall seek to recover damages for the state of Kansas, for the benefit of the state general fund, from any persons who knowingly contributed to the wrongful conviction and imprisonment of the claimant, to the extent the evidence in the case warrants such action. The attorney general shall also prosecute ouster and criminal proceedings as the evidence in the case warrants.";

On page 4, in line 15, after the period by inserting "The Kansas bureau of investigation shall provide confirmation of such action to the court."; in line 19, after "(i)" by inserting "Upon entry of a certificate of innocence, the court shall order the

expungement and destruction of the associated biological samples authorized by and given to the Kansas bureau of investigation in accordance with K.S.A. 21-2511, and amendments thereto. The order shall state the information required to be stated in a petition to expunge and destroy the samples and profile record pursuant to K.S.A. 21-2511, and amendments thereto, and shall direct the Kansas bureau of investigation to expunge and destroy such samples and profile record. The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation, which shall carry out the order and provide confirmation of such action to the court. Nothing in this subsection shall require the Kansas bureau of investigation to expunge and destroy any samples or profile record associated with the claimant that was submitted pursuant to K.S.A. 21-2511(a), and amendments thereto, related to any offense other than the offense for which the court has entered a certificate of innocence.

(j) ";

Also on page 4, in line 21, by striking "(j)" and inserting "(k) Nothing in this section shall preclude the department of corrections from providing reentry services to a claimant that are provided to other persons, including, but not limited to, financial assistance, housing assistance, mentoring and counseling. Such services shall be provided while an action under this section is pending and after any judgment is entered, as appropriate for such claimant.

(l)";

Also on page 4, following line 22, by inserting:

"New Sec. 2. (a) Any individual awarded tuition assistance pursuant to section 1, and amendments thereto, shall receive a waiver of tuition and required fees for attendance at a postsecondary educational institution for up to 130 credit hours. Such individual may attend a postsecondary educational institution either full or part time.

(b) (1) Subject to appropriations, the state board of regents may make expenditures to reimburse each individual awarded tuition assistance pursuant to section 1, and amendments thereto, who is enrolled in a postsecondary educational institution for additional fees, including, but not limited to, fees for room and board, technical equipment and course-required books.

(2) No postsecondary educational institution shall delay enrollment of an individual who is awarded tuition assistance pursuant to section 1, and amendments thereto, because appropriations are not available for any additional fees provided to such individual.

(c) To remain eligible for the tuition and fees waiver under this section, an individual shall remain in good standing at the postsecondary educational institution where the individual is enrolled.

(d) Individuals shall provide a written or electronic copy of the court order awarding relief in the form of tuition assistance to the postsecondary educational institution or the state board of regents.

(e) The state board of regents shall adopt rules and regulations to administer the provisions of this section.

(f) As used in this section, "postsecondary educational institution" means any state educational institution as defined in K.S.A. 76-711, and amendments thereto, municipal university, community college, technical college or institute of technology in Kansas.";

Also on page 4, in line 36, after "thereto" by inserting ", including, but not limited to, premiums under the state health care benefits program";

On page 5, following line 20, by inserting:

"Sec. 4. K.S.A. 2017 Supp. 75-6501 is hereby amended to read as follows: 75-6501. (a) Within the limits of appropriations made or available therefor and subject to the provisions of appropriation acts relating thereto, the Kansas state employees health care commission shall develop and provide for the implementation and administration of a state health care benefits program.

(b) (1) Subject to the provisions of paragraph (2), the state health care benefits program may provide benefits for persons qualified to participate in the program for hospitalization, medical services, surgical services, nonmedical remedial care and treatment rendered in accordance with a religious method of healing and other health services. The program may include such provisions as are established by the Kansas state employees health care commission, including, but not limited to, qualifications for benefits, services covered, schedules and graduation of benefits, conversion privileges, deductible amounts, limitations on eligibility for benefits by reason of termination of employment or other change of status, leaves of absence, military service or other interruptions in service and other reasonable provisions as may be established by the commission.

(2) The state health care benefits program shall provide the benefits and services required by K.S.A. 2017 Supp. 75-6524, and amendments thereto.

(c) The Kansas state employees health care commission shall designate by rules and regulations those persons who are qualified to participate in the state health care benefits program, including active and retired public officers and employees and their dependents as defined by rules and regulations of the commission. Such rules and regulations shall not apply to students attending a state educational institution as defined in K.S.A. 76-711, and amendments thereto, who are covered by insurance contracts entered into by the board of regents pursuant to K.S.A. 75-4101, and amendments thereto. In designating persons qualified to participate in the state health care benefits program, the commission may establish such conditions, restrictions, limitations and exclusions as the commission deems reasonable. Such conditions, restrictions, limitations and exclusions shall include the conditions contained in ~~subsection (d) of~~ K.S.A. 75-6506(d), and amendments thereto. Each person who was formerly elected or appointed and qualified to an elective state office and who was covered immediately preceding the date such person ceased to hold such office by the provisions of group health insurance or a health maintenance organization plan under the law in effect prior to August 1, 1984, or the state health care benefits program in effect after that date, shall continue to be qualified to participate in the state health care benefits program and shall pay the cost of participation in the program as established and in accordance with the procedures prescribed by the commission if such person chooses to participate therein.

(d) (1) Commencing with the 2009 plan year that begins January 1, 2009, if a state employee elects the high deductible health plan and health savings account, the state's employer contribution shall equal the state's contribution to any other health benefit plan offered by the state. The cost savings to the state for the high deductible health plan shall be deposited monthly into the employee's health savings account up to the maximum annual amount allowed pursuant to ~~subsection (d) of~~ 26 U.S.C. § 223(d), as amended, for as long as the employee participates in the high deductible plan.

(2) If the employee had not previously participated in the state health benefits plan,

the employer shall calculate the average savings to the employer of the high deductible plan compared to the other available plans and contribute that amount monthly to the employee's health savings account up to the maximum annual amount allowed pursuant to ~~subsection (d) of~~ 26 U.S.C. § 223(d), as amended.

(3) The employer shall allow additional voluntary contributions by the employee to their health savings account by payroll deduction up to the maximum annual amount allowed pursuant to ~~subsection (d) of~~ 26 U.S.C. § 223(d), as amended.

(e) The commission shall have no authority to assess charges for employer contributions under the student health care benefits component of the state health care benefits program for persons who are covered by insurance contracts entered into by the board of regents pursuant to K.S.A. 75-4101, and amendments thereto.

(f) Nothing in this act shall be construed to permit the Kansas state employees health care commission to discontinue the student health care benefits component of the state health care benefits program until the state board of regents has contracts in effect that provide student coverage pursuant to the authority granted therefor in K.S.A. 75-4101, and amendments thereto.

(g) (1) On and after July 1, 2018, the commission shall designate claimants, as defined in section 1, and amendments thereto, as qualified to participate in the state health care benefits program. The commission shall implement this subsection in accordance with applicable federal law, including, but not limited to, the employee retirement income security act of 1974 and any regulations issued by the United States department of the treasury.

(2) A claimant shall have 31 calendar days from the date of judgment entered pursuant to section 1, and amendments thereto, to complete or decline enrollment in the state health care benefits program. A claimant shall be qualified to participate in the state health care benefits program for the remainder of the plan year when judgment is entered pursuant to section 1, and amendments thereto, and for the next ensuing plan year. A claimant shall not be qualified to elect a high-deductible health plan and health savings account under the state health care benefits program.

(3) Costs of premiums under the state health care benefits program for a claimant shall be paid from the tort claims fund established by K.S.A. 75-6117, and amendments thereto, and shall not be charged to the claimant. A claimant shall be responsible to pay any applicable copayments, deductibles and other related costs under the state health care benefits program.

(4) A claimant may elect to include the claimant's dependents under the state health care benefits program. For any covered dependents, the claimant shall be responsible to pay the costs of premiums, copayments, deductibles and other related costs under the state health care benefits program.

(5) The attorney general shall provide assistance to a claimant to obtain and maintain coverage under the state health care benefits program pursuant to this subsection, including: Enrollment; maintenance of related records; and other assistance as may be required or incidental to implement this subsection.";

Also on page 5, in line 21, by striking "is" and inserting "and 75-6501 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second semicolon by inserting "tuition assistance; state health care benefits program;"; also in line 2, after "75-6117" by

inserting "and 75-6501"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1774, SR 1775, SR 1776 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 14, 2018.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, March 15, 2018.

Journal of the Senate

FORTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 15, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Lord, Your mercy and grace continue to prevail. Your forgiveness is constantly extended to us. You look beyond our faults to meet us at our points of need.

It was Frank Sinatra who popularized the song "I Did It My Way." But far too many of us have popularized the attitude, "I Do It My Way."

Frank said, in his song, the end was near as he was facing the final curtain. Lord, we don't know when we'll face our final curtain. But let the melody, the lyrics and the performance of our lives rise to an award-winning level, not as much in the eyes of our fellowman, as in Your eyes. When shown on the big screen in Heaven, let the prevailing theme be "We Did It Your Way!"

Keep us mindful, that when the Heavenly Grammys are handed out, You promised, in 1 Corinthians 9:25, 2 Timothy 4:8 and 1 Peter 5:4, that You would award us with an unfading crown of glory. So, it is with Your favor that we stand here today.

Finally, Lord, concerning the tragedy of today's bridge collapse in Miami, we pray for the wisdom, guidance and safety of the first responders, as well as hope, help and healing for the hurt and suffering.

In Jesus' Name, I pray, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 447, AN ACT concerning the Kansas department of wildlife, parks and tourism; authorizing the purchase of land in Kingman county, by Committee on Ways and Means.

MESSAGES FROM THE GOVERNOR

March 13, 2018

Executive Order No. 18-11 was submitted.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2516, HB 2527.**

Announcing passage of **SB 335**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2516, HB 2527 were thereupon introduced and read by title.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointment, submitted by the Governor to the Senate for confirmation was considered.

Senator Denning moved the following appointment be confirmed as recommended by the **Committee on Public Health and Welfare.**

Department of Health and Environment:

Jeffrey Anderson, to serve at the pleasure of the Governor.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 340, AN ACT concerning postsecondary educational institutions; establishing the campus free speech protection act, was considered on final action.

Upon the showing of five hands, a Call of the Senate was requested.

On roll call, the vote was: Yeas 20; Nays 20; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Baumgardner, Berger, Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

A constitutional majority having failed to vote in favor of the bill, **SB 340** did not pass.

The Call of the Senate was lifted.

EXPLANATION OF VOTE

Mr. Vice President: I cannot support **SB 340**. The First and Fourteenth Amendment already protects freedom of speech. I feel this bill is unnecessary plus it implies that faculty at institutions do not have the same rights as enjoyed by all American citizens. This bill, as written, is a knee-jerk reaction, it promises solutions, although it truly promises nothing more than is already guaranteed in the First and Fourteenth amendments of the United States Constitution. It is important that every American's

freedom of speech is protected and this bill creates ambiguity on the basic constitutional rights of educators and faculty, or any Americans.—JOHN DOLL

Senators Berger, Bollier, Hawk, Holland, Kelly, Pettey and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator Doll on **SB 340**.

Mr. Vice-President: I vote "NO" on **SB 340** even though I consider myself to be a strong advocate of free speech. On page 1, lines 13 through 15, **Senate Bill 340** recognizes that it is the intent of the legislature that post-secondary institutions continue to embrace a commitment to the freedom of speech and expression for all students and for all faculty. To fully address that intent, I believe it would be necessary to reinstate the references to faculty that were removed by committee amendments. I am also concerned that the bill requires that an institution have a policy on student-on-student harassment that defines that term no more expansively than, and I quote, "unwelcome conduct directed toward a person that is discriminatory on a basis prohibited by federal, state or local law and that is so severe, pervasive and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit." A commitment to free speech should not eliminate appropriate restrictions on harassment.

—MARCI FRANCISCO

Senators Hawk, Holland, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SB 340**.

Mr. Vice President: I change my "pass" to "no" on **SB 340**. Mr. Vice President, as a vigorous defender of the First Amendment of the U.S. and Kansas Constitutions and their guarantees of freedoms of speech and expression, I prefer to always vote to support expansion of the right in this country to speak and be heard. But two Senators (both in Majority's Leadership) just said it best for my decision to now vote "no." One Senator voting "yes" and one voting "no" (both asserting potentially ambiguous interpretations of the bill) raised genuine questions since our General Orders debate yesterday as to equal protection prohibiting harassment and/or bullying by certain extreme speech used based on "race, color, gender-identity, sexual orientation, religion". Rather than hope an obviously flawed language bill would be cleaned up by the House or in conference committee, for now I vote "no" and await a clearer, all-entity protecting, measure emerges in the future.—DAVID HALEY

Senator Faust-Goudeau requests the record to show she concurs with the "Explanation of Vote" offered by Senator Haley on **SB 340**.

Mr. Vice President: I vote "NO" on **SB 340**. Faculty of universities should not be expected to check their first amendment rights when they step onto campus. Universities currently have the ability to limit faculty speech as far as it is constitutionally permitted. However, this bill removes many of those protections for faculty and severely curtails faculty speech by regulating on the basis of content. In other words, this bill unnecessarily limits faculty speech, and if we're going to offer free speech protections to university students and anyone they invite to the campus, we should extend the same protections to university faculty. For this I vote "NO" on **SB 340**.—TOM HAWK

Senators Holland and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **SB 340**.

Mr. Vice President: I vote "NO" on **SB 340**. Sections 3a and 3b prohibits universities from disciplining students for harassment, if the speech is not "prohibited by federal, state, or local law" and is not "so severe, pervasive and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit." A member of the news media explained to me that this provision means that the school effectively cannot discipline those who harass students because of their gender identity or sexual orientation. This would open opportunities for LGBTQ students across Kansas to be harassed without recourse. Additionally, these changes would severely restrict the definition of sexual harassment on college campuses making it more difficult for victims to get help. While I support freedom of speech, I cannot support a bill that softens punishment for hateful harassment. That is why I vote "NO."—ANTHONY HENSLEY

Senators Bollier, Holland, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 340**.

Mr. Vice President: The first amendment prevents Congress from passing law abridging or curtailing freedom of speech. This is exactly what we are doing in **SB 340**. This bill was not intended to apply to students only. From the beginning, it was applied campus-wide. It was altered at the rail to prohibit faculty from expressing their personal opinions. It could also limit a school's ability to control inflammatory speech, leaving immigrants and LGBTQ and others at risk. I affirm all students' rights. We must also affirm the right of faculty. Freedom of speech is important and foundational. Open discourse is essential for learning only when students and faculty are free to speak. We cannot affirm our students' ability to speak without restraint and at the same time curtail that of faculty. Their right to free speech is no less important than that of the students. This was affirmed by the Supreme Court in *Tinker vs. Des Moines* in 1969. It is questionable that this bill will pass Constitutional muster. "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech . . . at the schoolhouse gates." I vote no on **SB 340**.—LYNN ROGERS

Senators Hawk, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **SB 340**.

Mr. Vice President: I vote "NO" on **SB 340**. I support freedom of speech, it is the very foundation of our great country. However, concerns about this bill have been brought to my attention following yesterday's debate. Without the opportunity to ask additional questions to alleviate those concerns, I must vote "NO."—VICKI SCHMIDT

Senators Hardy, Kelly and McGinn request the record to show they concur with the "Explanation of Vote" offered by Senator V. Schmidt on **SB 340**.

Mr. Vice President: I am voting "NO" on **SB 340** today not because I oppose free speech, but because I strongly support it. The right to free speech, enshrined in the US and Kansas Constitutions, is not a privilege that may be taken away. The bill, as written, treats Kansans differently – extending rights to some while failing to provide those same rights to others. The fourteenth amendment to the US Constitution and the first section of Kansas' Bill of Rights explicitly guarantees equal treatment. This bill does not. Under this bill, some Kansans are more equal than other Kansans. When rights are not equally extended or protected, those rights are not rights at all—instead they become privileges. Freedom of speech is not a privilege for some, it is the right of all

citizens of our country and state. I cannot support legislation described as protecting a constitutional right guaranteed while ignoring the requirement for that to apply equally.

—DINAH SYKES

Senators Berger, Bollier, Hawk, Hardy, Kelly, McGinn and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **SB 340**.

Mr. Vice President: I vote "AYE" on **SB 340**, the Campus Free Speech Protection Act. Within the last hour I have been made aware that on page 4, section 3, there is a question of our intent and the impact the specific wording will have on our college campuses. In fact, the question has been raised as to whether the bill would allow harassment of individuals based on their gender identity or sexual orientation. That is not my intent and I am sure it is not a reflection of the values of those who vote for this bill. I am confident those who vote aye intend the bill to be inclusive of all students, regardless of race, color, creed, sexual identity, or sexual orientation. This bill's sole purpose is to ensure that students' First Amendment rights are protected. If the bill receives the necessary 21 votes today to continue its vetting in the Kansas House, my colleagues and I will work to tighten the language and assure free speech rights for all students.—SUSAN WAGLE

Senators Denning and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Wagle on **SB 340**.

SB 428, AN ACT concerning the department of health and environment; relating to regulation of child care facilities; exemption from certain licensure and inspection requirements; amending K.S.A. 65-527 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

HB 2498, AN ACT concerning Native Americans; prohibiting governmental entities from prohibiting the wearing of tribal regalia and objects of cultural significance, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

COMMITTEE OF THE WHOLE

On motion of Senator Denning, the Senate resolved itself into Committee of the

Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

HB 2042, HB 2145, HB 2454 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Rogers to amend **HB 2042** failed and the following amendment was rejected; on page 13, following line 11, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 21-6301 is hereby amended to read as follows: 21-6301. (a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club, metal knuckles or throwing star;

(2) possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character;

(3) setting a spring gun;

(4) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;

(5) selling, manufacturing, purchasing or possessing a shotgun with a barrel less than 18 inches in length, or any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger, whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically;

(6) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight, whether the person knows or has reason to know that the plastic-coated bullet has a core of less than 60% lead by weight;

(7) selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age whether the person knows or has reason to know the length of the barrel;

(8) selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;

(9) selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto;

(10) possessing any firearm by a person who is both addicted to and an unlawful user of a controlled substance;

(11) possessing any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event whether the person knows or has reason to know that such person was in or on any such property or grounds;

(12) refusing to surrender or immediately remove from school property or grounds

or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer;

(13) possessing any firearm by a person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto; ~~or~~

(14) possessing a firearm with a barrel less than 12 inches long by any person less than 18 years of age; or

(15) possessing any firearm with any attached device commonly known as a bump stock, or any other attachment, kit, tool, accessory or similar device of any kind that is designed, used or intended for use to alter the rate of fire of a firearm to mimic automatic weapon fire or that is used to increase the rate of fire to a faster rate than is possible for a person to fire such semiautomatic firearm unassisted by any such attachment, kit, tool, accessory or device.

(b) Criminal use of weapons as defined in:

(1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is a class A nonperson misdemeanor;

(2) subsection (a)(4), (a)(5) or (a)(6) is a severity level 9, nonperson felony;

(3) subsection (a)(10) or (a)(11) is a class B nonperson select misdemeanor;

(4) subsection (a)(13) is a severity level 8, nonperson felony; and

(5) subsection (a)(14) or (a)(15) is a:

(A) Class A nonperson misdemeanor except as provided in subsection (b)(5)(B);

(B) severity level 8, nonperson felony upon a second or subsequent conviction.

(c) Subsections (a)(1), (a)(2) and (a)(5) shall not apply to:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) Subsections (a)(4) and (a)(5) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) Subsection (a)(6) shall not apply to a governmental laboratory or solid plastic bullets.

(f) Subsection (a)(4) shall not apply to a law enforcement officer who is:

(1) Assigned by the head of such officer's law enforcement agency to a tactical unit

which receives specialized, regular training;

(2) designated by the head of such officer's law enforcement agency to possess devices described in subsection (a)(4); and

(3) in possession of commercially manufactured devices which are:

(A) Owned by the law enforcement agency;

(B) in such officer's possession only during specific operations; and

(C) approved by the bureau of alcohol, tobacco, firearms and explosives of the United States department of justice.

(g) Subsections (a)(4), (a)(5) and (a)(6) shall not apply to any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsections (a)(4), (a)(5) and (a)(6) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory.

(h) Subsections (a)(4) and (a)(5) shall not apply to or affect any person or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et seq.

(i) Subsection (a)(11) shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(2) possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student; or

(4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day; or

(5) possession of a concealed handgun by an individual who is not prohibited from possessing a firearm under either federal or state law.

(j) Subsections (a)(9) and (a)(13) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. 2017 Supp. 75-7c26, and amendments thereto.

(k) Subsection (a)(14) shall not apply if such person, less than 18 years of age, was:

(1) In attendance at a hunter's safety course or a firearms safety course;

(2) engaging in practice in the use of such firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located, or at another private range with permission of such person's parent or legal guardian;

(3) engaging in an organized competition involving the use of such firearm, or participating in or practicing for a performance by an organization exempt from federal income tax pursuant to section 501(c)(3) of the internal revenue code of 1986 which uses firearms as a part of such performance;

(4) hunting or trapping pursuant to a valid license issued to such person pursuant to article 9 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

(5) traveling with any such firearm in such person's possession being unloaded to or from any activity described in subsections (k)(1) through (k)(4), only if such firearm

is secured, unloaded and outside the immediate access of such person;

(6) on real property under the control of such person's parent, legal guardian or grandparent and who has the permission of such parent, legal guardian or grandparent to possess such firearm; or

(7) at such person's residence and who, with the permission of such person's parent or legal guardian, possesses such firearm for the purpose of exercising the rights contained in K.S.A. 2017 Supp. 21-5222, 21-5223 or 21-5225, and amendments thereto.

(l) As used in this section, "throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.";

Also on page 13, in line 12, before "75-7c03" by inserting "21-6301,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, before "the" by inserting "criminal use of a weapon;"; in line 2, by striking all after the semicolon; in line 3, by striking all after the semicolon; in line 6, before "75-7c03" by inserting "21-6301,"

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

On roll call, the vote was: Yeas 20; Nays 20; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Givens, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor.

Nays: Alley, Baumgardner, Billinger, Bowers, Denning, Estes, Fitzgerald, Goddard, Hardy, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wagle, Wilborn.

EXPLANATION OF VOTE

Mr. Chairman: It is my desire and intent to vote on the base bill, and not on a series of amendments.—RANDALL HARDY

An amendment was offered by Senator Bollier. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

A motion by Senator Francisco to amend **HB 2042** failed.

A motion by Senator Pettey to amend **HB 2042** failed and the following amendment was rejected; on page 13, following line 11, by inserting:

"New Sec. 3. (a) (1) A mandatory waiting period shall apply between the purchase and delivery of a firearm. The mandatory waiting period is three days, excluding weekends and legal holidays, or expires upon the completion of the record checks required in subsection (d), whichever occurs later.

(2) "Purchase" means the transfer of money or other valuable consideration to a retailer.

(3) "Retailer" means and includes a licensed importer, licensed manufacturer or licensed dealer engaged in the business of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state.

(b) Records of firearm sales must be available for inspection by any law enforcement agency during normal business hours.

(c) The waiting period shall not apply in the following circumstances:

(1) When a firearm is being purchased by a holder of a concealed weapons permit as provided in K.S.A. 2017 Supp. 75-7c01 et seq., and amendments thereto;

(2) to a trade-in of another firearm; or

(3) when a firearm is being purchased by a law enforcement officer, correctional officer or a member of the armed forces of the United States.

(d) Each purchaser shall be subject to a state and national criminal history record check that conforms to applicable federal standards, including an inquiry of the national instant criminal background check system for the purpose of verifying the identity of the applicant and whether the applicant has been convicted of any crime or has been the subject of any restraining order or any mental health-related finding that would disqualify the applicant from purchasing a firearm.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to a three-day waiting period for the purchase of firearms;"

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

On roll call, the vote was: Yeas 17; Nays 23; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Givens, Haley, Hawk, Hensley, Holland, Kelly, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Billinger, Bowers, Denning, Estes, Fitzgerald, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

EXPLANATION OF VOTE

Mr. Chairman: It is my desire and intent to vote on the base bill, and not on a series of amendments. This amendment process does not allow opportunity for research or due diligence, and as a result can lead to less than optimal decisions or unintended consequences. These amendments are ideas worthy of debate that should be offered in committee as bills.—RANDALL HARDY

Mr. Chairman: I vote "AYE" on this amendment to **House Bill 2042**. This amendment requiring background checks and a 3-day waiting period for a gun purchase was passed into law by the Florida legislature after the most recent tragic school shooting. I believe that when a conservative state like Florida decides to put this into their law, we should follow their lead. I wouldn't recommend following their lead very often, but in this case I believe we should. Florida Governor Rick Scott is a conservative Republican and, up until then, had a 100% voting record with the NRA. So, when a conservative like Rick Scott can break with the NRA and put in a reasonable waiting period with background checks, we should take notice of that. This is a significant amendment whose time has truly come. And, that is why I am voting for it.

—ANTHONY HENSLEY

A motion by Senator Holland to amend **HB 2042** failed and the following amendment was rejected; on page 13, following line 11, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 21-6301 is hereby amended to read as follows: 21-6301. (a) Criminal use of weapons is knowingly:

- (1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club, metal knuckles or throwing star;
- (2) possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character;
- (3) setting a spring gun;
- (4) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;
- (5) selling, manufacturing, purchasing or possessing a shotgun with a barrel less than 18 inches in length, or any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger, whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically;
- (6) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight, whether the person knows or has reason to know that the plastic-coated bullet has a core of less than 60% lead by weight;
- (7) selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under ~~18~~ 21 years of age whether the person knows or has reason to know the length of the barrel;
- (8) selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;
- (9) selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto;
- (10) possessing any firearm by a person who is both addicted to and an unlawful user of a controlled substance;
- (11) possessing any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event whether the person knows or has reason to know that such person was in or on any such property or grounds;
- (12) refusing to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer;
- (13) possessing any firearm by a person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto; or
- (14) possessing a firearm with a barrel less than 12 inches long by any person less

than ~~18~~ 21 years of age.

(b) Criminal use of weapons as defined in:

(1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is a class A nonperson misdemeanor;

(2) subsection (a)(4), (a)(5) or (a)(6) is a severity level 9, nonperson felony;

(3) subsection (a)(10) or (a)(11) is a class B nonperson select misdemeanor;

(4) subsection (a)(13) is a severity level 8, nonperson felony; and

(5) subsection (a)(14) is a:

(A) Class A nonperson misdemeanor except as provided in subsection (b)(5)(B);

(B) severity level 8, nonperson felony upon a second or subsequent conviction.

(c) Subsections (a)(1), (a)(2) and (a)(5) shall not apply to:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) Subsections (a)(4) and (a)(5) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) Subsection (a)(6) shall not apply to a governmental laboratory or solid plastic bullets.

(f) Subsection (a)(4) shall not apply to a law enforcement officer who is:

(1) Assigned by the head of such officer's law enforcement agency to a tactical unit which receives specialized, regular training;

(2) designated by the head of such officer's law enforcement agency to possess devices described in subsection (a)(4); and

(3) in possession of commercially manufactured devices which are:

(A) Owned by the law enforcement agency;

(B) in such officer's possession only during specific operations; and

(C) approved by the bureau of alcohol, tobacco, firearms and explosives of the United States department of justice.

(g) Subsections (a)(4), (a)(5) and (a)(6) shall not apply to any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsections (a)(4), (a)(5) and (a)(6) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory.

(h) Subsections (a)(4) and (a)(5) shall not apply to or affect any person or entity in

compliance with the national firearms act, 26 U.S.C. § 5801 et seq.

(i) Subsection (a)(11) shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(2) possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student; or

(4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day; or

(5) possession of a concealed handgun by an individual who is not prohibited from possessing a firearm under either federal or state law.

(j) Subsections (a)(9) and (a)(13) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. 2017 Supp. 75-7c26, and amendments thereto.

(k) Subsection (a)(14) shall not apply if such person, less than ~~18~~ 21 years of age, was:

(1) In attendance at a hunter's safety course or a firearms safety course;

(2) engaging in practice in the use of such firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located, or at another private range with permission of such person's parent or legal guardian;

(3) engaging in an organized competition involving the use of such firearm, or participating in or practicing for a performance by an organization exempt from federal income tax pursuant to section 501(c)(3) of the internal revenue code of 1986 which uses firearms as a part of such performance;

(4) hunting or trapping pursuant to a valid license issued to such person pursuant to article 9 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

(5) traveling with any such firearm in such person's possession being unloaded to or from any activity described in subsections (k)(1) through (k)(4), only if such firearm is secured, unloaded and outside the immediate access of such person;

(6) on real property under the control of such person's parent, legal guardian or grandparent and who has the permission of such parent, legal guardian or grandparent to possess such firearm; or

(7) at such person's residence and who, with the permission of such person's parent or legal guardian, possesses such firearm for the purpose of exercising the rights contained in K.S.A. 2017 Supp. 21-5222, 21-5223 or 21-5225, and amendments thereto.

(l) As used in this section, "throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.";

Also on page 13, in line 12, before "75-7c03" by inserting "21-6301,";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, before "amending" by inserting "relating to the crime

of criminal use of a weapon;"; also in line 6, before "75-7c03" by inserting "21-6301,"

A ruling of the chair was requested as to the germaneness of the amendment. The chair ruled the amendment was germane to the bill.

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

On roll call, the vote was: Yeas 13; Nays 27; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Petey, Rogers, V. Schmidt, Skubal, Sykes.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

A motion by Senator Francisco to amend **HB 2042** failed and the following amendment was rejected ; on page 2, following line 9, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 75-7c04 is hereby amended to read as follows: 75-7c04.

(a) The attorney general shall not issue a license pursuant to this act if the applicant:

(1) Is not a resident of the county where application for licensure is made or is not a resident of the state;

(2) is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or K.S.A. 2017 Supp. 21-6301(a)(10) through (a)(13) or K.S.A. 2017 Supp. 21-6304(a)(1) through (a)(3), and amendments thereto; or

(3) is less than 21 years of age.

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour handgun safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of handguns, actual firing of handguns and instruction in the laws of this state governing the carrying of concealed handguns and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic handgun training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A handgun course certified or sponsored by the attorney general; or (ii) a handgun course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or handgun training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed \$150.

(2) The cost of the handgun safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved handgun safety and training course:

(A) Evidence of completion of a course that satisfies the requirements of subsection

(b)(1), in the form provided by rules and regulations adopted by the attorney general;

(B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant;

(C) evidence of completion of a course offered in another jurisdiction which is determined by the attorney general to have training requirements that are equal to or greater than those required by this act; or

(D) a determination by the attorney general pursuant to subsection (c).

(c) The attorney general may:

(1) Create a list of concealed carry handgun licenses or permits issued by other jurisdictions which the attorney general finds have training requirements that are equal to or greater than those of this state; and

(2) review each application received pursuant to K.S.A. 2017 Supp. 75-7c05, and amendments thereto, to determine if the applicant's previous training qualifications were equal to or greater than those of this state.

(d) For the purposes of this section:

(1) "Equal to or greater than" means the applicant's prior training meets or exceeds the training established in this section by having required, at a minimum, the applicant to: (A) Receive instruction on the laws of self-defense; and (B) demonstrate training and competency in the safe handling, storage and actual firing of handguns.

(2) "Jurisdiction" means another state or the District of Columbia.

(3) "License or permit" means a concealed carry handgun license or permit from another jurisdiction which has not expired, was issued pursuant to requirements regarding the age of the licensee that are equal to or more restrictive than the age requirement of subsection (a), and, except for any residency requirement of the issuing jurisdiction, is currently in good standing.;

On page 13, in line 13, before "and" by inserting ", 75-7c04";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, before the first "and" by inserting ", 75-7c04"

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

On roll call, the vote was: Yeas 12; Nays 26; Present and Passing 2; Absent or Not Voting 0.

Yeas: Bollier, Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Pettey, Rogers, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Present and Passing: Haley, V. Schmidt.

EXPLANATION OF VOTE

Mr. Chairman: **HB 2042**, if it becomes law, will allow the State of Kansas to recognize a valid license or permit to carry concealed weapons that was issued by another jurisdiction. I vote "AYE" on the amendment to add "was issued pursuant to requirements regarding the age of the licensee that are equal to or more restrictive than the age requirement of subsection (a)," to the definition of "License or permit" in K.S.A. 2017 Supp. 75-7c05. We do not currently allow Kansas residents who are

younger than 21 to carry a concealed weapon however, without this amendment, we will be allowing individuals from other states who are younger than 21 and have a license or permit from their state to carry them. I believe with this the legislature is inappropriately delegating our authority. I am especially concerned because I represent a district that includes an institution of higher education and this inconsistency of the age requirements will create awkward situations on college campuses.—MARC FRANCISCO

A motion by Senator Holland to amend **HB 2042** failed and the following amendment was rejected; on page 1, following line 10, by inserting:

"New Section 1. (a) Any person not subject to the provisions of K.S.A. 2017 Supp. 21-6302(a)(4), and amendments thereto, under the authority of K.S.A. 2017 Supp. 21-6302(d)(7), and amendments thereto, shall obtain, at such person's own expense, and maintain a license to carry concealed handguns as authorized by this act. Such person also shall complete a handgun training course as determined by the director of police training of the law enforcement training center.

(b) The provisions of this section shall be part of and supplemental to the personal and family protection act.

Sec. 2. K.S.A. 2017 Supp. 21-5914 is hereby amended to read as follows: 21-5914.

(a) Traffic in contraband in a correctional institution or care and treatment facility is, without the consent of the administrator of the correctional institution or care and treatment facility:

(1) Introducing or attempting to introduce any item into or upon the grounds of any correctional institution or care and treatment facility;

(2) taking, sending, attempting to take or attempting to send any item from any correctional institution or care and treatment facility;

(3) any unauthorized possession of any item while in any correctional institution or care and treatment facility;

(4) distributing any item within any correctional institution or care and treatment facility;

(5) supplying to another who is in lawful custody any object or thing adapted or designed for use in making an escape; or

(6) introducing into an institution in which a person is confined any object or thing adapted or designed for use in making any escape.

(b) Traffic in contraband in a correctional institution or care and treatment facility is a:

(1) Severity level 6, nonperson felony, except as provided in subsection (b)(2) or (b)(3);

(2) severity level 5, nonperson felony if such items are:

(A) Firearms, ammunition, explosives or a controlled substance which is defined in K.S.A. 2017 Supp. 21-5701, and amendments thereto, except as provided in subsection (b)(3);

(B) defined as contraband by rules and regulations adopted by the secretary of corrections, in a state correctional institution or facility by an employee of a state correctional institution or facility, except as provided in subsection (b)(3);

(C) defined as contraband by rules and regulations adopted by the secretary for aging and disability services, in a care and treatment facility by an employee of a care

and treatment facility, except as provided in subsection (b)(3); or

(D) defined as contraband by rules and regulations adopted by the commissioner of the juvenile justice authority, in a juvenile correctional facility by an employee of a juvenile correctional facility, except as provided by subsection (b)(3); and

(3) severity level 4, nonperson felony if:

(A) Such items are firearms, ammunition or explosives, in a correctional institution by an employee of a correctional institution or in a care and treatment facility by an employee of a care and treatment facility; or

(B) a violation of subsection (a)(5) or (a)(6) by an employee or volunteer of the department of corrections, or the employee or volunteer of a contractor who is under contract to provide services to the department of corrections.

(c) The provisions of subsection (b)(2)(A) shall not apply to the possession of a firearm or ammunition by a person licensed under K.S.A. 2017 Supp. 75-7c01 et seq., and amendments thereto, in a parking lot open to the public if the firearm or ammunition is carried on the person while in a vehicle or while securing the firearm or ammunition in the vehicle, or stored out of plain view in a locked but unoccupied vehicle.

(d) As used in this section:

(1) "Correctional institution" means any state correctional institution or facility, conservation camp, state security hospital, juvenile correctional facility, community correction center or facility for detention or confinement, juvenile detention facility or jail;

(2) "care and treatment facility" means the state security hospital provided for under K.S.A. 76-1305 et seq., and amendments thereto, and a facility operated by the Kansas department for aging and disability services for the purposes provided for under K.S.A. 59-29a02 et seq., and amendments thereto; and

(3) "lawful custody" means the same as in K.S.A. 2017 Supp. 21-5912, and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 21-6301 is hereby amended to read as follows: 21-6301.

(a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club, metal knuckles or throwing star;

(2) possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character;

(3) setting a spring gun;

(4) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;

(5) selling, manufacturing, purchasing or possessing a shotgun with a barrel less than 18 inches in length, or any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger, whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically;

(6) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight, whether the person knows or has reason to know that the plastic-coated bullet has a core

of less than 60% lead by weight;

(7) selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age whether the person knows or has reason to know the length of the barrel;

(8) selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;

(9) selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto;

(10) possessing any firearm by a person who is both addicted to and an unlawful user of a controlled substance;

(11) possessing any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event whether the person knows or has reason to know that such person was in or on any such property or grounds;

(12) refusing to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer;

(13) possessing any firearm by a person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto; or

(14) possessing a firearm with a barrel less than 12 inches long by any person less than 18 years of age.

(b) Criminal use of weapons as defined in:

(1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is a class A nonperson misdemeanor;

(2) subsection (a)(4), (a)(5) or (a)(6) is a severity level 9, nonperson felony;

(3) subsection (a)(10) or (a)(11) is a class B nonperson select misdemeanor;

(4) subsection (a)(13) is a severity level 8, nonperson felony; and

(5) subsection (a)(14) is a:

(A) Class A nonperson misdemeanor except as provided in subsection (b)(5)(B);

(B) severity level 8, nonperson felony upon a second or subsequent conviction.

(c) Subsections (a)(1), (a)(2) and (a)(5) shall not apply to:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) Subsections (a)(4) and (a)(5) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) Subsection (a)(6) shall not apply to a governmental laboratory or solid plastic bullets.

(f) Subsection (a)(4) shall not apply to a law enforcement officer who is:

(1) Assigned by the head of such officer's law enforcement agency to a tactical unit which receives specialized, regular training;

(2) designated by the head of such officer's law enforcement agency to possess devices described in subsection (a)(4); and

(3) in possession of commercially manufactured devices which are:

(A) Owned by the law enforcement agency;

(B) in such officer's possession only during specific operations; and

(C) approved by the bureau of alcohol, tobacco, firearms and explosives of the United States department of justice.

(g) Subsections (a)(4), (a)(5) and (a)(6) shall not apply to any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsections (a)(4), (a)(5) and (a)(6) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory.

(h) Subsections (a)(4) and (a)(5) shall not apply to or affect any person or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et seq.

(i) Subsection (a)(11) shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(2) possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student; or

(4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day; or

(5) possession of a concealed handgun by an individual who is ~~not prohibited from possessing a firearm under either federal or state law~~ licensed to carry concealed handguns under K.S.A. 2017 Supp. 75-7c01 et seq., and amendments thereto.

(j) Subsections (a)(9) and (a)(13) shall not apply to a person who has received a

certificate of restoration pursuant to K.S.A. 2017 Supp. 75-7c26, and amendments thereto.

(k) Subsection (a)(14) shall not apply if such person, less than 18 years of age, was:

(1) In attendance at a hunter's safety course or a firearms safety course;
 (2) engaging in practice in the use of such firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located, or at another private range with permission of such person's parent or legal guardian;

(3) engaging in an organized competition involving the use of such firearm, or participating in or practicing for a performance by an organization exempt from federal income tax pursuant to section 501(c)(3) of the internal revenue code of 1986 which uses firearms as a part of such performance;

(4) hunting or trapping pursuant to a valid license issued to such person pursuant to article 9 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

(5) traveling with any such firearm in such person's possession being unloaded to or from any activity described in subsections (k)(1) through (k)(4), only if such firearm is secured, unloaded and outside the immediate access of such person;

(6) on real property under the control of such person's parent, legal guardian or grandparent and who has the permission of such parent, legal guardian or grandparent to possess such firearm; or

(7) at such person's residence and who, with the permission of such person's parent or legal guardian, possesses such firearm for the purpose of exercising the rights contained in K.S.A. 2017 Supp. 21-5222, 21-5223 or 21-5225, and amendments thereto.

(l) As used in this section, "throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

Sec. 4. K.S.A. 2017 Supp. 21-6302 is hereby amended to read as follows: 21-6302.

(a) Criminal carrying of a weapon is knowingly carrying:

(1) Any bludgeon, sandclub, metal knuckles or throwing star;
 (2) concealed on one's person, a billy, blackjack, slungshot or any other dangerous or deadly weapon or instrument of like character;

(3) on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance; or

(4) any pistol, revolver or other firearm concealed on one's person ~~if such person is under 21 years of age~~, except when on such person's land or in such person's abode or fixed place of business; or

(5) a shotgun with a barrel less than 18 inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically.

(b) Criminal carrying of a weapon as defined in:

(1) Subsections (a)(1), (a)(2), (a)(3) or (a)(4) is a class A nonperson misdemeanor; and

(2) subsection (a)(5) is a severity level 9, nonperson felony.

(c) Subsection (a) shall not apply to:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) Subsection (a)(4) shall not apply to:

(1) Watchmen, while actually engaged in the performance of the duties of their employment;

(2) licensed hunters or fishermen, while engaged in hunting or fishing;

(3) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment;

(5) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto;

(6) special deputy sheriffs described in K.S.A. 19-827, and amendments thereto, who have satisfactorily completed the basic course of instruction required for permanent appointment as a part-time law enforcement officer under K.S.A. 74-5607a, and amendments thereto;

(7) the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed. The provisions of this paragraph shall not apply to any person not in compliance with the provisions of section 1, and amendments thereto;

(8) any law enforcement officer, as that term is defined in K.S.A. 2017 Supp. 75-7c22, and amendments thereto, who satisfies the requirements of either K.S.A. 2017 Supp. 75-7c22(a) or (b), and amendments thereto; or

(9) any person carrying a concealed handgun as authorized by K.S.A. 2017 Supp. 75-7c01 et seq., and amendments thereto.

(e) Subsection (a)(5) shall not apply to:

(1) Any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment

to another person, has been so registered in the transferee's name by the transferor;

(2) any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsection (a)(5) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory; or

(3) any person or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et seq.

(f) It shall not be a violation of this section if a person violates the provisions of K.S.A. 2017 Supp. 75-7c03, and amendments thereto, but has an otherwise valid license to carry concealed handguns issued or recognized pursuant to K.S.A. 2017 Supp. 75-7c01 et seq., and amendments thereto.

~~(e)~~(g) As used in this section, "throwing star" means the same as prescribed by K.S.A. 2017 Supp. 21-6301, and amendments thereto.

Sec. 5. K.S.A. 2017 Supp. 21-6308 is hereby amended to read as follows: 21-6308.

(a) Criminal discharge of a firearm is the:

(1) Reckless and unauthorized discharge of any firearm:

(A) At a dwelling, building or structure in which there is a human being whether the person discharging the firearm knows or has reason to know that there is a human being present;

(B) at a motor vehicle, aircraft, watercraft, train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock or other means of conveyance of persons or property in which there is a human being whether the person discharging the firearm knows or has reason to know that there is a human being present;

(2) reckless and unauthorized discharge of any firearm at a dwelling in which there is no human being; or

(3) discharge of any firearm:

(A) Upon any land or nonnavigable body of water of another, without having obtained permission of the owner or person in possession of such land; or

(B) upon or from any public road, public road right-of-way or railroad right-of-way except as otherwise authorized by law.

(b) Criminal discharge of a firearm as defined in:

(1) Subsection (a)(1) is a:

(A) Severity level 7, person felony except as provided in subsection (b)(1)(B) or (b)(1)(C);

(B) severity level 3, person felony if such criminal discharge results in great bodily harm to a person during the commission thereof; or

(C) severity level 5, person felony if such criminal discharge results in bodily harm to a person during the commission thereof;

(2) subsection (a)(2) is a severity level 8, person felony; and

(3) subsection (a)(3) is a class C misdemeanor.

(c) Subsection (a)(1) shall not apply if the act is a violation of K.S.A. 2017 Supp. 21-5412(d), and amendments thereto.

(d) Subsection (a)(3) shall not apply to any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the national guard while in the performance of their official duty;

(4) watchmen, while actually engaged in the performance of the duties of their employment;

(5) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(6) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment;

(7) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto; or

(8) the United States attorney for the district of Kansas, the attorney general, or any district attorney or county attorney, while actually engaged in the duties of their employment or any activities incidental to such duties; any assistant United States attorney if authorized by the United States attorney for the district of Kansas and while actually engaged in the duties of their employment or any activities incidental to such duties; any assistant attorney general if authorized by the attorney general and while actually engaged in the duties of their employment or any activities incidental to such duties; or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed and while actually engaged in the duties of their employment or any activities incidental to such duties. The provisions of this paragraph shall not apply to any person not in compliance with the provisions of section 1, and amendments thereto.

Sec. 6. K.S.A. 2017 Supp. 21-6309 is hereby amended to read as follows: 21-6309. (a) It shall be unlawful to possess, with no requirement of a culpable mental state, a firearm:

(1) Within any building located within the capitol complex;

(2) within the governor's residence;

(3) on the grounds of or in any building on the grounds of the governor's residence;

(4) within any other state-owned or leased building if the secretary of administration has so designated by rules and regulations and conspicuously placed signs clearly stating that firearms are prohibited within such building; or

(5) within any county courthouse, unless, by county resolution, the board of county commissioners authorize the possession of a firearm within such courthouse.

(b) Violation of this section is a class A misdemeanor.

(c) This section shall not apply to:

(1) A commissioned law enforcement officer;

(2) a full-time salaried law enforcement officer of another state or the federal government who is carrying out official duties while in this state;

(3) any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer; or

(4) a member of the military of this state or the United States engaged in the performance of duties.

(d) It is not a violation of this section for:

(1) The governor, the governor's immediate family, or specifically authorized guest of the governor to possess a firearm within the governor's residence or on the grounds of or in any building on the grounds of the governor's residence;

(2) the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a firearm within any county courthouse and court-related facility, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district. The provisions of this paragraph shall not apply to any person not in compliance with the provisions of section 1, and amendments thereto;

(3) law enforcement officers, as that term is defined in K.S.A. 2017 Supp. 75-7c22, and amendments thereto, who satisfy the requirements of either K.S.A. 2017 Supp. 75-7c22(a) or (b), and amendments thereto, to possess a firearm; or

(4) an individual to possess a concealed handgun provided such individual is ~~not prohibited from possessing a firearm under either federal or state law~~ licensed to carry concealed handguns under K.S.A. 2017 Supp. 75-7c01 et seq., and amendments thereto.

(e) Notwithstanding the provisions of this section, any county may elect by passage of a resolution that the provisions of subsection (d)(2) shall not apply to such county's courthouse or court-related facilities if such:

(1) Buildings have adequate security measures to ensure that no weapons are permitted to be carried into such buildings;

(2) county also has a policy or regulation requiring all law enforcement officers to secure and store such officer's firearm upon entering the courthouse or court-related facility. Such policy or regulation may provide that it does not apply to court security or sheriff's office personnel for such county; and

(3) buildings have a sign conspicuously posted at each entryway into such building stating that the provisions of subsection (d)(2) do not apply to such building.

(f) As used in this section:

(1) "Adequate security measures" shall have the same meaning as the term is defined in K.S.A. 2017 Supp. 75-7c20, and amendments thereto;

(2) "possession" means having joint or exclusive control over a firearm or having a firearm in a place where the person has some measure of access and right of control; and

(3) "capitol complex" means the same as in K.S.A. 75-4514, and amendments thereto.

(g) For the purposes of subsections (a)(1), (a)(4) and (a)(5), "building" and "courthouse" shall not include any structure, or any area of any structure, designated for the parking of motor vehicles.

Sec. 7. K.S.A. 2017 Supp. 32-1002 is hereby amended to read as follows: 32-1002. (a) Unless and except as permitted by law or rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto, it is unlawful for any person to:

(1) Hunt, fish, furharvest or take any wildlife in this state by any means or manner;
 (2) possess any wildlife, dead or alive, at any time or in any number, in this state;
 (3) purchase, sell, exchange, ship or offer for sale, exchange or shipment any wildlife in this state;

(4) take any wildlife in this state for sale, exchange or other commercial purposes;
 (5) possess any seine, trammel net, hoop net, fyke net, fish gig, fish spear, fish trap or other device, contrivance or material for the purpose of taking wildlife; or

(6) take or use, at any time or in any manner, any game bird, game animal, coyote or furbearing animal, whether pen-raised or wild, in any field trial or for training dogs.

(b) The provisions of subsections (a)(2) and (a)(3) do not apply to animals sold in surplus property disposal sales of department exhibit herds or animals legally taken outside this state, except the provisions of subsection (a)(3) shall apply to:

- (1) The meat of game animals legally taken outside this state; and
 - (2) other restrictions as provided by rule and regulation of the secretary.
- (c) The provisions of this section shall not be construed to prevent:

- (1) Any person from taking starlings or English and European sparrows;
- (2) owners or legal occupants of land from killing any animals when found in or near buildings on their premises or when destroying property, subject to the following:
 - (A) The provisions of all federal laws and regulations governing protected species and the provisions of K.S.A. 32-957 through 32-963, and amendments thereto, and rules and regulations adopted thereunder; (B) it is unlawful to use, or possess with intent to use, any such animal so killed unless authorized by rules and regulations of the secretary; and (C) such owners or legal occupants shall make reasonable efforts to alleviate their problems with any such animals before killing them;

(3) any person licensed to carry concealed handguns under K.S.A. 2017 Supp. 75-7c01 et seq., and amendments thereto, from carrying a concealed handgun while lawfully hunting, fishing or furharvesting;

~~(4) any person who lawfully possesses a handgun from carrying such handgun, whether concealed or openly carried, while lawfully hunting, fishing or furharvesting; or~~

~~(4)(5) any person who lawfully possesses a device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm from using such device or attachment in conjunction with lawful hunting, fishing or furharvesting.~~

(d) Any person convicted of violating provisions of this section shall be subject to the penalties prescribed in K.S.A. 32-1031, and amendments thereto, except as provided in K.S.A. 32-1032, and amendments thereto, relating to big game and wild turkey.";

Also on page 1, in line 17, by striking all after the period; by striking all in lines 18 through 20; following line 27, by inserting:

"(c) At all times when the licensee is in actual possession of a concealed handgun, the licensee shall carry the valid license to carry concealed handguns. On demand of a law enforcement officer, the licensee shall display the license to carry concealed handguns and proper identification. Verification by a law enforcement officer that a person holds a valid license to carry concealed handguns may be accomplished by record check using the person's driver's license information or the person's concealed carry license number. The license of any person who violates the provisions of this subsection shall be suspended for not less than 30 days upon the first violation and shall be revoked for not less than five years upon a second or subsequent violation. A

violation of this subsection shall not constitute a violation K.S.A. 2017 Supp. 21-6302(a)(4), and amendments thereto, if the licensee possesses a valid license.";

Also on page 1, in line 28, by striking the first "(c)" and inserting "(d)"; also in line 28, by striking "subsection (c)" and inserting "paragraph";

On page 13, following line 11, by inserting:

"Sec. 10. K.S.A. 2017 Supp. 75-7c10 is hereby amended to read as follows: 75-7c10. Subject to the provisions of K.S.A. 2017 Supp. 75-7c20, and amendments thereto:

(a) The carrying of a concealed handgun, as authorized by this act, shall not be prohibited in any building unless such building is conspicuously posted in accordance with rules and regulations adopted by the attorney general.

(b) Nothing in this act shall be construed to prevent any private employer from restricting or prohibiting by personnel policies persons licensed under this act from carrying a concealed handgun while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except that no employer may prohibit possession of a handgun in a private means of conveyance, even if parked on the employer's premises.

(c) (1) Any private entity which provides adequate security measures in a private building and which conspicuously posts signage in accordance with this section prohibiting the carrying of a concealed handgun in such building shall not be liable for any wrongful act or omission relating to actions of persons carrying licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(2) Any private entity which does not provide adequate security measures in a private building and which allows the carrying of a concealed handgun shall not be liable for any wrongful act or omission relating to actions of persons carrying licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(3) Nothing in this act shall be deemed to increase the liability of any private entity where liability would have existed under the personal and family protection act prior to the effective date of this act.

(d) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may permit any employee, who is ~~legally qualified~~ licensed under this act, to carry a concealed handgun in any building of such institution, if the employee meets such institution's own policy requirements regardless of whether such building is conspicuously posted in accordance with the provisions of this section:

- (1) A unified school district;
- (2) a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto;
- (3) a state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;
- (4) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;
- (5) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; or
- (6) an indigent health care clinic, as defined by K.S.A. 2017 Supp. 65-7402, and amendments thereto.

(e) No public employer shall restrict or otherwise prohibit by personnel policies any employee, who is legally qualified, from carrying any concealed handgun while

engaged in the duties of such employee's employment outside of such employer's place of business, including while in a means of conveyance. Public employers shall not be liable for any wrongful or negligent act of an employee carrying a concealed handgun that is not being carried in the course and scope of such employee's employment, concerning acts or omissions regarding such handguns.

(f) (1) It shall be a violation of this section to carry a concealed handgun in violation of any restriction or prohibition allowed by subsection (a) or (b) if the building is posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (j). Any person who violates this section shall not be subject to a criminal penalty but may be subject to denial to such premises or removal from such premises.

(2) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district. The provisions of this paragraph shall not apply to any person who is not in compliance with section 1, and amendments thereto.

(3) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for a law enforcement officer, as that term is defined in K.S.A. 2017 Supp. 75-7c22, and amendments thereto, who satisfies the requirements of either K.S.A. 2017 Supp. 75-7c22(a) or (b), and amendments thereto, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

(g) The provisions of this section shall not apply to the carrying of a concealed handgun in the state capitol.

(h) For the purposes of this section:

(1) "Adequate security measures" shall have the same meaning as the term is defined in K.S.A. 2017 Supp. 75-7c20, and amendments thereto;

(2) "building" shall not include any structure, or any area of any structure, designated for the parking of motor vehicles; and

(3) "public employer" means the state and any municipality as those terms are defined in K.S.A. 75-6102, and amendments thereto, except the term "public employer" shall not include school districts.

(i) Nothing in this act shall be construed to authorize the carrying or possession of a handgun where prohibited by federal law.

(j) The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on a building where carrying a concealed handgun is prohibited pursuant to subsections (a) and (b). Such regulations shall prescribe, at a minimum, that:

(1) The signs be posted at all exterior entrances to the prohibited buildings;

(2) the signs be posted at eye level of adults using the entrance and not more than 12 inches to the right or left of such entrance;

- (3) the signs not be obstructed or altered in any way; and
- (4) signs which become illegible for any reason be immediately replaced.

Sec. 11. K.S.A. 2017 Supp. 75-7c17 is hereby amended to read as follows: 75-7c17. (a) The legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed handguns for self-defense and finds it necessary to occupy the field of regulation of the bearing of concealed handguns for self-defense to ensure that no honest, law-abiding person who qualifies under the provisions of this act is subjectively or arbitrarily denied the person's rights. No city, county or other political subdivision of this state shall regulate, restrict or prohibit the carrying of concealed handguns by ~~individuals~~ persons licensed under this act, except as provided in K.S.A. 2017 Supp. 21-6301, 21-6302, 21-6304, 21-6309, 75-7c10 or 75-7c20, and amendments thereto, or K.S.A. 21-4218(f), prior to its repeal. Any existing or future law, ordinance, rule, regulation or resolution enacted by any city, county or other political subdivision of this state that regulates, restricts or prohibits the carrying of concealed handguns by ~~individuals~~ persons licensed under this act, except as provided in K.S.A. 2017 Supp. 21-6301, 21-6302, 21-6304, 21-6309, 75-7c10 or 75-7c20, and amendments thereto, or K.S.A. 21-4218(f), prior to its repeal, shall be null and void.

(b) Prosecution of any person under the personal and family protection act, and amendments thereto, shall be done through the district court.

(c) The legislature does not delegate to the attorney general the authority to regulate or restrict the issuing of licenses provided for in this act, beyond those provisions of this act pertaining to licensing and training. Subjective or arbitrary actions or rules and regulations which encumber the issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this act or which create restrictions beyond those specified in this act are in conflict with the intent of this act and are prohibited.

(d) This act shall be liberally construed. This act is supplemental and additional to existing constitutional rights to bear arms and nothing in this act shall impair or diminish such rights.

Sec. 12. K.S.A. 2017 Supp. 75-7c20 is hereby amended to read as follows: 75-7c20. (a) The carrying of a concealed handgun, as authorized by this act, shall not be prohibited in any public area of any state or municipal building unless such public area has adequate security measures to ensure that no weapons are permitted to be carried into such public area and the public area is conspicuously posted with either permanent or temporary signage approved by the governing body, or the chief administrative officer, if no governing body exists, in accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

(b) The carrying of a concealed handgun shall not be prohibited throughout any state or municipal building in its entirety unless such building has adequate security measures at all public access entrances to ensure that no weapons are permitted to be carried into such building and the building is conspicuously posted in accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

(c) No state agency or municipality shall prohibit an employee who is licensed under this act from carrying a concealed handgun at the employee's work place unless the building has adequate security measures at all public access entrances to ensure that no weapons are permitted to be carried into such building and the building is

conspicuously posted in accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

(d) (1) It shall not be a violation of the personal and family protection act for a person to carry a concealed handgun into a state or municipal building, or any public area thereof, so long as that person is licensed under this act and has authority to enter through a restricted access entrance into such building, or public area thereof, that provides adequate security measures at all public access entrances and the building, or public area thereof, is conspicuously posted in accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

(2) Any person, who is not an employee of the state or a municipality and is not otherwise authorized to enter a state or municipal building through a restricted access entrance, shall be authorized to enter through a restricted access entrance, provided such person:

(A) Is authorized by the chief law enforcement officer, governing body, or the chief administrative officer, if no governing body exists, to enter such state or municipal building through a restricted access entrance;

(B) is issued an identification card by the chief law enforcement officer, governing body, or the chief administrative officer, if no governing body exists, which includes such person's photograph, name and any other identifying information deemed necessary by the issuing entity, and which states on the identification card that such person is authorized to enter such building through a restricted access entrance; and

(C) executes an affidavit or other notarized statement that such person acknowledges that certain firearms and weapons may be prohibited in such building and that violating any such regulations may result in the revocation of such person's authority to enter such building through a restricted access entrance.

The chief law enforcement officer, governing body, or the chief administrative officer, if no governing body exists, shall develop criteria for approval of individuals subject to this paragraph to enter the state or municipal building through a restricted access entrance. Such criteria may include the requirement that the individual submit to a state and national criminal history records check before issuance and renewal of such authorization and pay a fee to cover the costs of such background checks. An individual who has been issued a concealed carry permit by the state of Kansas shall not be required to submit to another state and national criminal records check before issuance and renewal of such authorization. Notwithstanding any authorization granted under this paragraph, an individual may be subjected to additional security screening measures upon reasonable suspicion or in circumstances where heightened security measures are warranted. Such authorization does not permit the individual to carry a concealed weapon into a public building, which has adequate security measures, as defined by this act, and which is conspicuously posted in accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

(e) A state agency or municipality that provides adequate security measures in a state or municipal building and which conspicuously posts signage in accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto, prohibiting the carrying of a concealed handgun in such building shall not be liable for any wrongful act or omission relating to actions of persons carrying licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(f) A state agency or municipality that does not provide adequate security measures

in a state or municipal building and that allows the carrying of a concealed handgun, as authorized by this act, shall not be liable for any wrongful act or omission relating to actions of persons ~~carrying licensed to carry~~ a concealed handgun concerning acts or omissions regarding such handguns.

(g) Nothing in this act shall limit the ability of a corrections facility, a jail facility or a law enforcement agency to prohibit the carrying of a handgun or other firearm concealed or unconcealed by any person into any secure area of a building located on such premises, except those areas of such building outside of a secure area and readily accessible to the public shall be subject to the provisions of subsection (a).

(h) Nothing in this section shall limit the ability of the chief judge of each judicial district to prohibit the carrying of a concealed handgun by any person into courtrooms or ancillary courtrooms within the district provided the public area has adequate security measures to ensure that no weapons are permitted to be carried into such public area and the public area is conspicuously posted in accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

(i) The governing body or the chief administrative officer, if no governing body exists, of a state or municipal building, may exempt the building, or any public area thereof, from this section until July 1, 2017, by adopting a resolution, or drafting a letter, listing the legal description of such building, listing the reasons for such exemption, and including the following statement: "A security plan has been developed for the building being exempted which supplies adequate security to the occupants of the building and merits the prohibition of the carrying of a concealed handgun." A copy of the security plan for the building shall be maintained on file and shall be made available, upon request, to the Kansas attorney general and the law enforcement agency of local jurisdiction. Notice of this exemption, together with the resolution adopted or the letter drafted, shall be sent to the Kansas attorney general and to the law enforcement agency of local jurisdiction. The security plan shall not be subject to disclosure under the Kansas open records act.

(j) The governing body or the chief administrative officer, if no governing body exists, of any postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, may exempt any building of such institution, including any buildings located on the grounds of such institution and any buildings leased by such institution, or any public area thereof, from this section until July 1, 2017, by stating the reasons for such exemption and sending notice of such exemption to the Kansas attorney general.

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

(1) Any building located on the grounds of the Kansas state school for the deaf or the Kansas state school for the blind;

(2) a state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;

(3) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;

(4) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto;

(5) an indigent health care clinic, as defined by K.S.A. 2017 Supp. 65-7402, and amendments thereto; or

(6) any building owned or leased by the authority created under the university of

Kansas hospital authority act, any building located within the health care district, as defined in the unified government of Wyandotte county and Kansas City, Kansas City-wide master plan, Rosedale master plan and traffic study or similar master plan or comprehensive planning or zoning document approved by the unified government of Wyandotte county and Kansas City, Kansas in effect on January 12, 2017.

(l) Nothing in this section shall be construed to prohibit any law enforcement officer, as defined in K.S.A. 2017 Supp. 75-7c22, and amendments thereto, who satisfies the requirements of either K.S.A. 2017 Supp. 75-7c22(a) or (b), and amendments thereto, from carrying a concealed handgun into any state or municipal building, or any public area thereof, in accordance with the provisions of K.S.A. 2017 Supp. 75-7c22, and amendments thereto, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

(m) For purposes of this section:

(1) "Adequate security measures" means the use of electronic equipment and armed personnel at public entrances to detect and restrict the carrying of any weapons into the state or municipal building, or any public area thereof, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes to ensure that weapons are not permitted to be carried into such building or public area by members of the public. Adequate security measures for storing and securing lawfully carried weapons, including, but not limited to, the use of gun lockers or other similar storage options may be provided at public entrances.

(2) "Authorized personnel" means employees of a state agency or municipality and any person granted authorization pursuant to subsection (d)(2), who are authorized to enter a state or municipal building through a restricted access entrance.

(3) The terms "municipality" and "municipal" are interchangeable and have the same meaning as the term "municipality" is defined in K.S.A. 75-6102, and amendments thereto, but does not include school districts.

(4) "Public area" means any portion of a state or municipal building that is open to and accessible by the public or which is otherwise designated as a public area by the governing body or the chief administrative officer, if no governing body exists, of such building.

(5) "Restricted access entrance" means an entrance that is restricted to the public and requires a key, keycard, code, or similar device to allow entry to authorized personnel.

(6) "State" means the same as the term is defined in K.S.A. 75-6102, and amendments thereto.

(7) (A) "State or municipal building" means a building owned or leased by such public entity. It does not include a building owned by the state or a municipality which is leased by a private entity whether for profit or not-for-profit or a building held in title by the state or a municipality solely for reasons of revenue bond financing.

(B) The term "state and municipal building" shall not include the state capitol.

(8) "Weapon" means a weapon described in K.S.A. 2017 Supp. 21-6301, and amendments thereto, except the term "weapon" shall not include any cutting instrument that has a sharpened or pointed blade.

(n) This section shall be a part of and supplemental to the personal and family protection act.

Sec. 13. K.S.A. 2017 Supp. 75-7c21 is hereby amended to read as follows: 75-

7c21. (a) An individual licensed under this act may carry a concealed handgun in the state capitol, ~~provided such individual is not prohibited from possessing a firearm under either federal or state law.~~

(b) This section shall be a part of and supplemental to the personal and family protection act.";

Also on page 13, in line 12, before "75-7c03" by inserting "21-5914, 21-6301, 21-6302, 21-6308, 21-6309, 32-1002,"; in line 13, by striking "and" and inserting a comma; also in line 13, before "are" by inserting ", 75-7c10, 75-7c17, 75-7c20 and 75-7c21";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, before "75-7c03" by inserting "21-5914, 21-6301, 21-6302, 21-6308, 21-6309, 32-1002,"; in line 7, by striking the first "and" and inserting a comma; also in line 7, after "75-7c06" by inserting ", 75-7c10, 75-7c17, 75-7c20 and 75-7c21"

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

On roll call, the vote was: Yeas 16; Nays 24; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Haley, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

A motion by Senator Hawk to amend **HB 2042** failed and the following amendment was rejected; on page 13, following line 11, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 75-7c20 is hereby amended to read as follows: 75-7c20.

(a) The carrying of a concealed handgun shall not be prohibited in any public area of any state or municipal building unless such public area has adequate security measures to ensure that no weapons are permitted to be carried into such public area and the public area is conspicuously posted with either permanent or temporary signage approved by the governing body, or the chief administrative officer, if no governing body exists, in accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

(b) The carrying of a concealed handgun shall not be prohibited throughout any state or municipal building in its entirety unless such building has adequate security measures at all public access entrances to ensure that no weapons are permitted to be carried into such building and the building is conspicuously posted in accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

(c) No state agency or municipality shall prohibit an employee from carrying a concealed handgun at the employee's work place unless the building has adequate security measures at all public access entrances to ensure that no weapons are permitted to be carried into such building and the building is conspicuously posted in accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

(d) (1) It shall not be a violation of the personal and family protection act for a person to carry a concealed handgun into a state or municipal building, or any public area thereof, so long as that person has authority to enter through a restricted access entrance into such building, or public area thereof, that provides adequate security measures at all public access entrances and the building, or public area thereof, is

conspicuously posted in accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

(2) Any person, who is not an employee of the state or a municipality and is not otherwise authorized to enter a state or municipal building through a restricted access entrance, shall be authorized to enter through a restricted access entrance, provided such person:

(A) Is authorized by the chief law enforcement officer, governing body, or the chief administrative officer, if no governing body exists, to enter such state or municipal building through a restricted access entrance;

(B) is issued an identification card by the chief law enforcement officer, governing body, or the chief administrative officer, if no governing body exists, which includes such person's photograph, name and any other identifying information deemed necessary by the issuing entity, and which states on the identification card that such person is authorized to enter such building through a restricted access entrance; and

(C) executes an affidavit or other notarized statement that such person acknowledges that certain firearms and weapons may be prohibited in such building and that violating any such regulations may result in the revocation of such person's authority to enter such building through a restricted access entrance.

The chief law enforcement officer, governing body, or the chief administrative officer, if no governing body exists, shall develop criteria for approval of individuals subject to this paragraph to enter the state or municipal building through a restricted access entrance. Such criteria may include the requirement that the individual submit to a state and national criminal history records check before issuance and renewal of such authorization and pay a fee to cover the costs of such background checks. An individual who has been issued a concealed carry permit by the state of Kansas shall not be required to submit to another state and national criminal records check before issuance and renewal of such authorization. Notwithstanding any authorization granted under this paragraph, an individual may be subjected to additional security screening measures upon reasonable suspicion or in circumstances where heightened security measures are warranted. Such authorization does not permit the individual to carry a concealed weapon into a public building, which has adequate security measures, as defined by this act, and which is conspicuously posted in accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

(e) A state agency or municipality that provides adequate security measures in a state or municipal building and which conspicuously posts signage in accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto, prohibiting the carrying of a concealed handgun in such building shall not be liable for any wrongful act or omission relating to actions of persons carrying a concealed handgun concerning acts or omissions regarding such handguns.

(f) A state agency or municipality that does not provide adequate security measures in a state or municipal building and that allows the carrying of a concealed handgun shall not be liable for any wrongful act or omission relating to actions of persons carrying a concealed handgun concerning acts or omissions regarding such handguns.

(g) Nothing in this act shall limit the ability of a corrections facility, a jail facility or a law enforcement agency to prohibit the carrying of a handgun or other firearm concealed or unconcealed by any person into any secure area of a building located on such premises, except those areas of such building outside of a secure area and readily

accessible to the public shall be subject to the provisions of subsection (a).

(h) Nothing in this section shall limit the ability of the chief judge of each judicial district to prohibit the carrying of a concealed handgun by any person into courtrooms or ancillary courtrooms within the district provided the public area has adequate security measures to ensure that no weapons are permitted to be carried into such public area and the public area is conspicuously posted in accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

(i) The governing body or the chief administrative officer, if no governing body exists, of a state or municipal building, may exempt the building, or any public area thereof, from this section until July 1, 2017, by adopting a resolution, or drafting a letter, listing the legal description of such building, listing the reasons for such exemption, and including the following statement: "A security plan has been developed for the building being exempted which supplies adequate security to the occupants of the building and merits the prohibition of the carrying of a concealed handgun." A copy of the security plan for the building shall be maintained on file and shall be made available, upon request, to the Kansas attorney general and the law enforcement agency of local jurisdiction. Notice of this exemption, together with the resolution adopted or the letter drafted, shall be sent to the Kansas attorney general and to the law enforcement agency of local jurisdiction. The security plan shall not be subject to disclosure under the Kansas open records act.

(j) The governing body or the chief administrative officer, if no governing body exists, of any postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, may exempt any building of such institution, including any buildings located on the grounds of such institution and any buildings leased by such institution, or any public area thereof, from this section ~~until July 1, 2017~~, by stating the reasons for such exemption and sending notice of such exemption to the Kansas attorney general.

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

(1) Any building located on the grounds of the Kansas state school for the deaf or the Kansas state school for the blind;

(2) a state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;

(3) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;

(4) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto;

(5) an indigent health care clinic, as defined by K.S.A. 2017 Supp. 65-7402, and amendments thereto; or

(6) any building owned or leased by the authority created under the university of Kansas hospital authority act, any building located within the health care district, as defined in the unified government of Wyandotte county and Kansas City, Kansas City-wide master plan, Rosedale master plan and traffic study or similar master plan or comprehensive planning or zoning document approved by the unified government of Wyandotte county and Kansas City, Kansas in effect on January 12, 2017.

(l) Nothing in this section shall be construed to prohibit any law enforcement officer, as defined in K.S.A. 2017 Supp. 75-7c22, and amendments thereto, who satisfies the requirements of either K.S.A. 2017 Supp. 75-7c22(a) or (b), and

amendments thereto, from carrying a concealed handgun into any state or municipal building, or any public area thereof, in accordance with the provisions of K.S.A. 2017 Supp. 75-7c22, and amendments thereto, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

(m) For purposes of this section:

(1) "Adequate security measures" means the use of electronic equipment and armed personnel at public entrances to detect and restrict the carrying of any weapons into the state or municipal building, or any public area thereof, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes to ensure that weapons are not permitted to be carried into such building or public area by members of the public. Adequate security measures for storing and securing lawfully carried weapons, including, but not limited to, the use of gun lockers or other similar storage options may be provided at public entrances.

(2) "Authorized personnel" means employees of a state agency or municipality and any person granted authorization pursuant to subsection (d)(2), who are authorized to enter a state or municipal building through a restricted access entrance.

(3) The terms "municipality" and "municipal" are interchangeable and have the same meaning as the term "municipality" is defined in K.S.A. 75-6102, and amendments thereto, but does not include school districts.

(4) "Public area" means any portion of a state or municipal building that is open to and accessible by the public or which is otherwise designated as a public area by the governing body or the chief administrative officer, if no governing body exists, of such building.

(5) "Restricted access entrance" means an entrance that is restricted to the public and requires a key, keycard, code, or similar device to allow entry to authorized personnel.

(6) "State" means the same as the term is defined in K.S.A. 75-6102, and amendments thereto.

(7) (A) "State or municipal building" means a building owned or leased by such public entity. It does not include a building owned by the state or a municipality which is leased by a private entity whether for profit or not-for-profit or a building held in title by the state or a municipality solely for reasons of revenue bond financing.

(B) The term "state and municipal building" shall not include the state capitol.

(8) "Weapon" means a weapon described in K.S.A. 2017 Supp. 21-6301, and amendments thereto, except the term "weapon" shall not include any cutting instrument that has a sharpened or pointed blade.

(n) This section shall be a part of and supplemental to the personal and family protection act.;

Also on page 13, in line 13, by striking "and" and inserting a comma; also in line 13, before "are" by inserting "and 75-7c20";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "relating to the" and inserting "exemptions for certain institutions.;" in line 3, by striking all after the semicolon; in line 7, by striking the first "and" and inserting a comma; also in line 7, before "repealing" by inserting "75-7c20 and"

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

On roll call, the vote was: Yeas 19; Nays 21; Present and Passing 0; Absent or Not

Voting 0.

Yeas: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

EXPLANATION OF VOTE

Mr. Chairman: I am a strong supporter of local control. Every college and university campus has its own culture. It is important for individual colleges to develop policies, procedures, and processes that are reflective of that college culture.—ED BERGER

Senators Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Holland, Kelly, Longbine, Pettey and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **HB 2042**.

A motion by Senator Sykes to amend **HB 2145** failed and the following amendment was rejected; on page 1, in line 10, by striking "or" and inserting a comma; also in line 10, before the semicolon by inserting "or throwing star"; in line 13, by striking "throwing star,";

On page 4, in line 24, by striking all after "(i)"; by striking all in lines 25 through 30; in line 31, by striking "(j)";

On page 5, in line 23, by striking "(l)" and inserting "(k)"; in line 24, by striking "(l)" and inserting "(k)";

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

On page 1, in the title, in line 2, by striking all after the semicolon; in line 3, by striking "suppressors;"

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

On roll call, the vote was: Yeas 19; Nays 20; Present and Passing 1; Absent or Not Voting 0.

Yeas: Berger, Bollier, Bowers, Doll, Francisco, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Billinger, Denning, Estes, Fitzgerald, Givens, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Present and Passing: Faust-Goudeau.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **HB 2042**, **HB 2145**, **HB 2454** were advanced to Final Action and roll call.

HB 2042, AN ACT concerning firearms; relating to the personal and family protection act; relating to the recognition of licenses issued by another jurisdiction; relating to confidentiality of licensure documents; amending K.S.A. {2017} Supp. 75-7c03 and 75-7c06 and repealing the existing sections.

On roll call, the vote was: Yeas 25; Nays 15; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on **HB 2042**. This bill presented an opportunity to address issues that students across the nation were protesting for just yesterday. Amendments were offered to require background checks and a 3-day waiting period when purchasing a gun; banning bump stocks; adding an age requirement of 21 to purchase assault rifles; return to conceal carry permit and training requirements previously repealed; and, to repeal campus carry and giving universities the authority to decide for themselves. Despite the national conversations and student outcry surrounding these commonsense measures, they all failed. In turn, the Republican majority in the Kansas Senate has failed our students. As for this bill, specifically, it creates an inconsistency for conceal carry licenses. While Kansas residents must be 21 years of age, non-Kansas residents with a permit from another state with lower age limits would be allowed to carry. For these reasons, I vote "NO."—TOM HAWK

Senators Bollier, Francisco, Hensley, Kelly, Pettey and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **HB 2042**.

Mr. Vice President: I vote "NO" on **HB 2042** – we had a number of opportunities to make common sense improvements to gun safety today. We refused to make even one. After several amendments, I heard Senators suggest with changes, they could have voted for it. So while we had a long debate, we need to listen to each other more and see where we can come together. Finally, I can't vote for lowering our reciprocity standards. We don't know the unintended consequences.—LYNN ROGERS

Senators Francisco, and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **HB 2042**.

HB 2145, AN ACT concerning crimes, punishment and criminal procedure; relating to firearms, unlawful possession thereof; exempting certain suppressors; amending K.S.A. 2017 Supp. 21-6301 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: While I don't agree with all pieces of this bill, I think the domestic violence piece is crucial for our state. It is my hope that the conference

committee will further review those measures when considering a conference committee report.—VICKI SCHMIDT

Senator Berger, Bollier, Faust-Goudeau, Kelly, McGinn and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator V. Schmidt on **HB 2145**.

HB 2454, AN ACT concerning children and minors; relating to the revised Kansas juvenile justice code; review hearings; dispositional hearing; overall case length limits; absconders; Kansas juvenile justice oversight committee; amending K.S.A. 2017 Supp. 38-2343, 38-2360, 38-2391 and 75-52,161 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Billinger the Senate nonconcurred in the House amendments to **SB 335** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Billinger and Rogers as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 301** be amended on page 1, in line 8, after "who" by inserting "offers or"; in line 21, by striking "paragraph (3)" and inserting "subsection (g)"; by striking all in lines 28 through 30;

On page 2, in line 3, by striking all after "(d)"; in line 4, by striking all before the period and inserting "Failure to register pursuant to this section shall be a class C nonperson misdemeanor";

Also on page 2, following line 20, by inserting:

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

(1) A landowner providing guide services or outfitter services exclusively on land owned by such landowner; or

(2) activity occurring exclusively on land owned, leased or operated under K.S.A. 32-943 et seq., and amendments thereto."; and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2184** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2184," as follows:

"Senate Substitute for HOUSE BILL No. 2184

By Committee on Commerce

"AN ACT concerning workers compensation death benefits; initial payments; legal heirs; dependents; funeral expenses; conservatorship; adequacy and equivalency with respect to other benefit limits; high school children over 18 years of age; amending K.S.A. 2017 Supp. 44-510b and repealing the existing section.";

And the substitute bill be passed.

Also, recommends **HB 2701**, as amended by House Committee of the Whole, be amended on page 1, in line 6, after "expansion" by inserting "planning"; also in line 6, by striking "17" and inserting "16"; in line 8, by striking "Three" and inserting "Two"; in line 13, by striking "two members" and inserting "one member";

On page 2, in line 7, by striking "and"; in line 8, after "(14)" by inserting "one member appointed by the Kansas independent fiber association; and (15)";

Also on page 2, in line 17, after the semicolon by inserting "and"; in line 18, by striking all after "(E)"; by striking all in lines 19 and 20; in line 21, by striking "(F)"; in line 32, after "expansion" by inserting "planning"; in line 35, after "expansion" by inserting "planning"; in line 38, after "expansion" by inserting "planning"; in line 41, after "expansion" by inserting "planning"; in line 43, by striking "evaluate" and inserting "develop an approach for defining and evaluating";

On page 3, in line 2, after "(2)" by inserting "identify and document risks, issues and constraints associated with a state-wide broadband expansion project. Develop corresponding risk mitigation and resolution strategies where appropriate; (3)";

Also on page 3, in line 15, by striking "prioritize" and inserting "develop criteria for prioritizing"; also in line 15, by striking all after "services"; in line 16, by striking all before the semicolon and inserting "across Kansas"; also in line 16, by striking the second "and"; in line 17, before "make" by inserting "propose future activities and documentation required to complete the statewide broadband expansion plan; and (7)";

Also on page 3, in line 23, after "expansion" by inserting "planning"; in line 24, after "expansion" by inserting "planning"; in line 27, after "expansion" by inserting "planning";

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

On page 1, in the title, in line 2, after the first "expansion" by inserting "planning"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2542** be amended on page 3, in line 40, following "after" by inserting "June 29, 2018, and"; in line 41, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **HB 2541** 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 **Ethics, Elections and Local Government** recommends **HB 2628**, as amended by House Committee, be amended on page 2, in line 41, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, recommends **SCR 1612**, Corrected, be adopted.

The Committee on **Judiciary** recommends **HB 2459**, as amended by House Committee, be passed.

Also, **HB 2581**, as amended by House Committee of the Whole, be passed.

HB 2523, as amended by House Committee, be amended on page 2, following line 43, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 74-5602 is hereby amended to read as follows: 74-5602. As used in the Kansas law enforcement training act:

(a) "Training center" means the law enforcement training center within the

university of Kansas, created by K.S.A. 74-5603, and amendments thereto.

(b) "Commission" means the Kansas commission on peace officers' standards and training, created by K.S.A. 74-5606, and amendments thereto, or the commission's designee.

(c) "Chancellor" means the chancellor of the university of Kansas, or the chancellor's designee.

(d) "Director of police training" means the director of police training at the law enforcement training center.

(e) "Director" means the executive director of the Kansas commission on peace officers' standards and training.

(f) "Law enforcement" means the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof.

(g) "Police officer" or "law enforcement officer" means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof. Such terms shall include, but not be limited to: The sheriff, undersheriff and full-time or part-time salaried deputies in the sheriff's office in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858, and amendments thereto; conservation officers of the Kansas department of wildlife, parks and tourism; university police officers, as defined in K.S.A. 22-2401a, and amendments thereto; campus police officers, as defined in K.S.A. 22-2401a, and amendments thereto; law enforcement agents of the director of alcoholic beverage control; law enforcement agents designated by the secretary of revenue pursuant to K.S.A. 2017 Supp. 75-5157, and amendments thereto; law enforcement agents of the Kansas lottery; law enforcement agents of the Kansas racing commission; deputies and assistants of the state fire marshal having law enforcement authority; capitol police, existing under the authority of K.S.A. 75-4503, and amendments thereto; special investigators of the juvenile justice authority; special investigators designated by the secretary of labor; and law enforcement officers appointed by the adjutant general pursuant to K.S.A. 48-204, and amendments thereto. Such terms shall also include railroad policemen appointed pursuant to K.S.A. 66-524, and amendments thereto; school security officers designated as school law enforcement officers pursuant to K.S.A. 2017 Supp. 72-6146, and amendments thereto; the manager and employees of the horsethief reservoir benefit district pursuant to K.S.A. 2017 Supp. 82a-2212, and amendments thereto; and the director of the Kansas commission on peace officers' standards and training and any other employee of such commission designated by the director pursuant to K.S.A. 74-5603, and amendments thereto, as a law enforcement officer. Such terms shall not include any elected official, other than a sheriff, serving in the capacity of a law enforcement or police officer solely by virtue of such official's elected position; any attorney-at-law having responsibility for law enforcement and discharging such responsibility solely in the capacity of an attorney; any employee of the commissioner of juvenile justice who is employed solely to perform correctional, administrative or operational duties related to juvenile correctional facilities; any employee of the secretary of corrections, any employee of the secretary for children and families; any deputy conservation officer of the Kansas department of wildlife, parks and tourism; or any employee of a city or county who is employed solely to perform correctional duties related to jail inmates and the administration and operation of a jail; or any full-time or

part-time salaried officer or employee whose duties include the issuance of a citation or notice to appear provided such officer or employee is not vested by law with the authority to make an arrest for violation of the laws of this state or any municipality thereof, and is not authorized to carry firearms when discharging the duties of such person's office or employment. Such term shall include any officer appointed or elected on a provisional basis.

(h) "Full-time" means employment requiring at least 1,000 hours of law enforcement related work per year.

(i) "Part-time" means employment on a regular schedule or employment which requires a minimum number of hours each payroll period, but in any case requiring less than 1,000 hours of law enforcement related work per year.

(j) "Misdemeanor crime of domestic violence" means a violation of domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or K.S.A. 2017 Supp. 21-5414, and amendments thereto, or any other misdemeanor under federal, municipal or state law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, ~~committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim~~ against a person with whom the offender is involved or has been involved in a "dating relationship" or is a "family or household member" as defined in K.S.A. 2017 Supp. 21-5414, and amendments thereto, at the time of the offense.

(k) "Auxiliary personnel" means members of organized nonsalaried groups who operate as an adjunct to a police or sheriff's department, including reserve officers, posses and search and rescue groups.

(l) "Active law enforcement certificate" means a certificate which attests to the qualification of a person to perform the duties of a law enforcement officer and which has not been suspended or revoked by action of the Kansas commission on peace officers' standards and training and has not lapsed by operation of law as provided in K.S.A. 74-5622, and amendments thereto.;

On page 3, in line 1, by striking "is" and inserting "and 74-5602 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second semicolon by inserting "Kansas law enforcement training act; definitions;"; also in line 2, after "19-801b" by inserting "and 74-5602"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2472**, as amended by House Committee, be passed.

Committee on **Transportation** recommends **HB 2599**, as amended by House Committee of the Whole, be amended on page 4, in line 8, by striking "or" and inserting a comma; also in line 8, before "and" by inserting "section 5, 6, 7 or 8,";

On page 7, following line 40, by inserting:

"New Sec. 5. (a) On and after January 1, 2019, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a veteran of the Korean war, upon compliance with the

provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a veteran of the Korean war. Such license plates shall be issued for the same period of 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 person who is a veteran of the Korean war may make application for such distinctive license plates, 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, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a veteran of the Korean war. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates 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.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form 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 distinctive license plates to the county treasurer of such person's residence.

New Sec. 6. (a) On and after January 1, 2019, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a veteran of operation desert storm, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a veteran of operation desert storm. Such license plates shall be issued for the same period of 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 person who is a veteran of operation desert storm may make application for such distinctive license plates, 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, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a veteran of operation desert storm. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates 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.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form 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 distinctive license plates to the county treasurer of such person's residence.

New Sec. 7. (a) On and after January 1, 2019, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a veteran of operation Iraqi freedom, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a veteran of operation Iraqi freedom. Such license plates shall be issued for the same period of 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 person who is a veteran of operation Iraqi freedom may make application for such distinctive license plates, 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, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a veteran of operation Iraqi freedom. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates 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.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form 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 distinctive license plates to the county treasurer of such person's residence.

New Sec. 8. (a) On and after January 1, 2019, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a veteran of operation enduring freedom, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a veteran of operation enduring freedom. Such license plates shall be issued for the same period of 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 person who is a veteran of operation enduring freedom may make application for such distinctive license plates, 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, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a veteran of operation enduring freedom. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates 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.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form 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 distinctive license plates to the county treasurer of such person's residence.

Sec. 9. K.S.A. 2017 Supp. 8-1,147 is hereby amended to read as follows: 8-1,147. In the event of the death of any person issued distinctive license plates under the provisions of K.S.A. 8-161, 8-177a, 8-177c, 8-1,139, 8-1,140, 8-1,145 or 8-1,146 or K.S.A. 2017 Supp. 8-177d, 8-1,163 ~~or~~, 8-1,166, section 5, 6, 7, or 8, and amendments thereto, the surviving spouse or other family member, if there is no surviving spouse, shall be entitled to possession of any such distinctive license plates. Such license plates shall not be displayed on any vehicle unless otherwise authorized by statute.";

Also on page 7, in line 41, by striking "is" and inserting "and 8-1,147 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "license plate"; in line 3, after "life" by striking "license plate and"; and inserting a comma; also in line 3, after "Wichita" by striking "license plate"; and by inserting ", Korean war, operation desert storm, operation Iraqi freedom and operation enduring freedom license plates"; in line 4, after "8-1,141" by inserting "and 8-1,147"; in line 5, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2608** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, March 16, 2018.

Journal of the Senate

FORTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 16, 2018, 8:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 30 senators present.

Senators Bowers, Doll, Faust-Goudeau, Fitzgerald, Hilderbrand, Holland, Lynn, Masterson, Suellentrop, Sykes were excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, we're not haters when it comes to the Penn Quakers. We're just happy You let our boys win. Thanks for some March Gladness in the midst of a lot of madness.

It's been said that the success or failure of the various teams might not be decided by the players who take the floor but by their trainer; the coach that works with them in private.

And that's really the way it is with us. As You told us in Joshua 1:8, listening to Your instructions, learning from Your Play Book and practicing what You tell us will grant victory.

Thanks Lord, for bringing us through another week. Give traveling grace for the weekend and provide protection for the Saint Patrick's Day celebrations.

Finally, help everyone under this dome to get revitalized over the weekend and to know that their work is appreciated.

In Jesus' Name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 448, AN ACT concerning economic development incentives; relating to evaluations; creating the joint economic development incentive review committee, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 447**.

Assessment and Taxation: **HB 2527**.

Judiciary: **HB 2516**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Kelly introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1777—

A RESOLUTION congratulating and commending the members of the Silver Lake High School debate team for their class 3-2-1A four-speaker state championship.

WHEREAS, The Silver Lake High School debate team was named the four-speaker state champion at the class 3-2-1A State Debate Tournament on January 12 and 13, 2018; and

WHEREAS, This year's championship is the Silver Lake High School debate team's most recent title since 2014, and the team had a 13-1 record at the state competition; and

WHEREAS, The members of the four-speaker team were Faith Scheibmeir, Keith Nagy, Claire Austin and Jayme Lindstrom, with alternates Ryan Turner and Zoe Brokaw; and

WHEREAS, Michelle Taylor, the team's coach, worked tirelessly year-round to enhance the team's skills and prepare them for the debate season and the state tournament; and

WHEREAS, The resolution for this year's high school debate season was "Resolved: The United States federal government should substantially increase its funding and/or regulation of elementary and/or secondary education in the United States"; and

WHEREAS, Debating relevant and timely topics helps high school students gain an appreciation for current events and the ability to see an important issue from both sides: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the Silver Lake High School debate team for their class 3-2-1A four-speaker state championship. This is a great accomplishment for the debate team and for Silver Lake High School; and

Be it further resolved: That the Secretary of the Senate shall send seven enrolled copies of this resolution to Senator Kelly.

On emergency motion of Senator Kelly **SR 1777** was adopted by voice vote.

Senators honored the students and their coach with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2465** be amended on page 2, in line 42, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **HB 2650**, as amended by House Committee, be amended on page 1, in line 6, before "limestone" by inserting "Greenhorn";

Also on page 1, in the title, in line 1, after "ACT" by inserting "concerning state emblems;"; also in line 1, after the first "as" by inserting "Greenhorn"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 267, SB 405; Sub SB 414 reported correctly enrolled, properly signed and presented to the Governor on March 16, 2018.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of March 12-16, 2018:

Senator Bowers: congratulating Jennifer O'Hare on being named the 2018 Lincoln Chamber of Commerce Member of the Year, celebrating the City of Cuba's 150th Birthday;

Senator Givens: congratulating the Yates Center High School Cross Country Team on winning the 2A State Championship, congratulating the Yates Center High School Scholars Bowl Team on winning the 2A State Scholars Bowl Tournament; and

Senator Tyson: recognizing Plaza Cinema on being named the "oldest operating purpose built cinema" by the Guinness Book of World Records.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, March 19, 2018.

Journal of the Senate

FORTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 19, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, by Your grace, we're back. A major interest grabber, over the weekend has been the NCAA basketball competitions, along with the upsets that occurred. Some who they thought would be winners lost. And some who were supposed to lose wound up celebrating a win.

In using that analogy, Lord, we can't afford the upset of losing the Game of Life.

In the Scriptures, You've given us Your Divine Playbook. And even though there'll be disappointments or upsets along the way, You're coaching us on how to win. In 2 Timothy 3:14-17, You tell us that sticking to what we learn from the Playbook will keep us from the ultimate loss and give us wisdom for the ultimate win.

Lord, according to verse 16, Your directives are useful for teaching us what's right, pointing out our errors when we go wrong, helping us to make the proper corrections after we've gone wrong and then training us to develop a "Life Game" that has Your approval.

So Lord, whatever position we're in, whether on the floor or on the bench, whether moving toward the goal or defending against those who oppose us, remind us to stick to Your Playbook. But most of all, we need You to be actively coaching us in every move we make.

I come to You today as just another member on the team, looking forward to the day when everybody under Your coaching will join in celebration of a glorious win. Thank You Lord for hearing this petition. In Jesus' Name, I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 449, AN ACT concerning savings programs; relating to beneficiaries of ABLE accounts, transfers, qualified higher education expenses; income taxation, deduction for contributions; amending K.S.A. 2017 Supp. 75-655 and 79-32,117 and repealing the existing sections, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Commerce: **SB 448**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Pettey, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1778—

A RESOLUTION recognizing March 19 as
Kansas Celebrating Women in Public Office Day.

WHEREAS, The month of March is Women's History Month and celebrates the significant contributions women of all races, ethnicities and backgrounds have made to the world; and

WHEREAS, Women play a critical role in the vitality and diversity of our communities and are essential to ensuring Kansas is well-represented; and

WHEREAS, While the 20th century was a pivotal time of growth for women entering politics, women remain underrepresented in male-dominated fields, and thus, providing opportunities to support women in public office is imperative; and

WHEREAS, Recognizing women in public office will bring awareness to the fundamental necessity of their work and will inspire other women to serve their communities: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize March 19 as Kansas Celebrating Women in Public Office Day and call upon the people of Kansas to unite as we support the success of women in public office; and

Be it further resolved: That the Secretary of the Senate shall send 16 enrolled copies of this resolution to Senator Pettey.

On emergency motion of Senator Pettey **SR 1778** was adopted by voice vote.

Senators honored the women with a standing ovation.

CHANGE OF REFERENCE

The President withdrew **SB 259**, **SB 357** from the Committee on **Education**, and referred the bills to the Committee on **Federal and State Affairs**.

MESSAGES FROM THE HOUSE

Announcing passage of **HB 2489**, **HB 2749**.

The House accedes to the request of the Senate for a conference on **SB 335** and has appointed Representatives Kelly, Powell and Finney as conferees on the part of the House.

Announcing passage of **HB 2755**; **SB 369**.

Announcing passage of **SB 275**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2489, HB 2749, HB 2755 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Longbine the Senate nonconcurrent in the House amendments to **SB 275** and requested a conference committee be appointed.

The President appointed Senators Longbine, Billinger and Rogers as a conference committee on the part of the Senate.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

President Wagle referred **SB 449** to the Committee on **Assessment and Taxation**.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **HB 2501** be passed.

Also, **HB 2600**, as amended by House committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2600," as follows:

"Senate Substitute for HOUSE BILL No. 2600

By Committee on Public Health and Welfare

"AN ACT concerning the department of health and environment; relating to powers, duties and functions thereof; providing for the assessment of fees for noncontiguous sites under the nuclear energy development and radiation control act; directing the secretary of health and environment to study and investigate maternal deaths in the state of Kansas; access to records; confidentiality; amending K.S.A. 48-1606 and K.S.A. 2017 Supp. 65-177 and repealing the existing sections.";

And the substitute bill be passed.

HB 2590, as amended by House Committee, be amended on page 6, in line 43, after "services" by inserting "agencies";

On page 9, in line 28, by striking the second "and" and inserting a comma; also in line 28, after "reported" by inserting "and resolutions to complaints"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, March 20, 2018.

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 20, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Holy Father, in the very first verse of the very first chapter of Genesis, the very first book, it records Your work of creation. It reveals how the beginning began. We learned that You created everything. We can all trace our beginning back to You.

It was You, Who, in all Your omnipotence, simply spoke and all the heavens sprang into existence. Again and again You said, "Let there be," and there was. "Let there be light," and there was. You called the light day and the darkness night. Our mornings and evenings and the seasons of the year have come to us by Your creation.

In verse 11, You said, "Let the earth sprout vegetation, plants yielding seed and fruit trees bearing fruit with seed in them to bring forth more of the same kind." Praise Your Holy Name!

You are the cause of the first Springtime, and we look forward to it every year. When the farmers have scattered their seed, when Springtime has sprung, and harvest has come; when the meal is prepared and our hungriness is satisfied, we'll express gratefulness to the farmers, but we owe it all to You.

Lord, we thank You for this Springtime opportunity to serve...to serve You and to serve Your people. Let the service in these halls and in our communities produce a harvest of fruit that's pleasing in Your sight. As grateful appreciation blossoms from my heart, in Jesus' Name I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 450, AN ACT concerning education; relating to school finance; transportation weighting calculation; amending K.S.A. 2017 Supp. 72-5148 and repealing the existing section, by Committee on Assessment and Taxation.

SB 451, AN ACT concerning 2012 executive reorganization order no. 41; relating to the Kansas department for aging and disability services and the Kansas department for children and families; updating statutory references and making technical changes related thereto; amending K.S.A. 75-5309, 75-5904, 76-157, 76-158, 76-1238, 76-14a04 and 76-1519a and K.S.A. 2017 Supp. 21-5909, 22-3302, 36-502, 38-2006, 38-

2212, 39-1702, 40-4702, 65-689, 65-6610, 75-7d01, 75-5321a and 75-7033 and repealing the existing sections; also repealing K.S.A. 76-371, 76-1510b and 76-1522, by Committee on Ways and Means.

SB 452, AN ACT concerning agriculture; relating to pesticides; record of pesticide applications; review and report of pesticide application practices, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2489**, **HB 2749**, **HB 2755**.

CHANGE OF REFERENCE

The President withdrew **SB 259**, **SB 357** from the Committee on **Federal and State Affairs**, and referred the bill to the **Senate Select Committee on Education Finance**.

The President withdrew **SB 111** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Assessment and Taxation**.

MESSAGES FROM THE GOVERNOR

SB 267, **SB 405**; **Sub SB 414** approved on March 20, 2018.

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **Sub HB 2194**, requests a conference and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2042**, requests a conference and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2145**, requests a conference and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2454**, requests a conference and has appointed Representatives Jennings, Whitmer and Highberger as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2476**, requests a conference and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 275** and has appointed Representatives Kelly, Powell and Finney as conferees on the part of the House.

COMMITTEE OF THE WHOLE

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

On motion of Senator Berger the following report was adopted:

HB 2542, HB 2628, HB 2650 be amended by the adoption of the committee amendments, and the bills be passed as amended.

Senator Holland offered an amendment on **HB 2650**.

A ruling of the chair was requested as to the germaneness of the amendment. The Chair of the Rules Committee ruled the amendment was germane to the bill.

The motion by Senator Holland to amend **HB 2650** failed.

FINAL ACTION ON CONSENT CALENDAR

SB 313, SB 418; HB 2541, HB 2558, HB 2608, HB 2619, HB 2691 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 313, AN ACT concerning redevelopment authorities in certain counties; amending K.S.A. 19-4904 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed.

SB 418, AN ACT concerning public records; relating to the unlawful use of names derived from public records, exceptions; amending K.S.A. 2017 Supp. 45-230 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed.

HB 2541, AN ACT concerning postsecondary education; relating to the Kansas national guard educational assistance act; relating to participant qualifications and recoupment of assistance; amending K.S.A. 74-32,148 and 74-32,149 and K.S.A. 2017 Supp. 74-32,146 and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed.

HB 2558, AN ACT concerning wildlife; relating to controlled shooting areas; licenses; amending K.S.A. 32-946 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed.

HB 2608, AN ACT concerning real estate; authorizing the conveyance of land from the department of corrections to fire district 1 of Leavenworth county, Kansas.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed.

HB 2619, AN ACT concerning agriculture; relating to the Kansas department of agriculture; allowing any documentation required under the Kansas pesticide law to be created or maintained in electronic form; amending K.S.A. 2017 Supp. 2-2455 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed.

HB 2691, AN ACT concerning water; relating to the division of water resources of the department of agriculture; relating to multi-year flex accounts, application deadlines; amending K.S.A. 2017 Supp. 82a-736 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **HB 2542**, **HB 2628** and **HB 2650** were advanced to Final Action and roll call.

HB 2542, AN ACT concerning the Kansas private and out-of-state postsecondary educational institution act; modifying certain fees; removing sunset date; amending K.S.A. 2017 Supp. 74-32,181 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed, as amended.

HB 2628, AN ACT concerning airport authorities; amending K.S.A. 27-325 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The bill passed, as amended.

HB 2650, AN ACT concerning state emblems; designating the state rock as Greenhorn limestone; the state mineral as galena; the state gemstone as jelinite amber; and the state fish as the channel catfish.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Francisco.

Absent or Not Voting: Pettey.

The bill passed, as amended.

ORIGINAL MOTION

On motion of Senator Estes, the Senate acceded to the request of the House for a conference on **HB 2042**.

The President appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Estes, the Senate acceded to the request of the House for a

conference on **HB 2145**.

The President appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **Sub HB 2194**.

The President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2454**.

The President appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

On motion of Senator Estes, the Senate acceded to the request of the House for a conference on **HB 2476**.

The President appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **Substitute for HB 2147**, as amended by House Committee of the Whole, be amended on page 1, in line 30, after the stricken material by inserting "plus interest on the amount of overpayment at the rate prescribed by K.S.A. 79-2968, and amendments thereto,"; and the bill be passed as amended.

Also, **HB 2488**, as amended by House Committee, be amended on page 3, in line 2, by striking all after "blend"; in line 3, by striking all before "and"; and the bill be passed as amended.

SB 419, SB 429, SB 449 be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Commerce** recommends **SB 430** be amended on page 5, in line 1, after "taxpayers" by inserting "who have initially claimed a credit as permitted by subsection (e) prior to January 1, 2018, and"; in line 2, by striking "75%" and inserting "50%"; in line 9, by striking "25%" and inserting "10%";

On page 1, in the title, in line 3, after "years" by inserting "for certain qualified companies"; and the bill be passed as amended.

Also, begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Public Member, Employment Security Board of Review: K.S.A. 44-709(f)

Phillip Hayes, to fill a term expiring on March 15, 2021

Committee on **Ethics, Elections and Local Government** recommends **HB 2505** be amended on page 1, in line 25, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **Ethics, Elections and Local Government** recommends **HB 2597** be amended on page 1, in line 14, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2580**, as amended by House Committee, be passed.

Also, **SB 241** be amended on page 1, in line 7, by striking "2016" and inserting "2017";

On page 3, in line 3, by striking "2016" and inserting "2017";

On page 4, in line 39, by striking "2016" and inserting "2017";

On page 1, in the title, in line 3, by striking "2016" and inserting "2017"; and the bill be passed as amended.

HB 2444 be amended on page 1, in line 11, by striking "statute book" and inserting "Kansas Register"; and the bill be passed as amended.

HB 2448, as amended by House Committee of the Whole, be amended on page 4, in line 24, after "after" by inserting "the date upon which the director of the budget and the director of legislative research certify that the appropriation described in section 1(b) has been made for fiscal year 2019 and" in line 25, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

The Committee on **Transportation** recommends **Substitute for HB 2040** be amended on page 1, following line 5, by inserting:

"New Section 1. (a) No person shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the right or the safety of others, or inattentively in such a manner as to endanger, or be likely to endanger, any person or property.

(b) This section shall be a part of and supplemental to the uniform act regulating traffic on highways.";

On page 6, following line 25, by inserting:

"Negligent driving section 1 \$45";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the" and inserting "negligent driving"; in line 2, after "buses" by striking the semicolon and inserting a comma; and the bill be passed as amended.

Also, **HB 2486** be amended on page 1, in line 16, after "with" by inserting ": (1)"; in line 17, after "motorcycles" by inserting "; and (2) a properly mounted slow-moving vehicle emblem as required by K.S.A. 8-1717, and amendments thereto"; and the bill be passed as amended.

HB 2511 be amended on page 1, in line 7, after "licenses" by inserting "issued on and after July 1, 2018, "; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 269** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 269," as follows:

"Substitute for SENATE BILL No. 269

By Committee on Ways and Means

"AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for the state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2017 Supp. 75-2263, 75-4209, 75-6706, 79-4804 and 82a-953a and repealing the existing sections.";

And the substitute bill be passed.

Also, **Substitute for HB 2556** be amended on page 4, in line 16, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1777, SR 1778 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 20, 2018.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, March 21, 2018.

Journal of the Senate

FORTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 21, 2018, 2:30 p.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 39 senators present.

Senator Suellentrop was excused.

Vice President Longbine introduced guest chaplain Fr. David Hodges, Saint Francis Foundation, to deliver the invocation:

Loving God, we are grateful for this moment when we can be mindful of Your presence. As the gifted men and women of this body come together today to do their work on behalf of the people of Kansas, I ask Your blessing on them, their families, and all who support them. Continue to guide and direct them as they carry out their duties and responsibilities. Give them wisdom, courage, strength, and foresight in their deliberations and decisions. O God, *be in their heads and in their understanding; in their eyes and in their looking; in their mouths and in their speaking; in their hearts and in their thinking* (Sarum rite). Help them as they attempt to provide for the needs of all our people and fulfill our obligations to the citizens of this state. Renew in them, and in all of us, the gifts of your mercy; increase our faith, strengthen our hope, enlighten our understanding, widen our charity and compassion, that we may remember all those whom it would be easy for us to forget. May Your peace that passes all understanding be in our hearts and minds today and in the days to come. In Your holy and life-giving Name we pray, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Lynn rose on a Point of Personal Privilege to recognize Foreign Exchange students serving as Pages in the Senate. The students are attending high schools in the Kansas City area on American Field Service scholarships. Students introduced were: Mohammad Abu Ajwa, from Gaza, Leija Coko, from Bosnia Herzegovina, Emma Driesner, from Germany, Arbaz Khan, from Pakistan, Ayca Senbakan, from Turkey and Vesa Sherifi, from Macedonia.

Senators honored the students with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 453, AN ACT concerning income taxation; relating to Kansas itemized deductions of an individual; amending K.S.A. 2017 Supp. 79-32,120 and repealing the

existing section, by Committee on Assessment and Taxation.

SB 454, AN ACT concerning school districts; creating the Kansas staff as first emergency responders (SAFER) act; exempting certain records from the open records act; closed or executive meetings of boards of education for certain purposes; amending K.S.A. 2017 Supp. 45-221, 72-6143, 75-7c03, 75-7c04, 75-7c05, 75-7c08, 75-7c10 and 75-4319 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 452**.

Public Health and Welfare: **SB 451**.

Senate Select Committee on Education Finance: **SB 450**.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2103**; **HB 2625**; **SB 398**, **SB 375**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2103, **HB 2625** were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator McGinn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1779—

A RESOLUTION recognizing the members of the Kansas Forest Service's Fire Management Program for the incredible steps they take to ensure that Kansas is adequately prepared to combat wildfires and protect its citizens.

WHEREAS, The Kansas Forest Service's Fire Management Program is a department within the College of Agriculture at Kansas State University; and

WHEREAS, The program employs six full-time staff, including: A fire management program coordinator; a training specialist; a protection specialist; an excess property manager; and two mechanics; and

WHEREAS, About 85% of firefighters in Kansas are volunteers from every profession, from church pastor to farmer to teacher, and every occupation in between; and

WHEREAS, The Kansas Forest Service hires about 30 temporary employees each spring who remain in their regular jobs until they are called upon to participate in federal incidents. The employment of these individuals puts a complex and costly burden on the Kansas Forest Service's fire staff, accountant and human resource specialist to ensure they are equipped with the gear, training and transportation necessary to get them from their homes in Kansas to incidents elsewhere in the United States; and

WHEREAS, The Kansas Forest Service bears that burden because it is part of an interchange between state and federal firefighters that can benefit Kansas during times of need; and

WHEREAS, Last spring during the Starbuck and Highland fires, federal resources were brought to Kansas to help. The assistance included 25 fire engines, five water tenders and four supervisory personnel to the Starbuck fire, and part of a federally qualified incident management team, whose expertise is wildland fire, to the Highland fire. Those resources could only be brought to Kansas because of the relationship the Kansas Forest Service has with the U.S. Forest Service and the U.S. Department of the Interior; and

WHEREAS, Another tool the Kansas Forest Service uses to add to their capacity to suppress and control wildland fire is the Great Plains Interagency Fire Compact, an agreement that gives them the capability to bring in resources on very short notice from other states without going through the federal emergency management system, when time is of the utmost importance; and

WHEREAS, The Fire Management Program provides wildland fire training to Kansas fire departments, prescribed burn training to landowners, and defensible space training to homeowners; and

WHEREAS, The program administers the Volunteer Fire Assistance Grant, which provides additional financial assistance to fire departments throughout Kansas; and

WHEREAS, Fire specialists are deployed to out-of-state incidents to fill roles in logistical and operational sections, and also as division supervisors, task force leaders and incident commanders; and

WHEREAS, During recent wildland fires in Kansas, the program filled roles in the State Emergency Center, where they assisted the Division of Emergency Management with tracking and moving resources, gathering information about current fires and filling resource requests in the individual incidents; and

WHEREAS, Over the past three years, Kansas firefighters have fought fires that have burned over 1 million acres across the state, including the Anderson Creek and Starbuck fires, two of the largest wildfires in state history; and

WHEREAS, Most of the funding for this program is provided by grants from the United States Forest Service: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the members of the Kansas Forest Service's Fire Management Program for the incredible steps they take to ensure that Kansas is adequately prepared to combat wildfires and protect its citizens; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator McGinn.

On emergency motion of Senator McGinn **SR 1779** was adopted by voice vote.

Guests introduced were Larry Biles, Jason Hartman, Rodney Redinger, Ross Hauck, Aimee Hawkes, Darci Paull, Kylie Rethman and Jennifer Williams.

Senators honored the guests with a standing ovation.

Senators Kelly, Hensley and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1780—

A RESOLUTION honoring and thanking the members of the
Statehouse Custodial Team for their efforts to keep
the Kansas statehouse clean and welcoming.

WHEREAS, The Kansas statehouse is the home of the legislative and executive branches of the Kansas state government; and

WHEREAS, Construction on the capitol began in 1866 and was completed in 1903, with a 14-year renovation initiated in 2000; and

WHEREAS, The statehouse welcomed more than 72,000 visitors who took a guided tour or used one of the spaces in the visitor's center during fiscal year 2017; and

WHEREAS, The statehouse is roughly 355,000 square feet, with about 500 different rooms; and

WHEREAS, The cleanliness of the statehouse creates one of the first impressions that visitors form of the capitol complex, and impacts visitors' view of the state; and

WHEREAS, The Statehouse Custodial Team has a combined work experience at the statehouse of more than 144 years, led by Senior Custodial Supervisor Laura Smith, who, next week, will have worked at the statehouse for 39 years; and

WHEREAS, In addition to Laura Smith, the Statehouse Custodial Team is made up of Labor Supervisor Wes Coen and custodial specialists Jacob Wright, Mike Bronson, Verence Chavez, Dustin Pederzani, Mark Helton, Gloria Pineda, Christopher Ross, Yun Knight, Sheryl Rath, Kevin King, Tod Anderson, Mary Alcalá, Mathew Gamez, Karya Kennedy, Eric Steele, Delores Sharp and Sarah Meraz; and

WHEREAS, It is through the hard work of these employees that the statehouse remains an attractive building and one of the best visitor attractions in the state: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor and thank the members of the Statehouse Custodial Team for their efforts to keep the Kansas statehouse clean and welcoming; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Kelly.

On emergency motion of Senator Kelly **SR 1780** was adopted by voice vote.

Members of the Statehouse custodial staff introduced were: Laura Smith, Wes Coen, Jacob Wright, Mike Bronson, Verence Chavez, Dustin Pederzani, Mark Helton, Gloria Pineda, Christopher Ross, Yun Knight, Sheryl Rath, Kevin King, Tod Anderson, Mary Alcalá, Mathew Gamez, Karya Kennedy, Eric Steele, Delores Sharp, Sarah Meraz, Sarah Shipman, Frank Burnam and Chris Simons.

Senators honored the guests with a standing ovation.

COMMITTEE OF THE WHOLE

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

On motion of Senator Kerschen the following report was adopted:

SB 433; HB 2571, HB 2579 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SCR 1612 be adopted.

CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **Sub HB 2572** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Commerce**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Petersen the Senate nonconcurrent in the House amendments to **SB 375** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Goddard and Pettey as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2477**, as amended by House Committee of the Whole, be amended on page 5, by striking all in lines 10 through 43;

By striking all on page 6;

On page 7, by striking all in line 1;

On page 10, in line 29, by striking all after the second comma; in line 30, by striking "1709,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking all after the second comma; in line 4, by striking "1709,"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2606**, as amended by House Committee, be amended on page 5, in line 28, by striking "18" and inserting "21"; in line 29, after the period by inserting "The ophthalmologist or optometrist shall have four business days to confirm or deny the vision and medical information of the applicant. If no response is received by the division, the division shall accept the vision and medical information provided for processing the renewal application."; in line 32, by striking "may" and inserting "shall"; in line 39, by striking "committee" and inserting "and senate committees";

On page 1, in the title, in line 2, before "amending" by inserting "reports to legislature"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2419**, as amended by House Committee of the Whole, be amended on page 1, in line 10, by striking "actual estimated" and inserting "individual income"; in line 11, by striking "estimated" and inserting "individual income"; in line 18, by striking all after "the"; by striking all in lines 19 through 20; in line 21, by striking all before the period and inserting "pooled money investment portfolio to pay in full or in part the amounts to be transferred pursuant to K.S.A. 75-4209(m)(2) and (m)(4), and amendments thereto. Any moneys transferred to the pooled money investment portfolio pursuant to this section shall be credited to the payment to be made in the current fiscal year, and each next ensuing fiscal year thereafter as moneys are available. Upon the payment in full of all transfers authorized by K.S.A. 75-4209(m)(2) and (m)(4), and amendments thereto, 100% of such certified excess amount, if any, shall be transferred from the state general fund to the budget stabilization fund";

Also on page 1, in line 24, after "fund" by inserting "or pooled money investment portfolio"; in line 25, by striking "actual"; in line 26, by striking the first "estimated" and inserting "individual income"; also in line 26, by striking the second "estimated" and inserting "individual income"; in line 28, by striking "actual estimated" and inserting "individual income"; in line 30, by striking "actual estimated" and inserting "individual income"; in line 32, by striking all after "legislation"; in line 33, by striking "governor" and inserting "passed by the legislature and enacted into law"; in line 34, by

striking "actual estimated" and inserting "individual income";

On page 2, in line 3, by striking all after "(1)"; by striking all in line 4 and inserting ""Individual income tax revenue receipts" means individual estimated tax payments received pursuant to K.S.A. 79-32,101(a)(1), and amendments thereto, and individual tax payments due pursuant to K.S.A. 79-3225, and amendments thereto. Actual individual income tax payments shall not include refunds or withholding taxes pursuant to K.S.A. 79-3294 et seq., and amendments thereto; and";

Also on page 2 in line 9, by striking "; and"; , by striking all in lines 10 through 15; in line 16, by striking all before the period;

On page 3, following line 25, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 75-4209 is hereby amended to read as follows: 75-4209. (a) The director of investments may invest and reinvest state moneys eligible for investment which are not invested in accordance with K.S.A. 75-4237, and amendments thereto, in the following investments:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of the United States sponsored enterprises which under federal law may be accepted as security for public funds, on and after the effective date of this act moneys available for investment under this subsection shall not be invested in mortgage-backed securities of such enterprises and of the government national mortgage association, except that any such mortgage-backed securities held prior to the effective date of this act may be held to maturity;

(2) repurchase agreements with a bank or a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government sponsored enterprises which under federal law may be accepted as security for public funds;

(3) commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm; and

(4) corporate bonds which have received one of the two highest ratings by a nationally recognized investment rating firm.

(b) When moneys are available for deposit or investments, the director of investments may invest in SKILL act projects and bonds pursuant to K.S.A. 74-8920, and amendments thereto, and in state agency bonds and bond projects.

(c) When moneys are available for deposits or investments, the director of investments may invest in preferred stock of Kansas venture capital, inc., under terms and conditions prescribed by K.S.A. 74-8203, and amendments thereto, but such investments shall not in the aggregate exceed a total amount of \$10,000,000.

(d) When moneys are available for deposits or investments, the director of investments may invest in loans pursuant to legislative mandates, except that not more than the greater of 10% or \$140,000,000 of the state moneys shall be invested. The provisions of this subsection shall not apply to the provisions of subsection (m).

(e) Interest on investment accounts in banks is to be paid at maturity, but not less than annually.

(f) Investments made by the director of investments under the provisions of this

section shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(g) Investments under subsection (a) or (b) or under K.S.A. 75-4237, and amendments thereto, shall be for a period not to exceed four years, except that linked deposits authorized under the provisions of K.S.A. 2-3703 through 2-3707, and amendments thereto, shall not exceed a period of 10 years; agricultural production loan deposits authorized under the provisions of K.S.A. 2017 Supp. 75-4268 through 75-4274, and amendments thereto, shall not exceed a period of eight years and housing loan deposits authorized under K.S.A. 2017 Supp. 75-4276 through 75-4282, and amendments thereto, shall not exceed a period of five years or 20 years, as applicable pursuant to K.S.A. 2017 Supp. 75-4279, and amendments thereto.

(h) Investments in securities under subsection (a)(1) shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.

(i) The director of investments shall not invest state moneys eligible for investment under subsection (a), in the municipal investment pool fund, created under K.S.A. 12-1677a, and amendments thereto.

(j) The director of investments shall not invest moneys in the pooled money investment portfolio in derivatives. As used in this subsection, "derivatives" means a financial contract whose value depends on the value of an underlying asset or index of asset values.

(k) Moneys and investments in the pooled money investment portfolio shall be invested and reinvested by the director of investments in accordance with investment policies developed, approved, published and updated on an annual basis by the board. Such investment policies shall include at a minimum guidelines which identify credit standards, eligible instruments, allowable maturity ranges, methods for valuing the portfolio, calculating earnings and yields and limits on portfolio concentration for each type of investment. Any changes in such investment policies shall be approved by the pooled money investment board. Such investment policies may specify the contents of reports, methods of crediting funds and accounts and other operating procedures.

(l) The board shall adopt rules and regulations to establish an overall percentage limitation on the investment of moneys in investments authorized under subsection (a) (3), and within such authorized investment, the board shall establish a percentage limitation on the investment in any single business entity.

(m) (1) During the fiscal year ending June 30, 2017, the director of the budget shall estimate on or before June 27, 2017, the amount of the unencumbered ending balance in the state general fund for fiscal year 2017. If the amount of such unencumbered ending balance in the state general fund is less than \$50,000,000, the director of the budget shall certify the difference between \$50,000,000, and the amount of such unencumbered ending balance to the pooled money investment board. Upon the liquidation of all investments and reinvestments of state moneys pursuant to K.S.A. 2017 Supp. 75-2263(j), and amendments thereto, and upon receipt of such certification by the director of the budget, during the fiscal year ending June 30, 2017, the pooled money investment board shall authorize the director of accounts and reports to transfer an amount equal to

the amount certified by the director of the budget pursuant to this subsection from the pooled money investment portfolio to the state general fund. Upon receipt of such authorization, the director of accounts and reports shall make such transfer. The chairperson of the pooled money investment board shall transmit a copy of such authorization to the director of legislative research and the director of the budget.

(2) On or before June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, the director of accounts and reports shall transfer an amount equal to 1/6 of the amount transferred pursuant to subsection (m)(1) from the state general fund to the pooled money investment portfolio. Any transfer made pursuant to this paragraph shall be reduced by the amount of moneys credited to any fiscal year payment pursuant to section 1, and amendments thereto.

(3) During the fiscal year ending June 30, 2018, after any transfer made pursuant to subsection (m)(1), the pooled money investment board shall authorize the director of accounts and reports to transfer the remaining amount of all investments and reinvestments of state moneys liquidated pursuant to K.S.A. 2017 Supp. 75-2263(j), and amendments thereto, from the pooled money investment portfolio to the state general fund. Upon receipt of such authorization, the director of accounts and reports shall make such transfer. The chairperson of the pooled money investment board shall transmit a copy of such authorization to the director of legislative research and the director of the budget.

(4) On or before June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, the director of accounts and reports shall transfer an amount equal to 1/6 of the amount transferred pursuant to subsection (m)(3) from the state general fund to the pooled money investment portfolio. Any transfer made pursuant to this paragraph shall be reduced by the amount of moneys credited to any fiscal year payment pursuant to section 1, and amendments thereto.;

On page 4, in line 38, after "Supp." by inserting "75-4209 and"; also in line 38, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all after "the"; in line 3, by striking all before semicolon and inserting "pooled money investment portfolio"; also in line 3, after "Supp." by inserting "75-4209 and"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, March 22, 2018.

Journal of the Senate

FIFTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 22, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Gracious Lord, thank You for another day to move forward, serving You and the people.

What's on the minds of many today is basketball, where 68 NCAA College teams have been contesting for bragging rights. We can boast about the Wildcats and the Jayhawks as they progress, as they move forward, striving for success in their quest for victory.

Similarly, while here in the Senate...in our public as well as private lives, we also have the desire to move toward success...toward victory and to be recognized as winners.

And if we feel led to brag, remind us of what You said in 1 Corinthians 1:31, that when we brag we should be bragging about You and what You've accomplished in us. We should boast about how You chose to use us, despite weaknesses, faults or failures, to move us forward and achieve successes that bless many.

When we look at what we're able to achieve and feel good about our accomplishments, You said in Jeremiah 9:24, "let the person who boasts, boast in this, that they understand and know You, and know that You are the LORD who practices steadfast love, justice and righteousness in the earth. For these are the things, that You take delight in."

Lord, a win for us is a win for our loved ones; is a win for those we serve; and let it be a win for elevating Your name. Again, I bless Your Name, I praise You, and pray in the Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 455, AN ACT concerning gaming; creating the Kansas sports wagering act; amending K.S.A. 2017 Supp. 19-101a, 21-6403, 21-6507, 74-8702, 74-8710, 74-8711, 74-8716, 74-8734, 74-8741, 74-8751, 74-8752, 74-8760, 74-8763, 74-8765 and 74-8769 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 453**.

Financial Institutions and Insurance: **Sub HB 2103**.

Judiciary: **HB 2625**.

Senate Select Committee on Education Finance: **SB 454**.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2650**.

Announcing passage of **SB 351**.

Announcing passage of **SB 185** as amended, **SB 324** as amended.

The House accedes to the request of the Senate for a conference on **SB 375** and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Longbine, Billinger, Givens, Hawk, Masterson, Petersen and Skubal introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1781—

A RESOLUTION congratulating and commending the 2018 Kansas Master Teachers.

WHEREAS, Seven of Kansas' best teachers have been selected as Kansas Master Teachers for 2018. These seven outstanding educators will be honored on Wednesday, April 4, with a day of receptions, seminars and tours at the sponsoring institution, Emporia State University; and

WHEREAS, Local teacher associations, educational organizations and school faculties nominate candidates for the awards. A committee representing educational organizations from across Kansas selected the 2018 winners; and

WHEREAS, The 2018 Kansas Master Teachers are: Constance Allmond, high incident/intellectual disability teacher at El Dorado Middle School in El Dorado; Deanna K. Burton, social studies teacher at Susan B. Anthony Middle School in Manhattan; Abby Cornelius, library media specialist at Blue Valley North High School in Overland Park; Todd Flory, fourth-grade teacher at Wheatland Elementary School in Andover; Chitra Harris, science teacher at Wichita High School South; Matthew Irby, science teacher at Emporia High School; and Kimberly S. Schneweis, visual art teacher at Hays Middle School; and

WHEREAS, Emporia State University established the Kansas Master Teacher Awards in 1953. The awards are presented annually to teachers who have served the profession long and well and who also exemplify the outstanding qualities of earnest and conscientious teachers; and

WHEREAS, Since 1980, Bank of America has pledged more than \$100,000 to permanently endow the Kansas Master Teacher Awards. In 1984, the Black family of Broken Arrow, Oklahoma, established an endowed chair for Kansas Master Teachers. The fund provides a stipend to bring two Master Teachers to Emporia State University for part of a semester where they present to classes of education students; and

WHEREAS, The members of the Kansas Senate recognize the invaluable contributions of great teachers such as those being honored today. These 2018 Master Teachers serve as mentors and role models and lay the groundwork for the best educators of tomorrow. They go above and beyond what is expected and offer inspiration, as well as instruction. They teach with heart and soul, and by giving the best of themselves, they encourage students to give their best in return: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2018 Kansas Master Teachers for demonstrating excellence in their profession and devotion to the children of Kansas; and

Be it further resolved: That we offer heartfelt thanks to these extraordinary educators who face so many challenges in the classroom each day, yet persevere, choosing the satisfaction of doing their best and overcoming the frustrations inherent in their jobs, and we extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate shall send seven enrolled copies of this resolution to Senator Longbine.

On emergency motion of Senator Longbine **SR 1781** was adopted by voice vote. Senators honored the teachers with a standing ovation.

Senator Fitzgerald introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1782—

A RESOLUTION recognizing Military Appreciation Day at the Kansas Capitol.

WHEREAS, Today, March 22, 2018, is Military Appreciation Day at the Kansas Capitol; and

WHEREAS, The State of Kansas has a proud history of supporting the United States Military since before the Civil War; and

WHEREAS, The State of Kansas has the honor of being the home to Fort Leavenworth, Fort Riley, and McConnell Air Force Base; and

WHEREAS, Fort Riley is the home of the 1st Infantry Division, known as The Big Red One, that has received numerous prestigious military decorations, including, but not limited to, Meritorious Unit Commendations and the Army Superior Unit Award; and

WHEREAS, The 1st Infantry Division has received commendations from the countries of France, Belgium and the Republic of Vietnam; and

WHEREAS, The State of Kansas is honored to be the home of more than 200,000 American military veterans according to the Housing Assistance Council: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize today as Military Appreciation Day at the Kansas Capitol and declare that the State of Kansas is honored to host our military veterans on this day and be the home state to so many members and veterans of America's armed forces; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to the headquarters of Fort Riley, Fort Leavenworth, McConnell Air Force Base and the Kansas National Guard.

On emergency motion of Senator Fitzgerald **SR 1782** was adopted by voice vote.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointments, submitted by the Governor to the Senate for confirmation were considered.

Senator Denning moved the following appointments be confirmed as recommended by the Committee on **Commerce**.

Kansas Employment Security Board of Review:

Phillip Hayes, to serve a term ending March 15, 2021

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Francisco, Holland.

The appointment was confirmed.

Committee on **Federal and State Affairs**

Kansas Racing and Gaming Commission:

Dave Myres, to serve a term ending January 15, 2020

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

Kansas Human Rights Commission:

James Terrones, to serve a term ending January 15, 2021

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

Kansas Racing and Gaming Commission:

Larry Turnquist, to serve a term ending January 15, 2019

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

Committee on **Financial Institutions and Insurance**

Kansas Public Employees Retirement Board of Trustees:

James Zakoura, to serve a term ending January 15, 2021

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Olson, Pyle.

The appointment was confirmed.

Committee on **Judiciary**

State Board of Indigents Defense Services:

Braden Perry, to serve a term ending January 15, 2020

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

Committee on **Public Health and Welfare.**

University of Kansas Hospital Authority:

Monte Coffman, to serve a term ending March 15, 2019

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 433, AN ACT concerning alcoholic beverages; authorizing self-service of beer from automated devices; amending K.S.A. 2017 Supp. 41-2614 and 41-2640 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Pyle, Tyson.

The bill passed, as amended.

HB 2571, AN ACT concerning the open records act; relating to disclosure of law enforcement recordings using a body camera or vehicle camera; amending K.S.A. 2017 Supp. 45-254 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote "Yes" on **HB 2571** because a group of leaders on this issue in the Wichita community, including Rep. Gail Finney and myself, have been meeting for many years and recently met at City Hall to discuss the Body Worn Camera Policy.

—OLETHA FAUST-GOUDEAU

HB 2579, AN ACT concerning civil actions; relating to wrongful conviction and imprisonment; compensation; tuition assistance; state health care benefits program; amending K.S.A. 2017 Supp. 75-6117 and 75-6501 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

SCR 1612, A CONCURRENT RESOLUTION supporting and facilitating regionally competitive retail electric rates in the state of Kansas and urging the State Corporation Commission to take all lawful action to promptly set rates for retail electric service in the state of Kansas at regionally competitive levels, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 9; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Lynn, Masterson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, Suellentrop, Sykes, Taylor, Tyson, Wagle.

Nays: Bollier, Francisco, Hawk, Longbine, McGinn, Olson, V. Schmidt, Skubal, Wilborn.

Present and Passing: Billinger.

The resolution was adopted.

EXPLANATION OF VOTE

Mr. Vice President: I support **SCR 1612** as an important first step in taking control of our electricity rates. Our homeowners, seniors, schools and businesses are hurting and we need to help. We have good utilities in the state. This isn't an attack on them, and certainly isn't an attack on our co-ops or municipal providers. We have some systemic things that need to be looked at. Better rates from our investor-owned utilities will also benefit our co-ops and municipal providers. A vote for **SCR 1612** is a vote in support of our constituents and consumers in Kansas.—JIM DENNING

Senators Baumgardner, Berger, Billinger, Goddard, Haley, Hardy, Hilderbrand, Holland, Lynn, Pettey and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Denning on **SCR 1612**.

Mr. Vice President: I vote "NO" on **SCR 1612**. I would hope that it would be the policy of the state to work towards having regionally competitive rates for all utilities in Kansas with defined service areas, not just electric utilities, to help promote economic growth and support local communities. This resolution does not ask for any information to help us understand why particular electric rates are high before asking the State Corporation Commission to take any and all lawful action to promptly reduce Kansas rates as well as urging the commission to report any new statutory authority that would assist the agency to reduce electric rates to regionally competitive levels. We are making that request in the same session that this Senate passed two bills that reduce the authority of the State Corporation Commission to oversee rates. I hope we work both to gain a better understanding of the situation, and also consider other opportunities we have not yet taken to help Kansas utility customers, most specifically to promote energy efficiency measures.—MARCI FRANCISCO

Senators Bollier and McGinn request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SCR 1612**.

Mr. Vice President: I reluctantly vote "no" on **SCR 1612**. While I do believe that it is important for our utilities in Kansas, all of our utilities, not just the Investor Owned Utilities, to relook at and adjust to giving our Kansas consumers, residential, industrial and commercial, the lowest rates possible, I also realize thru floor debate yesterday that several important investments, such as pollution controls and transmission line investments, have resulted in some increases in our rates making us higher at times than some of our neighboring states. I am pleased to have this resolution before the Senate and the debate on this important topic, but believe I, and hopefully this full Legislature, must take a longer view and support more energy efficiency measures, distributed generation and finally expand our state's renewable wind and solar energy investments that can ultimately lower bills for all electric customers.—TOM HAWK

Senators Francisco and Skubal request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **SCR 1612**.

Mr. Vice President: I vote "aye" on **SCR 1612** because I support the efforts to address the high electric rates we have in Kansas. However, I do understand the reservations Rural Electric Cooperatives and others have concerning the very direct language in the resolution. The urging to take "any and all" lawful action by the KCC to lower electric rates is intimidation that is unnecessary. Furthermore, to refer to the "monopolistic" implication of everyone involved does not accurately portray all the

utilities.—DAN KERSCHEN

Senators Berger, Billinger, Bowers, Hardy and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Kerschen on **SCR 1612**.

Mr. Vice President: I voted "no" on **SCR 1612** because Kansas retail electric rates are at the national average despite a tough economy and forced mandates. We all desire competitive rates below the national average. This resolution claims somebody has done something wrong, but does not reference the real forces that caused rates to increase significantly from 2007 until now. Since we are a state that gets a significant amount of its electricity from coal, Federal mandates have represented more than 60% of increases the last ten years. Other states that use more less natural gas or are behind Kansas in compliance with federal environmental mandates get a much greater percentage of their electricity from less-expensive natural gas. They are much further behind Kansas in complying with federal environmental mandates. In Kansas, we had a renewable energy mandate for several years until this body helped repeal it. That also contributed to the increase. From 2008-2012, for the first time in history utilities in Kansas saw flat to declining usage largely because of a stagnant economy and increased energy efficiency. Proponents of this resolution have stated in error that electric utility spending is out of control and that the KCC has abdicated its responsibility. Not true! Proponents of the resolution cherry-pick a time period where rates have increased much faster than inflation. Not relevant! According to the U.S. Energy Information Administration in 1992 electricity was 2.6% of household income in Kansas. Today, it is 2.5%. The Kansas Industrial Council that faults Kansas utilities actually signed-off on three out of four Westar rates cases over ten years and was a signatory to a plan of hugely expensive federal mandates. Westar/KCP&L have voluntarily agreed to a five-year rate increase moratorium. From 2019-2023 Westar/KCP&L will not raise their base rates saving more than \$1.1 billion dollars of savings for customers, while other states are raising rates to catch up with Kansas on environmental retrofits and grid modernization. Kansas Utilities have done a good job during some tough times. I vote no on this resolution in support of the Westar and KCP&L merger.—ROB OLSON

Mr. Vice President: I vote "yes" on **SCR 1612**, not as a condemnation of the fine work of local co-ops, but because I understand Kansas consumers must have reliable and affordable electric power for both home and business purposes. I recognize that the exact wording of this resolution does not fully reflect what is driving Kansas electric rates. The language in the SCR ignores the solid public policy this state has long employed and guarantees that all Kansans receive reliable, affordable electric service, whether they are in the center of a metropolitan area or the last farmstead on the line in rural Kansas.—CARYN TYSON

Senators Billinger, Faust-Goudeau, Goddard and Hilderbrand request the record to show they concur with the "Explanation of Vote" offered by Senator Tyson on **SCR 1612**.

COMMITTEE OF THE WHOLE

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

On motion of Senator Hilderbrand the following report was adopted:

HB 2457, HB 2459 be passed.

A motion by Senator Faust-Goudeau to amend **HB 2459** failed and the following amendment was rejected; on page 22, in line 27, after "(d)" by inserting "(1) The first 5% of any proceeds remaining shall be credited to the asset seizure and forfeiture victims assistance fund created by section 13, and amendments thereto.

(2)";

Also on page 22, in line 29, by striking "(1)" and inserting "(A)";

On page 23, in line 24, by striking "(2)" and inserting "(B)";

On page 25, following line 13, by inserting:

"New Sec. 13. (a) There is hereby created in the state treasury the asset seizure and forfeiture victims assistance fund, which shall be administered by the attorney general. All expenditures from the asset seizure and forfeiture victims assistance 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 attorney general or attorney general's designee.

(b) Moneys in the asset seizure and forfeiture victims assistance fund shall be used only for payment of compensation for counseling services provided to any child who suffers direct or threatened physical, emotional or financial harm as the result of a seizure for forfeiture pursuant to the Kansas standard asset seizure and forfeiture act.

(c) The attorney general shall prescribe forms on which applications for compensation for counseling services shall be made. The attorney general shall adopt rules and regulations to establish a procedure for seeking compensation and to implement the provisions of this section.";

And by renumbering sections accordingly

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

On roll call, the vote was: Yeas 13; Nays 26; Present and Passing 0; Absent or Not Voting 1.

Yeas: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Rogers, Sykes.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Givens.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **HB 2457** and **HB 2459** were advanced to Final Action and roll call.

HB 2457, AN ACT enacting the asbestos trust claims transparency act; providing for disclosures regarding asbestos trust claims in civil asbestos actions.

On roll call, the vote was: Yeas 23; Nays 16; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Denning, Estes, Fitzgerald, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Skubal, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Rogers, V. Schmidt, Sykes, Taylor.

Absent or Not Voting: Givens.
The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on **HB 2457**. It's ironic and sad that we're taking a vote on this bill today, Military Appreciation Day. We had a resolution just earlier today commemorating this. This bill is bad for veterans and for workers. It forces those exposed to asbestos, and their families, to jump through a number of expensive and time-consuming hoops before being allowed to move forward with a claim in state court. Active and retired service members, firefighters, police officers, and many others put their lives on the line helping others by entering dangerous environments where they know they can be exposed to environmental, chemical, and other hazards without knowing it. Asbestos is lethal and continues to pose serious risks to millions of American families. This bill grants new rights only to asbestos defendants and does nothing to aid the thousands of workers and soldiers dying of asbestos disease each year. Today I take a stand with Kansas workers, veterans, and their families by voting "no" on this bill.—ANTHONY HENSLEY

Senators Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **HB 2457**.

Mr, Vice President: I vote "NO" on **HB 2457**. This bill makes it more difficult for victims of asbestos exposure to settle their claims. Veterans comprise 30% of all mesothelioma deaths. Firefighters, are also twice as likely, to have exposure to asbestos in their role as first responders. This is a bill in search of a problem. It shifts the burden to the plaintiff, already dealt a death sentence, to do more leg work to get financial relief.—PAT PETTEY

Senators Faust-Goudeau, Francisco, Haley, Hawk, Kelly and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **HB 2457**.

HB 2459, AN ACT concerning the Kansas standard asset seizure and forfeiture act; establishing the Kansas asset seizure and forfeiture repository; relating to reporting of seizures for forfeiture; forfeiture fund reports; open records; seizure and forfeiture procedure; amending K.S.A. 60-4101, 60-4106, 60-4110 and 60-4114 and K.S.A. 2017 Supp. 45-220, 60-4107, 60-4109, 60-4111, 60-4112, 60-4113 and 60-4117 and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Givens.
The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2577** be amended on page 1, in line 13, by striking ": (1)"; in line 14, by striking all after "program"; by striking all in line 15; in line 16, by striking all before the period;

On page 2, in line 6, after the period, by inserting "Such fees shall not exceed the maximum fees prescribed in subsection (b). The secretary shall reduce the fees by adopting rules and regulations under this section whenever the secretary determines that the fees are yielding more revenue than is necessary for the purpose of administering the program. The secretary may increase the fees by adopting rules and regulations under this section when the secretary finds that such increase is necessary to produce sufficient revenues for the purpose of administering the program, except that the fees shall not be increased in excess of the total cost of operation of the program.";

Also on page 2, in line 7, after "(b)" by inserting "(1) The maximum fees allowable under this section shall be determined as follows:

(A) Fees on the total maximum daily reportable quantity of extremely hazardous substances listed on the Kansas tier II form shall be:

Sum of the maximum daily amounts of all extremely hazardous substances reported

(pounds)	Annual Fee
1 - 9,999	\$25
10,000 - 999,999	\$50
1,000,000 or greater	\$150

(B) Fees on the total maximum daily reportable quantity of hazardous chemicals listed on the Kansas tier II form shall be:

Sum of the maximum daily amounts of all hazardous chemicals reported

(pounds)	Annual Fee
10,000 - 99,999	\$25
100,000 - 999,999	\$50
1,000,000 - 9,999,999	\$150
10,000,000 or greater	\$300

(C) Fees payable on the total quantity of chemicals released reported on the federal form R shall be:

Sum of the total chemical releases reported

(pounds)	Annual Fee
100 - 19,999	\$250
20,000 - 99,999	\$700
100,000 - 999,999	\$1,700
1,000,000 or greater	\$3,000

(D) Each owner or operator subject to the fees prescribed in this section shall not be assessed an annual report fee in total greater than \$3,000 during any single report year, excluding late fees.

(2) "; and the bill be passed as amended.

Committee on **Education** recommends **Substitute for HB 2602**, as amended by House Committee of the Whole, be amended on page 1, in line 6, after "dyslexia" by inserting "and other reading comprehension impairments"; in line 8, after "dyslexia" by inserting "and other reading comprehension impairments"; in line 14, after "address" by inserting "reading comprehension impairments and"; in line 16, by striking "difficulties" and inserting "comprehension impairments"; in line 17, after the second "dyslexia" by inserting "and other reading comprehension impairments"; in line 23, after "dyslexia" by inserting "and other reading comprehension impairments"; in line 26, by striking "difficulties" and inserting "comprehension impairments"; in line 30, by striking "19" and inserting "17 voting"; in line 31, by striking all after "(1)"; by striking all in lines 32 through 36;

On page 2, by striking all in lines 1 through 22; in line 23, by striking all before the period and inserting "One member of the senate appointed by the chairperson of the senate committee on education;

(2) one member of the house of representatives appointed by the chairperson of the house committee on education;

(3) one member appointed by and from the state board of education, to serve as the chairperson of the task force;

(4) one member shall be a professor employed by a state educational institution with specialized expertise in effective evidence-based reading practices for dyslexia appointed by the president of the state board of regents;

(5) two members shall be principals of a public school appointed by the united school administrators of Kansas;

(6) four members shall be the parents of children with a diagnosis of dyslexia with one appointed by keys for networking, inc., one appointed by families together, inc., one appointed by decoding dyslexia Johnson county and one appointed by the international dyslexia association Kansas Missouri branch;

(7) one member shall be appointed by the Kansas association of special education administrators;

(8) one member shall be an elementary school building-level reading specialist appointed by the state board of education;

(9) one member shall be an elementary school special education teacher appointed by the state board of education;

(10) one member shall be an elementary school classroom teacher appointed by the Kansas national education association;

(11) one member shall be a middle school classroom teacher appointed by the Kansas national education association;

(12) one member shall be a licensed psychologist or speech-language pathologist who diagnoses dyslexia as a part of such person's practice appointed by the chairperson of the task force;

(13) one member shall be appointed by the disability rights center of Kansas; and

(14) the following ex-officio members, who shall be non-voting members of the task force:

(A) One member shall be a licensed attorney from the Kansas state department of education appointed by the Kansas state department of education; and

(B) one member shall be a licensed attorney who is familiar with dyslexia issues appointed jointly by the chairperson of the senate committee on education and the

chairperson of the house committee on education";

Also on page 2, in line 24, by striking all after "(d)"; by striking all in line 25; in line 26, by striking all before "The"; in line 28, by striking "will" and inserting "shall"; following line 41, by inserting:

"(g) The staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance as may be requested by the legislative task force on dyslexia and other reading comprehension impairments.";

On page 1, in the title, in line 2, after "dyslexia" by inserting "and other reading comprehension impairments"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2386** be amended as recommended by Senate Committee on Federal and State Affairs as reported in the Journal of the Senate on May 8, 2017, and the bill as printed as Senate Substitute for HOUSE BILL No. 2386 be further amended by substituting a new bill to be designated as "Senate Substitute for Senate Substitute for HOUSE BILL No. 2386," as follows:

"Senate Substitute for Senate Substitute for HOUSE BILL No. 2386

By Committee on Federal and State Affairs

"AN ACT concerning labor; relating to licensing of professional occupations; applications of persons with certain criminal and civil records, disqualification for licensure; amending K.S.A. 74-120 and repealing the existing section.";

And the substitute bill be passed.

Committee on **Judiciary** recommends **HB 2481**, **HB 2516**, as amended by House Committee, be passed.

Also, **HB 2088**, as amended by House Committee, be amended on page 3, following line 16, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 2017 Supp. 21-5701 through 21-5717, and amendments thereto: (a) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(b) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(c) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(d) "Distribute" means the actual, constructive or attempted transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for sale or any act that causes some item to be transferred from one person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act or otherwise authorized by law.

(e) "Drug" means:

(1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

(2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in ~~man~~ humans or animals;

(3) substances, other than food, intended to affect the structure or any function of the body of ~~man~~ humans or animals; and

(4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(f) "Drug paraphernalia" means all equipment and materials of any kind which are used, or primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance and in violation of this act. "Drug paraphernalia" ~~shall include~~ includes, but is not limited to:

(1) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance;

(4) testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(5) scales and balances used or intended for use in weighing or measuring controlled substances;

(6) diluents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances;

(7) separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana;

(8) blenders, bowls, containers, spoons and mixing devices used or intended for use

in compounding controlled substances;

(9) capsules, balloons, envelopes, bags and other containers used or intended for use in packaging small quantities of controlled substances;

(10) containers and other objects used or intended for use in storing or concealing controlled substances;

(11) hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;

(12) objects used or primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(B) water pipes, bongs or smoking pipes designed to draw smoke through water or another cooling device;

(C) carburetion pipes, glass or other heat resistant tubes or any other device used, intended to be used or designed to be used to cause vaporization of a controlled substance for inhalation;

(D) smoking and carburetion masks;

(E) roach clips, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(F) miniature cocaine spoons and cocaine vials;

(G) chamber smoking pipes;

(H) carburetor smoking pipes;

(I) electric smoking pipes;

(J) air-driven smoking pipes;

(K) chillums;

(L) bongs;

(M) ice pipes or chillers;

(N) any smoking pipe manufactured to disguise its intended purpose;

(O) wired cigarette papers; or

(P) cocaine freebase kits.

"Drug paraphernalia" ~~shall~~ does not include any products, chemicals or materials described in K.S.A. 2017 Supp. 21-5709(a), and amendments thereto.

(g) "Immediate precursor" means a substance ~~which~~ that the state board of pharmacy has found to be and by rules and regulations designates as being the principal compound commonly used or produced primarily for use and ~~which~~ that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(h) "Isomer" means all enantiomers and diastereomers.

(i) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacture" does not include:

(1) The preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling

of a controlled substance:

(A) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(B) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance; or

(2) the addition of diluents or adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose or lactose, which are intended for use in cutting a controlled substance.

(j) "Marijuana" means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination; or (2) ~~any substance listed in schedules II through V of the uniform controlled substances act~~ cannabidiol, when included in a non-intoxicating oil substance that does not include any controlled substance ingredients.

(k) "Minor" means a person under 18 years of age.

(l) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(m) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. "Opiate" does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). "Opiate" does include its racemic and levorotatory forms.

(n) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

(o) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or any other legal entity.

(p) "Poppy straw" means all parts, except the seeds, of the opium poppy, after

mowing.

(q) "Possession" means having joint or exclusive control over an item with knowledge of and intent to have such control or knowingly keeping some item in a place where the person has some measure of access and right of control.

(r) "School property" means property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12. This definition shall not be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the above definition, the actual use of that structure or property at the time alleged shall not be a defense to the crime charged or the sentence imposed.

(s) "Simulated controlled substance" means any product which identifies itself by a common name or slang term associated with a controlled substance and which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

Sec. 3. K.S.A. 2017 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner; or
(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Board" means the state board of pharmacy.

(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(f) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous

system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(h) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(i) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(o) "Distributor" means a person who distributes.

(p) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or animals; (3) substances (other than food) intended to affect the structure or any function of the body of human or animals; and (4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(q) "Immediate precursor" means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(aa) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is

incapable of germination; or (2) ~~any substance listed in schedules II through V of the uniform controlled substances act cannabidiol, when included in a non-intoxicating oil substance that does not include any controlled substance ingredients.~~

(bb) "Medical care facility" ~~shall have the meaning ascribed to that term means the same as defined~~ in K.S.A. 65-425, and amendments thereto.

(cc) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(dd) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(ff) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

(gg) "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized recordkeeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.

Sec. 4. K.S.A. 2017 Supp. 65-4111 is hereby amended to read as follows: 65-4111.

(a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code that has been assigned to it.

(b) Any material, compound, mixture or preparation that contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Alprazolam.....	2882
(2) Barbitol.....	2145
(3) Bromazepam	2748
(4) Camazepam.....	2749
(5) Carisoprodol.....	8192
(6) Chloral betaine.....	2460
(7) Chloral hydrate.....	2465
(8) Chlordiazepoxide.....	2744
(9) Clobazam.....	2751
(10) Clonazepam.....	2737
(11) Clorazepate.....	2768
(12) Clotiazepam.....	2752
(13) Cloxazolam.....	2753
(14) Delorazepam.....	2754
(15) Diazepam.....	2765
(16) Dichloralphenazone.....	2467
(17) Estazolam.....	2756
(18) Ethchlorvynol.....	2540
(19) Ethinamate.....	2545

(20)	Ethyl loflazepate.....	2758
(21)	Fludiazepam.....	2759
(22)	Flunitrazepam.....	2763
(23)	Flurazepam.....	2767
(24)	Fospropofol.....	2138
(25)	Halazepam.....	2762
(26)	Haloxazolam.....	2771
(27)	Ketazolam.....	2772
(28)	Loprazolam.....	2773
(29)	Lorazepam.....	2885
(30)	Lormetazepam.....	2774
(31)	Mebutamate.....	2800
(32)	Medazepam.....	2836
(33)	Meprobamate.....	2820
(34)	Methohexital.....	2264
(35)	Methylphenobarbital (mephobarbital).....	2250
(36)	Midazolam.....	2884
(37)	Nimetazepam.....	2837
(38)	Nitrazepam.....	2834
(39)	Nordiazepam.....	2838
(40)	Oxazepam.....	2835
(41)	Oxazolam.....	2839
(42)	Paraldehyde.....	2585
(43)	Petrichloral.....	2591
(44)	Phenobarbital.....	2285
(45)	Pinazepam.....	2883
(46)	Prazepam.....	2764
(47)	Quazepam.....	2881
(48)	Temazepam.....	2925
(49)	Tetrazepam.....	2886
(50)	Triazolam.....	2887
(51)	Zolpidem.....	2783
(52)	Zaleplon.....	2781
(53)	Zopiclone.....	2784
(54)	2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol).....	9752
(55)	Alfaxalone.....	2731
(56)	Suvorexant.....	2223

(c) Any material, compound, mixture, or preparation that contains any quantity of fenfluramine (1670), including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible. The provisions of this subsection (c) shall expire on the date fenfluramine and its salts and isomers are removed from schedule IV of the federal controlled substances act—(21 U.S.C. § 812; ~~21 code of federal regulations C.F.R. 1308.14~~).

(d) Any material, compound, mixture or preparation that contains any quantity of

lorcaserin (1625), including its salts, isomers and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible—(21 U.S.C. § 812₂, 21 code of federal regulations C.F.R. 1308.14).

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Cathine ((+)-norpseudoephedrine).....1230
- (2) Diethylpropion.....1610
- (3) Fencamfamin.....1760
- (4) Fenproporex.....1575
- (5) Mazindol.....1605
- (6) Mefenorex.....1580
- (7) Pemoline (including organometallic complexes and chelates thereof).....1530
- (8) Phentermine.....1640

The provisions of this ~~subsection (e)(8)~~ paragraph shall expire on the date phentermine and its salts and isomers are removed from schedule IV of the federal controlled substances act—(21 U.S.C. § 812₂, 21 code of federal regulations C.F.R. 1308.14).

- (9) Pipradrol.....1750
- (10) SPA((-)-1-dimethylamino-1, 2-diphenylethane).....1635
- (11) Sibutramine.....1675
- (12) Mondafinil.....1680

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following, including salts thereof:

- (1) Pentazocine.....9709
- (2) Butorphanol (including its optical isomers).....9720
- (3) ~~Cannabidiol, when comprising the sole active ingredient of a drug product approved by the United States food and drug administration~~
Some other names for cannabidiol: 2-[(1R,6R)-3-Methyl-6-
1-methylethenyl]-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol
- ~~(4) Eluxadolone (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-
-oxopropyl]](1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino)methyl]-2-
ethoxybenzoic acid)(including its optical isomers) and its salts, isomers,
and salts of isomers.....9725~~

(g) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.....9167
- (2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propion-oxybutane).....9278
- (h) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

(i) The board may except by rule and regulation any compound, mixture or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances that have a depressant effect on the central nervous system.";

Also on page 3, in line 17, after "Supp." by inserting "21-5701,"; also in line 17, by striking "is" and inserting ", 65-4101 and 65-4111 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "crimes, punishment and criminal procedure" and inserting "controlled substances"; in line 2, by striking "sentencing,"; also in line 2, after the second semicolon by inserting "removing cannabidiol oil from the definition of marijuana,"; in line 3, after "Supp." by inserting "21-5701,"; also in line 3, after "21-6824" by inserting ", 65-4101 and 65-4111"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2496**, as amended by House Committee of the Whole, be amended on page 20, in line 23, by striking all after "(d)"; by striking all in lines 24 through 27; in line 28, by striking all before the period and inserting "Persons holding a multi-state license under the nurse licensure compact and who engage in the practice of nursing in Kansas may be requested by the board to voluntarily provide workforce-related information as reasonably determined by the board. Refusal to voluntarily provide such information shall not be a basis for disciplinary action against or restriction of the multi-state license of any such person";

On page 28, in line 15, by striking "January" and inserting "July"; and the bill be passed as amended.

Also, **HB 2549**, as amended by House Committee, be amended on page 1, in the title, in line 2, by striking all after "treatment,"; in line 3, by striking all before "amending"; and the bill be passed as amended.

HB 2639 be amended on page 3, in line 39, after "regulations" by inserting "on or before January 1, 2019,"; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2524**, as amended by House Committee, 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 **Ways and Means** recommends **Substitute for HB 2332** be amended on page 1, in line 11, by striking "Two" and inserting "One"; also in line 11, by striking "heads" and inserting "head"; in line 23, before "one" by inserting "the network manager of the information network of Kansas (INK),"; in line 24, by striking all after "the"; in line 25, by striking "technology" and inserting "senate ways and means committee"; also in line 25, after "senate" by inserting "or such member's designee"; in line 26, by striking all before "appointed" and inserting "senate ways and means committee"; in line 27, after "senate" by inserting "or such member's designee"; in line 32, by striking "two"; also in line 32, by striking "heads" and inserting "head"; On page 2, in line 9, by striking "chairperson" and inserting "executive chief information technology officer"; and the bill be passed as amended.

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On page 2, in line 9, by striking “chairperson” and inserting “executive chief information technology officer”; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, March 23, 2018.

Journal of the Senate

FIFTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 23, 2018, 8:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 26 senators present.

Senators Baumgardner, Bollier, Doll, Estes, Fitzgerald, Hawk, Hilderbrand, Holland, Lynn, Masterson, Olson, Pettey, Pilcher-Cook, Taylor were excused.

Invocation by Senator Mike Petersen:

Father, as we near the end of the regular session we ask that You give us rest this weekend. We ask that You provide us with patience, endurance and wisdom for the decisions of the upcoming week. Please help the Senate complete our task and guide us as we work together to solve our differences. In Jesus' name, I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Federal and State Affairs: **SB 455**.

CHANGE OF REFERENCE

An objection having been made to **SB 429** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Petersen the Senate nonconcurred in the House amendments to **SB 324** and requested a conference committee be appointed.

The President appointed Senators Petersen, Goddard and Pettey as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2583**, as amended by House Committee, be amended on page 1, in line 11, by striking "5" and inserting "4"; by striking all in lines 15 and 16; in line 30, by striking "determine" and inserting "declare";

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

On page 3, in line 11, by striking "private landowners" and inserting "involved in the

production of agriculture, one of whom shall be a certified organic farmer";

On page 4, in line 5, by striking "quarterly" and inserting "once per year, but not more than four times per year"; by striking all in lines 27 through 43;

On page 5, by striking all in lines 1 through 19; in line 41, before "secretary" by striking "the";

On page 6, in line 28, after "secretary" by inserting "or submit additional control methods to the secretary for approval. If the secretary approves the additional control methods, such methods shall be made part of the official control methods available to all counties";

On page 8, in line 31, by striking "and"; in line 34, after "attorney" by inserting "; and (4) before applying any chemical control of noxious weeds to any public or private lands, shall determine if such lands or adjacent lands are registered on the fieldwatch and driftwatch website or any successor websites";

On page 9, in line 9, by striking "highways" and inserting "highway or any kind of right-of-way";

On page 10, in line 34, by striking "highways" and inserting "right-of-ways"; in line 36, by striking "highways" and inserting "right-of-ways"; in line 37, by striking "roads" and inserting "right-of-ways"; in line 38, by striking "roads" and inserting "right-of-ways"; also in line 38, by striking ", streets"; also in line 38, by striking "alleys" and inserting "right-of-ways"; in line 39, by striking ", roads, streets"; also in line 39, by striking "alleys" and inserting "right-of-ways";

On page 11, in line 3, by striking all after "weeds"; by striking all in lines 4 and 5; in line 6, by striking all before the comma and inserting ", the county shall provide 15 days' notice to the political subdivision directing such political subdivision to submit a plan and timeline for controlling such noxious weeds to the board of county commissioners or control such noxious weeds. If the plan and timeline is deemed unacceptable, the board of county commissioners shall notify the political subdivision of requested changes to its plan and timeline required for the board of county commissioners to approve such plan and timeline. If the political subdivision fails to control such noxious weeds within 15 days or fails to submit an accepted plan and timeline";

On page 13, in line 12, by striking "highways, "; in line 13, by striking all before the second "and" and inserting "right-of-ways";

On page 16, in line 12, after the period by inserting "The provisions of this subsection shall expire on December 31, 2020.";

On page 17, in line 25, by striking "50%" and inserting "25%";

On page 18, in line 9, by striking all after the fourth comma; in line 10, by striking all before "2-1330"; in line 11, by striking "2-1327,";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, by striking "2-1325, "; in line 6, by striking all before the second "and"; also in line 6, by striking "2-1327 and"; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **HB 2416**, as amended by House Committee of the Whole, be passed.

Also, **HB 2408** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2408," as follows:

"Senate Substitute for HOUSE BILL No. 2408

By Committee on Assessment and Taxation

"AN ACT concerning sales and compensating use tax; relating to exemptions, midland care connection, inc., Harry Hynes memorial hospice, inc. and hospice of the prairie, inc.; amending K.S.A. 2017 Supp. 79-3606 and repealing the existing section.";

And the substitute bill be passed.

HB 2492, as amended by House Committee of the Whole, be amended on page 9, in line 41, after "(7)" by inserting "(A)";

On page 10, following line 16, by inserting:

"(B) The board of county commissioners of Dickinson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.50% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.";

On page 11, in line 18, by striking all after "(13)"; by striking all in lines 19 through 25; by striking all in line 28; in line 29, by striking all before "and";

On page 1, in the title, in line 2, after "county" by inserting ", Jackson county and Dickinson county"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2458**, as amended by House Committee, be amended on page 1, following line 6, by inserting:

"New Section 1. (a) Counterfeiting currency is, with the intent to defraud:

(1) Making, forging or altering any note, obligation or security of the United States;
 (2) distributing, or possessing with the intent to distribute, any obligation or security of the United States knowing such obligation or security has been so made, forged or altered; or

(3) possessing any paper, ink, printer, press, currency plate or other item with the intent to produce any counterfeit note, currency, obligation or security of the United States.

(b) Counterfeiting currency as defined in:

(1) Subsection (a)(1) or (a)(2) is a:

(A) Severity level 7, nonperson felony, if the total face value of the obligations or securities seized is \$25,000 or more; and

(B) severity level 8, nonperson felony, if the total face value of the obligations or securities seized is less than \$25,000; and

(2) subsection (a)(3) is a severity level 9, nonperson felony.

(c) This section shall be part of and supplemental to the Kansas criminal code.";

On page 3, following line 18, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 21-5412 is hereby amended to read as follows: 21-5412. (a) Assault is knowingly placing another person in reasonable apprehension of immediate bodily harm;

(b) Aggravated assault is assault, as defined in subsection (a), committed:

(1) With a deadly weapon;

(2) while disguised in any manner designed to conceal identity; or

(3) with intent to commit any felony.

(c) Assault of a law enforcement officer is assault, as defined in subsection (a),

committed against:

(1) A uniformed or properly identified state, county or city law enforcement officer while such officer is engaged in the performance of such officer's duty; ~~or~~

(2) a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(3) a uniformed or properly identified federal law enforcement officer as defined in K.S.A. 2017 Supp. 21-5413, and amendments thereto, while such officer is engaged in the performance of such officer's duty.

(d) Aggravated assault of a law enforcement officer is assault of a law enforcement officer, as defined in subsection (c), committed:

(1) With a deadly weapon;

(2) while disguised in any manner designed to conceal identity; or

(3) with intent to commit any felony.

(e) (1) Assault is a class C person misdemeanor.

(2) Aggravated assault is a severity level 7, person felony.

(3) Assault of a law enforcement officer is a class A person misdemeanor.

(4) Aggravated assault of a law enforcement officer is a severity level 6, person felony. A person convicted of aggravated assault of a law enforcement officer shall be subject to the provisions of ~~subsection (g) of K.S.A. 2017 Supp. 21-6804(g)~~, and amendments thereto.

Sec. 4. K.S.A. 2017 Supp. 21-5413 is hereby amended to read as follows: 21-5413.

(a) Battery is:

(1) Knowingly or recklessly causing bodily harm to another person; or

(2) knowingly causing physical contact with another person when done in a rude, insulting or angry manner.

(b) Aggravated battery is:

(1) (A) Knowingly causing great bodily harm to another person or disfigurement of another person;

(B) knowingly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(C) knowingly causing physical contact with another person when done in a rude, insulting or angry manner with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted;

(2) (A) recklessly causing great bodily harm to another person or disfigurement of another person; or

(B) recklessly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(3) (A) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act; or

(B) committing an act described in K.S.A. 8-1567, and amendments thereto, when bodily harm to another person results from such act under circumstances whereby great bodily harm, disfigurement or death can result from such act.

(c) Battery against a law enforcement officer is:

(1) Battery, as defined in subsection (a)(2), committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

~~(C)~~(D) judge, while such judge is engaged in the performance of such judge's duty;

~~(D)~~(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

~~(E)~~(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(2) battery, as defined in subsection (a)(1), committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; ~~or~~

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

~~(C)~~(D) judge, while such judge is engaged in the performance of such judge's duty;

~~(D)~~(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

~~(E)~~(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty; or

(3) battery, as defined in subsection (a) committed against a:

(A) State correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(B) state correctional officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(C) juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or

(D) city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty.

(d) Aggravated battery against a law enforcement officer is:

(1) An aggravated battery, as defined in subsection (b)(1)(A) committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

~~(C)~~(D) judge, while such judge is engaged in the performance of such judge's duty;

~~(D)~~(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

~~(E)~~(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)(C), committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

~~(C)~~(D) judge, while such judge is engaged in the performance of such judge's duty;

~~(D)~~(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

~~(E)~~(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty; or

(3) knowingly causing, with a motor vehicle, bodily harm to a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; ~~or~~

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty.

(e) Battery against a school employee is a battery, as defined in subsection (a), committed against a school employee in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event, while such employee is engaged in the performance of such employee's duty.

(f) Battery against a mental health employee is a battery, as defined in subsection (a), committed against a mental health employee by a person in the custody of the secretary for aging and disability services, while such employee is engaged in the performance of such employee's duty.

(g) (1) Battery is a class B person misdemeanor.

(2) Aggravated battery as defined in:

(A) Subsection (b)(1)(A) is a severity level 4, person felony;

(B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person felony;

(C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person felony; and

(D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person felony.

(3) Battery against a law enforcement officer as defined in:

(A) Subsection (c)(1) is a class A person misdemeanor;

(B) subsection (c)(2) is a severity level 7, person felony; and

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

(4) Aggravated battery against a law enforcement officer as defined in:

(A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony; and

- (B) subsection (d)(2) is a severity level 4, person felony.
- (5) Battery against a school employee is a class A person misdemeanor.
- (6) Battery against a mental health employee is a severity level 7, person felony.
- (h) As used in this section:
- (1) "Correctional institution" means any institution or facility under the supervision and control of the secretary of corrections;
- (2) "state correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, whose duties include working at a correctional institution;
- (3) "juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 2017 Supp. 38-2302, and amendments thereto;
- (4) "city or county correctional officer or employee" means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, whose duties include working at a city holding facility or county jail facility;
- (5) "school employee" means any employee of a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12;
- (6) "mental health employee" means: (A) An employee of the Kansas department for aging and disability services working at Larned state hospital, Osawatomie state hospital, Kansas neurological institute and Parsons state hospital and training center and the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto; and (B) contractors and employees of contractors under contract to provide services to the Kansas department for aging and disability services working at any such institution or facility;
- (7) "judge" means a duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge;
- (8) "attorney" means a: (A) County attorney, assistant county attorney, special assistant county attorney, district attorney, assistant district attorney, special assistant district attorney, attorney general, assistant attorney general or special assistant attorney general; and (B) public defender, assistant public defender, contract counsel for the state board of indigents' defense services or an attorney who is appointed by the court to perform services for an indigent person as provided by article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;
- (9) "community corrections officer" means an employee of a community correctional services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs; ~~and~~
- (10) "court services officer" means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court; and
- (11) "federal law enforcement officer" means a law enforcement officer employed by the United States federal government who, as part of such officer's duties, is

permitted to make arrests and to be armed.";

On page 6, in line 20, after "21-5402" by inserting ", 21-5412, 21-5413";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "creating the crime of counterfeiting currency;"; in line 3, after the second semicolon by inserting "assault and battery; definition of law enforcement officer;"; in line 4, after "21-5402" by inserting ", 21-5412, 21-5413"; and the bill be passed as amended.

Also, **HB 2479** be amended on page 1, in line 5, before "Section" by inserting "New"; following line 33, by inserting:

"New Sec. 2. (a) On completion of a jury trial and before the jury is discharged, the court in a criminal action shall inform the jurors that they have an absolute right to discuss or not to discuss the deliberations or verdict with anyone. The judge shall also inform the jurors of the provisions set forth in subsections (b), (d) and (e).

(b) Immediately following the discharge of the jury in a criminal action, the defendant, or the defendant's attorney or representative, or the prosecutor, or the prosecutor's representative, may discuss the jury deliberations or verdict with a member of the jury only if the juror consents to the discussion.

(c) If a discussion of the jury deliberations or verdict with a member of the jury pursuant to subsection (b) occurs at any time other than immediately following the discharge of the jury, prior to discussing the jury deliberations or verdict with a member of a jury pursuant to subsection (b), the defendant or the defendant's attorney or representative, or the prosecutor or the prosecutor's representative, shall inform the juror of the identity of the case, the party in the case that the person represents, the subject of the interview, the absolute right of the juror to discuss or not discuss the deliberations or verdict in the case with the person and the juror's right to review and have a copy of any declaration filed with the court.

(d) Any unreasonable contact with a juror by the defendant, or the defendant's attorney or representative, or by the prosecutor, or the prosecutor's representative, without the juror's consent shall be immediately reported to the trial court.

(e) Any violation of this section shall be considered a violation of a lawful court order and may be punished as contempt of court.

(f) Nothing in the section shall prohibit a law enforcement officer from investigating an allegation of criminal conduct.

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

Sec. 3. K.S.A. 2017 Supp. 22-3006 is hereby amended to read as follows: 22-3006.

(a) Persons summoned for service as grand jurors shall be compensated for their service and expenses at the rates provided by law for the compensation of petit jurors in the district court. Such compensation shall be paid from the general fund of the county.

(b) All proceedings before the grand jury, including all testimony, shall be recorded. The grand jury shall select the method of recording and may employ a certified shorthand reporter who shall make a stenographic record of all testimony and other proceedings before the grand jury. The compensation of the reporter shall be fixed by the district court and paid from the general fund of the county. The grand jury may also elect to record the proceedings utilizing a digital recording system maintained by the court, if such system is available.

(c) The grand jury may, with the approval of the district court, employ investigators and, except in the case of grand juries impaneled pursuant to ~~subsection (b) of~~ K.S.A. 22-3001**(b)**, and amendments thereto, employ special counsel. The grand jury may also incur other expenses for services and supplies as it and the district court may deem necessary. Compensation for such services and supplies shall be fixed by the district court and shall be paid from the general fund of the county. Any special counsel or investigator employed by the grand jury shall be selected by majority vote of such grand jury only after hearing testimony from the person filing the petition pursuant to K.S.A. 22-3001, and amendments thereto. Subject to the provisions of this section, the grand jury shall have all authority to investigate any concerns associated with such petition.

Sec. 4. K.S.A. 2017 Supp. 22-3011 is hereby amended to read as follows: 22-3011.

(a) An indictment may be found only on the concurrence of 12 or more grand jurors. When an indictment is found, the presiding juror shall endorse thereon "a true bill" and shall sign the presiding juror's name as presiding juror or sign the indictment "Presiding Grand Juror."

(b) When 12 or more grand jurors do not concur in finding an indictment, the presiding juror shall certify that the indictment is "not a true bill."

(c) Indictments found by the grand jury shall be presented by its presiding juror, in the jury's presence, to the court and shall be filed and remain as records of the court.

(d) A grand jury impaneled pursuant to ~~subsection (c) of~~ K.S.A. 22-3001**(c)**, and amendments thereto, may request that the attorney general prosecute the case arising from an indictment found by such grand jury if, in the opinion of the grand jury, the prosecuting attorney would not diligently prosecute such case. The court shall notify the attorney general of such request and the attorney general may prosecute such case.

Sec. 5. K.S.A. 2017 Supp. 22-3015 is hereby amended to read as follows: 22-3015.

(a) *Matters of form, time, place, names.* At any time before or during trial, the court may, upon application of the ~~people prosecuting attorney~~ and with notice to the defendant and opportunity for the defendant to be heard, order the amendment of an indictment with respect to defects, errors or variances from the proof relating to matters of form, time, place and names of persons when such amendment does not change the substance of the charge, and does not prejudice the defendant on the merits. Upon ordering an amendment, the court, for good cause shown, may grant a continuance to provide the defendant adequate opportunity to prepare a defense.

(b) *Prohibition as to matters of substance, exception.*

(1) An indictment shall not be amended as to the substance of the offense charged, except as provided further.

(2) The court may, upon application of the ~~people prosecuting attorney~~ and with notice to the defendant and opportunity for the defendant to be heard, order the substance of an indictment to be amended for the limited purpose of effecting a change of plea by the defendant pursuant to a plea agreement reached between the defendant and the prosecuting attorney. The provisions of this paragraph shall apply only to an indictment found by a grand jury impaneled pursuant to ~~subsection (a) or (b) of~~ K.S.A. 22-3001**(a) or (b)**, and amendments thereto, and shall not apply to an indictment found by a grand jury impaneled pursuant to ~~subsection (c) of~~ K.S.A. 22-3001**(c)**, and amendments thereto.

(c) This section shall be part of and supplemental to article 30 of chapter 22 of the

Kansas Statutes Annotated, and amendments thereto.

Sec. 6. K.S.A. 2017 Supp. 22-3006, 22-3011 and 22-3015 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in like 2, after "relief" by inserting "; contact with jurors, procedures and limitations; grand juries; amending K.S.A. 2017 Supp. 22-3006, 22-3011 and 22-3015 and repealing the existing sections"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1779, SR 1780, SR 1781, SR 1782 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 23, 2018.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of March 19-23, 2018:

Senator Billinger: celebrating Calvin Harbin's 102nd Birthday, congratulating the Northern Valley High School Boys Basketball Team on winning the 2018 Class 1A Division II State Championship, congratulating the Quinter High School Girls Basketball Team on winning the 2018 Class 1A Division II State Championship, congratulating Morgan Pritchard on achieving the rank of Eagle Scout, congratulating Sawyer Skolout on achieving the rank of Eagle Scout;

Senator Bowers: congratulating Kaid Baumann of Lost Creek Supply on receiving the 2018 Emerging Business of the Year Award, congratulating Mike and Sara Rosebrook on being named the Kansas Farm Bureau 2018 Young Farmers and Ranchers of the Year, celebrating Dale Wells' 100th Birthday, congratulating Dylan Babcock on his Journalist of the Year Award from the Kansas Scholastic Press Association, congratulating Deputy Chris Davis on being named the 2017 Phillips County EMS Response Officer of the Year, congratulating Charlie Radabaugh on being named the 2018 VFW District 6 Law Enforcement Officer of the Year, congratulating Garrett Cudney on achieving the rank of Eagle Scout, congratulating Nicholas Beckman on achieving the rank of Eagle Scout, celebrating Kenneth and Doris Fromm's 70th Wedding Anniversary;

Senator Hardy: celebrating Sylvia Ruth Assya's 100th Birthday; and

Senator Pilcher-Cook: congratulating James Robert Riggs IV on achieving the rank of Eagle Scout.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Monday, March 26, 2018.

Journal of the Senate

FIFTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 26, 2018, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Lord, God of Heaven and earth, from Heaven's perspective You see what's going on with us today. And, from Your vantage point, You know what's needed here on earth to advance Your Heavenly agenda. In the Lord's Prayer, Matthew 6:10, Jesus, taught His disciples to pray for You to reign...for Your will to be done, here on earth like it's done in Heaven.

Lord, we need You to give us that perspective. Through Your Prophet, Isaiah, in chapter 55, You said Your thoughts and Your ways, are higher than ours...as distant from ours as the Heavens from the earth.

So, as we tackle the concerns presently facing us, give us Your perspective. That decisions here will be reflective guidance from You. In Jesus' Name, I pray. Amen

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators V. Schmidt, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1783—

A RESOLUTION congratulating and commending Jill Shelley, principal research analyst for the Kansas Legislative Research Department, for winning a Notable Document Award from the Legislative Research Librarians staff section of the National Conference of State Legislatures.

WHEREAS, The Kansas Legislative Research Department provides nonpartisan, objective research and fiscal analysis for members of the Kansas Legislature to make informed policy decisions on a wide range of topics; and

WHEREAS, Jill Shelley prepared a document entitled, "Hands-free and Distracted Driving Laws in Other States" for use by the Kansas Legislature's Senate Transportation

Committee in March 2017; and

WHEREAS, The document uses several formats to represent other states' laws and proposed legislation including a chart within the document for visual representation and an appendix to present information summarized in the memorandum in a more comprehensive manner; and

WHEREAS, The National Conference of State Legislatures (NCSL) is the organization for the staff of state legislatures and hosts the Notable Document Award through the Legislative Research Librarians staff section; and

WHEREAS, Melissa Renick, Assistant Director for Research, submitted Jill Shelley's document for consideration of the award. Each document is evaluated on specific criteria, including relevance, organization, clarity, effective use of graphics, innovation, balance and expansion of the base of knowledge on a particular subject; and

WHEREAS, Jill Shelley's work was recognized during the NCSL Legislative Summit in August 2017: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Jill Shelley for her outstanding work and for winning the Notable Document Award for her document created for the Kansas Legislature; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Schmidt, one enrolled copy to Jill Shelley and one enrolled copy to Director of Legislative Research Raney Gilliland.

On emergency motion of Senator V. Schmidt **SR 1783** was adopted by voice vote.

Senators honored Jill with a standing ovation.

Senators V. Schmidt, Hensley, Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Rogers, Skubal, Sykes, Taylor, Tyson, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1784—

A RESOLUTION congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.

WHEREAS, The Kansas Governmental Ethics Commission was established by the Kansas Legislature in 1974 to administer, interpret and enforce the Campaign Finance Act and laws relating to conflicts of interest, financial disclosure and the regulation of lobbying; and

WHEREAS, Carol Williams was hired in 1977 as a report examiner. Promoted to Auditor in 1978, she became the Executive Director of the agency in 1981 and retired from that position on September 11, 2017, with 40 years of state service; and

WHEREAS, Carol was an inspirational leader with her knowledge and skills. She was described as very humble, but she did not know what the word "no" meant; and

WHEREAS, She obtained unrestricted, full subpoena power for the agency in 1998. In 2000, lobbyists were required to provide more detailed itemization of lobbying reports, which most were not happy about, but she was able to calm a majority of their fears. Carol was very ethical and wonderful with the press, but she was always very careful about what she said to them; and

WHEREAS, Carol was nonpartisan, and legislators and revisors relied on Carol's advice when drafting laws and providing knowledgeable testimony. She oversaw required reporting forms for campaign finance, lobbying and ethics laws too numerous to count; and

WHEREAS, Carol served as an officer for the national organization of the Council on Governmental Ethics Laws for many years; and

WHEREAS, Carol was a great role model who made lifelong friendships and countless memories with colleagues, staff, reporters, legislators, lobbyists and statewide officeholders: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Carol Williams for her successful career with the Kansas Governmental Ethics Commission and the work she performed for the citizens of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Schmidt.

On emergency motion of Senator V. Schmidt **SR 1784** was adopted by voice vote.

Guests introduced were Bob Williams, Jessica Lehnherr, Jason Lehnherr, Braden Lehnherr, Addison Lehnherr, Eleanor Ostler, Carol and Jody Kirkwood.

Senators honored Carol with a standing ovation.

COMMITTEE OF THE WHOLE

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

HB 2472, HB 2501, HB 2580, HB 2581 be passed.

HB 2444, HB 2590 be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2419 be amended by the adoption of the committee amendments, be further amended by motion of Senator Denning; on page 1, in line 33, by striking "on July 1 of" and inserting "for"; in line 34, by striking "on July 1 of" and inserting "for";

On page 8, by striking all in lines 11 through 17, and **HB 2419** be passed as further amended.

A motion by Senator Suellentrop to further amend **HB 2419** failed and the following amendment was rejected; on page 1, in line 17, after "transfer" by inserting "100% of such certified excess, if any, from the state general fund to the Kansas public employees retirement fund for the payment of bonded indebtedness for any revenue bonds issued by the Kansas development finance authority pursuant to law for the purpose of financing the Kansas public employees retirement system. Upon the payment in full of all bonded indebtedness for any such revenue bonds,"

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

On roll call, the vote was: Yeas 16; Nays 22; Present and Passing 1; Absent or Not Voting 1.

Yeas: Baumgardner, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hilderbrand, Holland, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Rogers, Suellentrop, Taylor, Tyson.

Nays: Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Francisco, Givens, Goddard, Hardy, Hensley, Kerschen, Longbine, McGinn, Petersen, V. Schmidt, Skubal, Sykes, Wagle, Wilborn.

Present and Passing: Pettey.

Absent or Not Voting: Kelly.

A motion by Senator Francisco to amend **HB 2419** failed.

The committee report on **HB 2600** recommending **S Sub for HB 2600** be adopted, and the substitute bill be passed.

The committee report on **HB 2184** recommending **S Sub for HB 2184** be adopted, and the substitute bill be passed.

The committee rose and reported progress (See Committee of the Whole afternoon session.)

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Longbine in the chair.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for consideration of bills under the heading of General Orders with Senator V. Schmidt in the chair.

On motion of Senator Schmidt the report for the morning and afternoon sessions were adopted.

SB 301; HB 2511; Sub HB 2556; HB 2599, HB 2606 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2129** recommending **S Sub HB 2129** be adopted, be amended by motion of Senator McGinn; on page 1, in line 12, by striking "2016" and inserting "2017"; in line 21, by striking "communications" and inserting "telecommunications";

On page 2, in line 28, by striking "2016" and inserting "2017";

On page 1, in the title, in line 4, by striking "2016" and inserting "2017", and **S Sub HB 2129** be passed as amended.

HB 2597 be amended by the adoption of the committee amendments, be further amended by motion of Senator Fitzgerald; on page 1, following line 11, by inserting:

"Sec. 2. K.S.A. 17-1312f is hereby amended to read as follows: 17-1312f. The provisions of K.S.A. 17-1308, 17-1311, 17-1312, and 17-1312a ~~to~~ through 17-1312e, ~~inclusive~~, and amendments thereto, shall apply to and be controlling upon every individual, firm, partnership or other organization hereafter selling or conveying land for cemetery purposes, and for this purpose the term "corporation," except where the context clearly indicates a different meaning, shall mean and include such individuals, firms, partnerships or organizations. The provisions of this act shall not apply to: (a) Any municipality, corporation or quasi-corporation within the state of Kansas ~~which~~ that is empowered to issue bonds in payment of which taxes may be levied; ~~or~~

(b) any nonprofit organization formed primarily for religious purposes and constituting an established church ~~and which~~ that sells or conveys cemetery lots solely to the members of its own church or to persons related by consanguinity, either lineal or collateral, by adoption; or by marriage to any such member; ~~or~~

(c) any cemetery ~~existing on March 1, 1968, located in a county designated as urban, and owned and operated on said date by a nonprofit organization owned and operated by a nonprofit corporation located in a county designated as an urban area on~~

or before March 1, 1968; or

(d) any cemetery having a permanent maintenance fund of less than ~~ten thousand dollars (\$10,000) which \$10,000~~ that was organized prior to January 1, 1900, and ~~which that~~ has been maintained and operated continuously since such date.";

Also on page 1, in line 12, after "K.S.A." by inserting "17-1312f and"; also in line 12, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "concerning nonprofit cemetery corporations in certain urban area counties;"; also in line 2, after "K.S.A." by inserting "17-1312f and"; also in line 2, by striking "section" and inserting "sections", and **HB 2597** be passed as further amended.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2526**.

Announcing passage of **SB 276, SB 294**.

The House accedes to the request of the Senate for a conference on **SB 324** and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

Announcing passage of **Sub HB 2427; HB 2778**.

Announcing passage of **SB 331** as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2427; HB 2526, HB 2778 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 448** be amended on page 1, in line 7, before "committee" by inserting "Joint"; also in line 7, by striking all after "the"; by striking all in line 8; in line 9, by striking "thereto" and inserting "senate committee on commerce and the house committee on commerce, labor and economic development meeting jointly together as provided in this act"; in line 18, by striking all after "Sec. 2."; by striking all in lines 19 through 36;

On page 2, by striking all in lines 1 through 20; in line 21, by striking "(f)"; in line 30, after "(a)" by inserting "The joint committee shall meet during the 2019 regular session of the legislature, and each regular session thereafter, on the call of the chairperson.

(b) A quorum of the joint committee shall be the combined quorum of the senate committee on commerce and the house committee on commerce, labor and economic development. All actions of the committee may be taken by a majority of those present when there is a quorum. In odd-numbered years the chairperson of the joint committee shall be the chairperson of the house committee on commerce, labor and economic development and the vice-chairperson shall be the chairperson of the senate committee on commerce from the convening of the regular session in that year until the convening of the regular session in the next ensuing year. In even-numbered years the chairperson of the joint committee shall be the chairperson of the senate committee on commerce and the vice-chairperson shall be the chairperson of the house committee on commerce, labor and economic development from the convening of the regular session of that year until the convening of the regular session of the next ensuing year.

(c)";

Also on page 2, also in line 30, before "committee" by inserting "joint"; in line 36, before "committee" by inserting "joint"; in line 43, before "committee" by inserting "joint";

On page 3, in line 3, before "committee" by inserting "joint"; in line 6, before "committee" by inserting "joint"; in line 8, before "committee" by inserting "joint"; also in line 8, after "committee" by inserting "report"; also in line 8, by striking "and" and inserting a comma; in line 9, by striking "in the report" and inserting "and recommendations for legislation"; also in line 9, before "committee" by inserting "joint"; in line 12, by striking all after the first period; in line 13, before "committee" by inserting "joint";

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

Also on page 3, in line 19, before "committee" by inserting "joint"; in line 23, before "committee" by inserting "joint";

On page 4, in line 12, by striking all before "committee"; in line 14, by striking all after "joint"; in line 15, by striking "incentive";

On page 1, in the title, in line 2, by striking "creating the joint economic development incentive"; also in line 2, after "review" by inserting "by the joint"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **SB 299** be passed.

Also, **HB 2539**, as amended by House Committee of the Whole, be amended on page 1, in line 11, by striking "and" and inserting "or"; in line 12, after "Kansas" by inserting "by the deadline for filing for such office as provided in K.S.A. 25-205, and amendments thereto"; in line 16, before the period by inserting "and shall be 30 years of age or older at the time of becoming a candidate for such office"; and the bill be passed as amended.

HB 2604, as amended by House Committee, be amended on page 2, in line 34, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

HB 2642, as amended by House Committee of the Whole, be amended on page 1, in line 21, before "sponsoring" by inserting "chairperson or treasurer of the political or other organization"; in line 22, by striking "organization" and inserting "the same"; in line 30, before "or" by inserting "and the name of the chairperson or treasurer of the political or other organization sponsoring the same";

On page 2, in line 5, before "or" by inserting "and the name of the chairperson or treasurer of the political or other organization sponsoring the same"; in line 12, before "sponsoring" by inserting "chairperson or treasurer of the political or other organization"; also in line 12, by striking "organization" and inserting "the same"; in line 22, before "sponsoring" by inserting "chairperson or treasurer of the political or other organization"; in line 23, by striking "organization" and inserting "the same"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2028** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2028," as follows:

"Senate Substitute for HOUSE BILL No. 2028
By Committee on Public Health and Welfare

"AN ACT concerning 2012 executive reorganization order no. 41; relating to the Kansas department for aging and disability services and the Kansas department for children and families; updating statutory references and making technical changes related thereto; amending K.S.A. 75-5309, 75-5904, 76-157, 76-158, 76-1238, 76-14a04 and 76-1519a and K.S.A. 2017 Supp. 21-5909, 22-3302, 36-502, 38-2006, 38-2212, 39-1702, 40-4702, 65-689, 65-6610, 75-7d01, 75-5321a and 75-7033 and repealing the existing sections; also repealing K.S.A. 76-371, 76-1510b and 76-1522.";

And the substitute bill be passed.

Also, **HB 2674**, as amended by House committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2674," as follows:

"Senate Substitute for HOUSE BILL No. 2674
By Committee on Public Health and Welfare

"AN ACT concerning health and healthcare; relating to healthcare services; dental services; the practice of dental therapy and dental hygiene; licensure of dental therapists; telemedicine services; standards of practice; insurance coverage parity for telemedicine services; enacting the Kansas telemedicine act; amending K.S.A. 65-1421, 65-1441, 65-1449, 65-1460, 65-1462 and 74-1406 and K.S.A. 2017 Supp. 40-2,103, 40-19c09, 65-1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-1456, 65-1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405, 75-2935 and 75-6102 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Select Education Finance** recommends **SB 352** be amended on page 1, by striking all in lines 14 through 16 and inserting:

"State foundation aid (652-00-1000-0840).....\$96,600,000
Special education services aid (652-00-1000-0700).....\$10,000,000
Career and technical education transportation.....\$650,000";

On page 2, in line 3, by striking all after the second comma; in line 4, by striking "2019,"; following line 27, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 72-5148 is hereby amended to read as follows: 72-5148. (a) ~~(1)~~ The transportation weighting of each school district shall be determined by the state board as follows:

~~(1) Determine the total expenditures of the school district during the preceding school year from all funds for transporting students of public and nonpublic schools on regular school routes;~~

~~(2) determine the sum of: (A) The number of students who were included in the enrollment of the school district in the preceding school year who resided less than 2½ miles by the usually traveled road from the school building such students attended and for whom transportation was made available by the school district; and (B) the number of nonresident students who were included in the enrollment of the school district for the preceding school year and for whom transportation was made available by the school district;~~

~~(3) determine the number of students who were included in the enrollment of the district in the preceding school year who resided 2½ miles or more by the usually traveled road from the school building such students attended and for whom transportation was made available by the school district;~~

- (4) multiply the number of students determined under subsection (a)(3) by 2.8;
- (5) divide the amount determined under subsection (a)(2) by the product obtained under subsection (a)(4);
- (6) add one to the quotient obtained under subsection (a)(5);
- (7) multiply the sum obtained under subsection (a)(6) by the amount determined under subsection (a)(3);
- (8) divide the amount determined under subsection (a)(1) by the product obtained under subsection (a)(7). The resulting quotient is the per student cost of transportation;
- (9) on a density cost graph, plot the per student cost of transportation for each school district;
- (10) construct a curve of best fit for the points so plotted;
- (11) locate the index of density for the school district on the base line of the density cost graph and from the point on the curve of best fit directly above this point of index of density follow a line parallel to the base line to the point of intersection with the vertical line, which point is the formula per student cost of transportation of the school district;
- (12) divide the formula per student cost of transportation of the school district by the BASE aid; and
- (13) multiply the quotient obtained under subsection (a)(12) by the number of students who are included in the enrollment of the school district, are residing 2¹/₂ miles or more by the usually traveled road to the school building they attend, and for whom transportation is being made available by, and at the expense of, the district.
- (b) (1) For school years 2017-2018 through 2020-2021, the transportation weighting of the school district shall be either the product determined under subsection (a)(13), or that portion of such school district's general state aid for school year 2016-2017 that was attributable to the school district's transportation weighting, whichever is greater.
- (2) For school year 2021-2022, and each school year thereafter, the transportation weighting of the school district shall be the product determined under subsection (a)(13).
- (c)
- (A) Divide the BASE aid amount for the current school year by the BASE aid amount for school year 2018-2019;
- (B) multiply the number of transported students by the per capita allowance that corresponds to the density figure for the school district as determined in subsection (a)(2);
- (C) multiply the product obtained under subsection (a)(1)(B) by 1.00;
- (D) multiply the product obtained under subsection (a)(1)(C) by the quotient obtained under subsection (a)(1)(A);
- (E) divide the product obtained under subsection (a)(1)(D) by the current year BASE amount. The result is the transportation weighting of the school district.
- (2) The per capita allowance shall be determined using the following chart:

Density Figure Range	Per Capita Allowance
0.000 - 0.059.....	\$1,580
0.060 - 0.069.....	\$1,520
0.070 - 0.079.....	\$1,480
0.080 - 0.089.....	\$1,440

0.090 - 0.099.....	\$1,410
0.100 - 0.109.....	\$1,380
0.110 - 0.119.....	\$1,360
0.120 - 0.129.....	\$1,340
0.130 - 0.139.....	\$1,320
0.140 - 0.149.....	\$1,300
0.150 - 0.159.....	\$1,280
0.160 - 0.169.....	\$1,270
0.170 - 0.179.....	\$1,250
0.180 - 0.199.....	\$1,240
0.200 - 0.219.....	\$1,210
0.220 - 0.239.....	\$1,190
0.240 - 0.259.....	\$1,170
0.260 - 0.289.....	\$1,150
0.290 - 0.319.....	\$1,130
0.320 - 0.349.....	\$1,110
0.350 - 0.389.....	\$1,090
0.390 - 0.429.....	\$1,070
0.430 - 0.469.....	\$1,050
0.470 - 0.519.....	\$1,030
0.520 - 0.579.....	\$1,010
0.580 - 0.649.....	\$990
0.650 - 0.719.....	\$970
0.720 - 0.809.....	\$950
0.810 - 0.909.....	\$930
0.910 - 1.019.....	\$910
1.020 - 1.149.....	\$890
1.150 - 1.299.....	\$870
1.300 - 1.469.....	\$850
1.470 - 1.669.....	\$830
1.670 - 1.909.....	\$810
1.910 - 2.189.....	\$790
2.190 - 2.509.....	\$770
2.510 - 2.899.....	\$750
2.900 - 3.359.....	\$730
3.360 - 3.899.....	\$710
3.900 - 4.559.....	\$690
4.560 - 5.349.....	\$670
5.350 - 6.399.....	\$650
6.400 - 7.499.....	\$630
7.500 - 8.999.....	\$610
9.000 - 10.799.....	\$590
10.800 - 12.999.....	\$570
13.000 - 15.799.....	\$550
15.800 - 19.399.....	\$530
19.400 +.....	\$510

(b) (1) For school years 2018-2019 through 2020-2021, the transportation weighting of the school district shall be either the quotient determined under subsection (a)(1)(E), or that portion of such school district's general state aid for school year 2016-2017 that was attributable to the school district's transportation weighting, whichever is greater.

(2) For school year 2021-2022, and each school year thereafter, the transportation weighting of the school district shall be the quotient determined under subsection (a)(1)(E).

(c) For the purpose of providing accurate and reliable data on student transportation, the state board is authorized to adopt rules and regulations prescribing procedures that school districts shall follow in reporting pertinent information, including uniform reporting of expenditures for transportation.

(d) As used in this section:

~~(1) "Curve of best fit" means the curve on a density-cost graph drawn so the sum of the distances squared from such line to each of the points plotted on the graph is the least possible.~~

~~(2) "Density-cost graph" means a drawing having: (A) A horizontal or base line divided into equal intervals of density, beginning with zero on the left; and (B) a scale for per student cost of transportation to be shown on a line perpendicular to the base line at the left end thereof, such scale to begin with zero dollars at the base line ascending by equal per student cost intervals.~~

~~(3) "Index of density" means the number of students who are included in the enrollment of a school district in the current school year, are residing the designated distance or more by the usually traveled road from the school building they attend, and for whom transportation is being made available on regular school routes by the school district, divided by the number of square miles of territory in the school district.~~

(1) "Density figure" means the area of the school district in square miles divided by the number of transported students.

(2) "Transported students" means the number of students who were included in the enrollment of the school district in the preceding year who resided 2¹/₂ miles or more by the usually traveled road from the school building such students attended and for whom transportation was made available.

(c) The state board of education shall adopt a uniform policy or rule and regulation that provides the method and electronic service resource school districts shall use to calculate whether a student resides 2¹/₂ miles or more by the usually traveled road from the school building such student attends and for whom transportation was made available.

Sec. 4. K.S.A. 2017 Supp. 72-5148 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "school finance; transportation weighting calculation;"; in line 7, after "education" by inserting "; amending K.S.A. 2017 Supp. 72-5148 and repealing the existing section"; and the bill be passed as amended.

Also, **SB 422** be amended on page 1, in line 9, by striking "shall" and inserting "may"; by striking all in line 10; in line 11, by striking all before the period and inserting "that does not exceed the state prescribed percentage"; in line 24, after "(b)" by inserting "Subject to the limitations of subsection (a), in each school year, the board of education of a school district may adopt, by resolution, a local option budget in an amount that does not exceed:

(1) The amount that the board was authorized to adopt under any resolution adopted pursuant to K.S.A. 2017 Supp. 72-6471, prior to July 1, 2017; or

(2) the state-wide average for the preceding school year as determined by the state board pursuant to subsection (j).

The adoption of a resolution pursuant to this section shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(c)";

Also on page 1, in line 25, by striking "required" and inserting "authorized"; in line 26, by striking "(a)" and inserting "(b)";

On page 2, in line 38, after the stricken material by inserting "The board of any school district that is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt a budget in an amount less than the amount authorized. If the board of any school district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such school district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget.";

On page 3, in line 33, by striking all after "(2)"; by striking all in lines 34 through 41; in line 42, by striking "(3)"; in line 43, by striking "(4)" and inserting "(3)";

On page 4, following line 30, by inserting:

"(j) Each year, the state board shall determine the state-wide average percentage of local option budgets legally adopted by school districts for the preceding school year.";

Also on page 4, following line 35, by inserting:

"(1) "Authorized to adopt a local option budget" means that a school district has adopted a resolution pursuant to subsection (c).";

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

On page 5, following line 39, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 72-5151 is hereby amended to read as follows: 72-5151. (a) The at-risk student weighting of each school district shall be determined by the state board as follows:

(1) Determine the number of at-risk students included in the enrollment of the school district; and

(2) ~~for a school district with an enrollment that consists of 10% or more at risk students, multiply the number determined under subsection (a)(1) by 0.484. The resulting sum is the at-risk student weighting of the school district; or~~

~~(3) for a school district with an enrollment that consists of less than 10% at risk students, multiply the number of students equal to 10% of such school district's enrollment by 0.484. The resulting sum is the at risk student weighting of the school district. A school district whose at risk student weighting is determined pursuant to this~~

~~paragraph shall submit a report to the state board in such form and manner as required by the state board that identifies those students enrolled in such school district who are receiving at-risk program services and the criteria each such student satisfies in order to receive at-risk program services. The state board shall adopt rules and regulations that establish the criteria for eligibility for at-risk program services. The provisions of this paragraph shall only apply to those school districts that offer instruction in kindergarten and grades one through 12.~~

(b) Except as provided in subsection (b)(4), the high-density at-risk student weighting of each school district shall be determined by the state board as follows:

(1) (A) If the enrollment of the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district;

(ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and

(iii) multiply the product determined under subsection (b)(1)(A)(ii) by the number of at-risk students included in the enrollment of the school district; or

(B) if the enrollment of the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or

(2) (A) if the enrollment of a school in the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school;

(ii) multiply the difference determined under subsection (b)(2)(A)(i) by 0.7; and

(iii) multiply the product determined under subsection (b)(2)(A)(ii) by the number of at-risk students included in the enrollment of such school; or

(B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and

(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.

(3) The high-density at-risk weighting of the school district shall be the greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).

(4) Commencing in school year 2018-2019, school districts that qualify to receive the high-density at-risk weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 2017 Supp. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk weighting does not spend such money on such best practices, the state board shall notify the school district that it shall either spend such money on such best practices or shall show improvement within five years of notification. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state math and English language arts assessments; (C) the average composite ACT score; or (D) the four-year graduation rate. If a school district does not spend such money on such best practices and does not show improvement within five

years, the school district shall not qualify to receive the high-density at-risk weighting in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, 2019.

Sec. 4. K.S.A. 2017 Supp. 72-53,113 is hereby amended to read as follows: 72-53,113. (a) The board of education of any school district may make an annual tax levy at a mill rate not to exceed the statutorily prescribed mill rate upon the taxable tangible property in the school district for the purposes specified in this act and, with respect to any redevelopment district established prior to July 1, 2017, pursuant to K.S.A. 12-1771, and amendments thereto, for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. No levy shall be made under this act until a resolution is adopted by the board of education in the following form:

Unified School District No. _____,
 _____ County, Kansas.

RESOLUTION

Be It Resolved that:

The above-named school board shall be authorized to make an annual tax levy in an amount not to exceed _____ mills upon the taxable tangible property in the school district for the purpose of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Computer software; (2) performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board; (4) architectural expenses; (5) building sites; (6) undertaking and maintenance of asbestos control projects; (7) school buses; and (8) utility expenses; ~~(9) property and casualty insurance; and (10) other fixed assets,~~ and with respect to any redevelopment district established prior to July 1, 2017, pursuant to K.S.A. 12-1771, and amendments thereto, for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. The tax levy authorized by this resolution may be made, unless a petition in opposition to the same, signed by not less than 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 40 calendar days after the last publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether the tax levy shall be authorized to the electors in the school district at an election called for that purpose or at the next general election, as is specified by the board of education of the above school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the ____ day of _____, ____.

 Clerk of the board of education.

All of the blanks in the above resolution shall be appropriately filled. The blank preceding the word "mills" shall be filled with a specific number. The resolution shall be published once a week for two consecutive weeks in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board of education may make the tax levy specified in the resolution. If a petition is filed as provided in the resolution, the board of education may notify the county election officer of the date of an election to be held to submit the question of whether the tax levy shall be authorized. If the board of education fails to notify the county election officer within 60 calendar days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board of education within the nine months following the first publication of the resolution.

(b) As used in this act:

(1) "Unconditionally authorized to make a capital outlay tax levy" means that the school district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election has been held by which the tax levy specified in the resolution was approved;

(2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the mill levy rate in excess of eight mills if the resolution fixing such rate was approved at an election prior to the effective date of this act; or (C) the mill levy rate in excess of eight mills if no petition or no sufficient petition was filed in protest to a resolution fixing such rate in excess of eight mills and the protest period for filing such petition has expired;

(3) "asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in buildings of school districts and includes, but not by way of limitation, any activity undertaken for the removal or encapsulation of asbestos-containing material, for any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation, for conducting inspections, reinspections and periodic surveillance of buildings, performing response actions, and developing, implementing and updating operations and maintenance programs and management plans;

(4) "asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite; and

(5) "asbestos-containing material" means any material or product which contains more than 1% asbestos.

Sec. 5. K.S.A. 2017 Supp. 72-53,116 is hereby amended to read as follows: 72-53,116. (a) Any moneys in the capital outlay fund of any school district and any moneys received from issuance of bonds under K.S.A. 2017 Supp. 72-53,117 or 72-53,122, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Computer software; (2) performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board of education; (4) architectural expenses; (5) building sites; (6) undertaking and maintenance of asbestos control projects; (7) school buses; and (8) utility expenses; (9) property and casualty insurance; and (10) other fixed assets.

(b) The board of education of any school district is hereby authorized to invest any

portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein, or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.";

Also on page 5, in line 40, by striking "and" and inserting a comma; also in line 40, after "72-5145" by inserting ", 72-5151, 72-53,113 and 72-53,116";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "relating to"; in line 3, after the semicolon by inserting "at-risk weighting; capital outlay;"; also in line 3, by striking the first "and" and inserting a comma; also in line 3, after "72-5145" by inserting ", 72-5151, 72-53,113 and 72-53,116"; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2701** as recommended by Senate Committee on Commerce as reported in the Journal of the Senate on March 15, 2018, and the bill, as printed with amendments by Senate Committee, be further amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2701," as follows:

"Senate Substitute for HOUSE BILL No. 2701

By Committee on Utilities

"AN ACT concerning broadband; creating the statewide broadband expansion planning task force; relating to the expansion of broadband services.";

And the substitute bill be passed.

REPORT ON ENROLLED BILLS

SB 351, SB 369, SB 398 reported correctly enrolled, properly signed and presented to the Governor on March 26, 2018.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, March 27, 2018.

Journal of the Senate

FIFTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 27, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, all around the world people are celebrating Passion Week. Those days in which Jesus was led through enormous suffering to be crucified on Friday and then triumph over the grave on Sunday.

They hailed Him on Palm Sunday. Then 5 days later, on Friday, they turned on Him. Keep us mindful Lord, not to get overly excited about the admiration of people. Because, like the crowds that hailed Him, they can praise us for the good we do and then turn on us in the blink of an eye.

But Lord, You never promised that determining to live right would be a bed of roses. In his second letter to his son Timothy, You inspired the Apostle Paul, in 3:10-12, to share that anyone who desires to live a good and righteous life in Christ will suffer persecution.

So Lord, as the men and women in these halls look to make progress in bettering the lives of Your people...as they debate, negotiate and compromise various positions, help them to stand firm for right and righteousness.

And even if they get crucified for it, remind them that the power of resurrection will be on their side. I thank You today for placing that power in my life. In Jesus' Name, Amen

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 456, AN ACT concerning state highways; relating to the secretary of transportation; use of rights-of-way; amending K.S.A. 68-413b and repealing the existing section, by Committee on Assessment and Taxation.

SB 457, AN ACT concerning utilities; relating to the state corporation commission; ratemaking, hearings; amending K.S.A. 66-117 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **Sub HB 2427; HB 2526, HB 2778.**

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **HB 2542**, requests a conference and has appointed Representatives Aurand, Dierks and Winn as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2571**, requests a conference and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2579**, requests a conference and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

Announcing passage of **HB 2644**; **Sub HB 2739**; **SB 386**.

Announcing passage of **SB 56** as amended by **H Sub SB 56**.

Announcing passage of **Sub SB 272** as amended; **SB 282** as amended, **SB 284** as amended, **SB 348** as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2644; **Sub HB 2739** were thereupon introduced and read by title.

FINAL ACTION ON CONSENT CALENDAR

SB 419, **SB 449**; **HB 2524** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 419, AN ACT concerning the Kansas appraisal management company registration act; AMC ownership limitations and removal of appraisers; amending K.S.A. 2017 Supp. 58-4704, 58-4708, 58-4709 and 58-4721 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

SB 449, AN ACT concerning savings programs; relating to beneficiaries of ABLE accounts, transfers, qualified higher education expenses; income taxation, deduction for contributions; amending K.S.A. 2017 Supp. 75-655 and 79-32,117 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

HB 2524, AN ACT concerning rights to a wireless telephone number; relating to protection from abuse.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 301, AN ACT concerning the department of wildlife, parks and tourism; relating to hunting; outfitters and guides, was considered on final action.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Kelly, Kerschen, Longbine, Lynn, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Alley, Fitzgerald, Hilderbrand, Holland, Masterson, Olson, Pilcher-Cook, Pyle, Tyson.

The bill passed, as amended.

The Call was lifted.

S Sub HB 2129, AN ACT concerning the department of administration; relating to exemption from monumental building surcharge for the division of post audit; energy audits, requirements; certain state contracts; amending K.S.A. 75-3743 and 75-3744 and K.S.A. 2017 Supp. 75-37,128 and repealing the existing sections, was considered on final action.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Alley, Baumgardner, Hilderbrand, Masterson, Pilcher-Cook, Pyle, Tyson.

The substitute bill passed, as amended.

The Call was lifted.

S Sub HB 2184, AN ACT concerning workers compensation death benefits; initial payments; legal heirs; dependents; funeral expenses; conservatorship; adequacy and equivalency with respect to other benefit limits; high school children over 18 years of age; amending K.S.A. 2017 Supp. 44-510b and repealing the existing section, was considered on final action.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle.

Nays: Givens, Pilcher-Cook, Pyle, Tyson, Wilborn.

The substitute bill passed.

The Call was lifted.

HB 2419, AN ACT concerning state finances; transfers to and expenditures from the budget stabilization fund; transfers to the pooled money investment portfolio; amending K.S.A. 2017 Supp. 75-4209 and 75-6706 and repealing the existing sections, was considered on final action.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 19; Nays 21; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bowers, Denning, Doll, Estes, Givens, Goddard, Hardy, Kerschen, Longbine, Lynn, McGinn, Petersen, V. Schmidt, Skubal, Wagle, Wilborn.

Nays: Baumgardner, Bollier, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Hilderbrand, Holland, Kelly, Masterson, Olson, Pettey, Pilcher-Cook, Pyle, Rogers, Suellentrop, Sykes, Taylor, Tyson.

The Call was lifted.

A constitutional majority having failed to vote in favor of the bill, **HB 2419** did not pass.

EXPLANATION OF VOTE

Madam President: I vote "NO" on **HB 2419**. Although I support the establishment of a budget stabilization fund and agree with the split of transfers to such a fund and the pooled money investment portfolio, I object to the method for determination of the individual income tax revenue receipts for a fiscal year if some of the receipts collected resulted from any tax increase legislation in the current or preceding fiscal year. Any receipts resulting from the legislation should be added to, not subtracted from, preceding years in the calculation to determine if there are excess funds available for transfer.—MARCI FRANCISCO

Senators Bollier, Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey, Rogers, Suellentrop, Sykes and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **HB 2419**.

Madam President: I have a longstanding record of supporting a rainy-day fund. In fact, in the past, I have sponsored legislation to create a rainy-day fund. I believe it is an important element to sound fiscal management. However, in order to be effective, it needs to be constitutional and timing of implementation needs to be taken into consideration. When we can't pay our bills and pay down our debts, it is no time to be putting money away in savings. Madam President, I vote "NO" on **House Bill 2419**.—

LAURA KELLY

HB 2444, AN ACT repealing K.S.A. 2017 Supp. 74-4921c and 74-4921d; concerning retirement and pensions; relating to the Kansas public employees retirement system; investments by the KPERS board; new investments and divestment of current investment in companies with operations in Sudan, was considered on final action.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Fitzgerald, Hilderbrand.

The bill passed, as amended.

The Call was lifted.

HB 2472, AN ACT concerning health and healthcare; relating to anatomical gifts; pertaining to driver's licenses; identification cards; revising the uniform anatomical gift act; amending K.S.A. 2017 Supp. 8-240, 8-243, 8-247, 8-1324, 65-3221, 65-3228, 65-3229 and 65-3237 and repealing the existing sections, was considered on final action.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

The Call was lifted.

HB 2501, AN ACT concerning the Kansas department for aging and disability services; disposition of fees; creating the health occupations credentialing fee fund; amending K.S.A. 65-5913 and 65-6512 and K.S.A. 2017 Supp. 39-936, 39-979 and 65-3503 and repealing the existing sections, was considered on final action.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Tyson.

The bill passed.

The Call was lifted.

HB 2511, AN ACT concerning commercial driver's licenses, renewal period; amending K.S.A. 2017 Supp. 8-247 and 8-2,135 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

Sub HB 2556, AN ACT concerning emergency communications services; establishing the state interoperability advisory committee, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Fitzgerald, Hilderbrand, Pyle.

The substitute bill passed, as amended.

HB 2580, AN ACT concerning unfair trade and consumer protection; relating to the fair credit reporting act; security freeze on consumer report; fees; amending K.S.A. 50-722 and K.S.A. 2017 Supp. 50-723 and 50-725 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

HB 2581, AN ACT concerning crimes, punishment and criminal procedure; relating to giving a false alarm; criminal penalties; amending K.S.A. 2017 Supp. 21-6207 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

HB 2590, AN ACT concerning the state long-term care ombudsman; review by secretary for aging and disability services of the state long-term care ombudsman program; access to certain records; amending K.S.A. 2017 Supp. 75-7302, 75-7303, 75-7304, 75-7306, 75-7309 and 75-7310 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

HB 2597, AN ACT concerning counties; designating Sedgwick county as an urban area; concerning nonprofit cemetery corporations in certain urban area counties; amending K.S.A. 17-1312f and 19-2654 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier.

The bill passed, as amended.

HB 2599, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the special olympics Kansas{,} the choose life, the city of Wichita, Korean war, operation desert storm, operation Iraqi freedom and operation enduring freedom license plates; amending K.S.A. 2017 Supp. 8-1,141 and 8-1,147 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Pettey.

Present and Passing: Francisco, Haley.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: Having voted in the Affirmative on innumerable commemoratives (license plates; highway, bill and committee renamings to name but a few options) during almost a quarter of a century in this Legislature, for the first time I “PASS” on granting distinction to various entities listed in this one. To my knowledge, we never granted any state required, tax payer supplement to any other political opinion or speech. And whatever your opinion and support of one political opinion or another on a social issue of the day might be, it is a slippery slope which (demanding “equal time” freedom of speech provisions) could devolve Kansas’ auto tags into “officialized” commercialism. I believe that if “Pro Choice” or “Pro Life”; “Pro Gun” or “Pro Gun Control”; etc. an auto’s owner can get a bumper sticker to tout the same. Although there

are some real nice, non-partisan designees in this bill, there too is at least, in my mind, one topic here creating a new departing and dangerous precedent. Again, bad policy so I must "PASS."—DAVID HALEY

S Sub HB 2600, AN ACT concerning the department of health and environment; relating to powers, duties and functions thereof; providing for the assessment of fees for noncontiguous sites under the nuclear energy development and radiation control act; directing the secretary of health and environment to study and investigate maternal deaths in the state of Kansas; access to records; confidentiality; amending K.S.A. 48-1606 and K.S.A. 2017 Supp. 65-177 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The substitute bill passed.

HB 2606, AN ACT concerning drivers' licenses; relating to electronic online renewal; vision requirements; reports to legislature; amending K.S.A. 2017 Supp. 8-240 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Bollier, McGinn, V. Schmidt, Tyson.

The bill passed, as amended.

ORIGINAL MOTION

Having voted on the prevailing side, Senator Bollier moved the Senate reconsider its action on **HB 2419**. The motion failed.

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

On roll call, the vote was: Yeas 19; Nays 21; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Goddard, Hardy, Kerschen, Longbine, McGinn, Petersen, V. Schmidt, Skubal, Sykes, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Fitzgerald, Francisco, Givens, Haley, Hawk, Hensley, Hilderbrand, Holland, Kelly, Lynn, Masterson, Olson, Pettey, Pilcher-Cook, Pyle, Rogers, Suellentrop, Taylor, Tyson.

COMMITTEE OF THE WHOLE

On motion of Senator Denning, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders

with Senators Bollier, Masterson and Kerschen in the chair.

On motion of Senator Kerschen the following report was adopted

HB 2516 be passed.

SB 429 be amended. by motion of Senator V. Schmidt; on page 2, in line 4, after "(d)" by inserting "(1)"; following line 10, by inserting:

"(2) On or before February 1, 2019, the attorney general shall submit a report to the president of the senate, the speaker of the house of representatives and the standing committees on judiciary in the senate and the house of representatives on the progress achieved in establishing the database required by this subsection.", and **SB 429** be passed as further amended.

SB 352, SB 422; HB 2496, HB 2549; Sub HB 2602; HB 2639 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Hensley to amend **SB 422** failed and the following amendment was rejected; on page 1, following line 7, by inserting:

"Section 1. K.S.A. 2017 Supp. 72-5132 is hereby amended to read as follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 2017 Supp. 72-5131 et seq., and amendments thereto:

(a) "Adjusted enrollment" means the enrollment of a school district adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting; bilingual weighting; career technical education weighting; declining enrollment weighting; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

(b) "Ancillary school facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5158, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(c) (1) "At-risk student" means a student who is eligible for free meals under the national school lunch act, and who is enrolled in a school district that maintains an approved at-risk student assistance program.

(2) The term "at-risk student" shall not include any student enrolled in any of the grades one through 12 who is in attendance less than full time, or any student who is over 19 years of age. The provisions of this paragraph shall not apply to any student who has an individualized education program.

(d) "At-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5151(a), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(e) "Base aid for student excellence" or "BASE aid" means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of BASE aid shall be as follows:

~~(1) For school year 2017-2018, \$4,006;~~

~~(2) for school year 2018-2019, \$4,128; and~~

~~(3) (1) For school year 2018-2019, \$4,415;~~

~~(2) for school year 2019-2020, \$4,701;~~

~~(3) for school year 2020-2021, \$4,986; and~~

(4) for school year ~~2019-2020~~ 2021-2022, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years.

(f) "Bilingual weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5150, and amendments thereto, on the basis of costs attributable to the maintenance of bilingual educational programs by such school districts.

(g) "Board" means the board of education of a school district.

(h) "Budget per student" means the general fund budget of a school district divided by the enrollment of the school district.

(i) "Categorical fund" means and includes the following funds of a school district: Adult education fund; adult supplementary education fund; at-risk education fund; bilingual education fund; career and postsecondary education fund; driver training fund; educational excellence grant program fund; extraordinary school program fund; food service fund; parent education program fund; preschool-aged at-risk education fund; professional development fund; special education fund; and summer program fund.

(j) "Cost-of-living weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5159, and amendments thereto, on the basis of costs attributable to the cost of living in such school districts.

(k) "Current school year" means the school year during which state foundation aid is determined by the state board under K.S.A. 2017 Supp. 72-5134, and amendments thereto.

(l) "Declining enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5160, and amendments thereto, on the basis of costs attributable to the declining enrollment of such school districts.

(m) "Enrollment" means:

(1) 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 plus the number of preschool-aged at-risk students regularly enrolled in the school district on September 20 of the current school year, except a student who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the school district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the school district for at least one semester or two quarters, or the equivalent thereof.

(2) If the enrollment in a school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:

(A) The enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the current school year of preschool-aged at-risk students, if any; and

(B) the adjusted enrollment in the second preceding school year of any students participating in the tax credit for low income students scholarship program pursuant to

K.S.A. 2017 Supp. 72-4351 et seq., and amendments thereto, in the preceding school year, if any, plus the adjusted enrollment in the preceding school year of preschool-aged at-risk students who are participating in the tax credit for low income students scholarship program pursuant to K.S.A. 2017 Supp. 72-4351 et seq., and amendments thereto, in the current school year, if any.

(3) For any school district that has a military student, as that term is defined in K.S.A. 2017 Supp. 72-5139, and amendments thereto, enrolled in such district, and that received federal impact aid for the preceding school year, if the enrollment in such school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means whichever is the greater of:

(A) The enrollment determined under subsection (m)(2); or

(B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:

(i) The enrollment of the school district in the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;

(ii) the enrollment in the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any; and

(iii) the enrollment in the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.

(4) (A) For school year 2017-2018, the enrollment determined under paragraph (1), (2) or (3), except if the school district offers kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

(B) For school year 2018-2019 and each school year thereafter, the enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

(n) "February 20" has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.

(o) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

(p) "General fund" means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 2017 Supp. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.

(q) "General fund budget" means the amount budgeted for operating expenses in the general fund of a school district.

(r) "High-density at-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(s) "High enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(t) "Juvenile detention facility" means the same as such term is defined in K.S.A. 2017 Supp. 72-1173, and amendments thereto.

(u) "Local foundation aid" means the sum of the following amounts:

(1) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in K.S.A. 2017 Supp. 72-5168, and amendments thereto;

(2) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to their repeal;

(3) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district under the provisions of K.S.A. 2017 Supp. 72-3123(a), and amendments thereto;

(4) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district pursuant to contracts made and entered into under authority of K.S.A. 2017 Supp. 72-3125, and amendments thereto;

(5) an amount equal to the amount credited to the general fund in the current school year from moneys distributed in such school year to the school district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

(6) an amount equal to the amount of payments received by the school district under the provisions of K.S.A. 2017 Supp. 72-3423, and amendments thereto;

(7) an amount equal to the amount of any grant received by the school district under the provisions of K.S.A. 2017 Supp. 72-3425, and amendments thereto; and

(8) an amount equal to 70% of the federal impact aid of the school district.

(v) "Low enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5149(a), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(w) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 2017 Supp. 72-5168, and amendments thereto.

(x) "Preceding school year" means the school year immediately before the current school year.

(y) "Preschool-aged at-risk student" means an at-risk student who has attained the

age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines governing the selection of students for participation in head start programs.

(z) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten. The terms "exceptional children" and "gifted children" have the same meaning as those terms are defined in K.S.A. 2017 Supp. 72-3404, and amendments thereto.

(aa) "Psychiatric residential treatment facility" means the same as such term is defined in K.S.A. 2017 Supp. 72-1173, and amendments thereto.

(bb) "School district" means a school district organized under the laws of this state that is maintaining public school for a school term in accordance with the provisions of K.S.A. 2017 Supp. 72-3115, and amendments thereto.

(cc) "School facilities weighting" means an added component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5156, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(dd) "School year" means the 12-month period ending June 30.

(ee) "September 20" has its usual meaning, except that in any year in which September 20 is not a day on which school is maintained, it means the first day after September 20 on which school is maintained.

(ff) "Special education and related services weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5157, and amendments thereto, on the basis of costs attributable to the maintenance of special education and related services by such school districts.

(gg) "State board" means the state board of education.

(hh) "State foundation aid" means the amount of aid distributed to [a] school district as determined by the state board pursuant to K.S.A. 2017 Supp. 72-5134, and amendments thereto.

(ii) (1) "Student" means any person who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 maintained by the school district or who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 in another school district in accordance with an agreement entered into under authority of K.S.A. 2017 Supp. 72-13,101, and amendments thereto, or who is regularly enrolled in a school district and attending special education services provided for preschool-aged exceptional children by the school district.

(2) (A) Except as otherwise provided in this subsection, the following shall be counted as one student:

(i) A student in attendance full-time; and

(ii) a student enrolled in a school district and attending special education and related services, provided for by the school district.

(B) The following shall be counted as $\frac{1}{2}$ student:

(i) A student enrolled in a school district and attending special education and related services for preschool-aged exceptional children provided for by the school district; and

(ii) a preschool-aged at-risk student enrolled in a school district and receiving

services under an approved at-risk student assistance plan maintained by the school district.

(C) A student in attendance part-time shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance bears to full-time attendance.

(D) A student enrolled in and attending an institution of postsecondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student's postsecondary education enrollment and attendance together with the student's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the student shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the total time of the student's postsecondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

(E) A student enrolled in and attending a technical college, a career technical education program of a community college or other approved career technical education program shall be counted as one student, if the student's career technical education attendance together with the student's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the student shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the total time of the student's career technical education attendance and attendance in any of grades nine through 12 bears to full-time attendance.

(F) A student enrolled in a school district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance at the non-virtual school bears to full-time attendance.

(G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance at the non-virtual school bears to full-time attendance.

(H) (i) Except as provided in clause (ii), a student enrolled in a school district who is not a resident of Kansas shall be counted as follows:

- (a) For school years 2017-2018 and 2018-2019, one student;
- (b) for school year 2019-2020 and 2020-2021, $\frac{3}{4}$ of a student; and
- (c) for school year 2021-2022 and each school year thereafter, $\frac{1}{2}$ of a student.

(ii) This subparagraph (H) shall not apply to:

(a) A student whose parent or legal guardian is an employee of the school district where such student is enrolled; or

(b) a student who attended public school in Kansas during school year 2016-2017 and who attended public school in Kansas during the immediately preceding school year.

(3) The following shall not be counted as a student:

- (A) An individual residing at the Flint Hills job corps center;
- (B) except as provided in subsection (ii)(2), an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and
- (C) an individual enrolled in a school district but housed, maintained and receiving educational services at a state institution or a psychiatric residential treatment facility.

(4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et seq., and amendments thereto, shall be counted in accordance with the provisions of K.S.A. 2017 Supp. 72-3715, and amendments thereto.

(jj) "Total foundation aid" means an amount equal to the product obtained by

multiplying the BASE aid by the adjusted enrollment of a school district.

(kk) "Transportation weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5148, and amendments thereto, on the basis of costs attributable to the provision or furnishing of transportation.

(ll) "Virtual school" means the same as such term is defined in K.S.A. 2017 Supp. 72-3712, and amendments thereto.";

On page 10, in line 37, after "Supp." by inserting "72-5132,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, before "local" by inserting "BASE aid amount;"; in line 4, after "Supp." by inserting "72-5132,"

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

On roll call, the vote was: Yeas 10; Nays 28; Present and Passing 0; Absent or Not Voting 2.

Yeas: Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, Rogers.

Nays: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Estes, Lynn.

A motion by Senator Hensley to amend **SB 422** failed and the following amendment was rejected; on page 1, following line 7, by inserting:

"Section 1. K.S.A. 2017 Supp. 72-5132 is hereby amended to read as follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 2017 Supp. 72-5131 et seq., and amendments thereto:

(a) "Adjusted enrollment" means the enrollment of a school district adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting; bilingual weighting; career technical education weighting; declining enrollment weighting; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

(b) "Ancillary school facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5158, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(c) (1) "At-risk student" means a student who is eligible for free meals under the national school lunch act, and who is enrolled in a school district that maintains an approved at-risk student assistance program.

(2) The term "at-risk student" shall not include any student enrolled in any of the grades one through 12 who is in attendance less than full time, or any student who is over 19 years of age. The provisions of this paragraph shall not apply to any student who has an individualized education program.

(d) "At-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5151(a), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(e) "Base aid for student excellence" or "BASE aid" means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of BASE aid shall be as follows:

- ~~(1) For school year 2017-2018, \$4,006;~~
- ~~(2) for school year 2018-2019, \$4,128; and~~
- ~~(3)(1) For school year 2018-2019, \$4,344;~~
- ~~(2) for school year 2019-2020, \$4,559;~~
- ~~(3) for school year 2020-2021, \$4,773; and~~

(4) for school year 2021-2022, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years.

(f) "Bilingual weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5150, and amendments thereto, on the basis of costs attributable to the maintenance of bilingual educational programs by such school districts.

(g) "Board" means the board of education of a school district.

(h) "Budget per student" means the general fund budget of a school district divided by the enrollment of the school district.

(i) "Categorical fund" means and includes the following funds of a school district: Adult education fund; adult supplementary education fund; at-risk education fund; bilingual education fund; career and postsecondary education fund; driver training fund; educational excellence grant program fund; extraordinary school program fund; food service fund; parent education program fund; preschool-aged at-risk education fund; professional development fund; special education fund; and summer program fund.

(j) "Cost-of-living weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5159, and amendments thereto, on the basis of costs attributable to the cost of living in such school districts.

(k) "Current school year" means the school year during which state foundation aid is determined by the state board under K.S.A. 2017 Supp. 72-5134, and amendments thereto.

(l) "Declining enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5160, and amendments thereto, on the basis of costs attributable to the declining enrollment of such school districts.

(m) "Enrollment" means:

(1) 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 plus the number of preschool-aged at-risk students regularly enrolled in the school district on September 20 of the current school year, except a student who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the school district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the school district for at least one semester or two quarters, or the equivalent thereof.

(2) If the enrollment in a school district in the preceding school year has decreased

from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:

(A) The enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the current school year of preschool-aged at-risk students, if any; and

(B) the adjusted enrollment in the second preceding school year of any students participating in the tax credit for low income students scholarship program pursuant to K.S.A. 2017 Supp. 72-4351 et seq., and amendments thereto, in the preceding school year, if any, plus the adjusted enrollment in the preceding school year of preschool-aged at-risk students who are participating in the tax credit for low income students scholarship program pursuant to K.S.A. 2017 Supp. 72-4351 et seq., and amendments thereto, in the current school year, if any.

(3) For any school district that has a military student, as that term is defined in K.S.A. 2017 Supp. 72-5139, and amendments thereto, enrolled in such district, and that received federal impact aid for the preceding school year, if the enrollment in such school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means whichever is the greater of:

(A) The enrollment determined under subsection (m)(2); or

(B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:

(i) The enrollment of the school district in the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;

(ii) the enrollment in the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any; and

(iii) the enrollment in the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.

(4) (A) For school year 2017-2018, the enrollment determined under paragraph (1), (2) or (3), except if the school district offers kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

(B) For school year 2018-2019 and each school year thereafter, the enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

(n) "February 20" has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.

(o) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions

imposed under the provisions of the public law and rules and regulations thereunder.

(p) "General fund" means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 2017 Supp. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.

(q) "General fund budget" means the amount budgeted for operating expenses in the general fund of a school district.

(r) "High-density at-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(s) "High enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(t) "Juvenile detention facility" means the same as such term is defined in K.S.A. 2017 Supp. 72-1173, and amendments thereto.

(u) "Local foundation aid" means the sum of the following amounts:

(1) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in K.S.A. 2017 Supp. 72-5168, and amendments thereto;

(2) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to their repeal;

(3) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district under the provisions of K.S.A. 2017 Supp. 72-3123(a), and amendments thereto;

(4) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district pursuant to contracts made and entered into under authority of K.S.A. 2017 Supp. 72-3125, and amendments thereto;

(5) an amount equal to the amount credited to the general fund in the current school year from moneys distributed in such school year to the school district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

(6) an amount equal to the amount of payments received by the school district under the provisions of K.S.A. 2017 Supp. 72-3423, and amendments thereto;

(7) an amount equal to the amount of any grant received by the school district under the provisions of K.S.A. 2017 Supp. 72-3425, and amendments thereto; and

(8) an amount equal to 70% of the federal impact aid of the school district.

(v) "Low enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5149(a), and amendments thereto, on the basis of costs attributable to maintenance of educational

programs by such school districts.

(w) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 2017 Supp. 72-5168, and amendments thereto.

(x) "Preceding school year" means the school year immediately before the current school year.

(y) "Preschool-aged at-risk student" means an at-risk student who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines governing the selection of students for participation in head start programs.

(z) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten. The terms "exceptional children" and "gifted children" have the same meaning as those terms are defined in K.S.A. 2017 Supp. 72-3404, and amendments thereto.

(aa) "Psychiatric residential treatment facility" means the same as such term is defined in K.S.A. 2017 Supp. 72-1173, and amendments thereto.

(bb) "School district" means a school district organized under the laws of this state that is maintaining public school for a school term in accordance with the provisions of K.S.A. 2017 Supp. 72-3115, and amendments thereto.

(cc) "School facilities weighting" means an added component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5156, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(dd) "School year" means the 12-month period ending June 30.

(ee) "September 20" has its usual meaning, except that in any year in which September 20 is not a day on which school is maintained, it means the first day after September 20 on which school is maintained.

(ff) "Special education and related services weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5157, and amendments thereto, on the basis of costs attributable to the maintenance of special education and related services by such school districts.

(gg) "State board" means the state board of education.

(hh) "State foundation aid" means the amount of aid distributed to [a] school district as determined by the state board pursuant to K.S.A. 2017 Supp. 72-5134, and amendments thereto.

(ii) (1) "Student" means any person who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 maintained by the school district or who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 in another school district in accordance with an agreement entered into under authority of K.S.A. 2017 Supp. 72-13,101, and amendments thereto, or who is regularly enrolled in a school district and attending special education services provided for preschool-aged exceptional children by the school district.

(2) (A) Except as otherwise provided in this subsection, the following shall be counted as one student:

(i) A student in attendance full-time; and
 (ii) a student enrolled in a school district and attending special education and related services, provided for by the school district.

(B) The following shall be counted as $\frac{1}{2}$ student:

(i) A student enrolled in a school district and attending special education and related services for preschool-aged exceptional children provided for by the school district; and

(ii) a preschool-aged at-risk student enrolled in a school district and receiving services under an approved at-risk student assistance plan maintained by the school district.

(C) A student in attendance part-time shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance bears to full-time attendance.

(D) A student enrolled in and attending an institution of postsecondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student's postsecondary education enrollment and attendance together with the student's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the student shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the total time of the student's postsecondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

(E) A student enrolled in and attending a technical college, a career technical education program of a community college or other approved career technical education program shall be counted as one student, if the student's career technical education attendance together with the student's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the student shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the total time of the student's career technical education attendance and attendance in any of grades nine through 12 bears to full-time attendance.

(F) A student enrolled in a school district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance at the non-virtual school bears to full-time attendance.

(G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance at the non-virtual school bears to full-time attendance.

(H) (i) Except as provided in clause (ii), a student enrolled in a school district who is not a resident of Kansas shall be counted as follows:

(a) For school years 2017-2018 and 2018-2019, one student;

(b) for school year 2019-2020 and 2020-2021, $\frac{3}{4}$ of a student; and

(c) for school year 2021-2022 and each school year thereafter, $\frac{1}{2}$ of a student.

(ii) This subparagraph (H) shall not apply to:

(a) A student whose parent or legal guardian is an employee of the school district where such student is enrolled; or

(b) a student who attended public school in Kansas during school year 2016-2017 and who attended public school in Kansas during the immediately preceding school year.

(3) The following shall not be counted as a student:

(A) An individual residing at the Flint Hills job corps center;

(B) except as provided in subsection (ii)(2), an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and

(C) an individual enrolled in a school district but housed, maintained and receiving educational services at a state institution or a psychiatric residential treatment facility.

(4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et seq., and amendments thereto, shall be counted in accordance with the provisions of K.S.A. 2017 Supp. 72-3715, and amendments thereto.

(jj) "Total foundation aid" means an amount equal to the product obtained by multiplying the BASE aid by the adjusted enrollment of a school district.

(kk) "Transportation weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5148, and amendments thereto, on the basis of costs attributable to the provision or furnishing of transportation.

(ll) "Virtual school" means the same as such term is defined in K.S.A. 2017 Supp. 72-3712, and amendments thereto.;

On page 10, in line 37, after "Supp." by inserting "72-5132,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, before "local" by inserting "BASE aid amount,"; in line 4, after "Supp." by inserting "72-5132,"

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

On roll call, the vote was: Yeas 10; Nays 26; Present and Passing 0; Absent or Not Voting 4.

Yeas: Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, Rogers.

Nays: Alley, Baumgardner, Berger, Billinger, Bollier, Denning, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Masterson, McGinn, Olson, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Bowers, Estes, Lynn, Petersen.

A motion by Senator Pettey to amend **SB 422** failed.

HB 2523 be amended by the adoption of the committee amendments, be further amended by motion of Senator Hilderbrand; on page 2, in line 9, after "has" by inserting ": (A)"; in line 11, after "jurisdiction" by inserting "; (B) obtained a high school education from a nonaccredited private secondary school as defined in K.S.A. 2017 Supp. 72-4345, and amendments thereto,;"; also in line 11, after "or" by inserting "(C)", and **HB 2523** be passed as further amended.

The committee report on **SB 269** recommending **Sub SB 269** be adopted, be amended by motion of Senator McGinn; on page 23, by striking all in lines 14 through 18; by striking all in lines 30 through 33;

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

On page 59, in line 25, by striking all after "thereto"; in line 26, by striking all before the period and inserting ". In state fiscal year 2019, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 that in the aggregate equal \$500,000 from the state economic development initiatives fund to the state water plan fund"

Sub SB 269 be further amended by motion of Senator Baumgardner; on page 34, following line 37, by inserting:

"(f) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the temporary assistance to needy families federal fund (629-00-3323-0530) of the Kansas department for children and families for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys in an amount not to exceed \$5,750,000 to make payments to the jobs for America's graduates organization for programs that: Help students who are at risk of failing in school; provide an avenue for academic achievement; and assist students in earning credentials: *Provided, however,* That such expenditures shall only be made to the extent allowed under federal law."

Sub SB 269 be further amended by motion of Senator Fitzgerald; on page 51, following line 20, by inserting:

"Sec. 101. During the fiscal years ending June 30, 2018, and June 30, 2019, no state agency named in chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2018 and 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature to conduct research using tissue from any aborted fetus or to conduct any destructive embryonic research.";

And by renumbering sections accordingly,

A ruling of the chair was requested as to the germaneness of the amendment. The Chair of the Rules Committee ruled the amendment was germane to the bill.

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

On roll call, the vote was: Yeas 20; Nays 15; Present and Passing 0; Absent or Not Voting 5.

Yeas: Alley, Baumgardner, Berger, Billinger, Denning, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Masterson, McGinn, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Absent or Not Voting: Bowers, Estes, Lynn, Olson, Petersen.

And **Sub SB 269** be passed as amended.

A motion by Senator Masterson to amend **Sub SB 269** failed and the following amendment was rejected; on page 9, following line 28, by inserting:

"(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Office of education inspector general\$228,300

Provided, That all expenditures from the office of education inspector general account of the above agency shall be for the establishment of an office of education inspector general under the direction and supervision of the state treasurer and to establish a full-time program of audit, investigation and performance review to provide increased accountability, integrity and oversight of elementary and secondary public education and the implementation and execution of the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, to assist in improving department of education and school district efficiency, and to assist in deterring and identifying

waste, misuse of funds and illegal acts: *Provided further*, That the education inspector general shall be appointed by the state treasurer, shall serve at the pleasure of the state treasurer and shall be assigned specific duties by the state treasurer: *And provided further*, That such duties may include, but not be limited to, overseeing, auditing, investigating or making performance reviews of various aspects of public elementary and secondary education in Kansas, including, but not limited to, the implementation and execution of the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, or any distribution or formula for distribution of state moneys to the department of education, state board of education or any school district: *And provided further*, That the education inspector general shall be independent and free from political influence and selected without regard to political affiliation and on the basis of integrity and capacity for effectively carrying out the duties of the office of education inspector general: *And provided further*, That the education inspector general shall possess demonstrated knowledge, skills, abilities and experience in conducting audits or investigations and shall be familiar with the programs subject to oversight by the office of education inspector general: *And provided further*, That the education inspector general shall exercise independent judgment in performing the duties of the office of education inspector general: *And provided further*, That no former or current manager of any agency subject to oversight by the office of education inspector general may be appointed education inspector general within two years of that individual's period of service with such agency: *And provided further*, That the education inspector general shall hold at the time of appointment certification as a certified inspector general from a national organization that provides training to inspectors general: *And provided further*, That the education inspector general shall be in the unclassified service and shall receive an annual salary in an amount equal to the annual salary paid by the state to the state treasurer: *And provided further*, That the education inspector general shall have general managerial control over the office of education inspector general and shall organize the office as the education inspector general deems appropriate to carry out the responsibilities and functions of the office: *And provided further*, That the state treasurer may hire such employees in the unclassified service as are necessary to administer the office of education inspector general: *And provided further*, That the education inspector general may obtain the services of certified public accountants, qualified management consultants, professional auditors or other professionals necessary to independently perform the functions of the office: *And provided further*, That the education inspector general or any employee of the office of education inspector general shall have access to all pertinent information, confidential or otherwise, except for personally identifiable student data, and to all personnel and facilities of a school district, state agency and any local governmental agency that are necessary to perform the duties of the office: *And provided further*, That school districts, state agencies and local governmental agencies shall provide the education inspector general requested information, assistance or cooperation: *And provided further*, That the education inspector general shall have the power to compel by subpoena the attendance and testimony of witnesses and the production of documents, electronic records and papers directly related to any audit, investigation or performance review: *And provided further*, That the education inspector general shall make a report regarding the office's investigations, audits or performance reviews to the department of education, state board of education, the legislative post auditor, the senate committees on ways and

means and education, the house of representatives committees on appropriations and K-12 budget, the attorney general and the governor: *And provided further*, That such report shall include, but not be limited to, a detailed summary of the investigations undertaken and the results of such investigations, if any: *And provided further*, That such summaries shall comply with confidentiality laws and requirements: *And provided further*, That the education inspector general may make recommendations for changes in law, rules and regulations, policy or procedures to carry out the provisions of law or to improve efficiency: *And provided further*, That the scope, timing and completion of any audit, investigation or performance review conducted by the education inspector general shall be within the discretion of the education inspector general: *And provided further*, That any audit conducted by the office of education inspector general shall adhere to and comply with all provisions of generally accepted governmental auditing standards promulgated by the United States government accountability office: *And provided further*, That the education inspector general and all employees and former employees of the office of education inspector general shall be subject to the same duty of confidentiality imposed by law on any such person or agency with regard to any such information, and shall be subject to any civil or criminal penalties imposed by law for violation of such duty of confidentiality: *Provided, however*, That the education inspector general may furnish all such information to the state treasurer or attorney general when the education inspector general determines that a possible criminal act, false claim or any instances of misfeasance, malfeasance or nonfeasance by a public officer or employee has been committed and that any such information may be disclosed in criminal or other proceedings instituted and prosecuted by the attorney general and may be entered into evidence in any such proceedings: *And provided further*, That all investigations conducted by the education inspector general shall be conducted in a manner that ensures the preservation of evidence for use in criminal prosecutions, civil actions or agency administrative actions.";

On page 35, in line 16, by subtracting \$228,300 from the dollar amount and by adjusting the dollar amount in line 16 accordingly

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

On roll call, the vote was: Yeas 12; Nays 27; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Estes, Fitzgerald, Hilderbrand, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Wilborn.

Nays: Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle.

Absent or Not Voting: Lynn.

A motion by Senator Baumgardner to amend **Sub SB 269** failed and the following amendment was rejected.; on page 19, following line 27, by inserting:

"(f) Notwithstanding the provisions of K.S.A. 2017 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other any statute, during the fiscal year ending June 30, 2018, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2018, from the state general fund, state economic development initiatives fund or in any special revenue fund or funds for such state agency by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature to issue the final approval of any STAR

bond project and the financing thereof, including any bond documents, unless the secretary of commerce's appointment has been confirmed by the senate as provided by K.S.A. 74-5002a, and amendments thereto.";

On page 20, following line 6, by inserting:

"(e) Notwithstanding the provisions of K.S.A. 2017 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other any statute, during the fiscal year ending June 30, 2019, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2019, from the state general fund, state economic development initiatives fund or in any special revenue fund or funds for such state agency by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature to issue the final approval of any STAR bond project and the financing thereof, including any bond documents, unless the secretary of commerce's appointment has been confirmed by the senate as provided by K.S.A. 74-5002a, and amendments thereto."

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

On roll call, the vote was: Yeas 16; Nays 21; Present and Passing 0; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Bollier, Estes, Fitzgerald, Francisco, Givens, Haley, Holland, Kerschen, Masterson, Pilcher-Cook, Suellentrop, Taylor, Tyson, Wilborn.

Nays: Billinger, Bowers, Denning, Doll, Faust-Goudeau, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Longbine, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Wagle.

Absent or Not Voting: Berger, Lynn, Pyle.

A motion by Senator Pilcher-Cook to amend **Sub SB 269** failed and the following amendment was rejected; on page 20, following line 6, by inserting:

"(e) (1) During the fiscal year ending June 30, 2019, notwithstanding the provisions of K.S.A. 2017 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other statute, no Kansas state or local governing official shall enter into any transaction or arrangement to benefit financially, either directly or indirectly, from any STAR bond project.

(2) During the fiscal year ending June 30, 2019, notwithstanding the provisions of K.S.A. 2017 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made from the state general fund, state economic development initiatives fund or in any special revenue fund or funds for fiscal year 2019 by the above agency by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from the state general fund, state economic development initiatives fund or in any special revenue fund or funds to ensure compliance with the provisions of subsection (e)(1) concerning any STAR bond project and the financing thereof.

(3) As used in this subsection:

(A) "Benefit financially" means any purchase, sale, lease, contract, option, loan or other transaction or arrangement involving property or services wherein a Kansas state or local governing official may gain a personal economic benefit, but shall not include any services which were provided at fair market value or through a competitive bidding process.

(B) "Kansas state or local governing official" means members of the legislature, appointed or elected officials or officers of any state agency, office, board, commission, authority or institution and appointed or elected officials, officers or members of the government authority of any governmental subdivision, including any city, county, township, school district, special district, board or commission.

(C) "STAR bond project" means the same as defined in K.S.A. 2017 Supp. 12-17,162, and amendments thereto.
Sec. 50.

DEPARTMENT OF COMMERCE

(a) (1) During the fiscal year ending June 30, 2020, notwithstanding the provisions of K.S.A. 2017 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other statute, no Kansas state or local governing official shall enter into any transaction or arrangement to benefit financially, either directly or indirectly, from any STAR bond project.

(2) During the fiscal year ending June 30, 2020, notwithstanding the provisions of K.S.A. 2017 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made from the state general fund, state economic development initiatives fund or in any special revenue fund or funds for fiscal year 2020 by the above agency by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 or 2019 regular session of the legislature, expenditures shall be made by the above agency from the state general fund, state economic development initiatives fund or in any special revenue fund or funds to ensure compliance with the provisions of subsection (a)(1) concerning any STAR bond project and the financing thereof.

(3) As used in this subsection:

(A) "Benefit financially" means the same as defined in section 49(e).

(B) "Kansas state or local governing official" means the same as defined in section 49(e).

(C) "STAR bond project" means the same as defined in K.S.A. 2017 Supp. 12-17,162, and amendments thereto.;

On page 56, in line 33, by striking "100" and inserting "101";

On page 57, in line 7, by striking "100" and inserting "101";

On page 58, in line 5, by striking "100" and inserting "101";

And by renumbering sections accordingly

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

On roll call, the vote was: Yeas 13; Nays 22; Present and Passing 1; Absent or Not Voting 4.

Yeas: Baumgardner, Fitzgerald, Givens, Haley, Hawk, Hensley, Hilderbrand, Holland, Masterson, Pilcher-Cook, Pyle, Suellentrop, Tyson.

Nays: Alley, Berger, Billinger, Bollier, Denning, Doll, Faust-Goudeau, Francisco, Goddard, Hardy, Kerschen, Longbine, McGinn, Olson, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Present and Passing: Kelly.

Absent or Not Voting: Bowers, Estes, Lynn, Petersen.

Motions by Senators Fitzgerald and Holland to amend **Sub SB 269** failed.

The committee report on **S Sub HB 2386** recommending **S Sub S Sub HB 2386** be adopted, be amended by motion of Senator Olson; on page 1, in line 27, after "registration" by inserting ", other than a conviction for a crime that is a felony or a class A misdemeanor or any conviction for which issuance of such license, certification or registration could conflict with federal law,"; in line 28, by striking "last"; also in line 28, after "years" by inserting "immediately preceding the application for licensure, certification or registration"; in line 30, by striking all after "years"; by striking all in lines 31 through 33; in line 34, by striking all before the period and inserting "after the person satisfied the sentence imposed",

S Sub S Sub HB 2386 be further amended by motion of Senator V. Schmidt; on page 2, following line 22, by inserting:

- "(5) state board of healing arts;
- (6) state board of pharmacy;
- (7) emergency medical services board;"

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

S Sub S Sub HB 2386 be further amended by motion of Senator V. Schmidt; on page 2, following line 22, by inserting:

- "(5) board of nursing;"

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly, and **S Sub S Sub HB 2386** be passed as amended.

A motion was offered by Senator Haley to further amend **S Sub S Sub 2386**.

A ruling of the chair was requested as to the germaneness to the amendment. The Chair of the Rules Committee ruled the amendment not germane. The amendment was rejected.

ORIGINAL MOTION

On motion of Senator Baumgardner, the Senate acceded to the request of the House for a conference on **HB 2542**.

The Vice President appointed Senators Baumgardner, Alley and Hensley as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2571**.

The Vice President appointed Senators Wilborn, Baumgardner and Haley as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2579**.

The Vice President appointed Senators Wilborn, Baumgardner and Haley as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2228**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2228," as follows:

"Senate Substitute for HOUSE BILL No. 2228

By Committee on Assessment and Taxation

"AN ACT concerning income taxation; relating to deductions, Kansas itemized deduction and standard deduction, expensing deduction; treatment of deferred foreign corporate income and global intangible low-taxed income; amending K.S.A. 2017 Supp. 79-32,117, 79-32,119, 79-32,120, 79-32,138 and 79-32,143a and repealing the existing sections."

And the substitute bill be passed.

Also, **SB 444** be amended on page 18, in line 35, by striking "January" and inserting "July"; also in line 35, by striking "17.49%" and inserting "17.056%"; in line 40, by striking "January" and inserting "July"; in line 41, by striking "18.295%" and inserting "17.949%"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, March 28, 2018.

Journal of the Senate

FIFTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 28, 2018, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Lord God and Gracious Savior, we're pleased to see another day. We look forward to You blessing us with wisdom, with guidance and with clarity of thought. We look forward to discerning Your will for the good of our existence.

Once these hours have been invested, and it's time to adjourn, let it be noteworthy that You were in the lead. Like the puppeteer when he pulls the strings and guides the puppet to do his will, would You lovingly lead us in dancing to Your music?

When all the diverse opinions have been presented; when we look back at what we accomplished together, like the Psalmist in Psalm 118:24, help us to firmly declare together, Democrats and Republicans, Conservatives and Liberals, Pros and Cons, that "This truly was a day that the LORD has made, so let us rejoice and be glad in it."

You said in Hebrews 11:1-3, that Faith is the confidence that what we hope for will actually happen...that Faith is seeing in the now what has not yet come to pass.

Legitimate faith is realizing that You've always operated like that. That the world we presently see came from what could not be seen, before You created it.

So, we're thanking You ahead of time for doing in us and for us what needs to be done...for putting joy in our hearts and smiles on our faces. Lord, I'm thanking You again for guiding us through this day. In Jesus' Name, I pray, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **HB 2644**.

Federal and State Affairs: **SB 456**.

Judiciary: **Sub HB 2739**.

Utilities: **SB 457**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Bowers the Senate nonconcurrred in the House amendments to **H Sub SB 56** and requested a conference committee be appointed.

The Vice President appointed Senators McGinn, Billinger and Kelly as a conference committee on the part of the Senate.

On motion of Senator Billinger the Senate nonconcurred in the House amendments to **SB 284** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Billinger and Rogers as a conference committee on the part of the Senate.

On motion of Senator Billinger the Senate nonconcurred in the House amendments to **SB 348** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Billinger and Rogers as a conference committee on the part of the Senate.

On motion of Senator V. Schmidt the Senate nonconcurred in the House amendments to **SB 282** and requested a conference committee be appointed.

The Vice President appointed Senators V. Schmidt, Bollier and Kelly as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurred in the House amendments to **Sub SB 272** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Goddard and Pettey as a conference committee on the part of the Senate.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub SB 269, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for the state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2017 Supp. 75-2263, 75-4209, 75-6706, 79-4804 and 82a-953a and repealing the existing sections, was considered on final action.

Upon the showing of five hands, a Call of the Senate was requested.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Bollier, Fitzgerald, Pyle, Suellentrop, Tyson.

The substitute bill passed, as amended.

The Call of the Senate was lifted.

SB 352, AN ACT concerning education; relating to school finance; transportation weighting calculation; transportation funding for school districts from the state general fund; making and concerning appropriations for the fiscal year ending June 30, 2019, for the department of education; abolishing the general state aid transportation weighting - state highway fund, special education transportation weighting - state highway fund and career and technical education transportation - state highway fund of the department of education; amending K.S.A. 2017 Supp. 72-5148 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley,

Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

SB 422, AN ACT concerning education; relating to the financing thereof; relating to the Kansas school equity and enhancement act; local option budgets; at-risk weighting; capital outlay; amending K.S.A. 2017 Supp. 72-5143, 72-5145, 72-5151, 72-53,113 and 72-53,116 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

SB 429, AN ACT concerning the regulation of scrap metal; relating to the scrap metal theft reduction act; enforcement; amending K.S.A. 2017 Supp. 50-6,109a, 50-6,109c, 50-6,110, 50-6,111, 50-6,112a and 50-6,112b and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

S Sub S Sub HB 2386, AN ACT concerning labor; relating to licensing of professional occupations; applications of persons with certain criminal and civil records, disqualification for licensure; amending K.S.A. 74-120 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The substitute bill passed, as amended.

HB 2496, AN ACT concerning nursing; board of nursing; enacting the nurse licensure compact; authorizing criminal history record checks; amending K.S.A. 65-1127 and K.S.A. 2017 Supp. 65-1113, 65-1117, 65-1118, 65-1120 and 74-1106 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes,

Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

HB 2516, AN ACT concerning civil actions; relating to immunity from liability; unattended persons and animals, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

HB 2523, AN ACT concerning law enforcement officers; relating to the office of sheriff; qualifications for office; Kansas law enforcement training act; definitions; amending K.S.A. 2017 Supp. 19-801b and 74-5602 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

HB 2549, AN ACT concerning mental health services; determinations of competency; commitment for treatment; amending K.S.A. 2017 Supp. 22-3302 and 22-3303 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

Sub HB 2602, AN ACT concerning school districts; creating the legislative task force on dyslexia and other reading comprehension impairments, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes,

Taylor, Tyson, Wagle, Wilborn.

The substitute bill passed, as amended.

HB 2639, AN ACT concerning child care facilities; relating to individuals maintaining or residing, working or regularly volunteering at a child care facility; collection of a fee for fingerprinting such individuals; amending K.S.A. 2017 Supp. 65-516 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Alley, Pilcher-Cook, Pyle, Tyson.

The bill passed, as amended.

COMMITTEE OF THE WHOLE

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

HB 2458, **HB 2479**, **HB 2486** be amended by the adoption of the committee amendments, and the bills be passed as amended.

An amendment was offered by Senator Haley on **HB 2458**. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

An additional motion by Senator Haley was offered to amend **HB 2458**. A ruling of the chair was requested as to the germaneness of the amendment to the bill. The Chair of the Rules Committee ruled the amendment was germane to the bill. The amendment was rejected.

An amendment was offered by Senator Haley on **HB 2479**. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

A motion by Senator Billinger to amend **HB 2486** failed.

The committee report on **HB 2028** recommending **S Sub HB 2028** be adopted, be amended by motion of Senator V. Schmidt; on page 20, by striking all in lines 39 through 43;

By striking all on pages 21 through 23;

On page 24, by striking all in lines 1 through 17;

And by renumbering sections accordingly;

On page 1, in the title, in line 7, by striking the sixth comma and inserting "and"; also in line 7, by striking all after "75-5321a"; in line 8, by striking "7033"; in line 9, after "76-1522" by inserting "and K.S.A. 2017 Supp. 75-7033", and **S Sub HB 2028** be passed as amended.

The committee report on **HB 2701** recommending **S Sub HB 2701** be adopted, be amended by motion of Senator Francisco; on page 3, in line 22, by striking "31" and inserting "15", and **S Sub HB 2701** be passed as amended.

The committee rose and reported progress (See Committee of the Whole afternoon session.)

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Susan Wagle in the chair.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize Literacy Day at the Capitol. Guests introduced were Prisca Barnes (President and CEO of Storytime Village), Darrius Ray, Kenya Cox (Director-KAAAC), Chandra Lewis, Winnie Shaw, Elder Wakeelah Martinez, Pastor Bobbie Love Jr. (Commissioner-KAAAC), Daphne Maxwell (Commissioner-KAAAC), Pastor Sherdielle Brethett (Commissioner-KAAAC).

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Kerschen the Senate nonconcurred in the House amendments to **SB 331** and requested a conference committee be appointed.

The President appointed Senators Kerschen, Estes and Francisco as a conference committee on the part of the Senate.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole, for consideration of bills under the heading of General Orders with Senators Masterson and Petersen in the chair.

On motion of Senator Petersen the report for the morning and afternoon sessions were adopted:

Senator Baumgardner offered the following amendment on **HB 2481**. A ruling of the chair was requested as to the germaneness of the amendment to the bill. The Chair of the Rules Committee ruled the amendment was germane to the bill.

HB 2481 be amended by motion of Senator Baumgardner; on page 1, following line 8, by inserting:

"New Section 1. (a) The provisions of this section shall be known and may be cited as the adoption protection act.

(b) Notwithstanding any other provision of state law, and to the extent allowed by federal law, no child placement agency shall be required to perform, assist, counsel, recommend, consent to, refer or otherwise participate in any placement of a child for foster care or adoption when the proposed placement of such child would violate such agency's sincerely held religious beliefs.

(c) No child placement agency shall be denied a license, permit or other authorization, or the renewal thereof, or have any such license, permit or other authorization revoked or suspended by any state agency, or any political subdivision of the state solely because of the agency's objection to performing, assisting, counseling, recommending, consenting to, referring or otherwise participating in a placement that violates such agency's sincerely held religious beliefs.

(d) No child placement agency shall be denied any grant or contract, or

participation in a program by any state agency, or any political subdivision of the state solely because of the agency's objection to performing, assisting, counseling, recommending, consenting to, referring or otherwise participating in a placement that violates such agency's sincerely held religious beliefs.

(e) Refusal of a child placement agency to perform, assist, counsel, recommend, consent to, refer or otherwise participate in any placement that would violate such agency's sincerely held religious beliefs shall not form the basis for the imposition of a civil fine or other adverse administrative action or any claim or cause of action under any state or local law.

(f) A child placement agency's sincerely held religious beliefs shall be described in such agency's organizing documents, its written policies or such other written document approved by the governing body of such agency.

(g) As used in this section, the term "child placement agency" means a business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care, and who is licensed under K.S.A. 65-501 et seq., and amendments thereto.

(h) The provisions of this section shall not apply to any entity while such entity has a contract with the department for children and families as a case management contractor.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "family law" and inserting "children and minors; creating the adoption protection act"; also in line 1, after "the" by inserting "placement of children for foster care or adoption;"

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

On roll call, the vote was: Yeas 24; Nays 14; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Francisco, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Present and Passing: Faust-Goudeau, Pettey.

And **HB 2481** be passed as amended.

A motion by Senator Rogers to amend **HB 2481** failed and the following amendment was rejected; by amending the amendment designated fa_2018_hb2481_s_3989 adopted by the Senate Committee of the Whole on March 28, 2018, by striking all of the material in subsection (d); in subsection (g), before the period, by inserting ", and has no contract with the Kansas department for children and families for such services";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

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

On roll call, the vote was: Yeas 16; Nays 21; Present and Passing 2; Absent or Not Voting 1.

Yeas: Bollier, Doll, Faust-Goudeau, Givens, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook,

Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Present and Passing: Francisco, Haley.

Absent or Not Voting: Hardy.

EXPLANATION OF VOTE

Mr. Chairman: I vote "PASS" on this amendment. Although I agree with the elimination of subsection (d) of the previous amendment so that it will be possible for a state agency to deny grants or contracts to child placement agencies based on a particular agency's written policies, I do not want to limit all contracts with the Kansas department for children and families for services for agencies who chose to identify their religious beliefs.—MARCI FRANCISCO

Senator Haley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **HB 2481**.

SB 367, SB 430; HB 2539, HB 2577, HB 2583, HB 2642 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Sykes to amend **SB 367** failed.

A motion by Senator Faust-Goudeau to amend **SB 367** failed.

An amendment was offered by Senator Bowers on **SB 367**. A ruling of the chair was requested as to the germaneness to the bill. The Chair of the Rules Committee ruled the amendment not germane.

A motion by Senator Hardy to amend **HB 2539** failed.

A motion by Senator Sykes to amend **HB 2539** failed and the following amendment was rejected; on page 1, in line 10, after the first "of" by inserting "governor and lieutenant governor, "; in line 13, following the period, by inserting "Any person appointed to the office of lieutenant governor shall be a qualified elector at the time of such appointment."; in line 14, by striking all after "(c)"; by striking all in lines 15 through 18; in line 19, by striking "(d)"

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

On roll call, the vote was: Yeas 19; Nays 20; Present and Passing 1; Absent or Not Voting 0.

Yeas: Baumgardner, Berger, Billinger, Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hensley, Hilderbrand, Holland, Longbine, McGinn, Petersen, Pettey, Pyle, V. Schmidt, Sykes, Tyson.

Nays: Alley, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Hawk, Kerschen, Lynn, Masterson, Olson, Pilcher-Cook, Rogers, Skubal, Suellentrop, Taylor, Wagle, Wilborn.

Present and Passing: Kelly.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2308; Sub HB 2398; HB 2676, HB 2773**.

Announcing passage of **SB 194, SB 311, SB 428**.

Announcing passage of **SB 260** as amended, **SB 263** as amended, **SB 410** as amended.

Announcing passage of **SB 307** as amended by **H Sub SB 307, SB 391** as amended by **H Sub SB 391**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2308; Sub HB 2398; HB 2676, HB 2773 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Estes the Senate nonconcurred in the House amendments to **SB 260** and requested a conference committee be appointed.

The Vice President appointed Senators Estes, Olson and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Estes the Senate nonconcurred in the House amendments to **H Sub SB 307** and requested a conference committee be appointed.

The Vice President appointed Senators Estes, Billinger and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator McGinn the Senate nonconcurred in the House amendments to **H Sub SB 391** and requested a conference committee be appointed.

The Vice President appointed Senators McGinn, Billinger and Kelly as a conference committee on the part of the Senate.

On motion of Senator Billinger the Senate nonconcurred in the House amendments to **SB 410** and requested a conference committee be appointed.

The Vice President appointed Senators Longbine, Billinger and Rogers as a conference committee on the part of the Senate.

REPORT ON ENROLLED BILLS

SR 1783, SR 1784 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 28, 2018.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Thursday, March 29, 2018.

Journal of the Senate

FIFTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 29, 2018, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Lord, You've served us up with another day. Now, use us in this day to serve others. It's Thursday of Passion week...the day before the crucifixion. It was on Thursday that Jesus, in His humility, served His disciples in a very practical way, by washing their feet.

He said that cleaning their feet exemplified the very practical service that should be rendered to others.

Lord, there are real issues today...very practical matters that appear muddy and muddled. And You want to use us to do some cleaning.

With some we need to begin at the foot level. Some cleaning needs to be done at the foundation. Help us to discern the what, when and where to concentrate our serving.

And Lord, we need You to be the main Additive in this time of Spring Cleaning. I come to You in the Name of Him Who is the Master in the cleaning business. Amen.

The Pledge of Allegiance was led by Vice President Longbine.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **Sub HB 2398**.

Public Health and Welfare: **HB 2308, HB 2676**.

Ways and Means: **HB 2773**.

MESSAGES FROM THE GOVERNOR

SB 351, SB 369, SB 398 approved on March 29, 2018.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **S Sub HB 2184; HB 2590, HB 2628**.

The House nonconcurrs in Senate amendments to **Sub HB 2129**, requests a conference and has appointed Representatives Sutton, Weber and Burroughs as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2444**, requests a conference and has appointed Representatives Kelly, Powell and Finney as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2511**, requests a conference and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2556**, requests a conference and has appointed Representatives Sloan, Lewis and Curtis as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2597**, requests a conference and has appointed Representatives Williams, Thimesch and Alcala as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2599**, requests a conference and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2600**, requests a conference and has appointed Representatives Hawkins, Concannon and Murnan as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2606**, requests a conference and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 56** and has appointed Representatives Sloan, Lewis and Curtis as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Sub SB 272** and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 282** and has appointed Representatives Hawkins, Concannon and Murnan as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 284** and has appointed Representatives Kelly, Powell and Finney as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 348** and has appointed Representatives Vickrey, Dove and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 331** and has appointed Representatives Hoffman, Thompson and Carlin as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Bowers, the Senate acceded to the request of the House for a conference on **HB 2597**.

The Vice President appointed Senators Bowers, Fitzgerald and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **Sub HB 2129**.

The Vice President appointed Senators McGinn, Billinger and Kelly as conferees on the part of the Senate.

On motion of Senator McGinn, the Senate acceded to the request of the House for a

conference on **Sub HB 2556**.

The Vice President appointed Senators McGinn, Billinger and Kelly as conferees on the part of the Senate.

On motion of Senator V. Schmidt, the Senate acceded to the request of the House for a conference on **S Sub HB 2600**.

The Vice President appointed Senators V. Schmidt, Bollier and Kelly as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2599**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2606**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2511**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Billinger, the Senate acceded to the request of the House for a conference on **HB 2444**.

The Vice President appointed Senators Longbine, Billinger and Rogers as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Lynn moved the Senate concur in House amendments to **SB 185**.

SB 185, AN ACT concerning economic development; relating to redevelopment districts encompassing federal enclaves, authorization of franchises for the provision of utilities; redevelopment authorities in certain counties, powers of authority; amending K.S.A. 19-4904 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Pyle.

The Senate concurred.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 367, AN ACT concerning sales taxation; relating to certain cash rebates on sales or leases of new motor vehicles; amending K.S.A. 2017 Supp. 79-3602 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Denning, Doll, Estes, Faust-

Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Bowers, Longbine.

The bill passed, as amended.

SB 430, AN ACT concerning economic development; relating to the high performance incentive program; tax credit availability extended to 25 years for certain qualified companies; amending K.S.A. 2017 Supp. 79-32,160a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

S Sub HB 2028, AN ACT concerning 2012 executive reorganization order no. 41; relating to the Kansas department for aging and disability services and the Kansas department for children and families; updating statutory references and making technical changes related thereto; amending K.S.A. 75-5309, 75-5904, 76-157, 76-158, 76-1238, 76-14a04 and 76-1519a and K.S.A. 2017 Supp. 21-5909, 22-3302, 36-502, 38-2006, 38-2212, 39-1702, 40-4702, 65-689, 65-6610, 75-7d01 and 75-5321aand repealing the existing sections; also repealing K.S.A. 76-371, 76-1510b and 76-1522 and K.S.A. 2017 Supp. 75-7033, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The substitute bill passed, as amended.

HB 2458, AN ACT concerning crimes, punishment and criminal procedure; creating the crime of counterfeiting currency; relating to mistreatment of a dependent adult and mistreatment of an elder person; inherently dangerous felonies; assault and battery; definition of law enforcement officer; amending K.S.A. 2017 Supp. 21-5402, 21-5412, 21-5413 and 21-5417 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

HB 2479, AN ACT concerning criminal procedure; relating to stay of certain criminal cases; appeal of writ of habeas corpus relief; contact with jurors, procedures and limitations; grand juries; amending K.S.A. 2017 Supp. 22-3006, 22-3011 and 22-3015 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

HB 2481, AN ACT concerning children and minors; creating the adoption protection act; relating to the placement of children for foster care or adoption; Kansas adoption and relinquishment act; amending K.S.A. 59-2112, 59-2113, 59-2114, 59-2116, 59-2117, 59-2120, 59-2121, 59-2124, 59-2126, 59-2127, 59-2128, 59-2134, 59-2138, 59-2141 and 59-2143 and K.S.A. 2017 Supp. 59-2122, 59-2123, 59-2130, 59-2132, 59-2133 and 59-2136 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, Rogers, Skubal, Sykes.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: It is important for all of us to remember the beneficiaries of our discussions and make sure that we do not leave them out of our dialogue. A young woman who has chosen to give her child up for adoption is at a critical juncture of her life. If she chooses to place her child with a same sex family, a single parent family or a faith based family that is her choice and there are agencies that could accommodate each of those choices. It is important for that mother to have peace of mind that her wishes are followed. An unintended consequence of limiting adoption agencies is adoption availability. Diminishing capacity should not be an option. When I was in College I volunteered at the Phyllis Wheatly Orphanage in Wichita. Those kids wanted to be adopted and they did not care if the family was same sex, single parent or faith based. They just wanted the security of a supportive family. And isn't that what we should all really be striving for? It is not appropriate to politicize these critical moments in people's lives.—ED BERGER

Senators Doll, Hardy, Lynn, McGinn, Petersen and Suellentrop request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **HB 2481**.

Mr. Vice President: I vote "NO" on **HB 2481**. Using the guise of sincerely held religious belief to promote bigotry, this Senate continues down a path to theocracy. I could believe a mantra of sincere religious belief if those who vote for this bill were consistent in promoting that right in Kansas. However, their cries ring false when they consistently put into law disallowing women to follow their sincerely held religious beliefs when making their own health care decisions. Many churches in America stood on the Bible to promote and continue the practice of slavery. Shame on them. Now some stand on a few verses of the Bible to continue discrimination. If those who vote YES on this bill sincerely believe that ALL should have the right to practice their own religious beliefs, then they would not vote to limit women's healthcare choices based on differing religious beliefs. And we wonder why Kansas is struggling to grow economically! Kansas can and should be better than this.—BARBARA BOLLIER

Mr. Vice President: Yesterday in our debate on the amendment to **HB 2481**, in reference to "my tax dollars, your tax dollars, Kansans' tax dollars being used to support a religious view," it was said that "with regard to adoption, there are no state tax dollars that are involved in that process." With regard to fostercare, it was said that "the type of fostercare service that is sometimes subcontracted out--paid for by the state--is for providing a service, and the type of service that is provided is going and doing home studies. So, in doing a home study, there is no reflection of any particular religious belief[...]" The speaker continued, "So, in that context, it has nothing to do with foster placement or adoption placement in a same-sex or an opposite-sex home. To be clear, same-sex adoption in no way would be impacted by this. It wouldn't be impacted in any way. There's no tax dollars going toward adoption." I would encourage this body, the House, and DCF to continue to examine **HB 2481** and ensure that its language does not allow one family to be privileged over any other with regard to taxpayer-funded services.—CAROLYN MCGINN

Mr. Vice President: Justice Kennedy, wrote this statement in the majority opinion for the U.S. Supreme Court Obergefell decision: "Finally, it must be emphasized that religions, and those who adhere to religious doctrines, may continue to advocate with utmost, sincere conviction that, by divine precepts, same-sex marriage should not be condoned. The First Amendment ensures that religious organizations and persons are given proper protection as they seek to teach the principles that are so fulfilling and so central to their lives and faiths, and to their own deep aspirations to continue the family structure they have long revered. The same is true of those who oppose same-sex marriage for other reasons." Birth parents who want their child raised in their faith tradition, with a mom and a dad, should have the ability to make that choice. I vote "yes" on **HB 2481**.—MARY PILCHER-COOK

Senator Fitzgerald requests the record to show he concurs with the "Explanation of Vote" offered by Senator Pilcher-Cook on **HB 2481**.

Mr. Vice President: While the base of **HB 2481** is good, the amendment we added is troublesome. If we had brought this to the floor through our normal process we would have had opportunity to know who opposed, including many legal experts, including the Kansas Bar Association. Our courts place a priority on the "need of the child" when it comes to placement. This bill places the financial needs of placement agencies before that need, under the guise of "sincerely held religious belief." **HB 2481** allows tax

money to be used by groups without the expectation that they follow state law barring discrimination. This actually limits the number of foster placements, which will increase the number of children in foster care. In an effort to allow more businesses to receive state funding, we are on the path of current safe and stable placements for children. Foster placement and adoption should make the needs of the child the first priority. This bill seeks to disqualify those already qualified for foster placement. It allows companies to discriminate with state tax revenue. It opens the door to subcontract without limit. There would be outcry if our faith based hospitals denied medical services for gay, lesbian, Muslim or Jewish neighbors and still collect Medicaid funds by simply filing a statement that those were 'sincerely held religious beliefs'. We should never use faith as a weapon. There is a difference in letting your beliefs inform your political choices and letting your politics enforce your religion. For these reasons, I vote no on **HB 2481**.—LYNN ROGERS

Senators Bollier, Hawk, Hensley, Kelly, Pettey and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **HB 2481**.

Mr. Vice President: As elected officials, we share a responsibility to ask questions to avoid unintended consequences from legislation if possible. Will we ever succeed in eliminating all unintended consequences? Obviously, the answer is no. Yet, when the number of questions outnumbers the answers we have, we should take pause. I have several "what ifs" that remain unanswered on the amendment. I have a family member who is a single mom who fostered and then adopted a pair of siblings. Would this bill mean she would have had a tougher time fostering or providing a loving home? Possibly. How would she have reacted if an agency told her that their religious convictions meant they would not serve her? There are additional scenarios where I still have questions without answers. While we do not know if the questions we have on this legislation would have been answered if this bill had been worked in committee, perhaps my questions would have been answered if the testimony that was submitted was posted and available for review. This process was not transparent and there are too many questions left unanswered for me to support this at this time.—DINAH SYKES

Senators Faust-Goudeau, Hawk and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Sykes on **HB 2481**.

Mr. Vice President: No one should be forced to choose between giving a child up for adoption and living by one's deepest religious convictions. The Founding Fathers entwined views of liberty along with religious beliefs that one could not separate from the other. We must not be denied our freedoms. I stand in strong support of our religious freedom.—CARYN TYSON

Senators Billinger, Goddard and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Tyson on **HB 2481**.

Mr. Vice President: I vote "aye" on **HB 2481** because yesterday's debate proved the need for this bill. The prejudice displayed yesterday towards the Catholic faith, was offensive and extremely disappointing. The faith that houses, clothes, feeds, and provides healthcare to people all over the world was referred to as "sick." The faith that teaches love is the greatest commandment and that love is shared with all who are created in God's image, including immigrants, LGBT individuals, and those with disabilities, was mocked for its beliefs. This bill protects Catholic Charities and other

religious affiliated groups to continue doing the most noble work: providing children a loving and safe home in accordance with their religious beliefs. Yesterday was the perfect display of why this bill is so necessary.—SUSAN WAGLE

Senators Billinger, Fitzgerald, Goddard, Hilderbrand, Lynn, Petersen, Pilcher-Cook and Suellentrop request the record to show they concur with the "Explanation of Vote" offered by Senator Wagle on **HB 2481**.

HB 2486, AN ACT regulating traffic; concerning the operation of golf carts; required lighting for night use; amending K.S.A. 2017 Supp. 8-15,108 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Haley, McGinn, Sykes.

The bill passed, as amended.

HB 2539, AN ACT concerning certain statewide elected officials; amending K.S.A. 25-101a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 9; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Hawk, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Pettey, Pilcher-Cook, Pyle, Rogers, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Haley, Hensley, Holland, Petersen, V. Schmidt, Sykes.

Present and Passing: Francisco, Kelly.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on **SB 2539** concerning the qualifications for candidacy to certain statewide offices in Kansas; specifically for Governor. It is clear that Kansas needed some clarity as to whom might seek such office. I support the language that a "qualified elector" (defined as a Kansas resident who is 18 years or older by or before the General election date and with no prohibition, such as not being a US citizen or a having a felony conviction, barring registration) should suffice. By placing a specific age to further qualify a candidate, we denigrate our democracy and many of the very same people we all rely on to be good citizens, build our economy, pay taxes, raise families, serve in the military...and to vote in our elections. We diminish the political discourse by putting an age restriction on those who can run for governor and lieutenant governor. The Kansas House of Representatives sent a good bill over to us in HB 2539 that corrects the aberrance of under aged and/or out-of-state and/or non-humans etc. being eligible to seek statewide office in Kansas. We, the Senate, would have been wiser and more democratic in our deliberation, to have affirmed the same.—DAVID HALEY

Senator Holland requests the record to show he concurs with the "Explanation of Vote" offered by Senator Haley on **HB 2539**.

HB 2577, AN ACT concerning the Kansas emergency planning and community right-to-know act; relating to emergency response and planning; creating the Kansas right-to-know fee fund; amending K.S.A. 65-5704 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

HB 2583, AN ACT concerning agriculture; relating to the control and eradication of noxious weeds in the state of Kansas; amending K.S.A. 2-1314b, 2-1320, 2-1323, 2-1330 and 2-1332 and K.S.A. 2017 Supp. 2-1314, 2-1315, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322 and 2-1331 and repealing the existing sections; also repealing K.S.A. 2-1316a, and K.S.A. 2017 Supp. 2-1334, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Hilderbrand, Olson, Pilcher-Cook, Pyle.

The bill passed, as amended.

HB 2642, AN ACT concerning campaign finance; dealing with corrupt political advertising; amending K.S.A. 2017 Supp. 25-4156 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

S Sub HB 2701, AN ACT concerning broadband; creating the statewide broadband expansion planning task force; relating to the expansion of broadband services, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson,

Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The substitute bill passed, as amended.

COMMITTEE OF THE WHOLE

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

On motion of Senator Masterson the following report was adopted:

Sub HB 2147; HB 2488 be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2477 be amended by the adoption of the committee amendments, be further amended by motion of Senator Hilderbrand; on page 6, following line 40, by inserting:

"Sec. 5. K.S.A. 2017 Supp. 47-1709 is hereby amended to read as follows: 47-1709. (a) The commissioner or the commissioner's authorized, trained representatives shall make an inspection of the premises for which an application for an original license or permit is made under K.S.A. 47-1701 et seq., and amendments thereto, before issuance of such license or permit. No license or permit shall be issued by the commissioner to an applicant described in this subsection until the premises for which application is made has passed a licensing or permitting inspection. The application for a license shall conclusively be deemed to be the consent of the applicant to the right of entry and inspection of the premises sought to be licensed or permitted by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for denial of the license or permit. Notice need not be given to any person prior to inspection.

(b) The commissioner or the commissioner's authorized, trained representatives may inspect each premises for which a license or permit has been issued under K.S.A. 47-1701 et seq., and amendments thereto. The acceptance of a license or permit shall conclusively be deemed to be the consent of the licensee or permittee to the right of entry and inspection of the licensed or permitted premises by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for suspension or revocation of the license or permit. Notice ~~need~~ shall not be given to any person prior to inspection.

(c) The commissioner or the commissioner's authorized, trained representatives shall make inspections of the premises of a person required to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments thereto, upon a determination by the commissioner that there are reasonable grounds to believe that the person is violating the provisions of K.S.A 47-1701 et seq., and amendments thereto, or rules and regulations adopted thereunder or that there are grounds for suspension or revocation of such person's license or permit.

(d) Any complaint filed with the commissioner shall be confidential and shall not be released to any person other than employees of the commissioner as necessary to carry out the duties of their employment.

(e) Any person making inspections under this section shall be trained by the commissioner in reasonable standards of animal care.

(f) The commissioner may request a licensed veterinarian to assist in any inspection or investigation made by the commissioner or the commissioner's authorized representative under this section.

(g) Any person acting as the commissioner's authorized representative for purposes of making inspections and conducting investigations under this section who knowingly falsifies the results or findings of any inspection or investigation or intentionally fails or refuses to make an inspection or conduct an investigation pursuant to this section shall be guilty of a class A nonperson misdemeanor.

(h) No person shall act as the commissioner's authorized representative for the purposes of making inspections and conducting investigations under this section if such person has a beneficial interest in a person required to be licensed or permitted pursuant to K.S.A. 47-1701 et seq., and amendments thereto.

(i) Records of inspections pursuant to this section shall be maintained in the office of the Kansas department of agriculture division of animal health. Records of a deficiency or violation shall not be maintained for longer than three years after the deficiency or violation is remedied.

(j) The commissioner, in consultation with Kansas state university college of veterinary medicine, shall: (1) Continue procedures to provide for pet animal training or updated training for authorized trained representatives who inspect premises under the pet animal act and to allow the owners of such facilities licensed or permitted under the pet animal act to attend and participate at the training workshops for the authorized trained representatives; and (2) make available to such owners and other interested persons an inspection handbook describing the duties and responsibilities of such authorized trained representatives.

(k) If the commissioner or the commissioner's authorized representative is denied access to any location where such access is sought for the purposes authorized under the Kansas pet animal act, the commissioner may apply to any court of competent jurisdiction for an administrative search warrant authorizing access to such location for such purposes. Upon such application and a showing of cause therefore, the court shall issue the search warrant for the purposes requested.";

On page 10, in line 27, before "47-1721" by inserting "47-1709,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, before "47-1721" by inserting "47-1709," and **HB 2477** be passed as further amended.

A motion by Senator Billinger to amend **HB 2477 failed**.

HB 2492 be amended by the adoption of the committee amendments, be further amended by motion of Senator Tyson; on page 16, following line 36, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes and electronic cigarettes as defined by K.S.A. 79-3301, and amendments thereto, including consumable material for such electronic cigarettes, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and

amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district

described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such

certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of K.S.A. 79-3603(o), and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation

and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by K.S.A. 74-5807(c), and amendments thereto, and repair and replacement parts therefor, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) "Mobility enhancing equipment" means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer; and (2) "prosthetic device" means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to

artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;

(s) except as provided in K.S.A. 2017 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq., and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq., or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term "farm machinery and equipment or aquaculture machinery and equipment" shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto. "Farm machinery and equipment" includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. "Precision farming equipment" includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;

(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b, *Second* through *Sixth*. As used in this paragraph, "severing" shall have the meaning ascribed thereto by K.S.A. 79-4216(k), and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418, and amendments thereto;

(aa) all sales of materials and services applied to equipment which is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and which is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) "Mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto; and (2) "sales of used mobile homes or manufactured homes" means sales other than the original retail sale thereof;

(cc) all sales of tangible personal property or services purchased prior to January 1, 2012, except as otherwise provided, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business which meets the requirements established in K.S.A. 74-50,115, and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business which meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or

retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. As used in this subsection, "business" and "retail business" have the meanings respectively ascribed thereto by K.S.A. 74-50,114, and amendments thereto. Project exemption certificates that have been previously issued under this subsection by the department of revenue pursuant to K.S.A. 74-50,115, and amendments thereto, but not including K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012, and have not expired will be effective for the term of the project or two years from the effective date of the certificate, whichever occurs earlier. Project exemption certificates that are submitted to the department of revenue prior to January 1, 2012, and are found to qualify will be issued a project exemption certificate that will be effective for a two-year period or for the term of the project, whichever occurs earlier;

(dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;

(ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas;

(ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, "mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto;

(gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;

(hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, "durable medical equipment" means equipment including repair and replacement parts for such equipment, which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption

shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based facility for people with intellectual disability or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b, and amendments thereto, and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based facility for people with intellectual disability or mental health center located in Riverton, Cherokee County, Kansas, which would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment which are used in this state as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and

(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) "Integrated production operation" means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;

(B) "production line" means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;

(C) "manufacturing or processing plant or facility" means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;

(D) "manufacturing or processing business" means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish, or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations

include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood, or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed, or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;

(E) "repair and replacement parts and accessories" means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) "primary" or "primarily" mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;

(C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) to guide, control or direct the movement of property undergoing manufacturing or processing;

(E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer's integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing

manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;

(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer's production operation; or, if purchased or delivered from off-site, from the point where the substance enters the site of the plant or facility to that manufacturer's production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the production process;

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; (E) a manufacturing or processing business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E); (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other

related activities, plant cleaning, plant communications, and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's disease and related disorders association,

inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating cancer as a

major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a

misdeemeanor and, upon conviction thereof, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(yy) all sales of tangible personal property and services purchased by a parent-teacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;

(zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station which is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;

(aaa) all sales of tangible personal property and services purchased by a religious organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a

misdeemeanor and, upon conviction thereof, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the

month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt is not operational for five years succeeding the allowance of such exemption, the total amount of sales tax which would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access thereto;

(fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and equipment; and all sales of repair and replacement parts for such machinery and equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where storage or distribution operations are conducted that are separate and apart from the business' retail operations, if any, and which do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas academy of science which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education materials;

(hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal

internal revenue code of 1986, and which such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations which distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for the collection and storage of such food products for any such organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west Sedgwick county-sunrise rotary club and sunrise charitable fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such

property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible personal property and services purchased by an organization which would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the general public, and all sales of any such property by or on behalf of any such county law library;

(sss) all sales of tangible personal property and services purchased by catholic charities or youthville, hereinafter referred to as charitable family providers, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of charitable family providers for any such purpose; and all sales of tangible personal property or services purchased by a

contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for charitable family providers for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by charitable family providers. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for charitable family providers. When charitable family providers contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to charitable family providers a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ttt) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum which has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city which has been designated as a qualified hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seq., and amendments thereto, and which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor

an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(uuu) all sales of tangible personal property and services purchased by Kansas children's service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for KCSL. When KCSL contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any

materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by jazz in the woods, inc., a Kansas corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing jazz in the woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac education foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such

organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(yyy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers

shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization's annual fundraising event which purpose is to provide health care services for uninsured workers;

(cccc) all sales of tangible personal property or services purchased by or on behalf of wayside waifs, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing such organization's annual fundraiser, an event whose purpose is to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children and efforts to reduce animal over-population and animal welfare services, and all sales of any such property, including entry or participation fees or charges, by or on behalf of such organization for such purpose;

(dddd) all sales of tangible personal property or services purchased by or on behalf of goodwill industries or Easter seals of Kansas, inc., both of which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education, training and employment opportunities for

people with disabilities and other barriers to employment;

(eeee) all sales of tangible personal property or services purchased by or on behalf of all American beef battalion, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services;

(ffff) all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or intellectual disability, or both, and all sales of any such property by or on behalf of sheltered living, inc., for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling homes and facilities for sheltered living, inc., for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc., contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to sheltered living, inc., a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc., shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(iiii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children's home for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for Wichita children's home. When Wichita children's home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to Wichita children's home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the

purpose for which such certificate was issued, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(jjjj) all sales of tangible personal property or services purchased by or on behalf of the beacon, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need;

(kkkk) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community;

~~and~~

(llll) all sales of tangible personal property and services purchased by Gove county healthcare endowment foundation, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of constructing and equipping an airport in Quinter, Kansas, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing and equipping an airport in Quinter, Kansas, for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing or equipping of facilities for such organization. When such organization shall contract for the purpose of constructing or equipping an airport in Quinter, Kansas, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation no later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be

used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. The provisions of this subsection shall expire and have no effect on and after July 1, 2019; and

(mmmm) all sales of gold and silver coins and palladium, platinum, gold or silver bullion. For the purposes of this subsection, "bullion" means bars, ingots or commemorative medallions of gold, silver, platinum, palladium, or a combination thereof, for which the value of the metal depends on its content and not the form.;

Also on page 16, in line 37, by striking "and" and inserting a comma; also in line 37, before "are" by inserting "and 79-3606";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the second semicolon by inserting "exemptions, sales of certain coins or bullion;"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "12-189" by inserting "and 79-3606"

HB 2492 be further amended by motion of Senator Tyson; on page 16, following line 36, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes and electronic cigarettes as defined by K.S.A. 79-3301, and amendments thereto, including consumable material for such electronic cigarettes, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the

foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a

misdeemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of K.S.A. 79-3603(o), and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of

animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by K.S.A. 74-5807(c), and amendments thereto, and repair and replacement parts therefor, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) "Mobility enhancing equipment" means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer; and (2) "prosthetic device" means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;

(s) except as provided in K.S.A. 2017 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq., and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq., or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term "farm machinery and equipment or aquaculture machinery and equipment" shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments

thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto. "Farm machinery and equipment" includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. "Precision farming equipment" includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;

(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b, *Second* through *Sixth*. As used in this paragraph, "severing" shall have the meaning ascribed thereto by K.S.A. 79-4216(k), and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United

States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418, and amendments thereto;

(aa) all sales of materials and services applied to equipment which is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and which is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) "Mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto; and (2) "sales of used mobile homes or manufactured homes" means sales other than the original retail sale thereof;

(cc) all sales of tangible personal property or services purchased prior to January 1, 2012, except as otherwise provided, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business which meets the requirements established in K.S.A. 74-50,115, and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business which meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. As used in this subsection, "business" and "retail business" have the meanings respectively ascribed thereto by K.S.A. 74-50,114, and amendments thereto. Project exemption certificates that have been previously issued under this subsection by the department of revenue pursuant to K.S.A. 74-50,115, and amendments thereto, but not including K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012, and have not expired will be effective for the term of the

project or two years from the effective date of the certificate, whichever occurs earlier. Project exemption certificates that are submitted to the department of revenue prior to January 1, 2012, and are found to qualify will be issued a project exemption certificate that will be effective for a two-year period or for the term of the project, whichever occurs earlier;

(dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;

(ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas;

(ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, "mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto;

(gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;

(hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, "durable medical equipment" means equipment including repair and replacement parts for such equipment, which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based facility for people with intellectual disability or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b, and amendments thereto, and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based facility for people with intellectual disability or mental health center located in Riverton, Cherokee County, Kansas, which would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment which are used in this state as an

integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and

(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) "Integrated production operation" means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;

(B) "production line" means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;

(C) "manufacturing or processing plant or facility" means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;

(D) "manufacturing or processing business" means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish, or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood, or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed, or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii)

Manufacturing or processing businesses do not include, by way of illustration but not of limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;

(E) "repair and replacement parts and accessories" means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) "primary" or "primarily" mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;

(C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) to guide, control or direct the movement of property undergoing manufacturing or processing;

(E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer's integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;

(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer's production operation; or, if purchased or delivered from off-site, from the point where the substance enters the site of the plant or facility to that manufacturer's production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility,

where such regulation of temperature or humidity is part of and essential to the production process;

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; (E) a manufacturing or processing business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E); (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as

utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a

noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's disease and related disorders association, inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid

includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal

internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(yy) all sales of tangible personal property and services purchased by a parent-teacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;

(zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station which is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;

(aaa) all sales of tangible personal property and services purchased by a religious organization which is exempt from federal income taxation pursuant to section 501(c)

(3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which offers such food at a price below cost in exchange for the performance of community service by the

purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were

purchased sales tax exempt is not operational for five years succeeding the allowance of such exemption, the total amount of sales tax which would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access thereto;

(fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and equipment; and all sales of repair and replacement parts for such machinery and equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where storage or distribution operations are conducted that are separate and apart from the business' retail operations, if any, and which do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas academy of science which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education materials;

(hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations which distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for the collection and storage of such food products for any such organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling

facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and

athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west Sedgwick county-sunrise rotary club and sunrise charitable fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the

director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible personal property and services purchased by an organization which would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the general public, and all sales of any such property by or on behalf of any such county law library;

(sss) all sales of tangible personal property and services purchased by catholic charities or youthville, hereinafter referred to as charitable family providers, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of charitable family providers for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for charitable family providers for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by charitable family providers. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for charitable family providers. When charitable family providers contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to charitable family providers a sworn statement, on a form to be provided by the director of

taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ttt) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum which has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city which has been designated as a qualified hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seq., and amendments thereto, and which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued,

such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(uuu) all sales of tangible personal property and services purchased by Kansas children's service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for KCSL. When KCSL contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by jazz in the woods, inc., a Kansas corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing jazz in the woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac education foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or

compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(yyy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials

purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization's annual fundraising event which purpose is to provide health care services for uninsured workers;

(cccc) all sales of tangible personal property or services purchased by or on behalf of wayside waifs, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing such organization's annual fundraiser, an event whose purpose is to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children and efforts to reduce animal over-population and animal welfare services, and all sales of any such property, including entry or participation fees or charges, by or on behalf of such organization for such purpose;

(dddd) all sales of tangible personal property or services purchased by or on behalf of goodwill industries or Easter seals of Kansas, inc., both of which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education, training and employment opportunities for people with disabilities and other barriers to employment;

(eeee) all sales of tangible personal property or services purchased by or on behalf of all American beef battalion, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services;

(ffff) all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or intellectual disability, or both, and all sales of any such property by or on behalf of sheltered living, inc., for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling

homes and facilities for sheltered living, inc., for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc., contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to sheltered living, inc., a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc., shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases

so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(iii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children's home for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for Wichita children's home. When Wichita children's home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to Wichita children's home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(iiii) all sales of tangible personal property or services purchased by or on behalf of the beacon, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need;

(kkkk) all sales of tangible personal property and services purchased by or on

behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community; ~~and~~

(llll) all sales of tangible personal property and services purchased by Gove county healthcare endowment foundation, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of constructing and equipping an airport in Quinter, Kansas, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing and equipping an airport in Quinter, Kansas, for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing or equipping of facilities for such organization. When such organization shall contract for the purpose of constructing or equipping an airport in Quinter, Kansas, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation no later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. The provisions of this subsection shall expire and have no effect on and after July 1, 2019; and

(mmmm) all sales of tangible personal property and services purchased by midland care connection, inc., Harry Hynes memorial hospice, inc. or hospice of the prairie, inc., which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing healthcare services to persons in the community.";

Also on page 16, in line 37, by striking "and" and inserting a comma; also in line 37, before "are" by inserting "and 79-3606";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking the semicolon and inserting a comma; in line 3, after the second semicolon by inserting "exemptions;"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "12-189" by inserting "and 79-3606", and **HB 2492** be passed as further amended.

SB 415 be amended by the adoption of the committee amendments, be further amended by motion of Senator Berger; on page 3, in line 24, after the period by inserting "The provisions of this section shall expire and have no effect if the state fair is located outside the city limits of the city of Hutchinson, Kansas.", and **SB 415** be passed as further amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 415**; **Sub HB 2147**; **HB 2477**, **HB 2488** and **HB 2492** were advanced to Final Action and roll call.

SB 415, AN ACT concerning the Kansas state fair; relating to state sales tax revenues collected on the Kansas state fairgrounds; deposit of revenues in state fair capital improvements fund; amending K.S.A. 2017 Supp. 2-223 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

Sub HB 2147, AN ACT concerning income taxation; relating to refunds; certain Native American veterans.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The substitute bill passed, as amended.

HB 2477, AN ACT concerning agriculture; relating to the Kansas pet animal act; amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1719, 47-1720, 47-1733, 47-1734 and 47-1736 and K.S.A. 2017 Supp. 47-1701, 47-1709, 47-1721 and 47-1723 and repealing the existing sections.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle.

Nays: Billinger, Olson, Pilcher-Cook, Pyle, Tyson, Wilborn.

The bill passed, as amended.

HB 2488, AN ACT concerning the motor-fuel tax law; relating to definitions, special fuels; amending K.S.A. 2017 Supp. 79-3401 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed, as amended.

HB 2492, AN ACT concerning sales and compensating use tax; relating to countywide retailers' sales tax, rates, Thomas county, Jackson county and Dickinson county; {ballot authority, Russell county;}{exemptions, sales of certain coins or bullion; exemptions;} amending K.S.A. 2017 Supp. {12-187}, 12-189 {and 79-3606} and repealing the existing {sections}.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Hilderbrand, Pilcher-Cook.

The bill passed, as amended.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5028**.

The House concurs in Senate amendments to **HB 2496**.

Announcing passage of **HB 2734; SB 279; SB 179** as amended by **H Sub SB 179, SB 336** as amended by **H Sub SB 336, SB 374** as amended by **H Sub SB 374**.

Announcing passage of **SB 180** as amended, **SB 199** as amended, **SB 261** as amended; **SB 266**, as amended; **SB 281**, as amended; **SB 288**, as amended; **SB 296**, as amended, **SB 310** as amended, **SB 328** as amended.

The House nonconcurrs in Senate amendments to **S Sub S Sub HB 2386**, requests a conference and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2523**, requests a conference and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2549**, requests a conference and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2602**, requests a conference and has appointed Representatives Aurand, Dierks and Winn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 260** and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 307** and has appointed Representatives Barker, Highland and Ruiz as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 391** and has appointed Representatives Proehl, Francis and Lusker as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 410** and has appointed Representatives Vickrey, Dove and Neighbor as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2734 was thereupon introduced and read by title.

HCR 5028, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2018 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Denning, **HCR 5028** was adopted by voice vote.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the chair.

ORIGINAL MOTION

On motion of Senator Denning, the Senate acceded to the request of the House for a conference on **S Sub S Sub HB 2386**.

The Vice President appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Denning, the Senate acceded to the request of the House for a conference on **HB 2523**.

The President appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

On motion of Senator Denning, the Senate acceded to the request of the House for a conference on **HB 2549**.

The President appointed Senators Schmidt, Bollier and Kelly as conferees on the part of the Senate.

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On motion of Senator Denning, the Senate acceded to the request of the House for a conference on **Sub HB 2602**.

The President appointed Senators Baumgardner, Alley and Pettey as conferees on the part of the Senate.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Monday, April 2, 2018.

Journal of the Senate

FIFTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, April 2, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 39 senators present.
Senator Bollier was excused.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, we've just come through a holiday, also known as a Holy Day, a time of celebration. And I pray that no one had a dead weekend.

It's the day after mass – numbers have celebrated Your overcoming the problem of death. It's the day after "Resurrection Day."

It's Monday, and Lord, I pray that on this Monday You give us a shot of new life. Give us a new beginning. Your Word says, in John 6:63, that You are the Spirit that gives Life. It's Your power that regenerates while mere human power is failing, growing weaker and falling short.

Even though we don't like to think about it, we know Lord that the flesh is feeble and that human power, of necessity, must rely on Your power.

So, Lord, on this Monday, I pray that You give us a new beginning. In Isaiah 11:2, the prophet spoke of You as the life-giving Spirit and that You rested upon Your Servant to bring wisdom, understanding and direction.

Lord, I pray that in like manner You come and hover silently at each desk, at each podium, in the middle of debates or arguments. When logic and reason fail us, linger with us long enough to grab our attention.

When we're on the verge of finding needed answers, we'll still need You to finalize things for us. So Lord, hang in there with us. And when all is said and done, we'll know it was You that guided us through.

In the Name of Him, Who conquers death and instills new life, Amen.

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Judiciary: **HB 2734**.

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **HB 2481**, requests a conference and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House announced the appointment of Representatives Barker, Highland and Ruiz as conferees on **HB 2482** to replace Representatives Mason, Corbet and Whipple.

ORIGINAL MOTION

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2481**.

The President appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Wilborn the Senate nonconcurred in the House amendments to **H Sub SB 179** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurred in the House amendments to **SB 180** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurred in the House amendments to **SB 199** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurred in the House amendments to **SB 261** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurred in the House amendments to **SB 266** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurred in the House amendments to **SB 281** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurred in the House amendments to **SB 288** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurred in the House amendments to **SB 296** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurrred in the House amendments to **SB 310** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurrred in the House amendments to **H Sub SB 336** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurrred in the House amendments to **H Sub SB 374** and requested a conference committee be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a conference committee on the part of the Senate.

On motion of Senator Estes the Senate nonconcurrred in the House amendments to **SB 328** and requested a conference committee be appointed.

The President appointed Senators Estes, Olson and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2784**.

Announcing passage of **SB 394**, as amended.

The following bills were stricken from the Calendar by House Rule 1507: **H Sub SB 57, H Sub SB 264**.

The House concurs in Senate amendments to **Sub HB 2147**.

The House concurs in Senate amendments to **HB 2639**.

The House nonconcurrred in Senate amendments to **S Sub HB 2028**, requests a conference and has appointed Representatives Hawkins, Concannon and Murnan as conferees on the part of the House.

The House nonconcurrred in Senate amendments to **HB 2458**, requests a conference and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House nonconcurrred in Senate amendments to **HB 2479**, requests a conference and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House nonconcurrred in Senate amendments to **HB 2488**, requests a conference and has appointed Representatives Johnson, Phillips and Sawyer as conferees on the part of the House.

The House nonconcurrred in Senate amendments to **HB 2492**, requests a conference and has appointed Representatives Johnson, Phillips and Sawyer as conferees on the part of the House.

The House nonconcurrred in Senate amendments to **HB 2539**, requests a conference and has appointed Representatives Esau, Carpenter and Miller as conferees on the part of the House.

The House nonconcurrred in Senate amendments to **HB 2577**, requests a conference and

has appointed Representatives Sloan, Rahjes and Victors as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2583**, requests a conference and has appointed Representatives Hoffman, Thompson and Carlin as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2642**, requests a conference and has appointed Representatives Esau, Carpenter and Miller as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2701**, requests a conference and has appointed Representatives Seiwert, Garber and Kuether as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 179** and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 180** and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 199** and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 261** and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 266** and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 281** and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 288** and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 296** and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 310** and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 328** and has appointed Representatives Jennings, Whitmer and Highberger as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 336** and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 374** and has appointed Representatives Finch, Ralph and Carmichael as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2784 was thereupon introduced and read by title.

CHANGE OF CONFERENCE

The President appointed Senators Estes, Olson, and Faust-Goudeau to replace Senators Lynn, Suellentrop, and Holland as members of the conference committee on **HB 2482**.

The President appointed Senator Hawk to replace Senator Kelly as a member of the conference committee on **H Sub SB 56**.

The President appointed Senator Hawk to replace Senator Kelly as a member of the conference committee on **Sub HB 2556**.

REPORT ON ENROLLED BILLS

SB 194, SB 276, SB 294, SB 311, SB 386, SB 428 reported correctly enrolled, properly signed and presented to the Governor on March 30, 2018.

SB 185 reported correctly enrolled, properly signed and presented to the Governor on April 2, 2018.

On motion of Senator V. Schmidt, the Senate adjourned until 10:00 a.m., Tuesday, April 3, 2018.

Journal of the Senate

FIFTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, April 3, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Gracious Lord, we thank You for, and pray for each of our Senators. In Luke 22:25, You said those who have authority are given names of honor. So, we honor them today for all their labors.

But as the wind, which cannot be seen, pushes a kite to fly where everyone can applaud it, the combination of men and women serving in the background often go unseen. So, Lord, we applaud them today.

They're like the wind that carries the kite. They're like the pillars of support helping a bridge to carry its load.

So, Lord, strengthen them when they grow weary, prop them up when they begin to lean. When they feel unappreciated, let them know that even when it looks like we don't see or reward their efforts that You do and You will.

Then remind those of us that are in front that do the leading, that without them at our backs we wouldn't be leading at all. We'd just be taking a trip.

So Lord, we thank You for and we bless our leaders. While we also thank You for and bless the ones that labor in support.

And finally, thank You for supporting all of us. In Jesus' Name I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 458, AN ACT concerning schools; relating to school safety and security; state fire marshal; emergency preparedness drills; amending K.S.A. 2017 Supp. 31-133 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committees as indicated:

Ways and Means: **HB 2784**.

ORIGINAL MOTION

On motion of Senator V. Schmidt, the Senate acceded to the request of the House for

a conference on **S Sub HB 2028**.

The President appointed Senators V. Schmidt, Bollier and Kelly as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2458**.

The President appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2479**.

The President appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **HB 2488**.

The President appointed Senators Tyson, Kerschen and Holland as conferees on the part of the Senate.

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **HB 2492**.

The President appointed Senators Tyson, Kerschen and Holland as conferees on the part of the Senate.

On motion of Senator Bowers, the Senate acceded to the request of the House for a conference on **HB 2539**.

The President appointed Senators Bowers, Fitzgerald and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Kerschen, the Senate acceded to the request of the House for a conference on **HB 2577**.

The President appointed Senators Kerschen, Estes and Francisco as conferees on the part of the Senate.

On motion of Senator Kerschen, the Senate acceded to the request of the House for a conference on **HB 2583**.

The President appointed Senators Kerschen, Estes and Francisco as conferees on the part of the Senate.

On motion of Senator Bowers, the Senate acceded to the request of the House for a conference on **HB 2642**.

The President appointed Senators Bowers, Fitzgerald and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **S Sub HB 2701**.

The President appointed Senators Olson, Petersen and Hawk as conferees on the part of the Senate.

MESSAGES FROM THE GOVERNOR

SB 194, SB 276, SB 294, SB 386, SB 428 approved on April 2, 2018.

April 2, 2018

To the Senate of the State of Kansas:

APRIL 3, 2018

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Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

JEFF COLYER, M.D.
Governor

Commissioner, Kansas Corporation Commission, Dwight D. Keen, pursuant to the authority vested in me by K.S.A. 74-601, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2022, to succeed Patton Apple.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2445, HB 2753**, as amended.

The House announced the appointment of Representative Dietrich to replace Representative Dierks as a conferee on **Sub HB 2602**.

The House announced the appointment of Representatives Patton and Huebert to replace Representatives Campbell and Aurand as conferees on **HB 2186**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2445, HB 2753 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Petersen moved the Senate concur in House amendments to **SB 324**.

SB 324, AN ACT concerning the vehicle dealers and manufacturers licensing act; relating to improvements to facilities; performance measurements; recall repairs.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 2; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Lynn, Masterson, McGinn, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Longbine, Suellentrop.

Absent or Not Voting: Olson.

The Senate concurred.

Senator Longbine moved the Senate concur in House amendments to **SB 410**.

SB 410, AN ACT concerning insurance; relating to captive insurance companies; providing for association captive insurance companies, branch captive insurance companies and special purpose insurance captives; rules and regulations; amending K.S.A. 40-4301, 40-4302, 40-4303, 40-4304, 40-4306, 40-4307, 40-4308, 40-4309, 40-4310, 40-4311, 40-4313, 40-4314, 40-4317 and 40-4318 and repealing the existing sections; also repealing K.S.A. 40-4305 and 40-4316.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Olson.

The Senate concurred.

CHANGE OF CONFERENCE

The President appointed Senator Pettey to replace Senator Hensley as a member of the conference committee on **HB 2542**.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 111** be amended by adoption of the amendments recommended by Senate Committee on Assessment and Taxation as reported in the Journal of the Senate on April 5, 2017, and the bill, as printed with amendments by Senate Committee, be further amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 111," as follows:

"Substitute for SENATE BILL No. 111

By Committee on Assessment and Taxation

"AN ACT concerning sales taxation; relating to the collection of sales taxes from certain remote sellers; amending K.S.A. 2017 Supp. 79-3602 and repealing the existing section.";

And the substitute bill be passed.

Also, **SB 453** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2017 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, and commencing in tax year 2019, and all tax years thereafter, any amount of member contributions made on a pretax basis pursuant to K.S.A. 74-4925, 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. 2017 Supp. 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. 2017 Supp. 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 K.S.A. 79-32,117(c)(xv), and amendments thereto, 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. 2017 Supp. 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. 2017 Supp. 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. 2017 Supp. 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. 2017 Supp. 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. 2017 Supp. 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. 2017 Supp. 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. 2017 Supp. 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. 2017 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2017 Supp. 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. 2017 Supp. 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. 2017 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(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. § 280 C. 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. § 280 C.

(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. 2017 Supp. 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, 2006, amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to 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 at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2017 Supp. 75-643, and amendments thereto, and the provisions of such section 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, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, 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 for all taxable years beginning after December 31, 2007, 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.

(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 beginning after December 31, 2016, 80% of deferred foreign income. Deferred foreign income shall include income under section 965(a) of

the federal internal revenue code of 1986, after any deductions allowed under section 965(c) of the code. The provisions of this paragraph shall only apply if such income is already included in the taxpayer's federal adjusted gross income.

(xxvi) For all taxable years beginning after December 31, 2017, 80% of global intangible low-taxed income. Global intangible low-taxed income shall include income under section 250(b)(1) of the federal internal revenue code of 1986, after any deductions allowed under section 250(b)(3) of the code.

(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.

(f) No taxpayer shall be assessed penalties and interest from the underpayment of taxes due to changes to this section that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.";

On page 2, in line 1, by striking "year" and inserting "years"; also in line 1, by striking the second "and"; also in line 2, by striking all before "the"; in line 8, by striking "50%" and inserting "100%"; in line 10, by striking "50%" and inserting "100%"; in line 11, by striking "50%" and inserting "100%"; by striking all in lines 14 through 38;

On page 3, following line 3, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 79-32,138 is hereby amended to read as follows: 79-32,138. (a) Kansas taxable income of a corporation taxable under this act shall be the corporation's federal taxable income for the taxable year with the modifications specified in this section.

(b) There shall be added to federal taxable income: (i) The same modifications as are set forth in K.S.A. 79-32,117(b), and amendments thereto, with respect to resident individuals, except subsections (b)(xix), (b)(xx), (b)(xxi), (b)(xxii) and (b)(xxiii);

(ii) the amount of all depreciation deductions claimed for any property upon which the deduction allowed by K.S.A. 2017 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto, is claimed;

(iii) the amount of any charitable contribution deduction claimed for any contribution or gift to or for the use of any racially segregated educational institution;

(iv) for taxable years commencing 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. 2017 Supp. 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. 2017 Supp. 40-2,190, and amendments thereto;

(v) the amount of any charitable contribution deduction claimed for any contribution or gift made to a scholarship granting organization to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2017 Supp. 72-4357, and

amendments thereto; ~~and~~

(vi) the federal net operating loss deduction; ~~and~~

(vii) for all taxable years commencing after December 31, 2016, 20% of deferred foreign income. Deferred foreign income shall include income under section 965(a) of the federal internal revenue code of 1986, after any deductions allowed under section 965(c) of the code. The provisions of this paragraph shall not apply if such income is already included in the taxpayer's federal taxable income.

(c) There shall be subtracted from federal taxable income: (i) The same modifications as are set forth in K.S.A. 79-32,117(c), and amendments thereto, with respect to resident individuals, except subsection (c)(xx);

(ii) the federal income tax liability for any taxable year commencing prior to December 31, 1971, for which a Kansas return was filed after reduction for all credits thereon, except credits for payments on estimates of federal income tax, credits for gasoline and lubricating oil tax, and for foreign tax credits if, on the Kansas income tax return for such prior year, the federal income tax deduction was computed on the basis of the federal income tax paid in such prior year, rather than as accrued. Notwithstanding the foregoing, the deduction for federal income tax liability for any year shall not exceed that portion of the total federal income tax liability for such year which bears the same ratio to the total federal income tax liability for such year as the Kansas taxable income, as computed before any deductions for federal income taxes and after application of subsections (d) and (e) of this section as existing for such year, bears to the federal taxable income for the same year;

(iii) an amount for the amortization deduction allowed pursuant to K.S.A. 2017 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto;

(iv) for all taxable years commencing after December 31, 1987, the amount included in federal taxable income pursuant to the provisions of section 78 of the internal revenue code; and

(v) for all taxable years commencing after December 31, 1987, 80% of dividends from corporations incorporated outside of the United States or the District of Columbia which are included in federal taxable income.

(d) If any corporation derives all of its income from sources within Kansas in any taxable year commencing after December 31, 1979, its Kansas taxable income shall be the sum resulting after application of subsections (a) through (c) hereof. Otherwise, such corporation's Kansas taxable income in any such taxable year, after excluding any refunds of federal income tax and before the deduction of federal income taxes provided by subsection (c)(ii) shall be allocated as provided in K.S.A. 79-3271 to K.S.A. 79-3293, inclusive, and amendments thereto, plus any refund of federal income tax as determined under K.S.A. 79-32,117(b)(iv), and amendments thereto, and minus the deduction for federal income taxes as provided by subsection (c)(ii) shall be such corporation's Kansas taxable income.

(e) A corporation may make an election with respect to its first taxable year commencing after December 31, 1982, whereby no addition modifications as provided for in subsection (b)(ii) and subtraction modifications as provided for in subsection (c) (iii) as those subsections existed prior to their amendment by this act, shall be required to be made for such taxable year.

Sec. 4. K.S.A. 2017 Supp. 79-32,143 is hereby amended to read as follows: 79-

32,143. (a) For net operating losses incurred in taxable years beginning after December 31, 1987, a net operating loss deduction shall be allowed in the same manner that it is allowed under the federal internal revenue code except that such net operating loss may only be carried forward to each of the 10 taxable years following the taxable year of the net operating loss. For net operating farm losses, as defined by subsection (i) of section 172 of the federal internal revenue code, incurred in taxable years beginning after December 31, 1999, a net operating loss deduction shall be allowed in the same manner that it is allowed under the federal internal revenue code except that such net operating loss may be carried forward to each of the 10 taxable years following the taxable year of the net operating loss. The amount of the net operating loss that may be carried back or forward for Kansas income tax purposes shall be that portion of the federal net operating loss allocated to Kansas under this act in the taxable year that the net operating loss is sustained.

(b) The amount of the loss to be carried back or forward will be the federal net operating loss after: (1) All modifications required under this act applicable to the net loss in the year the loss was incurred; and (2) after apportionment as to source in the case of corporations, nonresident individuals for losses incurred in taxable years beginning prior to January 1, 1978, and nonresident estates and trusts in the same manner that income for such corporations, nonresident individuals, estates and trusts is required to be apportioned.

(c) If a net operating loss was incurred in a taxable year beginning prior to January 1, 1988, the amount of the net operating loss that may be carried back and carried forward and the period for which it may be carried back and carried forward shall be determined under the provisions of the Kansas income tax laws which were in effect during the year that such net operating loss was incurred.

(d) If any portion of a net operating loss described in subsections (a) and (b) is not utilized prior to the final year of the carryforward period provided in subsection (a), a refund shall be allowable in such final year in an amount equal to the refund which would have been allowable in the taxable year the loss was incurred by utilizing the three year carryback provided under K.S.A. 79-32,143, as in effect on December 31, 1987, multiplied by a fraction, the numerator of which is the unused portion of such net operating loss in the final year, and the denominator of which is the amount of such net operating loss which could have been carried back to the three years immediately preceding the year in which the loss was incurred. In no event may such fraction exceed 1.

(e) Notwithstanding any other provisions of the Kansas income tax act, the net operating loss as computed under subsections (a), (b) and (c) of this section shall be allowed in full in determining Kansas taxable income or at the option of the taxpayer allowed in full in determining Kansas adjusted gross income.

(f) No refund of income tax which results from a net operating farm loss carry back shall be allowed in an amount exceeding \$1,500 in any year. Any overpayment in excess of \$1,500 may be carried forward to any year or years after the year of the loss and may be claimed as a credit against the tax. The refundable portion of such credit shall not exceed \$1,500 in any year.

(g) For tax year 2013, and all tax years thereafter, a net operating loss allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to ~~subsection (e) of~~ K.S.A. 79-32,110(c), and

amendments thereto, and used only to determine such taxpayer's corporate income tax liability.

(h) Notwithstanding any other provisions of the Kansas income tax act, for tax year 2006, if a net operating loss is incurred from the sale at a loss of a historic hotel located in a community with less than 2,500 citizens improved by funds borrowed on both such hotel and farmland owned by the taxpayer that is located within 20 miles of such hotel, and previously the farmland was sold at a gain and in which case a majority of the proceeds were used to pay off the mortgage on such hotel, the net operating loss may be carried back three years to offset the gain on the sale of such farmland. The taxpayer may file an amended return for the three prior years.

Sec. 5. K.S.A. 2017 Supp. 79-32,143a is hereby amended to read as follows: 79-32,143a. (a) For taxable years beginning after December 31, 2011, a taxpayer may elect to take an expense deduction from Kansas net income before expensing or recapture allocated or apportioned to this state for the cost of the following property placed in service in this state during the taxable year: (1) Tangible property eligible for depreciation under the modified accelerated cost recovery system in section 168 of the internal revenue code, as amended, but not including residential rental property, nonresidential real property, any railroad grading or tunnel bore or any other property with an applicable recovery period in excess of 25 years as defined under section 168(c) or (g) of the internal revenue code, as amended; and (2) computer software as defined in section 197(e)(3)(B) of the internal revenue code, as amended, and as described in section 197(e)(3)(A)(i) of the internal revenue code, as amended, to which section 167 of the internal revenue code, as amended, applies. If such election is made, the amount of expense deduction for such cost shall equal the difference between the depreciable cost of such property for federal income tax purposes and the amount of bonus depreciation being claimed for such property pursuant to section 168(k) of the internal revenue code, as amended, for federal income tax purposes in such tax year, but without regard to any expense deduction being claimed for such property under section 179 of the internal revenue code, as amended, multiplied by the applicable factor, determined by using, the table provided in subsection (f), based on the method of depreciation selected pursuant to section 168(b)(1), (2), or (3) or (g) of the internal revenue code, as amended, and the applicable recovery period for such property as defined under section 168(c) or (g) of the internal revenue code, as amended. This election shall be made by the due date of the original return, including any extensions, and may be made only for the taxable year in which the property is placed in service, and once made, shall be irrevocable. If the section 179 expense deduction election has been made for federal income tax purposes for any asset, the applicable factor to be utilized is in the IRC § 168 (b)(1) column of the table provided in subsection (f) for the applicable recovery period of the respective assets.

(b) If the amount of expense deduction calculated pursuant to subsection (a) exceeds the taxpayer's Kansas net income before expensing or recapture allocated or apportioned to this state, such excess amount shall be treated as a Kansas net operating loss as provided in K.S.A. 79-32,143, and amendments thereto.

(c) If the property for which an expense deduction is taken pursuant to subsection (a) is subsequently sold during the applicable recovery period for such property as defined under section 168(c) of the internal revenue code, as amended, and in a manner that would cause recapture of any previously taken expense or depreciation deductions

for federal income tax purposes, or if the situs of such property is otherwise changed such that the property is relocated outside the state of Kansas during such applicable recovery period, then the expense deduction determined pursuant to subsection (a) shall be subject to recapture and treated as Kansas taxable income allocated to this state. The amount of recapture shall be the Kansas expense deduction determined pursuant to subsection (a) multiplied by a fraction, the numerator of which is the number of years remaining in the applicable recovery period for such property as defined under section 168(c) or (g) of the internal revenue code, as amended, after such property is sold or removed from the state including the year of such disposition, and the denominator of which is the total number of years in such applicable recovery period.

(d) The situs of tangible property for purposes of claiming and recapture of the expense deduction shall be the physical location of such property. If such property is mobile, the situs shall be the physical location of the business operations from where such property is used or based. The situs of computer software shall be apportioned to Kansas based on the fraction, the numerator of which is the number of the taxpayer's users located in Kansas of licenses for such computer software used in the active conduct of the taxpayer's business operations, and the denominator of which is the total number of the taxpayer's users of the licenses for such computer software used in the active conduct of the taxpayer's business operations everywhere.

(e) Any member of a unitary group filing a combined report may elect to take an expense deduction pursuant to subsection (a) for an investment in property made by any member of the combined group, provided that the amount calculated pursuant to subsection (a) may only be deducted from the Kansas net income before expensing or recapture allocated to or apportioned to this state by such member making the election.

(f) The following table shall be used in determining the expense deduction calculated pursuant to subsection (a):

Factors			
IRC§168 Recover Period (year)	IRC§168(b)(1) Depreciation Method	IRC§168(b)(2) Depreciation Method	IRC§168(b)(3) or (g) Depreciation Method
2.5	*	.077	.092
3	.075	.091	.106
3.5	*	.102	.116
4	*	.114	.129
5	.116	.135	.150
6	*	.154	.170
6.5	*	.163	.179
7	.151	.173	.190
7.5	*	.181.	.199
8	*	.191	.208
8.5	*	.199	.217
9	*	.208	.226
9.5	*	.216	.235
10	.198	.224	.244
10.5	*	.232	.252
11	*	.240	.261
11.5	*	.248	.269

12	*	.256	.277
12.5	*	.263	.285
13	*	.271	.293
13.5	*	.278	.300
14	*	.285	.308
15	*	.299	.323
16	*	.313	.337
16.5	*	.319	.344
17	*	.326	.351
18	*	.339	.365
19	*	.351	.378
20	*	.363	.391
22	*	.386	.415
24	*	.408	.438
25	*	.419	.449

*Not Applicable

(g) If a taxpayer elects to expense any investment pursuant to subsection (a), such taxpayer shall not be eligible for any tax credit, accelerated depreciation, or deduction for such investment allowed pursuant to K.S.A. 2017 Supp. 79-32,160a(e), 79-32,182b, 79-32,201, 79-32,204, 79-32,211, 79-32,218, 79-32,221, 79-32,222, 79-32,224, 79-32,227, 79-32,229, 79-32,232, 79-32,234, 79-32,237, 79-32,239, 79-32,246, 79-32,249, 79-32,252, 79-32,255, 79-32,256 and 79-32,258, and amendments thereto.

(h) (1) For tax year 2013, the deduction allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to ~~subsection (e) of~~ K.S.A. 79-32,110(c), and amendments thereto, and used only to determine such taxpayer's corporate income tax liability.

(2) For tax ~~year years~~ 2014, ~~and all tax years thereafter,~~ 2015 and 2016, the deduction allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to ~~subsection (e) of~~ K.S.A. 79-32,110(c), and amendments thereto, or the privilege tax imposed upon any national banking association, state bank, savings bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and used only to determine such taxpayer's corporate income or privilege tax liability.

(i) For property placed in service in tax year 2017, a taxpayer may file an amended return on or before December 31, 2018, in order to claim the expense deduction allowed pursuant to this section for tax year 2017. The provisions of this subsection shall not apply to taxpayers subject to the income tax on corporations imposed pursuant to K.S.A. 79-32,110(c), and amendments thereto, or the privilege tax imposed upon any national banking association, state bank, savings bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto.;

Also on page 3, in line 4, after "Supp." by inserting "79-32,117,"; also in line 4, by striking "is" and inserting ", 79-32,138, 79-32,143 and 79-32,143a are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "deductions,"; in line 2, by striking "of an individual" and inserting ", expensing deduction; modifications, treatment of deferred foreign income and global intangible low-taxed income, retirement contributions of certain employees of the board of regents; certain net operating losses"; also in line 2, after "Supp." by inserting "79-32,117,"; also in line 2, after "79-32,120" by inserting ", 79-32,138, 79-32,143 and 79-32,143a"; in line 3, by striking "section" and inserting "sections"; and the bill be reported without recommendation.

Committee on **Federal and State Affairs** recommends **Substitute for HB 2398** be amended on page 2, in line 42, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **HB 2526**, as amended by House Committee, be amended on page 3, in line 2, by striking "\$5,000,000" and inserting "\$3,000,000";

On page 5, in line 13, by striking "\$5,000,000" and inserting "\$3,000,000"; in line 34, by striking "\$5,000,000" and inserting "\$3,000,000";

On page 6, in line 2, by striking "\$5,000,000" and inserting "\$3,000,000"; in line 23, by striking "\$5,000,000" and inserting "\$3,000,000";

On page 11, by striking all in lines 39 through 43;

On page 12, by striking all in lines 1 through 20;

On page 14, in line 5, by striking ", 77-423"; in line 7, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking all after the third semicolon; in line 5, by striking all before "amending"; in line 6, by striking ", 77-423"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 279 reported correctly enrolled, properly signed and presented to the Governor on April 3, 2018.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, April 4, 2018.

Journal of the Senate

FIFTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 4, 2018, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, it was just after 6 p.m., on this day, April 4, 1968, that Dr. Martin Luther King Jr. was assassinated.

He said he had a dream. He dreamed of a society, that would overcome bigotry. A society where people would be judged based upon the Godliness of their character. Lord, You said in John 10:10, that the enemy of our souls is a dream killer. But Lord, I want to thank You that even though they killed the man, they couldn't kill the plan.

The dream is still alive. I pray Lord that You do us, like You did the Apostle Peter, who belonging to one nation and culture thought it beneath him to reach out to Cornelius, of a different nation and culture. But in chapter 10, in the book of Acts, You gave him a dream which led him to change the way he looked at people.

In view of having that dream, he freely and openly proclaimed his new perspective. In verses 34 and 35, He said, "Now I can see. Now I understand that God's concern is not about our skin, it's about our sin." He said that Your criteria for accepting us is based on our accepting You. That if we love, revere and obey You we'll be welcomed by You.

So, Lord, let the dream of love for one another live and thrive, and let unGodly prejudice die. I pray, in the Name of Jesus. Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege and submitted the following comments:

Martin Luther King, Jr., (January 15, 1929-April 4, 1968) was born Michael Luther King, Jr., but later had his name changed to Martin. Martin Luther attended segregated public schools in Georgia, graduating from high school at the age of fifteen; he received a B.A. degree in 1948 from Morehouse College, a distinguished Negro institution of Atlanta from which both his father and grandfather graduated. After three years of theological study at Crozer Theological Seminary in Pennsylvania where he was elected president of a pre-dominantly white senior class, he was awarded the B.D. in 1951. With a fellowship won at Crozer, he enrolled in graduate studies at Boston University, completing his residence for the doctorate in 1953 and receiving the degree in 1955. In

Boston he met and married Coretta Scott, a young woman of uncommon intellectual and artistic attainments. Two sons and two daughters were born into the family.

In 1954, Martin Luther King accepted the pastorate of the Dexter Avenue Baptist Church in Montgomery, Alabama. Always a strong worker for civil rights, King was, by this time, a member of the executive committee of the National Association for the Advancement of Colored People, the leading organization of its kind in the nation. He was ready, then, early in December 1955, to accept the leadership of the first great Negro nonviolent demonstration of contemporary times in the United States, the bus boycott. The boycott lasted 382 days. On December 21, 1956, after the Supreme Court of the United States had declared unconstitutional the laws requiring segregation on buses, Blacks and whites rode the buses as equals. During these days of boycott, King was arrested, his home was bombed, he was subjected to personal abuse, but at the same time he emerged as a Black leader of the first rank.

In 1957 he was elected president of the Southern Christian Leadership Conference, an organization formed to provide new leadership for the now burgeoning civil rights movement. The ideals for this organization he took from Christianity; its operational techniques from Gandhi. In the eleven-year period between 1957 and 1968, King traveled over six million miles and spoke over twenty-five hundred times, appearing wherever there was injustice, protest, and action; and meanwhile he wrote five books as well as numerous articles. In these years, he led a massive protest in Birmingham, Alabama, that caught the attention of the entire world, providing what he called a coalition of conscience. and inspiring his "Letter from a Birmingham Jail", a manifesto of the Negro revolution; he planned the drives in Alabama for the registration of African Americans as voters; he directed the peaceful march on Washington, D.C., of 250,000 people to whom he delivered his address, "I Have a Dream," he conferred with President John F. Kennedy and campaigned for President Lyndon B. Johnson; he was arrested upwards of twenty times and assaulted at least four times; he was awarded five honorary degrees; was named Man of the Year by Time magazine in 1963; and became not only the symbolic leader of American blacks but also a world figure.

At the age of thirty-five, Martin Luther King, Jr., was the youngest man to have received the Nobel Peace Prize. When notified of his selection, he announced that he would turn over the prize money of \$54,123 to the furtherance of the civil rights movement.

On the evening of April 4, 1968, 50 years ago today, while standing on the balcony of his motel room in Memphis, Tennessee, where he was to lead a protest march in sympathy with striking garbage workers of that city, he was assassinated.

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege and submitted the following comments:

A half century this very evening (or fifty years ago today exactly), a single rifle shot emanated from a depraved and racist would-be assassin. Now the bullet struck and took the mortal life of Martin Luther King, Jr. as he stood with several of his associates on a balcony at the Lorraine Hotel in Memphis, Tennessee. Do you remember where you were this day 50 years ago, Mme. President? Where you were...what you were doing... what did you feel, if anything at all Madame President...when you heard that King had been shot?

My dad was a member of the Kansas Senate that fateful day. A classmate of Dr. King's just twenty years before at Morehouse College in Atlanta, Georgia, Senator George Haley had just co-hosted events with Dr. King, Jr. at Kansas State University and in Kansas City a few months before. (As a classmate of Martin Luther King, III at Morehouse College and as now, of course, a Kansas Senator, I was humbled to attend a 50th revisitation of Dr. King, Jr. and my father's visit to KSU with his son at KSU on January 25th this year). Anyway, as a boy of nine or so, it only frightened me to see the shock and to hear the quavering fear in my mother's voice as she stood at the kitchen phone, on that long-landline telephone cord, pacing, agitated; talking in low, shocked tones, with dad there in our house in Kansas City. What of it...momma...why are you upset...what do it mean...he isn't a relative...or even a friend...why...tell me, please why are you so sad?

My mother couldn't explain the incredible loss that she and countless millions of people were feeling at that moment. Even today, at this hour forty years later, living in an America that has made great strides to move ever closer to the realism of his dream...I still, now as a grown man, can feel the echo...the sting...the immeasurable loss of that day.

So, Thank God, Madame President, Thank God!

The dream didn't completely die with the dreamer. The movement for civil rights and for personal dignity to be heir to every American regardless of social or economic station...regardless of race, or of religion or of class or of gender...the dream has made great strides in fifty years, and a martyr at only 39, Dr. King's legacy has lived a decade longer than he did and it holds significant truths...evident at so many levels. In this fiftieth anniversary year, for example, America in some ways has grown tolerant enough, big enough, mature enough to allow for public accommodation for all and for integrated neighborhoods and even, often, equal access to academic opportunities and to seriously elect to any and every office persons based on the content of their character and their ability and not on their gender or on their age or on their race. But I believe that Dr. King and so MANY other diverse advocates who joined him in those struggles; marches, protests, incarcerations, sit-ins...would look at America today and say that there is SO much left undone. "Equal" rights in America today are YET eluded from equal treatment under the law and violence; often deadly force, is yet the first recourse to peaceful, non-violent, certainly non-lethal existence in our world today. Whether by law enforcement or by sadly their own clan, the taking of black (and brown) lives do NOT matter as an equal consequence to our governments, our media or our justice systems, Madame President. Equal work for equal pay is grossly, almost predictably, prejudicial both in gender and in race and many neighborhoods and communities of color bear the intergenerational sting and stench of social and government neglect; and we yet study the longest ever of foreign wars, both obvious (as in battle casualties) and subtle (such as technological, even democratic elections) conflicts while our burgeoning domestic infrastructural needs grow more apparent...Madame President. I yield to a continued apolitical message; to keep this plea of a more reflective commemoration and to implore of you and for our gentle colleagues, public servant-based stewards of civility and inclusion of this Senate to spread this greeting and call to action in every District. But, what WOULD Martin Luther King, Jr. do today...?

Every year that I've been in this legislature, I have commemorated the greatness of Dr. King and of his message; the message that human rights and equality are the (birth)

right of every human being...a message which he, and so many others have lived, died and continue to work towards...around the world. Ten years this day (April 4, 2008) from this very position, Senator Donald Betts (D-29th-Wichita) and I recognized the fortieth anniversary of Dr. King's assassination. (Senate Journal, Pp.1834-1835, 2008) A Wonderful songwriter wrote: "We pledge allegiance all our lives, to the magic colors, red, blue and white. But we all must be given the liberty that we defend for without justice to all men (and women), history will repeat again...it's time we truly learned (and showed), this world was made for ALL men (and women)."

In closing, Madame President, Dr. King's remembrance from the moment that we heard that the fatal shot had been fired until this very moment should be an inspiration to us all to participate in the equality that comes of justice and the commitment to uplift all humanity through understanding our differences are not as divisive as our similarities.

May God continue to bless the remembrance of true patriots of equity and inclusion who gave their time, often their reputations, their physical and personal well-beings, even indeed, like Dr. King sadly did fifty years ago today, their very LIVES in defense of the creeds to justice and to liberties spoken to in our Constitutions in our beloved America.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2753**.

Education: **SB 458**.

Senate Select Committee on Education Finance: **HB 2445**.

REFERENCE OF APPOINTMENTS

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member, State Corporation Commission:

Dwight Keen, effective upon the date of confirmation by the Senate, to serve a term to expire March 15, 2022.

(Committee on Utilities)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Fitzgerald, Alley, Berger, Bowers, Denning, Estes, Faust-Goudeau, Givens, Goddard, Haley, Hilderbrand, Kerschen, Lynn, Masterson, Petersen, Pettey, Pilcher-Cook, Suellentrop, Tyson, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1785—

A RESOLUTION requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State.

WHEREAS, Former Kansas Congressional Representative Mike Pompeo has been nominated to serve as Secretary of State of the United States by President of the United States Donald J. Trump; and

WHEREAS, Mr. Pompeo honorably served his nation abroad as an officer in the United States Army; and

WHEREAS, Mr. Pompeo was a highly successful Kansas businessman; and

WHEREAS, Mr. Pompeo is a friend to the American farmer; and

WHEREAS, Mr. Pompeo is a national security expert who will ensure America's safety; and

WHEREAS, Mr. Pompeo has honorably served the people of Kansas in various state public offices, and most recently as a congressional representative of the citizens of Kansas; and

WHEREAS, Mr. Pompeo has honorably served as the Director of the Central Intelligence Agency; and

WHEREAS, Mr. Pompeo has dedicated his life to be an honorable and wise public servant of the citizens of Kansas and the citizens of the United States: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Mr. Pompeo for his nomination and thank him for his public service; and

Be it further resolved: That we respectfully request that the United States Senate confirm Mr. Pompeo to the office of Secretary of State of the United States; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to United States Senators Pat Roberts, Jerry Moran and Bob Corker.

On emergency motion of Senator Fitzgerald **SR 1785** was adopted by voice vote.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Petersen moved the Senate concur in House amendments to **SB 394**.

SB 394, AN ACT concerning state and judicial government contracts and other actions; relating to transparency; amending K.S.A. 46-225, 46-237, 46-269 and 46-271 and K.S.A. 2017 Supp. 46-222, 46-237a and 46-265 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2470** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, following line 5, by inserting:

"Section 1. K.S.A. 2017 Supp. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic candy" means any candy or other confectionary product with an alcohol content greater than 0.5% alcohol by volume.

(c) "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

~~(d)~~ (d) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

~~(e)~~ (e) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(f)~~ (f) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

~~(g)~~ (g) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(h)~~ (h) "Director" means the director of alcoholic beverage control of the department of revenue.

~~(i)~~ (i) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

~~(j)~~ (j) "Domestic beer" means beer which contains not more than ~~10%~~ 15% alcohol by weight and which is manufactured in this state.

~~(k)~~ (k) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

~~(l)~~ (l) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

~~(m)~~ (m) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(n)~~ (n) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

~~(o)~~ (o) "Hard cider" means any alcoholic beverage that:

- (1) Contains less than 8.5% alcohol by volume;
- (2) has a carbonation level that does not exceed 6.4 grams per liter; and
- (3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

~~(p)~~ (p) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

~~(q)~~ (q) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm

winery.

~~(q)~~(r) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

~~(r)~~(s) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

~~(s)~~(t) "Minor" means any person under 21 years of age.

~~(t)~~(u) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

~~(u)~~(v) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

~~(v)~~(w) "Person" means any natural person, corporation, partnership, trust or association.

~~(w)~~(x) "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

~~(x)~~(y) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

~~(y)~~(z) (1) "Retailer" means a person who sells at retail, (1) or offers for sale at retail, alcoholic liquors.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

~~(z)~~(aa) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

~~(aa)~~(bb) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

~~(bb)~~(cc) "Secretary" means the secretary of revenue.

~~(cc)~~(dd) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

~~(dd)~~(ee) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

~~(ee)~~(ff) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

~~(ff)~~(gg) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

~~(gg)~~(hh) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

~~(hh)~~(ii) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(ii)~~(jj) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. The term "wine" shall include hard cider and any other product that is commonly known as a subset of wine.

Sec. 2. On and after April 1, 2019 K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic candy" means any candy or other confectionary product with an alcohol content greater than 0.5% alcohol by volume.

~~(c)~~ "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed ~~as a beverage~~ by a human being, but shall not include any cereal malt beverage.

~~(d)~~ "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

~~(e)~~(c) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(f)~~(f) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

~~(g)~~(g) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(h)~~(h) "Director" means the director of alcoholic beverage control of the department of revenue.

~~(i)~~(i) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

~~(j)~~(j) "Domestic beer" means beer which contains not more than ~~10%~~ 15% alcohol by weight and which is manufactured in this state.

~~(k)~~(k) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

~~(k)~~(l) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

~~(h)~~(m) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(m)~~(n) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

~~(n)~~(o) "Hard cider" means any alcoholic beverage that:

- (1) Contains less than 8.5% alcohol by volume;
- (2) has a carbonation level that does not exceed 6.4 grams per liter; and
- (3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

~~(o)~~(p) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

~~(p)~~(q) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

~~(q)~~(r) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

~~(r)~~(s) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

~~(s)~~(t) "Minor" means any person under 21 years of age.

~~(t)~~(u) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

~~(u)~~(v) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

~~(v)~~(w) "Person" means any natural person, corporation, partnership, trust or association.

~~(w)~~(x) "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

~~(x)~~(y) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

~~(y)~~(z) (1) "Retailer" means a person who is licensed under the Kansas liquor control act and sells at retail, or offers for sale at retail, alcoholic liquors or cereal malt beverages.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

~~(z)~~(aa) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

~~(aa)~~(bb) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

~~(bb)~~(cc) "Secretary" means the secretary of revenue.

~~(ee)~~(dd) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

~~(dd)~~(ee) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

~~(ee)~~(ff) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

~~(ff)~~(gg) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

~~(gg)~~(hh) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

~~(hh)~~(ii) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(ii)~~(jj) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. The term "wine" shall include hard cider and any other product that is commonly known as a subset of wine.

Sec. 3. K.S.A. 2017 Supp. 41-308a is hereby amended to read as follows: 41-308a.

(a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, public venues, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 41-2645, and amendments thereto, and caterers;

(3) the sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the

licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (e), if the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) the sale of wine manufactured by the licensee for consumption on the licensed premises, provided, the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments. Wine sold pursuant to this paragraph shall not be subject to the provisions of the club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto, and no drinking establishment license shall be required to make such sales;

(6) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(7) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

(8) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

(9) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2017 Supp. 41-350, and amendments thereto.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (e), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; and

(3) the manufacture of domestic table wine and domestic fortified wine and the storage thereof; provided, that the aggregate quantity of wine produced by the farm winery licensee, including all winery outlets, shall not exceed 100,000 gallons per year.

(c) Not less than 30% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production requirement of this subsection shall be determined based on the annual production of domestic table wine and domestic fortified wine by the farm winery.

(d) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day ~~except Sunday and~~

~~between 12 noon and 6 p.m. on Sunday.~~ If authorized by subsection (a), a farm winery may serve samples of wine manufactured by the licensee and wine imported under subsection (e) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(e) The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(f) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

(i) This section shall be part of and supplemental to the Kansas liquor control act.;

Also on page 1, in line 21, after "(5)" by inserting "the sale, on the licensed premises in refillable and sealable containers to consumers for consumption off the licensed premises, of beer manufactured by the licensee, subject to the following conditions:

(A) Containers described in this paragraph shall contain not less than 32 fluid ounces and not more than 64 fluid ounces of beer; and

(B) the licensee shall affix a label to all containers sold pursuant to this paragraph clearly indicating the licensee's name and the name and type of beer contained in such container;

(6) ";

On page 3, in line 5, by striking "except"; in line 6, by striking all before the fifth period;

And by redesignating subsections, paragraphs, subparagraphs and clauses

accordingly;

Also on page 3, by striking all in lines 41 through 43;

By striking all on page 4;

On page 5, by striking all in lines 1 through 26; and inserting:

"Sec. 5. K.S.A. 2017 Supp. 41-354 is hereby amended to read as follows: 41-354.

(a) A microdistillery license shall allow:

(1) The manufacture of not more than 50,000 gallons of spirits per year and the storage thereof;

(2) the sale to spirit distributors of spirits, manufactured by the licensee;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of spirits manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of spirits manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of spirits and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; and

(6) if the licensee is also licensed as a caterer, the sale of spirits and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microdistillery licensee, the director may issue not to exceed one microdistillery packaging and warehousing facility license to the microdistillery licensee. A microdistillery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microdistillery to the licensed premises of the microdistillery packaging and warehousing facility, of spirits manufactured by the licensee, for the purpose of packaging or storage, or both;

(2) the transfer, from the licensed premises of the microdistillery packaging and warehousing facility to the licensed premises of the microdistillery, of spirits manufactured by the licensee; or

(3) the removal from the licensed premises of the microdistillery packaging and warehousing facility of spirits manufactured by the licensee for the purpose of delivery to a licensed spirits wholesaler.

(c) A microdistillery may sell spirits in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day ~~except Sunday and between 11 a.m. and 7 p.m. on Sunday~~. If authorized by subsection (a), a microdistillery may serve samples of spirits and serve and sell spirits and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(d) The director may issue to the Kansas state fair or any bona fide group of distillers a permit to import into this state small quantities of spirits. Such spirits shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such spirits shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of spirit

to be imported, the quantity to be imported, the tasting programs for which the spirit is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of spirits pursuant to this subsection and the conduct of tasting programs for which such spirits are imported.

(e) A microdistillery license or microdistillery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(f) No microdistillery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(g) Whenever a microdistillery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

(h) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(i) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(j) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 6. K.S.A. 2017 Supp. 41-2614 is hereby amended to read as follows: 41-2614.

(a) Except as provided by subsection (c), no public venue, club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and ~~9:00~~ 6:00 a.m. on any day.

(b) No caterer shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.

(c) A hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment/caterer may allow at any time the serving, mixing and consumption of alcoholic liquor and cereal malt beverage from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.

Sec. 7. K.S.A. 2017 Supp. 41-2640 is hereby amended to read as follows: 41-2640.

(a) No club, drinking establishment, caterer or holder of a temporary permit, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person an individual drink at a price that is less than the acquisition cost of the individual drink to the licensee or permit holder;

(3) sell, offer to sell or serve to any person an unlimited number of individual

drinks during any set period of time for a fixed price, except at private functions not open to the general public or to the general membership of a club;

(4) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of individual drinks as prizes;

(5) sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or

(6) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through (5).

(b) No public venue, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person a drink or original container of alcoholic liquor or cereal malt beverage at a price that is less than the acquisition cost of the drink or original container of alcoholic liquor or cereal malt beverage to the licensee;

(3) sell or serve alcoholic liquor in glass containers to customers in the general admission area;

(4) sell or serve more than two drinks per customer at any one time in the general admission area;

(5) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of drinks as prizes;

(6) sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or

(7) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (b)(1) through (6).

(c) A public venue, club, drinking establishment, caterer or holder of a temporary permit may:

(1) Offer free food or entertainment at any time;

(2) sell or deliver wine by the bottle or carafe;

(3) sell, offer to sell and serve individual drinks at different prices throughout any day;

(4) sell or serve beer or cereal malt beverage in a pitcher capable of containing not more than 64 fluid ounces;

(5) offer samples of alcohol liquor free of charge as authorized by this act; or

(6) sell or serve margarita, sangria, daiquiri, mojito or other mixed alcoholic beverages as approved by the director in a pitcher containing not more than 64 fluid ounces.

(d) A hotel of which the entire premises is licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, distribute to its guests coupons redeemable on the hotel premises for drinks containing alcoholic liquor. The hotel shall remit liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto, on each drink served based on a price which is not less than the acquisition cost of the drink.

(e) (1) A public venue, club or drinking establishment may offer customer self-service of wine from automated devices on licensed premises so long as the licensee monitors and has the ability to control the dispensing of such wine from the automated

devices.

(2) The secretary may adopt rules and regulations as necessary to implement the provisions of this subsection.

(f) A hotel of which the entire premises is not licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, through an agreement with one or more clubs or drinking establishments, distribute to its guests coupons redeemable at such clubs or drinking establishments for drinks containing alcoholic liquor. Each club or drinking establishment redeeming coupons issued by a hotel shall collect from the hotel the agreed price, which shall be not less than the acquisition cost of the drink plus the liquor drink tax for each drink served. The club or drinking establishment shall collect and remit the liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto.

(g) Violation of any provision of this section is a misdemeanor punishable as provided by K.S.A. 41-2633, and amendments thereto.

(h) Violation of any provision of this section shall be grounds for suspension or revocation of the licensee's license as provided by K.S.A. 41-2609, and amendments thereto, and for imposition of a civil fine on the licensee or temporary permit holder as provided by K.S.A. 41-2633a, and amendments thereto.

(i) For purposes of this section, the term "day" means from 6:00 a.m. until 2:00 a.m. the following calendar day.;

Also on page 5, in line 27, by striking "41-104 and" and inserting "41-102, 41-308a,"; also in line 27, before "are" by inserting ", 41-354, 41-2614 and 41-2640"; following line 28, by inserting:

"Sec. 9. On and after April 1, 2019, K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A. 2017 Supp. 41-102, as amended by section 1 of this act, are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the first semicolon; in line 2, by striking all before "amending" and inserting "defining alcoholic candy; confectionary products containing alcohol; expanding hours of sales; authorizing sale of refillable and sealable containers by microbreweries;"; also in line 2, after "amending" by inserting "K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, and"; also in line 2, by striking "41-104 and" and inserting "41-102, 41-308a,"; in line 3, after "41-308b" by inserting ", 41-354, 41-2614 and 41-2640"; also in line 3, after "sections" by inserting "; also repealing K.S.A. 2017 Supp. 41-102, as amended by section 1 of this act";

And your committee on conference recommends the adoption of this report.

BUD ESTES

ROB OLSON

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

JOHN BARKER

RON HIGHLAND

LOUIS RUIZ

Conferees on part of House

Senator Estes moved the Senate adopt the Conference Committee Report on **HB 2470**.

On roll call, the vote was: Yeas 27; Nays 10; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Wagle, Wilborn.

Nays: Baumgardner, Bollier, Hardy, Hilderbrand, Lynn, Masterson, Pilcher-Cook, Sykes, Taylor, Tyson.

Present and Passing: Francisco, Pyle, Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2606** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 2, in line 13, before "are" by inserting "or the motorcycle safety foundation"; in line 14, after the period by inserting "An applicant seeking exemption from the written and driving tests pursuant to this paragraph shall provide a copy of the motorcycle safety foundation completion form to the division prior to receiving a class M license."; in line 16, by striking "administered by the division"; in line 20, by striking "administered by the division"; in line 22, after the period by inserting "The driving examination required by this paragraph shall be administered by the division, by the department of defense or as part of a curriculum recognized by the motorcycle safety foundation.";

On page 6, following line 4, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 8-247 is hereby amended to read as follows: 8-247. (a)

(1) All original licenses issued on and after July 1, 2018, shall expire as follows:

(A) Licenses issued to persons who are at least 21 years of age, but less than 65 years of age shall expire on the sixth anniversary of the date of birth of the licensee which is nearest the date of application;

(B) licenses issued to persons who are 65 years of age or older shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application;

(C) any commercial drivers license shall expire on the ~~fourth~~ fifth anniversary of the date of birth of the licensee which is nearest the date of application;

(D) licenses issued to an offender, as defined in K.S.A. 22-4902, and amendments thereto, who is required to register pursuant to the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall expire every year on the date of birth of the licensee; or

(E) licenses issued to persons who are less than 21 years of age shall expire on the licensee's ~~twenty-first~~ first 21st birthday.

(2) All renewals under: (A) Paragraph (1) (A) shall expire on every sixth anniversary of the date of birth of the licensee; (B) paragraph (1) (B) ~~and (C)~~ shall

expire on every fourth anniversary of the date of birth of the licensee; (C) ~~paragraph (1) (C) shall expire on every fifth anniversary of the date of birth of the licensee;~~ (D) ~~paragraph (1)(D) shall expire every year on the date of birth of the licensee;~~ and ~~(D) (E) paragraph (1) (E),~~ if a renewal license is issued, shall expire on the licensee's ~~twenty-first~~ 21st birthday. No driver's license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire in accordance with the provisions of this subsection.

(b) If the driver's license of any person expires while such person is outside of the state of Kansas and such person is on active duty in the armed forces of the United States, or is the spouse or a person who is residing with and is a dependent of such person on active duty, the license of such person shall be renewable, without examination, at any time prior to the end of the sixth month following the discharge of such person from the armed forces, or within 90 days after residence within the state is reestablished, whichever time is sooner. If the driver's license of any person under this subsection expires while such person is outside the United States, the division shall provide for renewal by mail, as long as the division has a photograph or digital image of such person maintained in the division's records. A driver's license renewed under the provisions of this subsection shall be renewed by mail only once.

(c) At least 30 days prior to the expiration of a person's license the division shall mail a notice of expiration or renewal application to such person at the address shown on the license. The division shall include with such notice a written explanation of substantial changes to traffic regulations enacted by the legislature.

(d) (1) Except as provided in paragraph (2), every driver's license shall be renewable on or before its expiration upon application and payment of the required fee and successful completion of the examinations required by subsection (e). Application for renewal of a valid driver's license shall be made to the division in accordance with rules and regulations adopted by the secretary of revenue. Such application shall contain all the requirements of ~~subsection (b) of K.S.A. 8-240(b),~~ and amendments thereto. Upon satisfying the foregoing requirements of this subsection, and if the division makes the findings required by K.S.A. 8-235b, and amendments thereto, for the issuance of an original license, the license shall be renewed without examination of the applicant's driving ability. If the division finds that any of the statements relating to revocation, suspension or refusal of licenses required under ~~subsection (b) of K.S.A. 8-240(b),~~ and amendments thereto, are in the affirmative, or if it finds that the license held by the applicant is not a valid one, or if the applicant has failed to make application for renewal of such person's license on or before the expiration date thereof, the division may require the applicant to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(2) Any licensee, whose driver's license expires on their ~~twenty-first~~ 21st birthday, shall have 45 days from the date of expiration of such license to make application to renew such licensee's license. Such license shall continue to be valid for such 45 days or until such license is renewed, whichever occurs sooner. A licensee who renews under the provisions of this paragraph shall not be required by the division to take an examination of ability to exercise ordinary and reasonable control in the operation of a

motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(e) (1) Prior to renewal of a driver's license, the applicant shall pass an examination of eyesight. Such examination shall be equivalent to the test required for an original driver's license under K.S.A. 8-235d, and amendments thereto. A driver's license examiner shall administer the examination without charge and shall report the results of the examination on a form provided by the division.

(2) In lieu of the examination of the applicant's eyesight by the examiner, the applicant may submit a report on the examination of eyesight by a physician licensed to practice medicine and surgery or by a licensed optometrist. The report shall be based on an examination of the applicant's eyesight not more than three months prior to the date the report is submitted, and it shall be made on a form furnished by the division to the applicant.

(3) The division shall determine whether the results of the eyesight examination or report is sufficient for renewal of the license and, if the results of the eyesight examination or report is insufficient, the division shall notify the applicant of such fact and return the license fee. In determining the sufficiency of an applicant's eyesight, the division may request an advisory opinion of the medical advisory board, which is hereby authorized to render such opinions.

(4) An applicant who is denied a license under this subsection (e) may reapply for renewal of such person's driver's license, except that if such application is not made within 90 days of the date the division sent notice to the applicant that the license would not be renewed, the applicant shall proceed as if applying for an original driver's license.

(5) When the division has good cause to believe that an applicant for renewal of a driver's license is incompetent or otherwise not qualified to operate a motor vehicle in accord with the public safety and welfare, the division may require such applicant to submit to such additional examinations as are necessary to determine that the applicant is qualified to receive the license applied for. Subject to paragraph (6) of this subsection, in so evaluating such qualifications, the division may request an advisory opinion of the medical advisory board which is hereby authorized to render such opinions in addition to its duties prescribed by ~~subsection (b) of~~ K.S.A. 8-255b**(b)**, and amendments thereto. Any such applicant who is denied the renewal of such a driver's license because of a mental or physical disability shall be afforded a hearing in the manner prescribed by ~~subsection (e) of~~ K.S.A. 8-255**(c)**, and amendments thereto.

(6) Seizure disorders which are controlled shall not be considered a disability. In cases where such seizure disorders are not controlled, the director or the medical advisory board may recommend that such person be issued a driver's license to drive class C or M vehicles and restricted to operating such vehicles as the division determines to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted licenses issued pursuant to this paragraph shall be subject to suspension or revocation. For the purpose of this paragraph, seizure disorders which are controlled means that the licensee has not sustained a seizure involving a loss of consciousness in the waking state within six months preceding the application or renewal of a driver's license and whenever a person licensed to practice medicine and surgery makes a written report to the division stating that the licensee's seizures are controlled. The report shall be based on an examination of the applicant's medical condition not more than three months prior to the date the report is submitted. Such

report shall be made on a form furnished to the applicant by the division. Any physician who makes such report shall not be liable for any damages which may be attributable to the issuance or renewal of a driver's license and subsequent operation of a motor vehicle by the licensee.

(f) If the driver's license of any person expires while such person is outside the state of Kansas, the license of such person shall be extended for a period not to exceed six months and shall be renewable, without a driving examination, at any time prior to the end of the sixth month following the original expiration date of such license or within 10 days after such person returns to the state, whichever time is sooner. This subsection (f) shall not apply to temporary drivers' licenses issued pursuant to ~~subsection (b)(3)~~ of K.S.A. 8-240(b)(3), and amendments thereto.

(g) The division shall reference the website of the agency in a person's notice of expiration or renewal under subsection (c). The division shall provide the following information on the website of the agency:

(1) Information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-243, and amendments thereto, and the revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through 65-3244, and amendments thereto;

(2) information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

(3) information giving the applicant the opportunity to be placed on the organ donation registry described in paragraph (2);

(4) inform the applicant that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in paragraph (2), the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by paragraph (6);

(5) the division may fulfill the requirements of paragraph (4) by one or more of the following methods:

(A) Providing such information on the website of the agency; or

(B) providing printed material to an applicant who personally appears at an examining station; and

(6) if an applicant indicates a willingness under this subsection to have such applicant's name placed on the organ donor registry, the division shall within 10 days forward the applicant's name, gender, date of birth and most recent address to the organ donor registry maintained by the Kansas federally designated organ procurement organization. The division may forward information under this subsection by mail or by electronic means. The division shall not maintain a record of the name or address of an individual who indicates a willingness to have such person's name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and

forwarded under this paragraph shall be confidential and not disclosed.

(h) Notwithstanding any other provisions of law, any offender under subsection (a) (1)(D) who held a valid driver's license on the effective date of this act may continue to operate motor vehicles until the next anniversary of the date of birth of such offender. Upon such date such driver's license shall expire and the offender shall be subject to the provisions of this section.

(i) The director of the division of vehicles shall submit a report to the legislature at the beginning of the regular session in 2012 regarding the impact of not requiring a written test for the renewal of a driver's license, including any cost savings to the division.

Sec. 3. K.S.A. 2017 Supp. 8-2,135 is hereby amended to read as follows: 8-2,135.

(a) The commercial driver's license shall be marked "commercial driver's license" or "CDL," and must be, to the maximum extent practicable, tamper proof. It shall include, but not be limited to, the following information:

- (1) The requirements set out in K.S.A. 8-243, and amendments thereto;
- (2) a number or identifier deemed appropriate by the state licensing authority;
- (3) the class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restriction;
- (4) the name of this state; and
- (5) the dates between which the license is valid.

(b) Commercial drivers' licenses issued pursuant to K.S.A. 8-234b, and amendments thereto, may be issued with the following endorsements or restrictions; and the holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles, except motorcycles and vehicles which require an endorsement, unless the proper endorsement appears on the license;

- (1) "H"—authorizes the driver to drive a vehicle transporting hazardous materials;
- (2) "L"—restricts the driver to vehicles not equipped with airbrakes;
- (3) "T"—authorizes driving double and triple trailers;
- (4) "P"—authorizes driving vehicles carrying passengers;
- (5) "N"—authorizes driving tank vehicles;
- (6) "X"—represents a combination of hazardous materials and tank vehicle endorsements;
- (7) "S"—authorizes driving school buses;
- (8) "E"—no manual transmission in CMV;
- (9) "O"—no tractor-trailer;
- (10) "M"—no class A passenger vehicle;
- (11) "N"—no class A or B passenger vehicle;
- (12) "Z"—no full air brake in CMV;
- (13) "K"—for intrastate only; or
- (14) "V"—for medical variance.

(c) Before issuing a commercial driver's license, the division must obtain driving record information through the commercial driver license information system, the national driver register and from each state in which the person has been licensed.

(d) Within 10 days after issuing a commercial driver's license, the division shall notify the commercial driver license information system of that fact, providing all information required to ensure identification of the person.

(e) All original licenses issued on and after ~~April 1, 1992~~ July 1, 2018, shall expire on the ~~fourth~~ fifth anniversary of the date of birth of the licensee which is nearest the date of application. All renewals thereof shall expire on every ~~fourth~~ fifth anniversary of the date of birth of the licensee. No driver's license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire at midnight on every ~~fourth~~ fifth anniversary of the date of birth of the applicant. At least 30 days prior to the expiration of a person's license, the division shall mail a notice of expiration or renewal application to such person at the address shown on the license.

(f) When applying for renewal of a commercial driver's license, the applicant must complete the test required in K.S.A. 8-247(e), and amendments thereto, and the application form required by K.S.A. 8-2,134(b), and amendments thereto, providing updated information and required certifications and if the applicant wishes to retain a hazardous materials endorsement, the applicant must take and pass the test for such endorsement.";

Also on page 6, in line 5, by striking "is" and inserting ", 8-247 and 8-2,135 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the third semicolon by inserting "approved safety training curriculum for motorcycle licenses; renewal period for commercial driver's licenses;"; in line 3, after "8-240" by inserting ", 8-247 and 8-2,135"; also in line 3, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

MIKE PETERSEN

DAN GODDARD

PAT PETTEY

Conferees on part of Senate

RICHARD PROEHL

SHANNON FRANCIS

ADAM J. LUSKER, SR.

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2606**.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: McGinn, V. Schmidt.

The Conference Committee Report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 427** be amended on page 15, in line 11, by striking all after "(a)"; in line 12, by striking "(1)"; in line 19, by striking "(2)" and inserting "(b)"; in line 34, by striking "(3)" and inserting "(c)"; in line 42, by striking "(4)" and inserting "(d)";

On page 16, by striking all in lines 10 through 20; and the bill be passed as amended.

The **Select Committee on Education Finance** recommends **SB 423** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 423," as follows:

"Substitute for SENATE BILL No. 423

By Select Committee on Education Finance

"AN ACT concerning education; relating to the instruction and financing thereof; Kansas school equity and enhancement act; BASE aid amount; enrollment weighting; preschool-aged at-risk students; consolidated school district total foundation aid; local option budget alternative calculation; funding reports; performance audits; bond authority; making and concerning appropriations for the fiscal years ending June 30, 2019, June 30, 2020, and June 30, 2021, for the department of education; making and concerning appropriations for the fiscal year ending June 30, 2019, for the state board of regents; amending K.S.A. 2017 Supp. 72-5132, 72-5141, 72-5144, 72-5149, 72-5155, 72-5171, 72-5173 and 72-5461 and repealing the existing sections.";

And the substitute bill be passed.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Thursday, April 5, 2018.

Journal of the Senate

FIFTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 5, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, I thank You for daily inspiration. I thank You for giving us direction. You've given us these positions...extremely responsible positions. Along with the power of the position, give us the inner power to achieve.

Earlier today, Lord, You inspired a 19-year-old young man to text me with the question, "Do you have to read the Bible every morning to have spiritual power?" Lord, I decided to let You answer that for him. And You've led me to also let You answer that for those of us in these chambers.

As Joshua was given the charge...the responsibility of leading Your people, You told him in chapter 1, verse 8, that the key to being successful and prospering in all his endeavors was directly connected to gaining wisdom from Your Word every day and every night.

You reaffirmed that in the very first Psalm, letting us know that consistent diligent time in Your Word empowers us to consistently and successfully be wise leaders.

So, Lord, give us a hunger and a thirst for the wisdom that comes from You. Like a thirsty plant that thrives when it's watered, water us with the wisdom that pours from Your Word. In Jesus' Name, I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 459, AN ACT concerning taxation; establishing the property and sales tax review study commission; providing for membership and duties, by Committee on Assessment and Taxation.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1786—

A RESOLUTION congratulating and commending Harold N. Godwin
for his lifetime commitment to excellence in pharmacy,
for his career of leadership in pharmacy in Kansas, and for his
recent recognition as the winner of the
2018 Remington Honor Medal in pharmacy.

WHEREAS, Harold N. Godwin, BSPHarm, MS, RPh, FASHP, FAPhA, of Overland Park, Kansas, was selected as the recipient of the 2018 Remington Honor Medal, the highest honor bestowed by the American Pharmacy Association (APhA) for his nearly half-century-long pharmacy career; and

WHEREAS, Godwin has led and advocated for the pharmacy profession on the national, state and local levels. He serves as professor emeritus at the University of Kansas School of Pharmacy and recently retired from his previous role as professor of pharmacy practice and associate dean for clinical and medical center affairs at the University of Kansas Health Systems. He also served as director of pharmacy at the University of Kansas Hospital from 1969 to 2004; and

WHEREAS, Godwin has presented more than 800 times, nationally and internationally, on aspects of health system pharmacy practice to pharmacists and other health care professionals, and many of his publications, abstracts and posters were developed based on his work in the health system pharmacy practice arena; and

WHEREAS, The Remington Honor Medal, named for eminent community pharmacist, manufacturer and educator Joseph P. Remington, was established in 1918 to recognize distinguished service on behalf of American pharmacy during the preceding years culminating in the past year or during a long period of outstanding activity or fruitful achievement. Godwin will be officially recognized during the APhA Annual Meeting and Exposition in Nashville, Tennessee, from March 16 to 19, 2019, as part of the awards and honors program that is the most comprehensive recognition program in the profession of pharmacy; and

WHEREAS, One nominator referred to Godwin as a "Diplomat for Pharmacy," and noted that his passion for pharmacy has led him through nearly every aspect of pharmacy and he "commonly connects people in different arenas, because he can see the possibility of synergy, is encouraging them to grow, or because he thinks they might just become great friends"; and

WHEREAS, Godwin's leadership, through his volunteer roles and residency training programs, has developed many pharmacy leaders. For his efforts, the Harold N. Godwin Leadership Legacy Award was established in 2004 by alumni and friends of the residency training programs he started to recognize outstanding leadership and contributions to the profession of pharmacy; and

WHEREAS, Godwin has served as a leader and a member of numerous medical boards for national, state and local organizations including two terms on the Board of Directors for the Board of Pharmacy Specialties, where he served as chair in 2017. Godwin has also served as a board member on the Kansas Pharmacists Association, Kansas Pharmacy Foundation, Society of Hospital Pharmacists of Greater Kansas City, Central Ohio Society of Hospital Pharmacists and Ohio Society of Hospital Pharmacists; and

WHEREAS, Godwin has also been recognized as a Fellow of APhA in 2010 and the American Pharmacists Association Academy of Pharmacy Practice and Management Distinguished Achievement Award winner in Hospital and Institutional Practice. In 1991 he also received the highest honor from the American Society of Health-System Pharmacists, the Harvey A.K. Whitney Award, and was named the Pharmacist of the Year in 1982 and 2010 by the Kansas Pharmacists Association. Godwin received his pharmacy degree from the University of Kansas and his Master of Science in Hospital Pharmacy degree from the Ohio State University; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Harold N. Godwin for his lifetime commitment to excellence in pharmacy, for his career of leadership in pharmacy in Kansas, and for his recent recognition as the winner of the 2018 Remington Honor Medal in pharmacy; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Schmidt and one enrolled copy to Harold N. Godwin.

On emergency motion of Senator V. Schmidt **SR 1786** was adopted by voice vote.

Senator Hilderbrand introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1787—

A RESOLUTION congratulating and commending
the Pittsburg State University men's indoor track and field team
on their 2018 NCAA Division II national championship.

WHEREAS, The Pittsburg State University captured the 2018 NCAA Division II men's indoor track and field championship on March 10, 2018, at the Robert W. Plaster Center in Pittsburg, Kansas, the program's first ever Division II national title; and

WHEREAS, The team also captured the 2018 MIAA men's indoor track and field championship on February 25, 2018; and

WHEREAS, Twelve Pittsburg State Gorillas earned all-MIAA honors and seven earned NCAA Division II All-American recognition, including a national champion in senior Bo Farrow, for shot put, and three national runners-up in senior Justice Burks, for 60m hurdles, senior Ian Duncan, for high jump and senior Tanner McNutt, for the heptathlon; and

WHEREAS, Assistant coach Kyle Rutledge was selected as the NCAA Division II Assistant Coach of the Year; and

WHEREAS, Head coach Russ Jewett was selected as the MIAA, Central Region and NCAA Division II Coach of the Year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Pittsburg State University men's indoor track and field team for their 2018 NCAA Division II national championship and also recognize head coach Russ Jewett, assistant coach Kyle Rutledge, athletic director Jim Johnson, Pittsburg State president Steve Scott and every athlete and member of the team for a successful 2018 season; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Hilderbrand.

On emergency motion of Senator Hilderbrand **SR 1787** was adopted by voice vote.

Senators Pettey, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson,

McGinn, Petersen, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1788—

A RESOLUTION recognizing the month of April
as Child Abuse Prevention Month.

WHEREAS, Children are key to the state's future success, prosperity and quality of life and, while children are our most valuable resource, they are also our most vulnerable; and

WHEREAS, Children have a right to be safe and to be provided an opportunity to thrive, learn and grow; and

WHEREAS, Child abuse and neglect can be prevented by supporting and strengthening Kansas' families, which can help provide children the opportunity to develop healthy, trusting family bonds, and, consequently, prevent the far-reaching effects of maltreatment and build the foundations of communities; and

WHEREAS, Since it is our duty as a community to extend a helping hand to children and families in need, we must come together as partners to make the voices of our children heard by all; and

WHEREAS, By providing safe, stable and nurturing relationships for our children, free of violence, abuse and neglect, we can ensure that Kansas' children will grow to their full potential as the next generation of leaders, and thus help to secure the future of this state and nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the month of April as Child Abuse Prevention Month; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Pettey.

On emergency motion of Senator Pettey **SR 1788** was adopted by voice vote.

Introduced was Dona Booe, CEO of the Kansas Childrens' Service League.

Senators honored Dona with a standing ovation.

MESSAGES FROM THE GOVERNOR

SB 311 approved on April 4, 2018.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2606**.

The House adopts the Conference Committee report on **Sub SB 272**.

The House not adopts the Conference Committee report on **SB 375**, requests a conference and appoints Representatives Proehl, Francis and Lusker as second conferees on the part of the House.

The House not adopts the Conference Committee report on **HB 2470**, requests a conference and appoints Representatives Barker, Highland and Ruiz as second

conferees on the part of the House.

The House concurs in Senate amendments to **HB 2145**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2454**, and requests return of the bill.

ORIGINAL MOTION

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **SB 375**.

The President appointed Senators Petersen, Goddard and Pettey as second conferees on the part of the Senate.

On motion of Senator Estes, the Senate acceded to the request of the House for a conference on **HB 2470**.

The President appointed Senators Estes, Olson and Faust-Goudeau as second conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2438** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Denning, the Senate resolved itself into Committee of the Whole, for consideration of a bill on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

The committee report on **SB 423** recommending **Sub SB 423** be adopted.

Sub SB 423 be amended by motion of Senator Baumgardner; on page 3, in line 4, by striking "Non-tiered course credit hour grant" and inserting "Concurrent enrollment pilot program"; in line 5, by striking "non-"; in line 6, by striking all before "account" and inserting "concurrent enrollment pilot program"

Sub SB 423 be further amended by motion of Senator Francisco; on page 9, in line 7, by striking "and" and inserting "or",

And **Sub SB 423** be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **Sub SB 423** was advanced to Final Action and roll call.

Sub SB 423, AN ACT concerning education; relating to the instruction and financing thereof; Kansas school equity and enhancement act; BASE aid amount; enrollment weighting; preschool-aged at-risk students; consolidated school district total foundation aid; local option budget alternative calculation; funding reports; performance audits; bond authority; making and concerning appropriations for the fiscal years ending June 30, 2019, June 30, 2020, and June 30, 2021, for the department of education; making and concerning appropriations for the fiscal year ending June 30, 2019, for the state board of regents; amending K.S.A. 2017 Supp. 72-5132, 72-5141, 72-5144, 72-5149, 72-5155, 72-5171, 72-5173 and 72-5461 and repealing the existing sections.

Upon the showing of five hands a Call of the Senate was requested.

On roll call, the vote was: Yeas 21; Nays 18; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bollier, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Suellentrop, Wagle, Wilborn.

Nays: Berger, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson.

Absent or Not Voting: Olson.

The Call of the Senate was lifted.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote “YES” on **SB 423**. For over 30 years Senate District 7 has asked to change the school funding formula. Last year we had the opportunity to make changes, but the political will was not there. When the Supreme Court found **SB 19** to be unconstitutional, they asked for the legislature to both perform a new study and to understand that a resolution would not be reached with just adding in money. The Senate Education Committee along with the Senate Education Funding Special Committee, both of which I am a member of, has worked diligently to bring forward policy that targets money to address those students who are underperforming. Using Dr. Lori Taylor’s graduated funding plan over five years with graduation rates of 91% and significantly raising ELA and Math assessment performance numbers, a total additional \$280 million was added above the approximately \$95 million increase this past year. Now we will enter Conference Committee with an expectation of increasing the amount of funding to close the gap with the House position on Education funding. While no bill is perfect, and not everything that I wanted is in the bill, it is a good start.—BARBARA BOLLIER

Madam President: I vote “NO” on **Substitute for Senate Bill 423**. I understand that investing in early education is one of the best things we can do to give students a good start in school and in life. The earlier we provide such opportunities, the better for those students. This bill does expand opportunities for at-risk three-year-old children to participate in early education, but only if they do not take the place of a four-year-old student and only if they would be filling an available opening. The legislature should be providing suitable opportunities for all the three and four-year-old children who qualify. The limitations on the participation of three-year-olds should not be necessary and only serves to demonstrate that the funding in this bill is woefully inadequate to provide a suitable education for Kansas students.—MARCI FRANCISCO

Madam President: As we move the process forward to deal with addressing the courts, I would like to submit the summary table below to reflect the amount of money that is spent in the budget and not counted by the courts. These dollars are spent on wraparound programs that help to address the needs of the at-risk students that the court has ordered the legislature to focus additional resources on. Every one of these programs are integrated with our schools to help improve student outcomes.—CAROLYN MCGINN

ATTACHMENT A

**State of Kansas Education-Related Expenditures
(Excluding K-12 School Finance)**

	FY 2018 Governor's Recommendation		FY 2019 Governor's Recommendation	
	State General Fund	All Funds	State General Fund	All Funds
General Government				
Attorney General				
DARE Program	-	25,000	-	25,000
Total--General Government	\$ -	\$ 25,000	\$ -	\$ 25,000
Human Services				
Department for Children & Families				
Child Care Assistance	10,429,859	39,428,376	10,429,859	36,491,520
Child Care Quality	-	5,083,046	-	5,083,046
Independent Living & Life Skills Svcs.	393,977	1,969,886	393,977	1,969,886
KS Early Head Start	-	9,238,642	-	9,238,642
Vocational Rehabilitation Case Svcs.	1,043,908	4,900,967	1,217,749	5,717,131
Smartmoves	-	219,435	-	219,435
EPIC Skillz	-	188,583	-	188,583
Urban Scholastic Center	-	109,253	-	109,253
Project Impact	-	-	-	189,317
Kansas Reading Roadmap	-	9,790,950	-	9,790,950
Kidzlit	-	877,725	-	877,725
Jobs for America's Graduates	-	4,400,000	-	5,750,000
Communities in Schools	-	1,453,467	-	1,489,520
<i>Subtotal--Children & Families</i>	<i>\$ 11,867,742</i>	<i>\$ 77,660,330</i>	<i>\$ 12,041,585</i>	<i>\$ 77,115,008</i>
Parsons St. Hospital & Training Ctr.				
Special Purpose School	350,000	350,000	350,000	350,000
Health & Environment--Health				
School Health	375,376	691,907	353,061	691,907
Infant & Toddler Services	-	10,153,186	-	10,151,104
Newborn Hearing Aid Loaner Prog.	-	41,346	-	40,802
Newborn Screening Metabolic/Hearing	16,700	766,200	16,700	773,868
<i>Subtotal--KDHE--Health</i>	<i>\$ 392,076</i>	<i>\$ 11,652,639</i>	<i>\$ 369,761</i>	<i>\$ 11,657,481</i>
Total--Human Services	\$ 12,609,818	\$ 89,662,969	\$ 12,761,346	\$ 89,122,489
Education				
Department of Education				
Parent Education Program	-	7,237,635	-	8,237,635
Pre-K Program	-	4,132,317	-	4,132,317
Kansas Reading Success	2,100,000	2,100,000	2,100,000	2,100,000
Communities in Schools	-	50,000	-	50,000
Children's Cabinet Programs	-	15,807,840	-	18,018,476
<i>Subtotal--Department of Education</i>	<i>\$ 2,100,000</i>	<i>\$ 29,127,792</i>	<i>\$ 2,100,000</i>	<i>\$ 32,538,428</i>
School for the Blind				
Education of Blind Children	5,368,299	7,043,445	5,435,726	6,767,521
School for the Deaf				
Education of Deaf Children	8,831,258	11,044,447	8,899,869	10,796,266
Kansas Board of Regents				
Excel in Career Tech. Ed. (SB 155)	28,050,000	28,050,000	28,050,000	28,050,000
Emporia State University				

ATTACHMENT A

Ctr. for Early Childhood Ed.	12,023	480,489	12,023	480,489
Reading Related Services	26,450	26,450	26,450	26,450
Enhancing Your Future	12,690	16,790	12,690	16,790
Sonia Kovalevsky Math Day	-	1,500	-	1,500
MASTER-IT	16,721	20,721	16,721	20,721
Family Literacy Program	360	30,458	372	30,470
Yes, I Can Do Science & Mathematics	-	5,750	-	5,750
Subtotal--Emporia State University	\$ 68,244	\$ 582,158	\$ 68,256	\$ 582,170
Fort Hays State University				
Herdon Clinic	586,319	777,523	586,319	777,523
Tigers Tots Nursery Center	-	103,452	-	103,452
Subtotal-- <i>Fort Hays State University</i>	\$ 586,319	\$ 880,975	\$ 586,319	\$ 880,975
Kansas State University				
Hoeflin Stone House	65,000	395,869	65,000	475,000
Early Childhood Laboratory	65,000	110,160	65,000	125,000
KSDE Food Program	-	7,000	-	7,000
Speech & Hearing Center	168,474	343,579	168,474	345,000
Subtotal-- <i>Kansas State University</i>	\$ 298,474	\$ 856,608	\$ 298,474	\$ 952,000
Kansas State University--ESARP				
4-H Program	417,167	1,098,416	417,167	1,098,416
Youth Leadership Program	94,620	255,109	94,620	255,109
Amy Youth & Teen Center	20,914	115,295	20,914	115,295
Community Youth Dev. & Training	26,998	114,745	26,998	114,745
Learning & Social Readiness	12,450	43,423	12,450	43,423
Improve Parenting Skills	707,299	1,371,809	707,299	1,371,809
Subtotal-- <i>KSU--ESARP</i>	\$ 1,279,448	\$ 2,998,597	\$ 1,279,448	\$ 2,998,597
Pittsburg State University				
Pre-school Lab	17,587	34,694	17,587	34,694
Yes Program	17,636	35,350	17,636	35,350
America Reads Challenge	834	35,350	834	35,350
Science Day	-	984	-	984
Career Exploration	-	2,727	-	2,727
Subtotal-- <i>Pittsburg State University</i>	\$ 36,057	\$ 109,105	\$ 36,057	\$ 109,105
University of Kansas				
Hilltop Child Dev. Center	-	2,509,000	-	2,552,000
E.A. Hill Child Dev. Center	-	495,000	-	503,000
School Performance Series	-	52,000	-	60,500
Architecture Design Camp	-	27,000	-	27,000
Media Workshop	-	55,000	-	57,000
Institute for Young Musicians	-	74,617	-	74,617
Museum of Art Programming	48,000	146,825	45,100	113,850
Subtotal-- <i>University of Kansas</i>	\$ 48,000	\$ 3,359,442	\$ 45,100	\$ 3,387,967
Wichita State University				
Speech Language-Hearing Clinic	94,300	503,300	94,300	503,300
Nursing Health Screenings	9,300	9,300	9,300	9,300
Nursing Students Services	17,250	17,250	17,250	17,250
PA Health Sciences Program	-	9,500	-	9,500
Upward Bound	-	391,255	-	391,255
Regional Math/Science Program	-	320,124	-	320,124

ATTACHMENT A

Upward Bound--Communications	-	245,723	-	245,723
TRIO Talent Search--Proj. Disc.	-	559,200	-	559,200
GEAR UP	-	3,500,000	-	3,500,000
Teacher Education Majors	-	23,758	-	23,758
Child Development Center	-	690,041	-	690,041
America Reads Challenge	-	85,850	-	85,850
Communities in Schools	-	16,681	-	16,681
Subtotal--Wichita State University	\$ 120,850	\$ 6,371,982	\$ 120,850	\$ 6,371,982
Historical Society				
Educational Programming	16,584	26,200	16,584	26,200
State Library				
Summer Reading Program	-	40,500	-	40,500
KS Reads to Preschoolers	-	3,800	-	3,800
Children's Ebook Collections	-	47,000	-	50,000
Learning Foreign Language	-	-	-	-
Subtotal--State Library	\$ -	\$ 91,300	\$ -	\$ 94,300
Total--Education	\$ 46,803,533	\$ 90,542,051	\$ 46,936,683	\$ 93,557,511
Public Safety				
Department of Corrections				
Lawrence Gardner High School	2,451,425	2,528,374	2,407,805	2,528,374
Adjutant General				
Starbase	-	1,586,000	-	1,650,000
Total--Public Safety	\$ 2,451,425	\$ 4,114,374	\$ 2,407,805	\$ 4,178,374
Transportation				
Kansas Department of Transportation				
Safe Routes to Schools	-	855,496	-	855,496
Total--Transportation	\$ -	\$ 1,795,496	\$ -	\$ 1,795,496
TOTAL--Excluding K-12 School Finance	\$ 61,864,776	\$ 186,139,890	\$ 62,105,834	\$ 188,678,870
TOTAL--K-12 School Finance	\$ 3,300,196,713	\$ 4,762,177,654	\$ 3,374,300,225	\$ 4,891,622,272
GRAND TOTAL	\$ 3,362,061,489	\$ 4,948,317,544	\$ 3,436,406,059	\$ 5,080,301,142

PROTEST*PROTEST OF SENATOR HENSLEY AGAINST SUB SB 423**APRIL 5, 2018*

Madam President: I hereby exercise my right under Article 2, Section 10, of the Kansas Constitution to protest **Substitute for Senate Bill 423 (“Sub SB 423”)**.

Article 6, Section 6, subsection (b) of the Kansas Constitution requires the Legislature to “make suitable provision for the finance of the educational interest of the state.” The Kansas Supreme Court reaffirmed in *Gannon I* that Article 6 requires the Legislature’s suitable provision for K-12 finance to be both equitable and adequate. This means any school finance plan passed by the Legislature must be “reasonably calculated to have all Kansas public education students meet or exceed the [Rose standards]” and ensure that school districts “have reasonably equal access to substantially similar educational opportunity through similar tax effort.”

The Legislative Coordinating Council (“LCC”) commissioned a cost-function study by Dr. Lori Taylor to be completed and delivered by March 15, 2018. Dr. Taylor states in her findings that “a one percentage point increase in academic performance is associated with a 5-percent increase in cost.” See *Taylor Cost Function Approach*, pg. 61. Additionally, Dr. Taylor found that “a one percentage point increase in the graduation rate is associated with a 1.2-percent increase in cost at lower grades and a 1.9-percent increase in cost at the high school level. *Id.*

Her finding mirrors the finding of the 2006 Legislative Post Audit (“LPA”) that found “a strong association between the amounts districts spend and the outcomes they achieve. In the cost function results, a 1.0% increase in district performance outcomes was associated with a 0.83% increase in spending – almost a one-to-one relationship. This means that, all other things being equal, districts that spend more had better student performance. The results were statistically significant beyond the 0.01 level, which means we can be more than 99% confident there is a relationship between spending and outcomes.” See *2006 LPA Study*, pg. 40.

Money matters in a statistically significant way. This, of course, means that the lack of money has also made a difference. The link between educational spending and performance has been extensively researched by Professor Emily Rauscher of Kansas University. Her research confirms that the prior cuts to schools have negatively affected student performance. Professor Rauscher’s research ultimately determined that more funding is associated with both higher achievement – as measured by various assessments – and higher graduation rates. This research provides a strong indication that providing a suitable education is vital to the success of all Kansas students and key to reducing the disparate impact among students of color and impoverished students. Attached to this protest is a PowerPoint presentation prepared by Professor Rauscher regarding her research.

Sub for SB 423 fails to satisfy both the adequacy and equity requirements of the Kansas Constitution in several significant ways.

1. **Adequate funding.** Sub for SB 423 is woefully inadequate when it comes to additional funding for K-12 education. First, and foremost, while there is being an argument made that the state foundation aid is adequate, it is inflated due to the taking of \$68 million from high and low enrollment and shifting it into foundation state aid. This is not new money for schools. It simply takes from small rural schools – creating

an equity violation – and shifts that money into state foundation aid. Second, Sub for SB 423 provides only an additional \$275 million to attempt to meet constitutional compliance. Under this plan, we would not surpass our high-water mark from *Montoy* of \$4,400 per student until fiscal year 2021. This amount of funding is no where near sufficient to meet constitutional adequacy. Especially when phased in over five years.

2. **High and Low Enrollment Weighting.** The elimination of the high enrollment weighting and renaming the low enrollment weighting “enrollment weighting” creates an equity violation. Small school districts get more enrollment weighting because of size, not wealth. Large schools get less because of size, not wealth. Taking the money from these districts and shifting it into state foundation aid to inflate the state foundation aid without putting in any new funding does not achieve adequacy and reverses course on ensuring school districts of different sizes and wealth have reasonably equal access to substantially similar educational opportunity through similar tax efforts.

3. **Local Option Budget.** Regardless of what changes are made to the local option budget, as long as the districts that are not already at 33% are subject to protest petitions, there will be an equity violation. The districts subject to the protest petition will have a much more difficult time utilizing the local option budget changes due to this provision. This is an equity violation. Especially in light of the changes to high and low enrollment weightings.

4. **ABC Pilot Program.** The Kansas Supreme Court has declared that “[t]he adoption by the people of this state of the 1966 amendment to [A]rticle 6 of the Kansas Constitution vested broad powers of supervision in the state board of education.” *State, ex rel., v. Board of Education*, 212 Kan. 482, Syl. ¶ 1, 511 P.2d 705 (1973). The Court further held that the portion of Article 6, Section 2, subsection (a), which granted “the state board of education authority to exercise general supervision of the public schools, educational institutions and educational interests of the state, is self-executing in effect.” *Id* at ¶ 6. “Where a constitutional provision is self-executing, the legislature may enact legislation to facilitate or assist in its operation, but whatever legislation is adopted must be in harmony with and not in derogation of the provisions of the constitution.” *Id* at ¶ 7. The ABC Pilot Program does not belong in a school finance bill. It should be taken to the Kansas Department of Education for consideration and adoption. To do otherwise is to legislate in discord with the Kansas Constitution.

For those reasons, it is clear that Sub for SB 423 does not meet the constitutional requirements of the *Gannon* decision. This is in no way constitutional or acceptable for the school children of Kansas.—ANTHONY HENSLEY

Senators Hawk, Holland, Kelly, Pettey and Rogers request the record to show they concur with the “Protest” offered by Senator Hensley on **Substitute SB 423**.

Education Funding and Inequality in Kansas, 2009-2015

Emily Rauscher
Department of Sociology
University of Kansas
February 16, 2018

This research was supported by the National Academy of Education's Spencer Foundation and the William T. Coker Foundation.



0108

State General Funding Per Student Still Far Below 2008 in at Least 12 States

Percent change in state formula funding* per student, inflation adjusted, fiscal years 2008-2018



*General or formula funding is the primary form of state K-12 funding. States also typically receive revenue for other, more specific purposes, such as bus transportation and contributions to school employees and pension plans.

Source: CBPP budget and investment analysis.

CREDIT: CHARTER AND POLICY PRIORITIES | CBPP.ORG

State General Funding Per Student Still Far Below 2008 in at Least 12 States

Percent change in state formula funding* per student, inflation adjusted, fiscal years 2008-2018.



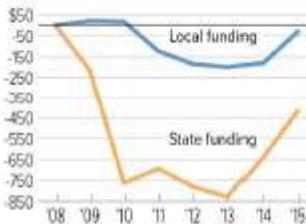
*General or formula funding is the primary form of state K-12 funding. States also typically provide revenue for other, more specific purposes, such as bus transportation and contributions to school employee and pension plans.

Source: CBPP budget and enrollment analysis.

CENTER ON BUDGET AND POLICY PRIORITIES | CBPP.ORG

K-12 Funding Fell Sharply After Recession Hit

Change in funding per pupil compared to 2008, inflation adjusted



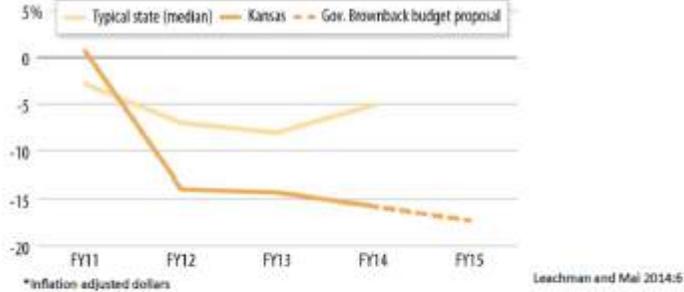
Note: Excludes Hawaii and Indiana due to lack of data.

Source: CBPP analysis of U.S. Census Bureau, "Public Education Finance 2016."

CENTER ON BUDGET AND POLICY PRIORITIES | CBPP.ORG

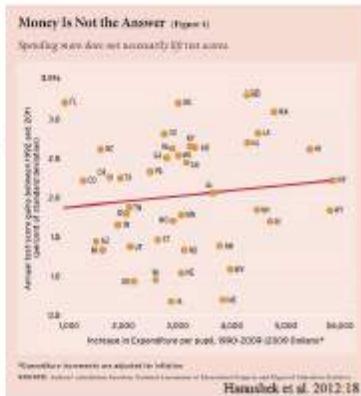
Kansas Continues to Cut General School Funding as Other States Start to Rebuild It From Recession

Percent change in general school funding relative to fiscal year (FY) 2008 level*



Money Doesn't Matter

- Coleman Report (1966)
- Hanushek (1989, 1996, 2001, 2003)
- Morgan and Jung (2016)



But...

- Focus on average achievement in context of funding increases (Hanushek 1989, 1996, Burtless 1996, Greenwald et al. 1996, Biddle and Berliner 2002, Baker 2016)
- Funding equality narrows SAT score gaps by parental education (Card and Payne 2002) and increases student test scores in low-income districts (Lafortune et al. 2016, Roy 2011, Guryan 2001, Papke 2005, Downes et al. 2009)
- School effects differ by race and income (Jennings et al. 2015, Beyk and Driscoll 1988)
- Funding more important for educational attainment – such as HS graduation rates – than achievement (Jennings et al. 2015, Jackson et al. 2017, Card and Krueger 1996)
- Need work examining potential heterogeneous effects [i.e. disparate impacts] on both achievement and attainment by race and ethnicity in context of cuts

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Research Questions

- 1) What is the relationship between state education funding and student achievement and graduation rates in Kansas?
- 2) Does this relationship differ by student characteristics, including race, ethnicity, and poverty?

Data

Achievement

Stanford Education Data Archive 2.0 – ELA (and Math) in grade units

District-level panel data 2009-2013 – weighted mean grades 3-8 (and grade-specific measures)

Suppressed if <20 students per cell/group – low observation rates in KS

White – 87%, Hispanic – 19%, Black – 8%

Gaps = White-Black, White-Hispanic achievement

Linked to: Census Finance Survey (F-33) 2009-2013

Instructional expenditures/pupil (Instruct. wage expenditures/pupil)
in 2016 \$

8/1/08

Data

HS Graduation Rates

Kansas State Department of Education 2010-2015

5-year adjusted cohort formula among public high schools

Gaps = White-Black, White-Hispanic, Pay Lunch-Free Lunch

Linked to: KSDE finance data 2008-2015

State aid/pupil, General fund budget/pupil
in 2016 \$

4-year moving averages (3-year in 2010)

Data

Control Variables

% Eligible for free or reduced price lunch

% English Language Learner

% Hispanic

% Black

Enrollment

Number of schools

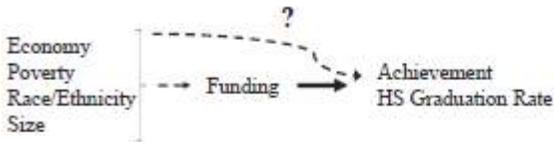
SEDA – compiled from Common Core of Data

(4-year moving averages when predicting graduation rates)

Methods

Funding → Achievement
HS Graduation Rate

Methods



30148

Methods

- District-level fixed effects
 - Account for time-constant district differences
- Year fixed effects
 - Account for state-level changes over time
- Controls for time-varying district characteristics
 - % free/reduced lunch, ELL, Black, Hispanic,
 - Enrollment (log), Number of schools

$$HS\ Grade\ Rate_{ij} = \alpha + \beta_1 State\ Revenue/Pupil_{ij} + \beta_k X_{ij} + District_i + Year_j + \varepsilon_{ij}$$

i = district

j = year

Methods

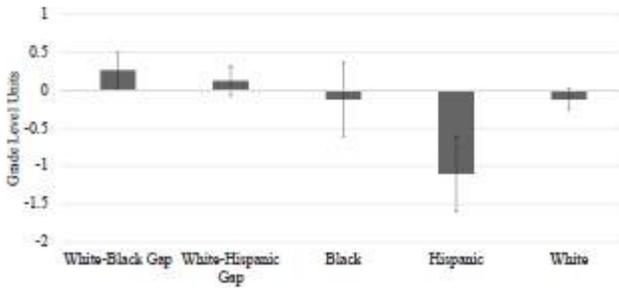
- Difference-in-differences
 - Before and after transition to block grant funding
 - Funding/pupil decreased in growing districts; increased in shrinking districts

Achievement/HS Grad Rate			
	Pre-Block Grant	Post-Block Grant	Difference
Enrollment Decreased (Δ pupil increased)			Δ shrinking districts
Enrollment Increased (Δ pupil decreased)			Δ growing districts
Difference			DID Estimate

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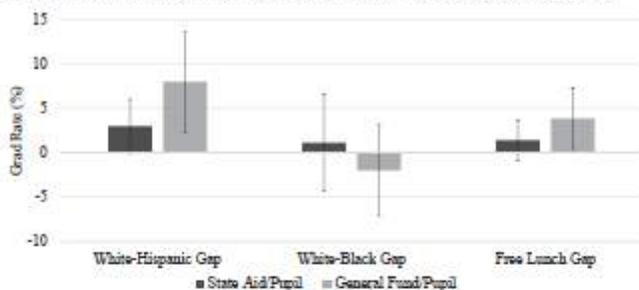
Results

Achievement change with \$1k decrease in instructional spending/pupil



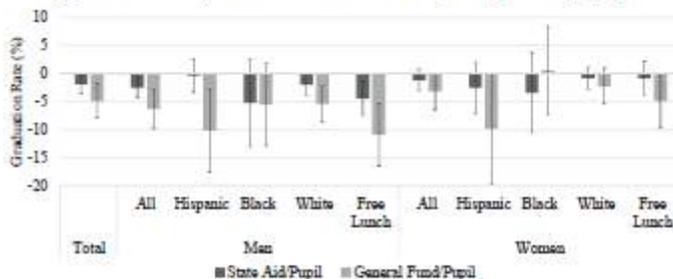
Results

HS grad rate change with \$1k decrease in 4yr avg funding/pupil



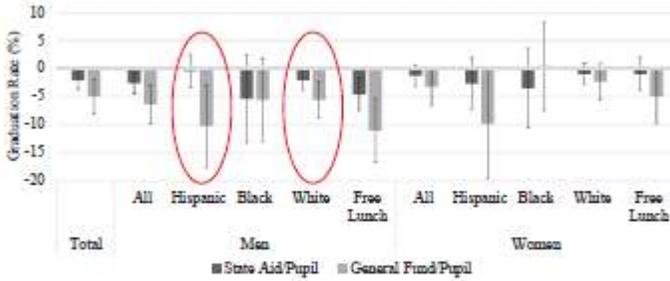
Results

HS grad rate change with \$1k decrease in 4yr avg funding/pupil



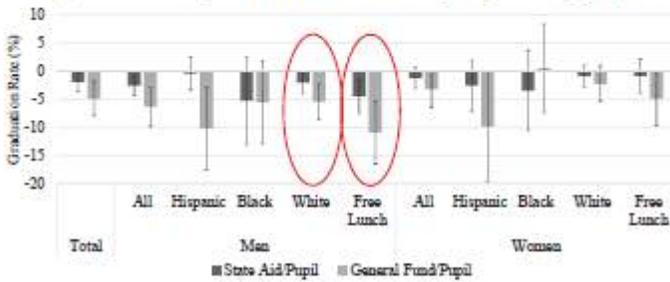
Results

HS grad rate change with \$1k decrease in 4yr avg funding/pupil



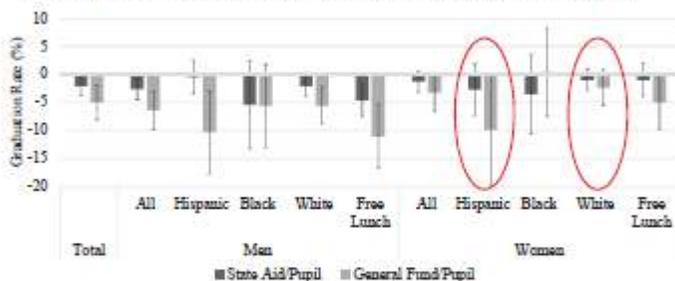
Results

HS grad rate change with \$1k decrease in 4yr avg funding/pupil



Results

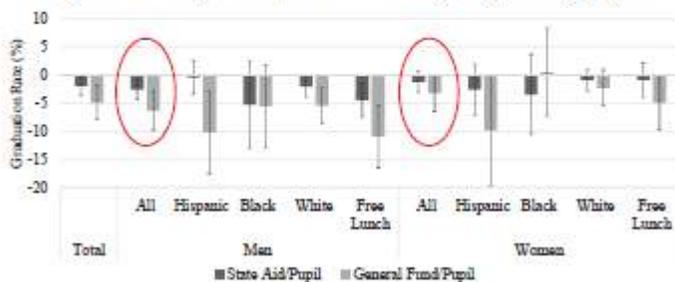
HS grad rate change with \$1k decrease in 4yr avg funding/pupil



02/10/02

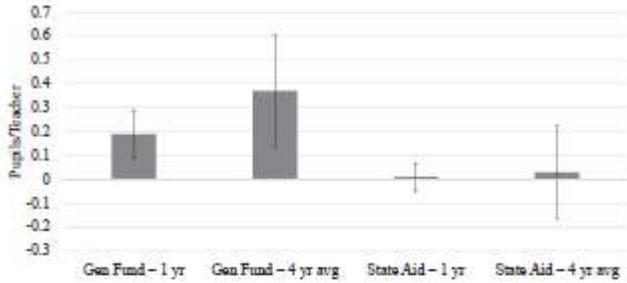
Results

HS grad rate change with \$1k decrease in 4yr avg funding/pupil



Results

Pupils/Teacher (4yr avg) change with \$1k decrease in funding/pupil



2008

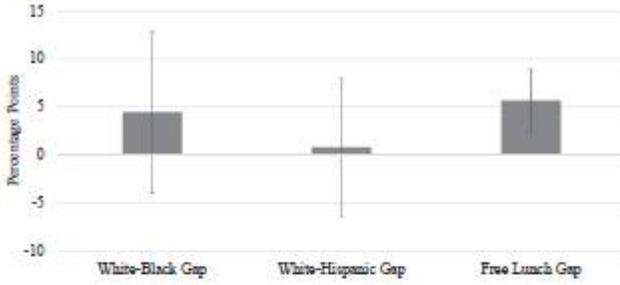
Results

Difference-in-Differences: Free-Lunch Gap in Grade-Level Proficiency and College Readiness



Results

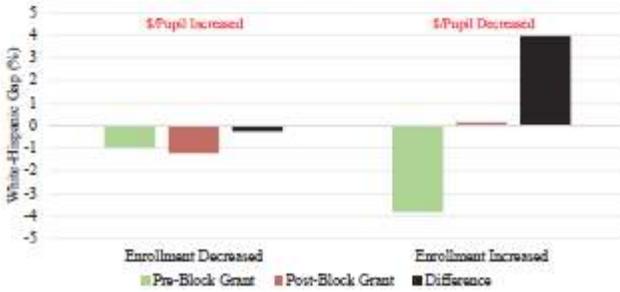
Difference-in-Differences: Effect of Growth During Block Grant on Proficiency Gaps



2010

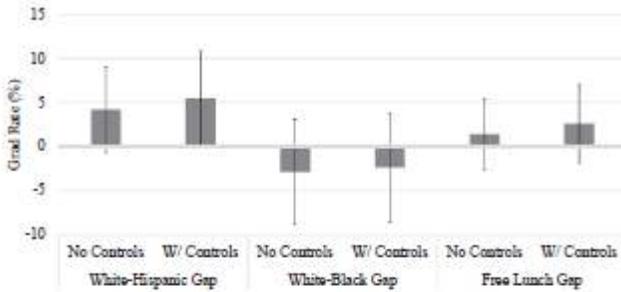
Results

Difference-in-Differences: White-Hispanic Grad Rate Gap



Results

Difference-in-Differences: Effect of Growth During Block Grant on Graduation Rate Gaps



Conclusions

- Instructional spending cuts are associated with:
 - Higher inequality of achievement by race and ethnicity
 - Lower achievement among all students
 - Decrease is 4x larger among Black students compared to White
 - Decrease is nearly 8x larger among Hispanic students compared to White
- General fund budget cuts are associated with:
 - Lower HS grad rates for all students
 - Decrease is 1.5x larger among poor students
 - Decrease is nearly 2x larger among Hispanic men compared to White men
 - Decrease is over 4x larger among Hispanic women compared to White women
 - Higher pupil:teacher ratios – potential mechanism

Conclusions

- **Limitations**
 - Association not causation
 - Controls and difference-in-differences analyses help reduce concern
 - Small number of districts with achievement data for Black and Hispanic students

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Conclusions

- Funding cuts seem to matter more for educational opportunity among Hispanic, Black, and poor students
- Consistent with the possibility of disparate impact
- Equality of opportunity declined in Kansas – and possibly the 30 other states that reduced education funding – after the recession

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Friday, April 6, 2018.

Journal of the Senate

SIXTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 6, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Gracious Master, in keeping with how the Disciples were taught to pray in Matthew 6:9-15 and Luke 11:2-4, may Your Name be praised today. May the Holiness of Your Name be maintained and exalted above every other name.

As we praise Your Name, we pray that Your Kingdom, the extent of Your rule, will envelop the activities under this dome to the degree that what You desire from Your Heavenly throne is reflected from each of these desks.

Lord, we daily look to You for the food we need to strengthen, nourish and sustain us. And, Lord, we also look to You for the forgiveness we need when we fail in attitudes and actions. Then help us likewise to forgive others.

Finally, Lord, still in keeping with the Disciples Prayer, lead us in avoiding evil temptations, but rather lead us toward righteousness.

Let it ultimately be said, that upright ethics and Godly morals were represented in our decisions.

Now, govern, guide and keep us safely in Your care throughout the weekend. I humbly submit this prayer in the precious Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committees as indicated:

Assessment and Taxation: **SB 459**.

MESSAGES FROM THE GOVERNOR

SB 279 approved on April 5, 2018.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2597** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 2, following line 3, by inserting:

"Sec. 3. K.S.A. 12-104 is hereby amended to read as follows: 12-104. In acts granting or limiting executive or administrative powers to city governments, or prescribing procedure, the designation of "the governing body" shall be held to include mayor and council, mayor and commissioners and board of commissioners, as the status of cities affected may require; and the commission to revise the statutes is authorized to substitute the words, "the governing body" for the terms mayor and council, mayor and commissioners or board of commissioners in all acts In commission and commission-manager cities, the mayor shall be considered part of the city governing body in all matters. In mayor-council, modified mayor-council and mayor-council-manager cities, the mayor shall be considered part of the city governing body for the purpose of voting on the passage of a charter ordinance. Whether the mayor is considered part of the governing body for purposes of voting on any other matter shall otherwise be established by ordinance of the city passed by a $\frac{2}{3}$ majority of the council. All existing ordinances and charter ordinances relating to the mayor being considered part of the city governing body shall remain in effect until amended or repealed by such city.

Sec. 4. K.S.A. 19-3419a is hereby amended to read as follows: 19-3419a. The election commissioners in any county shall receive a salary in an amount to be fixed by resolution of the board of county commissioners of the county. On and after January 1, 1977, the compensation so fixed shall be in an amount not less than ten thousand dollars (\$10,000) per annum. Such salary shall be an annual salary payable in equal monthly installments or in the manner as other county officers and employees.

The election commissioner shall receive a car allowance in an amount to be fixed by resolution of the board of county commissioners.

Sec. 5. K.S.A. 19-3420 is hereby amended to read as follows: 19-3420. The election commissioner shall appoint one assistant, known as assistant election commissioner, who shall receive an annual salary to be fixed by the election commissioner and shall be paid in the same manner as other county officers and employees, and in addition the election commissioner shall certify to the board of county commissioners the amount necessary for clerk hire and expense, which amount shall be allowed by the board of county commissioners of said county. The board of county commissioners shall also authorize the statutory mileage allowance provided for in K.S.A. 75-3203 for the assistants of the election commissioner, to provide and maintain means of travel within their county. In counties having a population of more than two hundred thousand (200,000) the election commissioner shall appoint two (2) assistants, known as assistant election commissioners who shall be paid as provided for in this act The election commissioner may appoint one or more assistants, known as assistant election commissioners, who shall receive an annual salary to be fixed by the election commissioner, consistent with the compensation policies and pay plan adopted by the board of county commissioners, and shall be paid in the same manner as other county officers and employees. In addition, the election commissioner may hire additional staff as may be needed to effectively operate the office of election commissioner and to conduct the elections required by law, subject to the adopted policies and procedures of the board of county commissioners. Such staff shall be paid and provided employment benefits in the same manner as other county employees.

Sec. 6. K.S.A. 19-3424 is hereby amended to read as follows: 19-3424. (a) The election commissioner, in the conduct of elections, shall operate under the general

supervision of the secretary of state and shall comply with the statutes, rules and regulations and standards and directives that relate to the registration of voters and the conduct of elections. The election commissioner, as a part of his or her official duties shall have and exercise the following powers and authority:

(a)(1) Such commissioner shall Establish and fix the boundaries of wards and precincts within the county and in all cities the greater part of the population of which is located in said the county. Such The commissioner shall accept and file nomination and declaration papers of candidates and declarations of party affiliation.;

(b)(2) Such commissioner shall give notice by publication in the official county paper, at least fifteen (15) 15 days before the holding of any election, except as otherwise provided by law, of the time of holding such the election, and the officers at that time to be chosen, and any other matters to be voted upon.;

(c)(3) Such commissioner shall publish notice giving the proper party designation if required by law, the title of each office, the names and addresses of all persons seeking national and state offices and as certified to such the county election officer by the secretary of state, as provided by law, and of all persons from whom nomination papers or declarations have been filed with such the election officer as provided by law, giving the name and address of each, the title to such the office, the day of the election, the hours during which the polls will be open and the location of the voting place in each precinct or area, and mail to all persons whose nomination or declaration papers are on file with such the election officer, a copy of the first issue containing such the publication notice.;

(d)(4) Such commissioner shall have charge of the printing of the ballots for all elections to which this act applies held within the county, or held within any city, school district, township or drainage district located in said the county. Such The commissioner shall conduct negotiations for the letting of the contract to print such ballots and shall let the contract, with the approval of the board of county commissioners.;

(e)(5) Such commissioner shall be the clerk of the court for the trial of contested elections except national and state elections, and all intentions to contest any election shall be filed with said the election commissioner, and shall proceed in accordance with any laws of the state dealing with the subject.

On or before July 15 of each year, the election commissioner shall certify to the board of county commissioners an itemized statement showing the amount necessary to pay the salary of the election commissioner, the deputy election commissioner and other employees in the office of the election commissioner and other expenses of said office during the next ensuing budget year and the county commissioners shall cause the same to be included in the county budget for such ensuing budget year

(b) In the administration of the office of the election commissioner, any action taken by the election commissioner shall be subject to the following provisions established by the board of county commissioners applicable to all county departments, agencies and officials:

- (1) Personnel policies and procedures;
- (2) any pay plan, compensation plan and benefits for county employees;
- (3) purchasing policies and procedures;
- (4) budgeting policies and procedures;
- (5) financial policies and procedures; and
- (6) auditing policies and procedures.

(c) Each year, consistent with the county's budgeting procedures, the election commissioner shall submit to the board of county commissioners a requested budget for the office of the election commissioner showing the amount of funding deemed necessary to pay the costs for salaries of the election commissioner, any deputy or assistant election commissioners, and other employees of the office, together with the projected costs and expenses of the office for the next ensuing budget year. The board of county commissioners shall consider the request in the same manner as other departments and agencies of the county and shall approve and adopt a budget for the office of election commissioner within the county budget in an amount determined by the board of county commissioners to be sufficient and adequate for the performance of the duties of the office and the conduct of elections as required by law.";

Also on page 2, in line 4, after "K.S.A." by inserting "12-104,"; also in line 4, by striking "and" and inserting a comma; also in line 4, after "19-2654" by inserting ", 19-3419a, 19-3420 and 19-3424"; in line 6, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before "amending" and inserting "local government; relating to urban areas; city governing bodies; county commission authority concerning election commissioners,"; also in line 3, after "K.S.A." by inserting "12-104,"; also in line 3, by striking the first "and" and inserting a comma; also in line 3, after "19-2654" by inserting ", 19-3419a, 19-3420 and 19-3424";

And your committee on conference recommends the adoption of this report.

ELAINE BOWERS
STEVE FITZGERALD
OLETHA FAUST-GOUDEAU
Conferees on part of Senate

KRISTEY WILLIAMS
JACK THIMESCH
JOHN ALCALA
Conferees on part of House

Senator Bowers moved the Senate adopt the Conference Committee Report on **HB 2597**.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bowers, Denning, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hilderbrand, Kelly, Kerschen, Longbine, Masterson, McGinn, Petersen, Pettey, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Bollier, Doll, Hensley, Lynn, Olson, Pilcher-Cook, Pyle, Rogers, Tyson.

Present and Passing: Holland.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Madam President: I cannot vote for **HB 2597**. I have long supported the right of my constituents to vote for their election commissioner like 101 other counties get to do. We've already heard of a conflict when county commissioners discussed canceling a postcard notice to all voters planned by an election commissioner. The compromise of reporting to both the Secretary of State and the County Commission is bad policy. It is always difficult to serve two masters. It provides no benefits to our state.—LYNN ROGERS

CHANGE OF CONFERENCE

The President appointed Senators Baumgardner, Denning, and Hensley to replace Senators McGinn, Billinger, and Kelly as members of the conference committee on **H Sub SB 109**.

The President appointed Senator Francisco to replace Senator Holland as a member of the conference committee on **HB 2488**.

The President appointed Senator Francisco to replace Senator Holland as a member of the conference committee on **HB 2492**.

The President appointed Senators Baumgardner and Denning to replace Senators Denning and McGinn as members of the conference committee on **S Sub HB 2186**.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with President Wagle in the chair.

ORIGINAL MOTION

Senator Denning moved to advance **S Sub HB 2228** to the first item of business on the Calendar under the heading of General Orders. The motion was rejected.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2597**.

The House not adopts the Conference Committee report on **HB 2280**, requests a conference and appoints Representatives Barker, Highland and Ruiz as second conferees on the part of the House.

The House concurs in Senate amendments to **HB 2232**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2599**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2477**.

The House adopts the Conference Committee report on **SB 217**.

The House adopts the Conference Committee report on **SB 282**.

The House adopts the Conference Committee report on **H Sub SB 307**.

The House adopts the Conference Committee report on **SB 348**.

The House adopts the Conference Committee report to agree to disagree on **SB 375**, and has appointed Representatives Proehl, Francis and Lusker as third conferees on the part of the House.

The House announced the appointment of Representatives Patton, Huebert and Trimmer as conferees on **H Sub SB 109**.

ORIGINAL MOTION

On motion of Senator Estes, the Senate acceded to the request of the House for a conference on **HB 2280**.

The President appointed Senators Estes, Olson and Faust-Goudeau as second conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 375** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

RICHARD PROEHL
SHANNON FRANCIS
ADAM J. LUSKER, SR.
Conferees on part of House

MIKE PETERSEN
DAN GODDARD
PAT PETTEY
Conferees on part of Senate

On motion of Senator Petersen the Senate adopted the conference committee report on **SB 375**, and requested a new conference be appointed.

The President appointed Senators Petersen, Goddard and Pettey as a third Conference Committee on the part of the Senate on **SB 375**.

On motion of Senator Denning, the Senate recessed until 5:00 p.m.

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2444**, and requests return of the bill.

The House adopts the Conference Committee report on **SB 331**.

REPORTS OF STANDING COMMITTEES

Committee on **Utilities** begs leave to submit the following:

The following appointment was referred to and considered by the committee and you committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Commissioner, State Corporation Commission: K.S.A 74-601

Dwight D. Keen, to fill a term expiring on March 15, 2022.

REPORT ON ENROLLED BILLS

SB 324, SB 394, SB 410 reported correctly enrolled, properly signed and presented to the Governor on April 6, 2018.

APRIL 6, 2018

2013

SR 1785, SR 1786, SR 1787, SR 1788 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 6, 2018.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Saturday, April 7, 2018.

Journal of the Senate

SIXTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Saturday, April 7, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Senator Fitzgerald:

God, we ask you to help us, to give us open minds to hear each other with charity. We ask for understanding and wisdom to know and to appreciate all points of view but also to know your will. We ask for courage to do what is right and noble regardless of all else. Lord, we ask for the ability to be good and faithful servants of the people of Kansas but yours first. We ask this in Christ's Name, Amen

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointment, submitted by the Governor to the Senate for confirmation was considered.

Senator Denning moved the following appointment be confirmed as recommended by the Committee on **Utilities**.

State Corporation Commission:

Dwight Keen

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The appointment was confirmed.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **Sub HB 2602; HB 2542, HB 2583, HB 2476, HB 2482; S Sub S Sub HB 2386; S Sub HB 2600; Sub HB 2556; S Sub HB 2701, S Sub HB 2028; SB 275, SB 263; S Sub HB 2228 and SB 328.**

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Kerschen moved the Senate concur in House amendments to **SB 263**.

SB 263, AN ACT concerning industrial hemp; enacting the alternative crop research act; excluding industrial hemp from definition of marijuana and cannabinoids; amending K.S.A. 2017 Supp. 21-5701, 21-5702, 65-4101 and 65-4105 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Senate concurred.

Senator Longbine moved the Senate concur in House amendments to **SB 275**.

SB 275, AN ACT concerning credit unions; relating to expulsion of members; credit union council; terms of service; two-term limit; amending K.S.A. 17-2219 and 17-2232 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2028** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 12 through 36;

By striking all on pages 2 through 24;

On page 25, by striking all in lines 1 through 40 and inserting the following:

"New Section 1. (a) Sections 1 through 6, and amendments thereto, shall be known and may be cited as the Kansas telemedicine act.

(b) This section shall take effect on and after January 1, 2019.

New Sec. 2. (a) For purposes of Kansas telemedicine act:

(1) "Distant site" means a site at which a healthcare provider is located while providing healthcare services by means of telemedicine.

(2) "Healthcare provider" means a physician, licensed physician assistant, licensed advanced practice registered nurse or person licensed, registered, certified or otherwise authorized to practice by the behavioral sciences regulatory board.

(3) "Originating site" means a site at which a patient is located at the time

healthcare services are provided by means of telemedicine.

(4) "Physician" means a person licensed to practice medicine and surgery by the state board of healing arts.

(5) "Telemedicine," including "telehealth," means the delivery of healthcare services or consultations while the patient is at an originating site and the healthcare provider is at a distant site. Telemedicine shall be provided by means of real-time two-way interactive audio, visual, or audio-visual communications, including the application of secure video conferencing or store-and-forward technology to provide or support healthcare delivery, that facilitate the assessment, diagnosis, consultation, treatment, education and care management of a patient's healthcare. "Telemedicine" does not include communication between:

(A) Healthcare providers that consist solely of a telephone voice-only conversation, email or facsimile transmission; or

(B) a physician and a patient that consists solely of an email or facsimile transmission.

(b) This section shall take effect on and after January 1, 2019.

New Sec. 3. (a) The same requirements for patient privacy and confidentiality under the health insurance portability and accountability act of 1996 and 42 C.F.R. § 2.13, as applicable, that apply to healthcare services delivered via in-person contact shall also apply to healthcare services delivered via telemedicine. Nothing in this section shall supersede the provisions of any state law relating to the confidentiality, privacy, security or privileged status of protected health information.

(b) Telemedicine may be used to establish a valid provider-patient relationship.

(c) The same standards of practice and conduct that apply to healthcare services delivered via in-person contact shall also apply to healthcare services delivered via telemedicine.

(d) (1) A person authorized by law to provide and who provides telemedicine services to a patient shall provide the patient with guidance on appropriate follow-up care.

(2) (A) Except when otherwise prohibited by any other provision of law, when the patient consents and the patient has a primary care or other treating physician, the person providing telemedicine services shall send within three business days a report to such primary care or other treating physician of the treatment and services rendered to the patient in the telemedicine encounter.

(B) A person licensed, registered, certified or otherwise authorized to practice by the behavioral sciences regulatory board shall not be required to comply with the provisions of subparagraph (A).

(e) This section shall take effect on and after January 1, 2019.

New Sec. 4. (a) The provisions of this section shall apply to any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for accident and health services and that is delivered, issued for delivery, amended or renewed on or after January 1, 2019. The provisions of this section shall also apply to the Kansas medical assistance program.

(b) No individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract,

fraternal benefit society, health maintenance organization or the Kansas medical assistance program shall exclude an otherwise covered healthcare service from coverage solely because such service is provided through telemedicine, rather than in-person contact, or based upon the lack of a commercial office for the practice of medicine, when such service is delivered by a healthcare provider.

(c) The insured's medical record shall serve to satisfy all documentation for the reimbursement of all telemedicine healthcare services, and no additional documentation outside of the medical record shall be required.

(d) Payment or reimbursement of covered healthcare services delivered through telemedicine may be established by an insurance company, nonprofit health service corporation, nonprofit medical and hospital service corporation or health maintenance organization in the same manner as payment or reimbursement for covered services that are delivered via in-person contact are established.

(e) Nothing in this section shall be construed to:

(1) Prohibit an individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for telemedicine or the Kansas medical assistance program from providing coverage for only those services that are medically necessary, subject to the terms and conditions of the covered individual's health benefits plan;

(2) mandate coverage for a healthcare service delivered via telemedicine if such healthcare service is not already a covered healthcare service, when delivered by a healthcare provider subject to the terms and conditions of the covered individual's health benefits plan; or

(3) allow an individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for telemedicine or the Kansas medical assistance program to require a covered individual to use telemedicine or in lieu of receiving an in-person healthcare service or consultation from an in-network provider.

(f) The provisions of K.S.A. 40-2248 and 40-2249a, and amendments thereto, shall not apply to this section.

(g) This section shall take effect on and after January 1, 2019.

New Sec. 5. (a) The state board of healing arts, following consultation with the state board of pharmacy and the board of nursing, shall adopt rules and regulations relating to the prescribing of drugs, including controlled substances, via telemedicine. Such rules and regulations shall be adopted by December 31, 2018.

(b) The state board of healing arts shall adopt such rules and regulations as may be necessary to effectuate the provisions of Kansas telemedicine act. Such rules and regulation shall be adopted by December 31, 2018.

(c) The behavioral sciences regulatory board shall adopt such rules and regulations as may be necessary to effectuate the provisions of Kansas telemedicine act. Such rules and regulations shall be adopted by December 31, 2018.

New Sec. 6. Nothing in the Kansas telemedicine act shall be construed to authorize the delivery of any abortion procedure via telemedicine.

New Sec. 7. (a) On and after January 1, 2019, the department of health and environment and any managed care organization providing state medicaid services

under the Kansas medical assistance program shall provide coverage for speech-language pathology services and audiology services provided by a licensed speech-language pathologist or audiologist licensed by the Kansas department for aging and disability services by means of telehealth, as defined in section 2, and amendments thereto, if such services would be covered by the Kansas medical assistance program when delivered via in-person contact.

(b) The department of health and environment shall implement and administer this section consistent with applicable federal laws and regulations and shall submit to the United States centers for medicare and medicaid services any state medicaid plan amendment, waiver request or other approval request necessary to implement this section.

(c) The department of health and environment shall adopt rules and regulations as may be necessary to implement and administer this section. Such rules and regulations shall be adopted on or before December 31, 2018.

(d) On or before January 13, 2020, the department of health and environment shall prepare an impact report that assesses the social and financial effects of the coverage mandated by this section, including the impacts listed in K.S.A. 40-2249(a) and (b), and amendments thereto, and shall submit such report to the legislature and the house of representatives standing committee on health and human services, the house of representatives standing committee on insurance, the senate standing committee on public health and welfare and the senate standing committee on financial institutions and insurance.

Sec. 8. K.S.A. 2017 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, ~~inclusive~~, 40-2250, K.S.A. 2017 Supp. 40-2,105a, 40-2,105b, 40-2,184, 40-2,190 ~~and~~, 40-2,194, and sections 1 through 6, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.

Sec. 9. K.S.A. 2017 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles ~~60 to through 74, inclusive~~, of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, ~~inclusive~~, 40-2a01 et seq., 40-2111 ~~to through~~ 40-2116, ~~inclusive~~, 40-2215 ~~to through~~ 40-2220, ~~inclusive~~, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 ~~to through~~ 40-2421, ~~inclusive~~, and 40-3301 ~~to through~~ 40-3313, ~~inclusive~~, and K.S.A. 2017 Supp. 40-2,105a, 40-2,105b, 40-2,184, 40-2,190 ~~and~~, 40-2,194, and sections 1 through 6, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which

this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

Sec. 10. K.S.A. 2017 Supp. 40-2,103 and 40-19c09 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking lines 2 through 8; in line 9, by striking all before the period and inserting "concerning health and healthcare; relating to the practice of telemedicine; Kansas medical assistance program; enacting the Kansas telemedicine act; amending K.S.A. 2017 Supp. 40-2,103 and 40-19c09 and repealing the existing sections";

And your committee on conference recommends the adoption of this report.

VICKI SCHMIDT

BARBARA BOLLIER

LAURA KELLY

Conferees on part of Senate

DANIEL HAWKINS

SUSAN CONCANNON

MONICA MURNAN

Conferees on part of House

Senator V. Schmidt moved to adopt the Conference Committee Report on **S Sub HB 2028**

Senator Masterson made a substitute motion to not adopt the Conference Committee Report and a new conference committee be appointed.

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

On roll call, the vote was: Yeas 20; Nays 20; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Denning, Estes, Fitzgerald, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Givens, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

The motion failed.

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **S Sub HB 2028**.

On roll call, the vote was: Yeas 24; Nays 14; Present and Passing 2; Absent or Not Voting 0.

Yeas: Berger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn.

Nays: Alley, Baumgardner, Fitzgerald, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle.

Present and Passing: Billinger, Estes.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: I vote in support of **HB 2028** because of the critical need that exists for healthcare in rural Kansas. Telemedicine promises to provide access to health care to 1000's of Kansans. The specific provision in section six of the Bill prevents abortion from being administered through Telemedicine. As someone who is strongly prolife I feel that section 7 on non-severability is redundant and does nothing to strengthen the prolife intention of section six.—Ed Berger

Senators Hardy, Longbine and McGinn request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **HB 2028**.

Mr. Vice President: I vote "AYE" on **HB 2028**. Kansas desperately needs the Kansas Telemedicine Act to ensure a strong health care system throughout our state. However, I do not support Section 6, where religious beliefs not held by all are restricting the constitutional rights of Kansas women. The privacy of the patient-physician relationship should be held in highest regard; I cannot support placing barriers on this privacy for what is constitutionally legal medical practice.—BARBARA BOLLIER

Mr. Vice President: It is telling that the opponents of including a non-severability clause for the prohibition of abortion by telemedicine say the clause is of no importance as a court will undoubtedly disregard any severability clause and they claim that the prohibition of using telemedicine for abortions is redundant and unnecessary. Yet, they fight, as we see, to exclude the non-severability clause that passed the House unanimously on the pretext that the House conferees would not accept it. The real reason is that they realize that with non-severability it is unlikely that the section on abortion would be challenged in court as the remainder of the bill is too important. The only reason why non-severability is opposed is to prepare for an anticipated suit against the prohibition of abortion by telemedicine. There can be no other reason. They are setting the conditions for that suit. Again, with non-severability it is unlikely that the matter would come before the court as no suit would be brought. Without non-severability we can expect the proponents of abortion to bring suit as soon as possible. That will endanger all of our anti-abortion laws and that is their ultimate aim. I vote against **HB 2028**; it should be returned to conference committee and fixed.—STEVE FITZGERALD

Senators Hilderbrand, Lynn and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Fitzgerald on **HB 2028**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2386** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 2, following line 30, by inserting:

- "(9) Kansas real estate commission;
- (10) office of the attorney general;

(11) department of insurance;";

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

Also, on page 2, following line 34, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 39-970 is hereby amended to read as follows: 39-970.

(a) As used in this section:

(1) "Adult care home" means any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, home plus, boarding care home or adult day care facility that is required to be licensed to operate by the secretary for aging and disability services.

(2) "Applicant" means an individual who applies for employment with an adult care home or applies to work for an employment agency or as an independent contractor who provides staff to an adult care home.

(3) "Completion of the sentence" means the last day of the entire term of incarceration imposed by a sentence, including any term that is deferred, suspended or subject to parole, probation, diversion, community corrections, fines, fees, restitution or any other imposed sentencing requirements.

(4) "Department" means the Kansas department for aging and disability services.

(5) "Direct access" means work that involves an actual or reasonable expectation of one-on-one interaction with a consumer or a consumer's property, personally identifiable information, medical records, treatment information or financial information.

(6) "Direct supervision" means that a supervisor is physically present within an immediate distance to a supervisee and is available to provide constant direction, feedback and assistance to a client and the supervisee.

(7) "Employment agency" means an organization or entity that has a contracted relationship with an adult care home to provide staff with direct access to consumers.

(8) "Independent contractor" means an organization, entity, agency or individual that provides contracted workers or services to an adult care home.

(9) "Secretary" means the secretary for aging and disability services.

(b) (1) No person shall knowingly operate an adult care home if, in the adult care home, there works any person who has adverse findings on any state or national registry, as defined in rules and regulations adopted by the secretary for aging and disability services, or has been convicted of or has been adjudicated a juvenile offender because of having committed an act ~~which~~ that if done by an adult would constitute the commission of capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 2017 Supp. 21-5401, and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto, second degree murder, pursuant to K.S.A. 21-3402(a), prior to its repeal, or K.S.A. 2017 Supp. 21-5403(a), and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, mistreatment of a dependent adult or mistreatment of an elder person, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 2017 Supp. 21-5417, and amendments thereto, human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(a), and amendments

thereto, aggravated human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to its repeal, or K.S.A. 2017 Supp. 21-5503, and amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto, indecent solicitation of a child, pursuant to K.S.A. 21-3510, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto, aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto, commercial sexual exploitation of a child, pursuant to K.S.A. 2017 Supp. 21-6422, and amendments thereto, an attempt to commit any of the crimes listed in this ~~subsection (a)(1) paragraph~~, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto, a conspiracy to commit any of the crimes listed in this ~~subsection (a)(1) paragraph~~, pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto, or criminal solicitation of any of the crimes listed in this ~~subsection (a)(1) paragraph~~, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto, or similar statutes of other states or the federal government. The provisions of subsection ~~(a)(2)(C)~~ (b)(2)(C) shall not apply to any person who is employed by an adult care home on or before July 1, 2010, and while continuously employed by the same adult care home or to any person during or upon successful completion of a diversion agreement.

(2) A person operating an adult care home may employ an applicant who has been convicted of any of the following if ~~five six~~ five six or more years have elapsed since ~~the applicant satisfied completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; or if five six or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; or if the applicant has been granted a waiver of such six-year disqualification:~~ A felony conviction for a crime ~~which that~~ is described in: (A) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, ~~or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418~~, and amendments thereto, except those crimes listed in subsection ~~(a)(1) (b)(1)~~; (B) articles 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. ~~21-6419 through 21-6421 21-6420~~, and amendments thereto, except those crimes listed in subsection ~~(a)(1) (b)(1)~~ and K.S.A. 21-3605, prior to its repeal, or K.S.A. 2017 Supp. 21-5606, and amendments thereto; (C) K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto; (D) an attempt to commit any of the crimes listed in this ~~subsection (a)(2) paragraph~~.

pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto; (E) a conspiracy to commit any of the crimes listed in ~~subsection (a)(2) this paragraph~~, pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto; (F) criminal solicitation of any of the crimes listed in ~~subsection (a)(2) this paragraph~~, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto; or (G) similar statutes of other states or the federal government.

An individual who has been disqualified for employment due to conviction or adjudication of an offense listed in this paragraph (2) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and criteria to be considered by the secretary in evaluating any such waiver request.

(3) A person operating an adult care home may employ an applicant who has been convicted of any of the following if six or more years have elapsed since completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; if six or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; or if the applicant has been granted a waiver of such six-year disqualification:

(i) Interference with custody of a committed person pursuant to K.S.A. 21-3423, prior to its repeal, or K.S.A. 2017 Supp. 21-5410, and amendments thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425, prior to its repeal, or K.S.A. 2017 Supp. 21-5416, and amendments thereto; unlawful administration of a substance pursuant to K.S.A. 21-3445, prior to its repeal, or K.S.A. 2017 Supp. 21-5425, and amendments thereto; violation of a protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A. 2017 Supp. 21-5924, and amendments thereto; promoting obscenity or promoting obscenity to minors pursuant to K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto; or cruelty to animals pursuant to K.S.A. 21-3727, 21-4310 or 21-4311, prior to their repeal, or K.S.A. 2017 Supp. 21-6412, and amendments thereto; or

(ii) any felony conviction of: Unlawful manufacture of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or K.S.A. 2017 Supp. 21-5703, and amendments thereto; unlawful cultivation or distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a05, prior to its repeal, or K.S.A. 2017 Supp. 21-5705, and amendments thereto; unlawful manufacture, distribution, cultivation or possession of a controlled substance using a communication facility pursuant to K.S.A. 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 2017 Supp. 21-5707, and amendments thereto; unlawful obtainment or sale of a prescription-only drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A. 2017 Supp. 21-5708, and amendments thereto; unlawful distribution of drug precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10, prior to its repeal, or K.S.A. 2017 Supp. 21-5710, and amendments thereto; unlawful distribution or possession of a simulated controlled substance pursuant to K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 2017 Supp. 21-5713, and amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its repeal, or K.S.A. 2017 Supp. 21-5823, and amendments

thereto; criminal use of a financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 2017 Supp. 21-5828, and amendments thereto; any violation of the Kansas medicaid fraud control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or K.S.A. 2017 Supp. 21-5925 et seq., and amendments thereto; making a false claim, statement or representation to the medicaid program pursuant to K.S.A. 21-3846, prior to its repeal, or K.S.A. 2017 Supp. 21-5927, and amendments thereto; unlawful acts relating to the medicaid program pursuant to K.S.A. 21-3847, prior to its repeal, or K.S.A. 2017 Supp. 21-5928, and amendments thereto; obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856, prior to its repeal, or K.S.A. 2017 Supp. 21-5929, and amendments thereto; identity theft or identity fraud pursuant to K.S.A. 2010 Supp. 21-4018, prior to its repeal, or K.S.A. 2017 Supp. 21-6107, and amendments thereto; or social welfare fraud pursuant to K.S.A. 39-720, and amendments thereto.

The provisions of this paragraph (3) shall not apply to any person who is employed by an adult care home on or before July 1, 2018, and is continuously employed by the same adult care home or to any person during or upon successful completion of a diversion agreement.

An individual who has been disqualified for employment due to conviction or adjudication of an offense listed in this paragraph (3) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and criteria to be considered by the secretary in evaluating any such waiver request.

~~(b)~~(c) No person shall operate an adult care home if such person has been found to be in need of a guardian or conservator, or both as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto the act for obtaining a guardian or a conservator, or both. The provisions of this subsection shall not apply to an individual who, as a minor, was found to be in need of a guardian or conservator for reasons other than impairment.

~~(e) The secretary for aging and disability services shall have access to any criminal history record information in the possession of the Kansas bureau of investigation regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, concerning persons working in an adult care home. The secretary shall have access to these records for the purpose of determining whether or not the adult care home meets the requirements of this section. The Kansas bureau of investigation may charge to the Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.~~

(d) (1) The Kansas bureau of investigation shall release all records of adult and juvenile convictions and adjudications and adult and juvenile convictions and adjudications of any other state or country concerning persons working in an adult care home to the secretary for aging and disability services. The Kansas bureau of investigation may charge to the Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.

(2) The department shall require an applicant to be fingerprinted and to submit to a

state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the person and for making an official determination of the qualifications and fitness of the person to work in the adult care home.

(3) An applicant for employment in an adult care home shall have 20 calendar days after receipt of authorization to submit the applicant's fingerprints through an authorized collection site in order to be eligible for provisional employment or the applicant's application shall be deemed withdrawn.

(4) (A) The current or prospective employer of an applicant shall pay a fee not to exceed \$19 of the total cost for criminal history record information to the department for each applicant submitted.

(B) The prospective employer, employee or independent contractor shall pay the fingerprint collection fee at the time of fingerprinting to the authorized collection site.

(5) If an applicant disputes the contents of a criminal history record check, then the applicant may file an appeal with the Kansas bureau of investigation.

(6) Individuals who have been disqualified for employment by reason of their criminal history records and who have met the requirements of this subsection may apply for a waiver with the department within 30 days of the receipt of the notice of employment prohibition.

(7) The department shall adopt rules and regulations specifying the criteria and procedure for issuing a waiver of the employment prohibition. The secretary shall consider the following criteria when rendering a decision on such a waiver request: Passage of time; extenuating circumstances; demonstration of rehabilitation; and relevancy of the criminal history record information to the position for which the applicant is applying. Any employment prohibition issued shall remain in effect unless or until a waiver is granted.

~~(4)(c)~~ (c) For the purpose of complying with this section, the operator of an adult care home shall request from the Kansas department for aging and disability services information regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, and which relates to a person who works in the adult care home, or is being considered for employment by the adult care home, for the purpose of determining whether such person is subject to the provision of this section an eligibility determination regarding adult and juvenile convictions and adjudications. For the purpose of complying with this section, the operator of an adult care home shall receive from any employment agency ~~which~~ or independent contractor that provides employees to work in the adult care home written certification that such employees are not prohibited from working in the adult care home under this section. ~~For the purpose of~~

~~complying with this section, information relating to convictions and adjudications by the federal government or to convictions and adjudications in states other than Kansas shall not be required until such time as the secretary for aging and disability services determines the search for such information could reasonably be performed and the information obtained within a two week period. For the purpose of complying with this section, a person who operates an adult care home may hire an applicant for provisional employment on a conditional one-time basis of 60 calendar days pending the results from the Kansas department for aging and disability services of a request for information under this subsection. A provisional employee may only be supervised by an employee that has completed all training required by federal regulations, rules and regulations of the department and the adult care home's policies and procedures. No adult care home, the operator or employees of an adult care home or an employment agency, ~~or the operator or employees of an employment agency, or an independent contractor~~ shall be liable for civil damages resulting from any decision to employ, to refuse to employ or to discharge from employment any person based on such adult care home's compliance with the provisions of this section if such adult care home or employment agency acts in good faith to comply with this section.~~

~~(e) The secretary for aging and disability services shall charge each person requesting information under this section a fee equal to cost, not to exceed \$10, for each name about which an information request has been submitted to the department under this section.~~

~~(f)-(1) The secretary for aging and disability services shall provide each operator requesting information under this section with the criminal history record information concerning a pass or fail determination after review of any criminal history record information and convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, in writing and within three working days of receipt of such information from the Kansas bureau of investigation or the federal bureau of investigation. ~~The criminal history record information shall be provided regardless of whether the information discloses that the subject of the request has been convicted of an offense enumerated in subsection (a).~~~~

~~(2) When an offense enumerated in subsection (a) exists in the criminal history record information, and when further confirmation regarding criminal history record information is required from the appropriate court of jurisdiction or Kansas department of corrections, the secretary shall notify each operator that requests information under this section in writing and within three working days of receipt from the Kansas bureau of investigation that further confirmation is required. The secretary shall provide to the operator requesting information under this section information in writing and within three working days of receipt of such information from the appropriate court of jurisdiction or Kansas department of corrections regarding confirmation regarding the criminal history record information.~~

~~(3) Whenever the criminal history record information reveals that the subject of the request has no criminal history on record, the secretary shall provide notice to each operator requesting information under this section, in writing and within three working days after receipt of such information from the Kansas bureau of investigation.~~

~~(4) The secretary for aging and disability services shall not provide each operator requesting information under this section with the juvenile criminal history record~~

information which relates to a person subject to a background check as is provided by K.S.A. 2017 Supp. 38-2326, and amendments thereto, except for adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto. The secretary shall notify the operator that requested the information, in writing and within three working days of receipt of such information from the Kansas bureau of investigation, whether juvenile criminal history record information received pursuant to this section reveals that the operator would or would not be prohibited by this section from employing the subject of the request for information and whether such information contains adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto.

~~(5)~~ An operator who receives criminal history record information under this subsection shall keep such information confidential, except that the operator may disclose such information to the person who is the subject of the request for information. A violation of this paragraph shall be an unclassified misdemeanor punishable by a fine of \$100.

~~(g)~~ No person who works for an adult care home and who is currently licensed or registered by an agency of this state to provide professional services in the state and who provides such services as part of the work which such person performs for the adult care home shall be subject to the provisions of this section.

~~(h)~~(g) A person who volunteers in an adult care home shall not be subject to the provisions of this section ~~because of such volunteer activity~~ unless the volunteer performs equivalent functions to those performed by direct access employees.

~~(i)~~ An operator may request from the Kansas department for aging and disability services criminal history information on persons employed under subsections ~~(g) and (h)~~.

~~(j)~~(h) No person who has been continuously employed by the same adult care home since July 1, 1992, shall be subject to the provisions of this section while employed by such adult care home.

~~(k)~~(i) The operator of an adult care home shall not be required under this section to conduct a ~~background~~ criminal history record check on an applicant for employment with the adult care home if the applicant has been the subject of a ~~background~~ criminal history record check under this act within one year prior to the application for employment with the adult care home. ~~The operator of an adult care home where the applicant was the subject of such background check may release a copy of such background check to the operator of an adult care home where the applicant is currently applying.~~

~~(l)~~(j) No person who is in the custody of the secretary of corrections and who provides services, under direct supervision in nonpatient areas, on the grounds or other areas designated by the superintendent of the Kansas soldiers' home or the Kansas veterans' home shall be subject to the provisions of this section while providing such services.

~~(m)~~ For purposes of this section, the Kansas bureau of investigation shall report any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for

an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, to the secretary for aging and disability services when a background check is requested.

(k) (1) All fees charged by the secretary for criminal history record checks conducted pursuant to this section shall be established by rules and regulations of the secretary.

(2) All moneys collected and remitted to the Kansas department for aging and disability services for fees charged for criminal history record checks conducted pursuant to this section shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the state licensure fee fund created by K.S.A. 39-930, and amendments thereto.

(l) The Kansas department for aging and disability services may implement the amendments made to this section by this act in phases for different categories of employers. The department shall adopt rules and regulations establishing dates and procedures for the implementation of the criminal history record checks required by this section, and such dates may be staggered to facilitate implementation of the criminal history record checks required by this section.

(m) Upon authorization by the secretary for aging and disability services, other state agencies may access an internet-based application portal that is operated and maintained by the Kansas department for aging and disability services for purposes of processing criminal history record information requests in accordance with this section. Agencies may not share criminal history record information or the resulting pass or fail determinations with any other agency. The secretary for aging and disability services may charge an authorized agency the amount of \$1 per request made pursuant to this subsection.

(n) This section shall be part of and supplemental to the adult care home licensure act.

Sec. 3. K.S.A. 2017 Supp. 39-2009 is hereby amended to read as follows: 39-2009. (a) As used in this section:

(1) "Applicant" means an individual who applies for employment with a center, facility, hospital or a provider of services or applies to work for an employment agency or as an independent contractor that provides staff to a center, facility, hospital or a provider of services.

(2) "Completion of the sentence" means the last day of the entire term of incarceration imposed by a sentence, including any term that is deferred, suspended or subject to parole, probation, diversion, community corrections, fines, fees, restitution or any other imposed sentencing requirements.

(3) "Department" means the Kansas department for aging and disability services.

(4) "Direct access" means work that involves an actual or reasonable expectation of one-on-one interaction with a consumer or a consumer's property, personally identifiable information, medical records, treatment information or financial information.

(5) "Direct supervision" means that a supervisor is physically present within an immediate distance to a supervisee and is available to provide constant direction, feedback and assistance to a client and the supervisee.

(6) "Employment agency" means an organization or entity that has a contracted relationship with a center, hospital, facility or provider of services to provide staff with direct access to consumers.

(7) "Independent contractor" means an organization, entity, agency or individual that provides contracted workers or services to a center, facility, hospital or provider of services.

(b) (1) No licensee shall knowingly operate a center, facility, hospital or be a provider of services if any person who works in the center, facility, hospital or for a provider of services:

(1) (A) Has a felony conviction for a crime against persons;

(B) has a felony conviction under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;

(C) has a conviction of any act which is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or a conviction of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto, to commit any such act or a conviction of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto, to commit such act, or similar statutes of other states or the federal government; or

(D) has been convicted of any act which is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto, or similar statutes of other states or the federal government;

(2) has been adjudicated a juvenile offender because of having committed an act which if committed by an adult would constitute the commission of a felony and which is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or similar statutes of other states or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto, or similar statutes of other states or the federal government;

(3) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and who is listed in the child abuse and neglect registry maintained by the Kansas department for children and families pursuant to K.S.A. 2017 Supp. 38-2226, and amendments thereto, and;

(A) The person has failed to successfully complete a corrective action plan which had been deemed appropriate and approved by the Kansas department for children and families; or

(B) the record has not been expunged pursuant to rules and regulations adopted by the secretary for children and families;

(4) has had a child removed from home based on a court order pursuant to K.S.A. 2017 Supp. 38-2251, and amendments thereto, in this state, or a court order in any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual

abuse and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan;

(5) ~~has had parental rights terminated pursuant to the revised Kansas code for the care of children or a similar statute of another state; or~~

(6) ~~has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 2017 Supp. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense has adverse findings on any state or national registry, as defined in rules and regulations adopted by the secretary for aging and disability services, or has been convicted of or has been adjudicated a juvenile offender because of having committing an act that if done by an adult would constitute the commission of capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 2017 Supp. 21-5401, and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto, second degree murder, pursuant to K.S.A. 21-3402(a), prior to its repeal, or K.S.A. 2017 Supp. 21-5403(a), and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, mistreatment of a dependent adult or mistreatment of an elder person, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 2017 Supp. 21-5417, and amendments thereto, human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(a), and amendments thereto, aggravated human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to its repeal, or K.S.A. 2017 Supp. 21-5503, and amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto, indecent solicitation of a child, pursuant to K.S.A. 21-3510, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto, aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto, commercial sexual exploitation of a child, pursuant to K.S.A. 2017 Supp. 21-6422, and amendments thereto, an attempt to commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto, a conspiracy to commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto, or criminal solicitation of any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto, or similar statutes of other states or the federal government.~~

(2) A licensee operating a center, facility or hospital or as a provider of services may employ an applicant who has been convicted of any of the following if six or more years have elapsed since completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; if six or more years have elapsed since a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; or if the applicant has been granted a waiver of such six-year disqualification: A felony conviction for a crime that is described in: (A) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, except those crimes listed in paragraph (1); (B) article 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, prior to their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2017 Supp. 21-6420, and amendments thereto, except those crimes listed in paragraph (1); (C) K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto; (D) an attempt to commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto; (E) a conspiracy to commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto; (F) criminal solicitation of any of the crimes listed in this paragraph pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto; or (G) similar statutes of other states or the federal government.

An individual who has been disqualified for employment due to conviction or adjudication of an offense of an offense listed in this paragraph (2) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and the criteria to be utilized by the secretary in evaluating any such waiver request.

(3) A licensee operating a center, facility, hospital or as a provider of services may employ an applicant who has been convicted of any of the following if six or more years have elapsed since completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; if six or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; or if the applicant has been granted a waiver of such six-year disqualification:

(i) Interference with custody of a committed person pursuant to K.S.A. 21-3423, prior to its repeal, or K.S.A. 2017 Supp. 21- 5410, and amendments thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425, prior to its repeal, or K.S.A. 2017 Supp. 21- 5416, and amendments thereto; unlawful administration of a substance pursuant to K.S.A. 21-3445, prior to its repeal, or K.S.A. 2017 Supp. 21-5425, and amendments thereto; violation of a protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A. 2017 Supp. 21-5924; promoting obscenity or promoting obscenity to minors pursuant to K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto; or cruelty to animals

pursuant to K.S.A. 21-3727, 21-4310 or 21-4311, prior to their repeal, or K.S.A. 2017 Supp. 21-6412, and amendments thereto; or

(ii) any felony conviction of: Unlawful manufacture of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or K.S.A. 2017 Supp. 21-5703, and amendments thereto; unlawful cultivation or distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a05, prior to its repeal, or K.S.A. 2017 Supp. 21-5705, and amendments thereto; unlawful manufacture, distribution, cultivation or possession of a controlled substance using a communication facility pursuant to K.S.A. 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 2017 Supp. 21-5707, and amendments thereto; unlawful obtainment or sale of a prescription-only drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A. 2017 Supp. 21-5708, and amendments thereto; unlawful distribution of drug precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10, prior to its repeal, or K.S.A. 2017 Supp. 21-5710, and amendments thereto; unlawful distribution or possession of a simulated controlled substance pursuant to K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 2017 Supp. 21-5713, and amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its repeal, or K.S.A. 2017 Supp. 21-5823, and amendments thereto; criminal use of a financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 2017 Supp. 21-5828, and amendments thereto; any violation of the Kansas medicaid fraud control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or K.S.A. 2017 Supp. 21-5925 et seq., and amendments thereto; making a false claim, statement or representation to the medicaid program pursuant to K.S.A. 21-3846, prior to its repeal, or K.S.A. 2017 Supp. 21-5927, and amendments thereto; unlawful acts relating to the medicaid program pursuant to K.S.A. 21-3847, prior to its repeal, or K.S.A. 2017 Supp. 21-5928, and amendments thereto; obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856, prior to its repeal, or K.S.A. 2017 Supp. 21-5929, and amendments thereto; identity theft or identity fraud pursuant to K.S.A. 2010 Supp. 21-4018, prior to its repeal, or K.S.A. 2017 Supp. 21-6107, and amendments thereto; or social welfare fraud pursuant to K.S.A. 39-720, and amendments thereto. The provisions of this paragraph shall not apply to any person who is employed by a center, facility, hospital or provider of services on or before July 1, 2018, and is continuously employed by the same center, facility, hospital or provider of services or to any person during or upon successful completion of a diversion agreement.

An individual who has been disqualified for employment due to conviction or adjudication of an offense listed in this paragraph (3) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and criteria to be considered by the secretary in evaluating any such waiver request.

~~(b)~~(c) No licensee shall operate a center, facility, hospital or be a provider of services if such person has been found to be an adult with an impairment in need of a guardian or a conservator, or both, as provided in the act for obtaining a guardian or conservator, or both. The provisions of this subsection shall not apply to an individual who, as a minor, was found to be in need of a guardian or conservator for reasons other than impairment.

(d) (1) The Kansas bureau of investigation shall release all records of adult and juvenile convictions and adjudications and adult and juvenile convictions and

adjudications of any other state or country concerning persons working in a center, facility, hospital or for a provider of services to the secretary for aging and disability services. The Kansas bureau of investigation may charge to the Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.

(2) The department shall require an applicant to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the person and for making an official determination of the qualifications and fitness of the person to work in the center, facility, hospital or for a provider of services.

(3) An applicant for employment in an center, facility, hospital or for a provider of services shall have 20 calendar days after receipt of authorization to submit the applicant's fingerprints through an authorized collection site in order to be eligible for provisional employment or the applicant's application shall be deemed withdrawn.

(4) (A) The current or prospective employer of an applicant shall pay a fee not to exceed \$19 of the total cost for criminal history record information to the department for each applicant submitted.

(B) The prospective employer, employee or independent contractor shall pay the fingerprint collection fee at the time of fingerprinting to the authorized collection site.

(5) If an applicant disputes the contents of a criminal history record check, then the applicant may file an appeal with the Kansas bureau of investigation.

(6) Individuals who have been disqualified for employment by reason of their criminal history records and who have met the requirements of this subsection may apply for a waiver with the department within 30 days of the receipt of the notice of employment prohibition.

(7) The department shall adopt rules and regulations specifying the criteria and procedure for issuing a waiver of the employment prohibition. The secretary shall consider the following criteria when rendering a decision on such a waiver request: Passage of time; extenuating circumstances; demonstration of rehabilitation; and relevancy of the criminal history record information to the position for which the applicant is applying. Any employment prohibition issued shall remain in effect unless or until a waiver is granted.

~~(e)(d)~~ The secretary shall ~~notify the provide each licensee, within 10 business days, when the result of the national criminal history record check or other appropriate review reveals unfitness as specified in subsections (a)(1) through (6) with regard to the person who is the subject of the review~~ requesting information under this section with a pass or fail determination after review of any criminal history record information in writing and within three working days of receipt of such information from the Kansas bureau of investigation or the federal bureau of investigation.

~~(d) No licensee, its contractors or employees, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such licensee's compliance with the provisions of this section if such licensee acts in good~~

faith to comply with this section.

(c) Any licensee or member of the staff who receives information concerning the fitness or unfitness of any person shall keep such information confidential, except that the staff person may disclose such information to the person who is the subject of the request for information. A violation of this subsection shall be an unclassified misdemeanor punishable by a fine of \$100.

~~(f) The licensing agency may require a person seeking licensure or applying to work in a facility to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or other jurisdiction. The licensing agency is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The licensing agency may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license, work with, or provide services to individuals as applicable under this act.~~

~~(g) The secretary shall have access to any criminal history record information in the possession of the Kansas bureau of investigation regarding any criminal history information, including adjudications of a juvenile offender which if committed by an adult would have been a felony conviction for the purposes specified in this act. The Kansas bureau of investigation may charge to the Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.~~

~~(h) The secretary shall charge each person or licensee requesting information under this section a fee equal to cost for each person about which an information request has been submitted to the department under this section.~~

~~(i)(f) For the purpose of complying with this section, the licensee operating a center, facility, hospital or a provider of services shall request from the Kansas department for aging and disability services information regarding any criminal history information relating to a person who works in the center, facility, hospital or for a provider of services, or who is being considered for employment or volunteer work in the facility, center, hospital or with the service provider, for the purpose of determining whether such person is subject to the provisions of this section an eligibility determination regarding adult and juvenile convictions and adjudications. For the purpose of complying with this section, the licensee operating a center, facility, hospital or a provider of services shall report the dates of employment and separation of all persons working for the licensee operating a center, facility, hospital or a provider of services. For the purposes of complying with this section, any employment agency which provides employees to work in a center, facility, hospital or a provider of services shall request and receive an eligibility determination from the Kansas department for aging and disability services. Any licensee operating a center, facility, hospital or a provider of services will obtain written documentation that such employees are eligible to work receive from any employment agency or independent contractor that provides employees to work in the center, facility, hospital or for the provider of services written certification that such employees are not prohibited from working in the center, facility, hospital or for the provider of services under this section. For the purpose of complying~~

with this section, a licensee may hire an applicant for provisional employment on a ~~conditional one-time~~ basis of 60 calendar days pending the results from the Kansas department for aging and disability services of an eligibility determination under this subsection. ~~As required by the patient protection and affordable care act, 42 U.S.C. § 18001, a person disqualified from employment due to a valid background check may appeal in accordance with requirements, standards, rules and regulations to be promulgated by the secretary. A provisional employee may only be supervised by an employee who has completed all training required by federal regulations, department rules and regulations and the center's, facility's, hospital's or provider of services' policies and procedures. No licensee, its contractors or employees, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such licensee's compliance with the provisions of this section if such licensee acts in good faith to comply with this section.~~

~~(j) No person who works for a center, facility or hospital and who is currently licensed or registered by an agency of this state to provide professional services in the state and who provides such services as part of the work which such person performs for the center, facility or hospital shall be subject to the provisions of this section.~~

~~(k) A licensee may request from the Kansas department for aging and disability services criminal history information on persons employed under subsection (j).~~

~~(H)(g) The licensee operating a center, facility, hospital or a provider of services shall not require an applicant under this section to be fingerprinted, if the applicant has been the subject of a background criminal history record check under this act within one year prior to the application for employment with the licensee operating a center, facility, hospital or a provider of services and has maintained a record of continuous employment, with no lapse of employment of over 90 days in any center, facility, hospital or a provider of services covered by this act.~~

~~(m) No person who is in the custody of the secretary of corrections and who provides services under direct supervision in non-patient areas on the grounds or other areas designated by the secretary of corrections shall be subject to the provisions of this section while providing such services.~~

Sec. 4. K.S.A. 2017 Supp. 65-5117 is hereby amended to read as follows: 65-5117.

(a) As used in this section:

(1) "Applicant" means an individual who applies for employment with a home health agency or applies to work for an employment agency or as an independent contractor that provides staff to a home health agency.

(2) "Completion of the sentence" means the last day of the entire term of incarceration imposed by a sentence, including any term that is deferred, suspended or subject to parole, probation, diversion, community corrections, fines, fees, restitution or any other imposed sentencing requirements.

(3) "Department" means the Kansas department for aging and disability services.

(4) "Direct access" means work that involves an actual or reasonable expectation of one-on-one interaction with a consumer or a consumer's property, personally identifiable information, medical records, treatment information or financial information.

(5) "Direct supervision" means that a supervisor is physically present within an immediate distance to a supervisee and is available to provide constant direction, feedback and assistance to a client and the supervisee.

(6) "Employment agency" means an organization or entity that has a contracted relationship with a home health agency to provide staff with direct access to consumers.

(7) "Independent contractor" means an organization, entity, agency or individual that provides contracted workers or services to a home health agency.

(b) (1) No person shall knowingly operate a home health agency if, for the home health agency, there works any person who has adverse findings on any state or national registry, as defined in rules and regulations adopted by the secretary for aging and disability services, or has been convicted of or has been adjudicated a juvenile offender because of having committed an act ~~which~~ that if done by an adult would constitute the commission of capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 2017 Supp. 21-5401, and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto, second degree murder, pursuant to K.S.A. 21-3402(a), prior to its repeal, or K.S.A. 2017 Supp. 21-5403(a), and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, mistreatment of a dependent adult or mistreatment of an elder person, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 2017 Supp. 21-5417, and amendments thereto, human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(a), and amendments thereto, aggravated human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to its repeal, or K.S.A. 2017 Supp. 21-5503, and amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto, indecent solicitation of a child, pursuant to K.S.A. 21-3510, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto, aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto, commercial sexual exploitation of a child, pursuant to K.S.A. 2017 Supp. 21-6422, and amendments thereto, an attempt to commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto, a conspiracy to commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto, or criminal solicitation of any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto, or similar statutes of other states or the federal government. The provisions of subsection ~~(a)~~ (b)(2)(C) shall not apply to any person who is employed by a home health agency on or before July 1, 2010, and while continuously employed by the same home health agency or to any person during or upon successful completion of a

diversion agreement.

(2) A person operating a home health agency may employ an applicant who has been convicted of any of the following if ~~five six~~ or more years have elapsed since ~~the applicant satisfied completion of~~ the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; ~~or if five six~~ or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; or if the applicant has been granted a waiver of such six-year disqualification: A felony conviction for a crime ~~which that~~ is described in: (A) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, ~~or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418,~~ and amendments thereto, except those crimes listed in subsection ~~(a) (b)(1);~~ (B) ~~articles, article~~ article 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. ~~21-6419 through 21-6421~~ 21-6420, and amendments thereto, except those crimes listed in subsection ~~(a) (b)(1)~~ and K.S.A. 21-3605, prior to its repeal, or K.S.A. 2017 Supp. 21-5606, and amendments thereto; (C) K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto; (D) an attempt to commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto; (E) a conspiracy to commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto; (F) criminal solicitation of any of the crimes listed in this paragraph pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto; or (G) similar statutes of other states or the federal government.

An individual who has been disqualified for employment due to conviction or adjudication of an offense of an offense listed in this paragraph (2) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and the criteria to be utilized by the secretary in evaluating any such waiver request.

(3) A person operating a home health agency may employ an applicant who has been convicted of any of the following if six or more years have elapsed since completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; if six or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; or if the applicant has been granted a waiver of such six-year disqualification:

(i) Interference with custody of a committed person pursuant to K.S.A. 21-3423, prior to its repeal, or K.S.A. 2017 Supp. 21-5410, and amendments thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425, prior to its repeal, or K.S.A. 2017 Supp. 21- 5416, and amendments thereto; unlawful administration of a substance pursuant to K.S.A. 21-3445, prior to its repeal, or K.S.A. 2017 Supp. 21-5425, and amendments thereto; violation of a protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A. 2017 Supp. 21-5924; promoting obscenity or

promoting obscenity to minors pursuant to K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto; or cruelty to animals pursuant to K.S.A. 21-3727, 21-4310 or 21-4311, prior to their repeal, or K.S.A. 2017 Supp. 21-6412, and amendments thereto; or

(ii) any felony conviction of: Unlawful manufacture of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or K.S.A. 2017 Supp. 21-5703, and amendments thereto; unlawful cultivation or distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a05, prior to its repeal, or K.S.A. 2017 Supp. 21-5705, and amendments thereto; unlawful manufacture, distribution, cultivation or possession of a controlled substance using a communication facility pursuant to K.S.A. 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 2017 Supp. 21-5707, and amendments thereto; unlawful obtainment or sale of a prescription-only drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A. 2017 Supp. 21-5708, and amendments thereto; unlawful distribution of drug precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10, prior to its repeal, or K.S.A. 2017 Supp. 21-5710, and amendments thereto; unlawful distribution or possession of a simulated controlled substance pursuant to K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 2017 Supp. 21-5713, and amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its repeal, or K.S.A. 2017 Supp. 21-5823, and amendments thereto; criminal use of a financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 2017 Supp. 21-5828, and amendments thereto; any violation of the Kansas medicaid fraud control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or K.S.A. 2017 Supp. 21-5925 et seq., and amendments thereto; making a false claim, statement or representation to the medicaid program pursuant to K.S.A. 21-3846, prior to its repeal, or K.S.A. 2017 Supp. 21-5927, and amendments thereto; unlawful acts relating to the medicaid program pursuant to K.S.A. 21-3847, prior to its repeal, or K.S.A. 2017 Supp. 21-5928, and amendments thereto; obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856, prior to its repeal, or K.S.A. 2017 Supp. 21-5929, and amendments thereto; identity theft or identity fraud pursuant to K.S.A. 21-4018, prior to its repeal, or K.S.A. 2017 Supp. 21-6107, and amendments thereto; or social welfare fraud pursuant to K.S.A. 39-720, and amendments thereto. The provisions of this paragraph shall not apply to any person who is employed by a home health agency on or before July 1, 2018, and is continuously employed by the same home health agency or to any person during or upon successful completion of a diversion agreement.

An individual who has been disqualified for employment due to conviction or adjudication of an offense listed in this paragraph (3) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and criteria to be considered by the secretary in evaluating any such waiver request.

(b)(c) No person shall operate a home health agency if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in ~~K.S.A. 59-3050 through 59-3095, and amendments thereto~~ the act for obtaining a guardian or a conservator, or both. The provisions of this subsection shall not apply to an individual who, as a minor, was found to be in need of a guardian or conservator for reasons other than impairment.

~~(e) The secretary of health and environment shall have access to any criminal history record information in the possession of the Kansas bureau of investigation regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, concerning persons working for a home health agency. The secretary shall have access to these records for the purpose of determining whether or not the home health agency meets the requirements of this section.~~

(d) (1) The Kansas bureau of investigation shall release all records of adult and juvenile convictions and adjudications and adult and juvenile convictions and adjudications of any other state or country concerning persons working in a home health agency to the secretary for aging and disability services. The Kansas bureau of investigation may charge to the Kansas department of health and environment for aging and disability services a reasonable fee for providing criminal history record information under this subsection.

(2) The department shall require an applicant to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the person and for making an official determination of the qualifications and fitness of the person to work in the home health agency.

(3) An applicant for employment in an home health agency shall have 20 calendar days after receipt of authorization to submit the applicant's fingerprints through an authorized collection site in order to be eligible for provisional employment or the applicant's application shall be deemed withdrawn.

(4) (A) The current or prospective employer of an applicant shall pay a fee not to exceed \$19 of the total cost for criminal history record information to the department for each applicant submitted.

(B) The prospective employer, employee or independent contractor shall pay the fingerprint collection fee at the time of fingerprinting to the authorized collection site.

(5) If an applicant disputes the contents of a criminal history record check, then the applicant may file an appeal with the Kansas bureau of investigation.

(6) Individuals who have been disqualified for employment by reason of their criminal history records and who have met the requirements of this subsection may apply for a waiver with the department within 30 days of the receipt of the notice of employment prohibition.

(7) The department shall adopt rules and regulations specifying the criteria and procedure for issuing a waiver of the employment prohibition. The secretary shall consider the following criteria when rendering a decision on such a waiver request: Passage of time; extenuating circumstances; demonstration of rehabilitation; and

relevancy of the criminal history record information to the position for which the applicant is applying. Any employment prohibition issued shall remain in effect unless or until a waiver is granted.

~~(d)(c)~~ For the purpose of complying with this section, the operator of a home health agency shall request from the Kansas department for aging and disability services information regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, and which relates to a person who works for the home health agency or is being considered for employment by the home health agency, for the purpose of determining whether such person is subject to the provisions of this section. For the purpose of complying with this section, information relating to convictions and adjudications by the federal government or to convictions and adjudications in states other than Kansas shall not be required until such time as the secretary for aging and disability services determines the search for such information could reasonably be performed and the information obtained within a two week period. For the purpose of complying with this section, the operator of a home health agency shall receive from any employment agency which provides employees to work for the home health agency written certification that such employees are not prohibited from working for the home health agency under this section an eligibility determination regarding adult and juvenile convictions and adjudications. For the purpose of complying with this section, a person who operates a home health agency may hire an applicant for provisional employment on a conditional one-time basis of 60 calendar days pending the results from the Kansas department for aging and disability services of a request for information under this subsection. A provisional employee may only be supervised by an employee who has completed all training required by federal regulations, rules and regulations of the department and the home health agency's policies and procedures. No home health agency, the operator or employees of a home health agency or an employment agency, ~~or the operator or employees of an employment agency, which provides employees to work for the home health agency~~ or an independent contractor shall be liable for civil damages resulting from any decision to employ, to refuse to employ or to discharge from employment any person based on such home health agency's compliance with the provisions of this section if such home health agency or employment agency acts in good faith to comply with this section.

~~(e)~~ The secretary for aging and disability services shall charge each person requesting information under this section a fee equal to cost, not to exceed \$10, for each name about which an information request has been submitted under this section.

~~(f)-(1)~~ The secretary for aging and disability services shall provide each operator requesting information under this section with the criminal history record information concerning a pass or fail determination after review of any criminal history information and convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, in writing and within three working days of receipt of such information from the Kansas bureau of investigation or the federal bureau of investigation. ~~The criminal history~~

record information shall be provided regardless of whether the information discloses that the subject of the request has been convicted of an offense enumerated in subsection (a).

~~(2) When an offense enumerated in subsection (a) exists in the criminal history record information, and when further confirmation regarding criminal history record information is required from the appropriate court of jurisdiction or Kansas department of corrections, the secretary for aging and disability services shall notify each operator that requests information under this section in writing and within three working days of receipt from the Kansas bureau of investigation that further confirmation is required. The secretary for aging and disability services shall provide to the operator requesting information under this section information in writing and within three working days of receipt of such information from the appropriate court of jurisdiction or Kansas department of corrections regarding confirmation regarding the criminal history record information.~~

~~(3) Whenever the criminal history record information reveals that the subject of the request has no criminal history on record, the secretary for aging and disability services shall provide notice to each operator requesting information under this section, in writing and within three working days after receipt of such information from the Kansas bureau of investigation.~~

~~(4) The secretary for aging and disability services shall not provide each operator requesting information under this section with the juvenile criminal history record information which relates to a person subject to a background check as is provided by K.S.A. 2017 Supp. 38-2326, and amendments thereto, except for adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto. The secretary shall notify the operator that requested the information, in writing and within three working days of receipt of such information from the Kansas bureau of investigation, whether juvenile criminal history record information received pursuant to this section reveals that the operator would or would not be prohibited by this section from employing the subject of the request for information and whether such information contains adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto.~~

~~(5) An operator who receives criminal history record information under this subsection (f) shall keep such information confidential, except that the operator may disclose such information to the person who is the subject of the request for information. A violation of this paragraph shall be an unclassified misdemeanor punishable by a fine of \$100.~~

~~(g) No person who works for a home health agency and who is currently licensed or registered by an agency of this state to provide professional services in this state and who provides such services as part of the work which such person performs for the home health agency shall be subject to the provisions of this section.~~

~~(h)(g) A person who volunteers to assist a home health agency shall not be subject to the provisions of this section because of such volunteer activity unless the volunteer performs functions equivalent to functions performed by direct access employees.~~

~~(i) An operator may request from the department of health and environment criminal history information on persons employed under subsections (g) and (h).~~

~~(j)(h) No person who has been continuously employed by the same home health~~

agency since July 1, 1992, shall be subject to the requirements of this section while employed by such home health agency.

~~(e)(i) The operator of a home health agency shall not be required under this section to conduct a background criminal history record check on an applicant for employment with the home health agency if the applicant has been the subject of a background criminal history record check under this act within one year prior to the application for employment with the home health agency. The operator of a home health agency where the applicant was the subject of such background check may release a copy of such background check to the operator of a home health agency where the applicant is currently applying.~~

~~(f) For purposes of this section, the Kansas bureau of investigation shall only report felony convictions, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, to the secretary for aging and disability services when a background check is requested.~~

~~(j) No person who is in the custody of the secretary of corrections and who provides services, under direct supervision in non-patient areas, on the grounds or other areas designated by the superintendent of the Kansas soldiers' home or the Kansas veterans' home shall be subject to the provisions of this section while providing such services.~~

~~(k) (1) All fees charged by the secretary for criminal history record checks conducted pursuant to this section shall be established by rules and regulations of the secretary.~~

~~(2) All moneys collected and remitted to the department for fees charged for criminal history record checks conducted pursuant to this section shall be remitted to the state treasurer in accordance with K.S.A. 65-5113, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the state licensure fee fund created by K.S.A. 39-930, and amendments thereto.~~

~~(l) The department may implement the amendments made to this section by this act in phases for different categories of employers. The department shall adopt rules and regulations establishing dates and procedures for the implementation of the criminal history record checks required by this section, and such dates may be staggered to facilitate implementation of the criminal history record checks required by this section.~~

~~(m) This section shall be part of and supplemental to the provisions of article 51 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.~~

Sec. 5. K.S.A. 2017 Supp. 75-4362 is hereby amended to read as follows: 75-4362.

(a) The director of the division of personnel services of the department of administration shall have the authority to establish and implement a drug screening program for persons taking office as governor, lieutenant governor, attorney general or members of the Kansas senate or house of representatives and for applicants for safety sensitive positions in state government, but no applicant for a safety sensitive position shall be required to submit to a test as a part of this program unless the applicant is first given a conditional offer of employment.

(b) The director also shall have the authority to establish and implement a drug screening program based upon a reasonable suspicion of illegal drug use by any person currently holding one of the following positions or offices:

- (1) The office of governor, lieutenant governor or attorney general;
- (2) members of the Kansas senate or house of representatives;
- (3) any safety sensitive position;
- (4) any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive position;
- (5) any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 et seq., and amendments thereto; ~~or~~
- (6) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 et seq., and amendments thereto; ~~or~~
- ~~(7) any employee of a state veteran's home operated by the director of the Kansas commission on veterans affairs office as described in K.S.A. 76-1901 et seq. and K.S.A. 76-1951 et seq., and amendments thereto.~~

(c) Any public announcement or advertisement soliciting applications for employment in a safety sensitive position in state government shall include a statement of the requirements of the drug screening program established under this section for applicants for and employees holding a safety sensitive position.

(d) Except for a person who has access to a secured biological laboratory in the office of laboratory services of the department of health and environment, no person shall be terminated solely due to positive results of a test administered as a part of a program authorized by this section if:

- (1) The employee has not previously had a valid positive test result; and
- (2) the employee undergoes a drug evaluation and successfully completes any education or treatment program recommended as a result of the evaluation. Nothing herein shall be construed as prohibiting demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.

(e) Except in hearings before the state civil service board regarding disciplinary action taken against the employee, the results of any test administered as a part of a program authorized by this section shall be confidential and shall not be disclosed publicly.

(f) The secretary of administration may adopt such rules and regulations as necessary to carry out the provisions of this section.

- (g) "Safety sensitive positions" means the following:
 - (1) All state law enforcement officers who are authorized to carry firearms;
 - (2) all state corrections officers;
 - (3) all state parole officers;
 - (4) heads of state agencies who are appointed by the governor and employees on the governor's staff;
 - (5) all employees with access to secure facilities of a correctional institution, as defined in K.S.A. 2017 Supp. 21-5914, and amendments thereto;
 - (6) all employees of a juvenile correctional facility, as defined in K.S.A. 2017 Supp. 38-2302, and amendments thereto;
 - (7) all employees within an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, who provide clinical, therapeutic or rehabilitative services to the clients and patients of those institutions; ~~and~~

(8) all employees who have access to a secured biological laboratory in the office of laboratory services of the department of health and environment; and

(9) all employees of the Kansas commission on veterans affairs office.";

Also on page 2, in line 35, by striking "is" and inserting "and K.S.A. 2017 Supp. 39-970, 39-2009, 65-5117 and 75-4362 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "labor" by inserting "and employment"; in line 3, after the semicolon by inserting "Kansas commission on veterans affairs office; drug screening programs; Kansas department for aging and disability services regarding certain providers and facilities; providing for licensure, employment and background checks of employees;"; also in line 3, after "and" by inserting "K.S.A. 2017 Supp. 39-970, 39-2009, 65-5117 and 75-4362 and"; in line 4, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

BUD ESTES

ROB OLSON

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

DAVE BARKER

RON HIGHLAND

LOIS RUIZ

Conferees on part of House

Senator Olson moved the Senate adopt the Conference Committee Report on **S Sub S Sub HB 2386**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2476** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 14 through 33;

By striking all on pages 2 through 10;

On page 11, by striking all in lines 1 through 36; following line 36, by inserting:

"Section 1. K.S.A. 2017 Supp. 45-230 is hereby amended to read as follows: 45-230. (a) No person shall knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records except:

(1) Lists of names and addresses from public records of the division of vehicles obtained under K.S.A. 74-2012, and amendments thereto;

(2) lists of names and addresses of persons licensed, registered or issued certificates or permits to practice a profession or vocation may be sold or given to, and received by, an organization of persons who practice that profession or vocation for membership, informational or other purposes related to the practice of the profession or vocation;

(3) lists of names and addresses of persons applying for examination for licenses, registrations, certificates or permits to practice a profession or vocation shall be sold or given to, and received by, organizations providing professional or vocational educational materials or courses to such persons for the sole purpose of providing such persons with information relating to the availability of such materials or courses;

(4) lists of names, addresses and other information from voter registration lists may be compiled, used, given, received, sold or purchased by any person, as defined in K.S.A. 2017 Supp. 21-5111, and amendments thereto, solely for political campaign or election purposes;

(5) lists of names and addresses from the public records of postsecondary institutions as defined in K.S.A. 74-3201b, and amendments thereto, may be given to, and received and disseminated by such institution's separately incorporated affiliates and supporting organizations, which qualify under section 501(c)(3) of the federal internal revenue code of 1986, for use in the furtherance of the purposes and programs of such institutions and such affiliates and supporting organizations; ~~and~~

(6) lists of names and addresses from public records of the secretary of state obtained under K.S.A. 2017 Supp. 84-9-523, and amendments thereto; and

(7) to the extent otherwise authorized by law.

(b) Any person subject to this section who knowingly violates the provisions of this section shall be liable for the payment of a civil penalty in an action brought by the attorney general or county or district attorney in a sum set by the court not to exceed \$500 for each violation.

(c) The provisions of this section shall not apply to nor impose any civil liability or penalty upon any public official, public agency or records custodian for granting access to or providing copies of public records or information containing names and addresses, in good faith compliance with the Kansas open records act, to a person who has made a written request for access to such information and has executed a written certification pursuant to ~~subsection (c)(2) of K.S.A. 45-220(c)(2),~~ and amendments thereto.

(d) This section shall be a part of and supplemental to the Kansas open records act.

Sec. 2. K.S.A. 2017 Supp. 45-230 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking lines 2 through 10; in line 11, by striking all before the period and inserting "public records; relating to the unlawful use of names derived from public records, exceptions; amending K.S.A. 2017 Supp. 45-230 and repealing the existing section";

And your committee on conference recommends the adoption of this report.

BUD ESTES

ROB OLSON

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

JOHN BARKER
 RON HIGHLAND
 LOUIS RUIZ

Conferees on part of House

Senator Estes moved the Senate adopt the Conference Committee Report on **HB 2476**.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Francisco.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2482** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

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 21;

Also, on page 10, following line 21, by inserting:

"New Section 1. The purpose of K.S.A. 2017 Supp. 75-3740e and 75-3740f, and amendments thereto, is to declare that Israel is a prominent trading partner of the state of Kansas and that the state, and those companies that do business by and through the state, in the interest of the state's economic policy, should not boycott trade with Israel. Companies that refuse to deal with United States trade partners such as Israel make discriminatory decisions on the basis of national origin that impair those companies' commercial soundness. Israel is known for its dynamic and innovative approach in many business sectors, and a company's decision to discriminate against persons or entities doing business in Israel or in territories controlled by Israel is an unsound business practice making the company an unduly risky contracting partner. It is also the public policy of the United States, as enshrined in several federal acts, including 50 U.S.C. § 4607, to oppose such boycotts, and congress has concluded as a matter of national trade policy that cooperation with Israel materially benefits United States companies and improves American competitiveness.

Sec. 2. K.S.A. 2017 Supp. 75-3740e is hereby amended to read as follows: 75-3740e. As used in K.S.A. 2017 Supp. 75-3740e and 75-3740f, and amendments thereto:

(a) "Boycott" means engaging in a refusal to deal, terminating business activities or performing other actions that are intended to limit commercial relations with persons or entities doing business in Israel or in territories controlled by Israel, if those actions are taken either:

(1) In compliance with or adherence to calls for a boycott of Israel other than those boycotts to which 50 U.S.C. § 4607(c) applies; or

(2) in a manner that discriminates on the basis of nationality, national origin or religion, and that is not based on a valid business reason;

(b) "company" means ~~a sole proprietorship,~~ an organization, association, corporation, partnership, venture or other entity, its subsidiary or affiliate, that exists for profitmaking purposes or to otherwise secure economic advantage; ~~and~~

(c) "contract" means a written agreement between the state and a company to acquire or dispose of goods or services with an aggregate price of more than \$100,000. "Contract" does not mean a written agreement between the state and an individual to acquire or dispose of goods or services, including employment or consultant services; and

(d) "state" means this state or an agency, board, commission or department of this state.

Sec. 3. K.S.A. 2017 Supp. 75-3740f is hereby amended to read as follows: 75-3740f. (a) Except as provided in subsection (c), the state shall not enter into a contract with ~~an individual or a company to acquire or dispose of services, supplies, information technology or construction,~~ unless such ~~individual or~~ company submits a written certification that such ~~individual or~~ company is not currently engaged in a boycott of goods or services from Israel that constitutes an integral part of business conducted or sought to be conducted with the state.

(b) The state may not adopt a procurement, investment or other policy that has the effect of inducing or requiring a person to boycott the government of Israel or its instrumentalities, or to boycott a person doing business in Israel or territories under its jurisdiction, when such boycott is on the basis of such person's location in such places.

(c) The secretary of administration will approve contracts, or may waive application of this section on any contract with any state agency if the secretary determines that compliance is not practicable.";

Also on page 10, in line 22, by striking all after "Supp."; in line 23, by striking "41-2640" and inserting "75-3740e and 75-3740f";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking "consumption" and inserting "state contracts; relating to application of contract requirements regarding anti-Israel boycotts"; also in line 3, by striking all after "Supp."; also in line 4, by striking all before the second "and" and inserting "75-3740e and 75-3740f";

And your committee on conference recommends the adoption of this report.

BUD ESTES

ROB OLSON

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

JOHN BARKER

RON HIGHLAND

LOUIS RUIZ

Conferees on part of House

Senator Estes moved the Senate adopt the Conference Committee Report on **HB 2482**.

On roll call, the vote was: Yeas 36; Nays 1; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Hardy, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Francisco.

Present and Passing: Doll, Haley, Hawk.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2542** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 3, following line 38, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 75-3718b is hereby amended to read as follows: 75-3718b. (a) On or before January 14, 2019, the secretary of administration, in consultation with the division of the budget, the office of revisor of statutes and the Kansas legislative research department, shall implement a budget process that accomplishes the following objectives:

(1) A program service inventory, to be complete on or before January 9, 2017. Such inventory shall include, but not be limited to, the following:

(A) Identification of agency programs and subprograms by objective, function and purpose;

(B) the state or federal statutory citation authorizing those programs, if any;

(C) identification of programs that are mandatory versus discretionary;

(D) a history of the programs, including interaction with other agency programs and objectives;

(E) state matching or other federal financial requirements;

(F) prioritization of the level of all programs and subprograms; and

(G) the consequence of not funding the program or subprogram.

(2) An integrated budget fiscal process, to be complete on or before January 6, 2018. Such process shall institute common accounting procedures consistent with budget development, budget approval, budget submission, through actual expenditures by fund.

(3) A performance based budgeting system, to be completed on or before January 14, 2019. Such budgeting system shall include, but not be limited to, the following:

(A) Incorporation of various outcome based performance measures, for state programs; and

(B) enhancement of the capability to compare program effectiveness across multiple state and political boundaries.

(b) The provisions of this section shall not apply to postsecondary educational institutions that have implemented the performance agreement pursuant to K.S.A. 74-

3202d, and amendments thereto.;

Also on page 3, in line 39, by striking "is" and inserting "and 75-3718b are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "postsecondary educational institutions; relating to"; in line 2, by striking all after "act"; in line 3, by striking "date" and inserting "fee schedule; exempting certain postsecondary educational institutions from performance-based budgeting"; also in line 3, after "74-32,181" by inserting "and 75-3718b"; in line 4, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

MOLLY BAUMGARDNER

LARRY ALLEY

PAT PETTEY

Conferees on part of Senate

CLAY AURAND

DIANA DIERKS

VALDENIA WINN

Conferees on part of House

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **HB 2542**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2556** submits the following report:

The Senate recedes from all of its amendments to the bill.

And your committee on conference recommends the adoption of this report.

CAROLYN MCGINN

RICK BILLINGER

TOM HAWK

Conferees on part of Senate

TOM SLOAN

GREG LEWIS

PAM CURTIS

Conferees on part of House

Senator Billinger moved the Senate adopt the Conference Committee Report on **Sub HB 2556**.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Hilderbrand, Pyle, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2583** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 3, in line 13, by striking "three" and inserting "four"; also in line 13, by striking all after "be"; in line 14, by striking all before "one" and inserting "private landowners involved in agricultural production, one of whom shall be a Kansas producer who grows traditional Kansas crops, which, for the purposes of this paragraph, means wheat, corn, soybeans, milo, peanuts, cotton, hay or oats, one of whom shall be a Kansas producer who grows non-traditional Kansas crops, and"; in line 15, by striking "farmer" and inserting "producer"; by striking all in lines 22 through 25;

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

On page 8, in line 43, by striking "shall";

On page 9, in line 1, by striking all after "the"; in line 2, by striking all before the period and inserting "registry or registries identified by the secretary to provide location information about organic, sensitive or specialty crops";

On page 11, in line 27, by striking "within 15 days"; also in line 27, after "timeline" by inserting "within such 15 days' notice";

On page 13, in line 41, before "at" by inserting "who have been assessed a tax by the county";

On page 14, in line 10, before the period by inserting "in an amount equal to not less than 50% nor more than 75% of the total cost incurred by the county in purchasing, storing and handling such chemical materials used in the control and eradication of noxious weeds, and may make such charge for the use of machines or other equipment and operators as may be deemed by the board of county commissioners sufficient to cover the actual cost of operation. However, once the tax levying body of a county, city or township has appropriated a budget equivalent to 1.5 mills or more, the board of county commissioners may collect from the landowners in their jurisdiction an amount equal to 75% but not more than 100% of the total cost incurred by the county in purchasing, storing and handling of chemical materials used in the control and eradication of noxious weeds";

Also on page 14, in line 26, after the stricken material by inserting "The board of

county commissioners of a county that funds its noxious weed program from the county general fund shall sell chemical materials to the landowners in its jurisdiction who have been assessed a tax by the county at a price fixed by the board of county commissioners in an amount equal to not less than 50% nor more than 75% of the total cost incurred by the county in purchasing, storing and handling such chemical materials used in the control and eradication of noxious weeds, and may make such charge for the use of machines or other equipment and the operators as may be deemed by the board of county commissioners sufficient to cover the actual cost of operation. However, once the tax levying body of a county, city or township has appropriated a budget equivalent to 1.5 mills or more, the board of county commissioners may collect from the landowners in its jurisdiction an amount equal to 75% but not more than 100% of the total cost incurred by the county in purchasing, storing and handling of chemical materials used in the control and eradication of noxious weeds.

(d) ";

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

On page 15, in line 10, by striking "knowingly";

And your committee on conference recommends the adoption of this report.

DAN KERSCHEN

BUD ESTES

MARCI FRANCISCO

Conferees on part of Senate

KYLE HOFFMAN

KENT THOMPSON

SYDNEY CARLIN

Conferees on part of House

Senator Kerschen moved the Senate adopt the Conference Committee Report on **HB 2583**.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Hilderbrand, Masterson, Pilcher-Cook, Pyle, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2600** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2600, as follows:

On page 10, following line 38, by inserting:

"New Sec. 3. (a) There is hereby created the palliative care and quality of life interdisciplinary advisory council within the department of health and environment. The

purpose of this council is to develop recommendations and advise the department of health and environment on matters related to the establishment, maintenance, operation, outcomes evaluation of palliative care initiatives in the state, and effectiveness of the palliative care consumer and professional information and education program.

(b) (1) The palliative care and quality of life interdisciplinary advisory council shall consist of 13 members appointed on or before October 1, 2018. The members shall be appointed as follows: (A) Two members appointed by the governor; (B) two members appointed by the speaker of the house of representatives; (C) one member appointed by the minority leader of the house of representatives; (D) two members appointed by the president of the senate; (E) one member appointed by the minority leader of the senate; (F) one member appointed by the secretary of health and environment who shall represent the department of health and environment; (G) one member appointed by the secretary for aging and disability services who shall represent the department for aging and disability services; (H) one member of the house committee on health and human services appointed by the chair of the house committee on health and human services; (I) one member appointed by the majority leader of the house of representatives; and (J) one member of the senate committee on public health and welfare appointed by the chair of the senate committee on public health and welfare.

(2) Members of the palliative care and quality of life interdisciplinary advisory council shall be individuals with experience and expertise in interdisciplinary palliative care medical, nursing, social work, pharmacy and spiritual guidance. Membership shall specifically include health care professionals having palliative care work experience or expertise in palliative care delivery models in a variety of inpatient, outpatient and community settings and with a variety of populations including pediatric, youth and adults. At least two members of the palliative care and quality of life interdisciplinary advisory council shall be board-certified hospice and palliative medicine physicians or nurses, and at least one member shall be a patient or a caregiver.

(3) Members of the palliative care and quality of life interdisciplinary advisory council shall serve for a period of three years and shall serve at the pleasure of their respective appointing authorities. The members shall elect a chair and vice chair whose duties shall be established by the council. The department of health and environment shall fix a time and place for regular meetings of the council, which shall meet at least twice annually.

(4) Members of the palliative care and quality of life interdisciplinary advisory council shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(c) "Palliative care" means an approach that improves the quality of life of patients and their families facing the problem associated with life-threatening illness, through the prevention and relief of suffering by means of early identification and impeccable assessment and treatment of pain and other problems, physical, psychosocial and spiritual. Palliative care:

- (1) Provides relief from pain and other distressing symptoms;
- (2) affirms life and regards dying as a normal process;
- (3) intends neither to hasten or postpone death;
- (4) integrates the psychological and spiritual aspects of patient care;
- (5) offers a support system to help patients live as actively as possible until death;

(6) offers a support system to help the family cope during the patient's illness and in their own bereavement;

(7) uses a team approach to address the needs of patients and their families, including bereavement counseling, if indicated;

(8) will enhance quality of life, and may also positively influence the course of illness; and

(9) is applicable early in the course of illness, in conjunction with other therapies that are intended to prolong life, such as chemotherapy or radiation therapy, and includes those investigations needed to better understand and manage distressing clinical complications.

New Sec. 4. (a) There is hereby created the state palliative care consumer and professional information and education program in the department of health and environment. The purpose of the state palliative care consumer and professional information and education program is to maximize the effectiveness of palliative care initiatives in the state by ensuring that comprehensive and accurate information and education about palliative care is available to the public, health care providers and health care facilities.

(b) The department of health and environment:

(1) Shall publish information and resources on its website, including links to external resources, about palliative care for the public, health care providers and health care facilities. The information shall include, but not be limited to, the following:

(A) Continuing education opportunities for health care providers;

(B) information about palliative care delivery in home, primary, secondary and tertiary environments; and

(C) consumer educational materials and referral information for palliative care, including hospice;

(2) may develop and implement any other initiatives regarding palliative care services and education that it determines would further the purposes of this section; and

(3) shall consult with the palliative care and quality of life interdisciplinary advisory council.

(c) "Palliative care" shall have the meaning ascribed to it in section 3, and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, after the second semicolon by inserting "establishing the palliative care and quality of life interdisciplinary advisory council and the palliative care consumer and professional information and education program;"

And your committee on conference recommends the adoption of this report.

VICKI SCHMIDT
BARBARA BOLLIER
LAURA KELLY

Conferees on part of Senate

DANIEL HAWKINS
SUSAN CONCANNON
MONICA MURNAN

Conferees on part of House

Senator V. Schmidt moved to adopt the Conference Committee Report on **HB 2600**.

Senator Pilcher-Cook made a substitute motion to not adopt the Conference Committee Report and a new conference committee be appointed.

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

On roll call, the vote was: Yeas 17; Nays 23; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Denning, Estes, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

The motion failed.

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **S Sub for HB 2600**.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 1; Absent or Not Voting 0.

Yeas: Berger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Alley, Baumgardner, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson.

Present and Passing: Billinger.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2602** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, in line 6, by striking "and other reading comprehension impairments"; in line 9, by striking all after "dyslexia"; in line 10, by striking all before the period; in line 11, by striking "November 1, 2018" and inserting "January 2, 2019"; in line 12, by striking "December"; in line 13, by striking all before the period and inserting "January 30, 2019"; in line 16, by striking "reading comprehension impairments and"; in line 20, by striking all before "like" and inserting "difficulties"; in line 21, by striking "and other reading comprehension impairments"; in line 27, by striking all after "dyslexia"; in line 28, by striking "impairments"; in line 32, by striking all before the comma and inserting "difficulties";

On page 2, in line 2, by striking "17" and inserting "16"; in line 32, after "senate" by inserting "and one elementary school classroom teacher shall be"; also in line 32, after "appointed" by inserting "jointly"; also in line 32, after "chairperson" by inserting "and the ranking minority member"; in line 34, after "representatives" by inserting "and one elementary school classroom teacher shall be"; also in line 34, after "appointed" by inserting "jointly"; in line 35, after "chairperson" by inserting "and the ranking minority member"; in line 42, by striking "two members" and inserting "one member"; also in line 42, by striking "principals" and inserting "a principal";

On page 3, in line 5, after "branch" by inserting ", and such appointments shall be made with an effort to provide statewide representation, if possible"; in line 12, by striking all after "(10)"; by striking all in lines 13 through 15; in line 16, by striking "(12)"; in line 19, after "member" by inserting ", identified as a nonprofit service provider for children diagnosed with dyslexia,"; also in line 19, by striking all after "the"; in line 20, by striking all before the semicolon and inserting "chairperson of the task force"; in line 25, by striking "and"; in line 29, after "education" by inserting "; and (C) one member shall be appointed by the disability rights center of Kansas";

On page 4, in line 8, by striking "and other reading comprehension impairments";

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

On page 1, in the title, in line 2, by striking "and other reading comprehension impairments";

And your committee on conference recommends the adoption of this report.

MOLLY BAUMGARDNER

LARRY ALLEY

PAT PETTEY

Conferees on part of Senate

CLAY AURAND

BRENDA DIETRICH

VALDENIA WINN

Conferees on part of House

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **Sub HB 2602**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2701** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, in line 7, by striking "19" and inserting "17"; in line 9, by striking all after "(1)"; by striking all in lines 10 through 17; in line 18, by striking "senate" and inserting "The chairperson, vice-chairperson and ranking minority member of the house standing committee on energy, utilities and telecommunications;

(2) the chairperson, vice-chairperson and ranking minority member of the senate standing committee on utilities";

Also on page 1, by striking all in lines 35 and 36;

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

And your committee on conference recommends the adoption of this report.

ROB OLSON

MIKE PETERSEN

TOM HAWK

Conferees on part of Senate

JOE SEIWERT

RANDY GARBER

ANNIE KUETHER

Conferees on part of House

Senator Olson moved the Senate adopt the Conference Committee Report on **S Sub HB 2701**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Wagle in the chair.

COMMITTEE OF THE WHOLE

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

The committee report on **HB 2228** recommending **S Sub HB 2228** be adopted.

Senator Holland made a motion to divide the question into six parts.

Motion to divide the question Part 1 was retained.

Motion to divide the question Part 2 was retained.

Motion to divide the question Part 3 was retained.

Motion to divide the question Part 4 was retained.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Hensley,

Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Francisco.

Absent or Not Voting: Pyle.

Motion to divide the question Part 5 was retained.

On roll call, the vote was: Yeas 21; Nays 18; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Givens, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Present and Passing: Francisco.

Motion to divide the question Part 6 was retained.

Senator Hardy offered the following amendment on **S Sub HB 2228**. A ruling of the chair was requested as to the germaneness of the amendment. The chair of the Rules Committee ruled the amendment was germane to the bill.

S Sub HB 2228 be amended by motion of Senator Hardy; on page 17, following line 32, by inserting:

"New Sec. 6. (a) For all taxable years commencing after December 31, 2017, there shall be allowed a credit against the tax imposed by the Kansas income tax act in an amount equal to 50% of the total amount contributed during the taxable year by the taxpayer to the Eisenhower foundation.

(b) The amount of such credit awarded to a taxpayer in a taxable year pursuant to this section shall not exceed:

(1) \$25,000 for any taxpayer subject to the income tax on resident individuals imposed pursuant to K.S.A. 79-32,110(a), and amendments thereto; or

(2) \$50,000 for any taxpayer subject to the income tax on corporations imposed pursuant to K.S.A. 79-32,110(c), and amendments thereto.

(c) The aggregate amount of credits claimed pursuant to this section shall not exceed \$350,000 for any fiscal year.

(d) The credit allowed by this section shall not exceed the amount of tax imposed under the Kansas income tax act reduced by the sum of any other credits allowable pursuant to law. Such credit shall be deducted from the taxpayer's income tax liability for the taxable year in which the contributions are made by the taxpayer. The taxpayer shall not be allowed to carry over any amount of such credit exceeding the taxpayer's income tax liability.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "credits, Eisenhower foundation donations;"

S Sub HB 2228 be further amended by motion of Senator Petersen; on page 17, following line 32, by inserting:

"New Sec. 6. (a) For tax years 2018 through 2022, a credit shall be allowed against the tax imposed by the Kansas income tax act in an amount equal to 15% of the amount for expenditures of goods and services purchased by the taxpayer from a qualified vendor on and after January 1, 2018, and before January 1, 2023, as certified by the

secretary of commerce as provided in subsection (c). The amount of such credit awarded for each taxpayer shall not exceed \$500,000 per qualified vendor per tax year. In no event shall the total amount of cumulative credits allowed under this section exceed \$5,000,000 for all tax years that the credit remains in effect.

(b) The tax credit allowed by this section shall be deducted from the taxpayer's income tax liability for the tax year in which the expenditures were made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such tax year, the taxpayer may carry over the amount that exceeds such tax liability for deduction from the taxpayer's liability in the next succeeding tax year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth tax year succeeding the tax year in which the expenditures were incurred.

(c) The secretary of commerce shall annually certify that expenditures for goods and services purchased by a taxpayer subject to the tax credit provided in this section were made from a qualified vendor, and provide such certification to the secretary of revenue. The secretary of commerce is hereby authorized to promulgate rules and regulations for establishing criteria based on the provisions of K.S.A. 75-3317 et seq., and amendments thereto, for evaluating whether purchases by taxpayers from a qualified vendor should be certified as provided in this section, with the assistance and approval of the secretary of revenue.

(d) As used in this section:

(1) "Certified business" means any business certified by the department of administration that is a sole proprietorship, partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that:

(A) Does business primarily in Kansas or substantially all of its production in Kansas;

(B) employs at least 30% of its employees who are individuals with disabilities and reside in Kansas;

(C) offers to contribute at least 75% of the premium cost for individual health insurance coverage for each employee. The department of administration shall require a certification of these facts; and

(D) does not employ individuals under a certificate issued by the United States secretary of labor under 29 U.S.C. § 214(c);

(2) "individuals with disabilities" or "individual with a disability" means any individual who:

(A) Is certified by the Kansas department for aging and disability services or by the Kansas department for children and families which administers the rehabilitation services program as having a physical or mental impairment which constitutes a substantial barrier to employment;

(B) works a minimum number of hours per week for a certified business necessary to qualify for health insurance coverage offered pursuant to subsection (d)(1); and

(C) (i) is receiving services, has received services or is eligible to receive services under a home and community based services program, as defined by K.S.A. 39-7,100, and amendments thereto;

(ii) is employed by a charitable organization domiciled in the state of Kansas and exempt from federal income taxation pursuant to section 501(c)(3) of the federal

internal revenue code of 1986, as amended; or

(iii) is an individual with a disability pursuant to the disability standards established by the social security administration as determined by the Kansas disability determination services under the Kansas department for children and families; and

(3) "qualified vendor" means an entity that:

(A) Is a "qualified vendor" pursuant to K.S.A. 75-3317, and amendments thereto, or is a "certified business" that is also a nonprofit organization pursuant to K.S.A. 75-3740, and amendments thereto;

(B) pays minimum wage or above to all their employees in a manner that meets the definition of "competitive employment" pursuant to K.S.A. 44-1136, and amendments thereto;

(C) meets the definition of employing all of their workers in an "integrated setting" pursuant to K.S.A. 44-1136, and amendments thereto; and

(D) offers a qualified company-sponsored insurance plan under the affordable care act or pays the required subsidy to the internal revenue service for employees who purchase insurance through the open market, if a company-sponsored plan is not offered. If any such company is not covered under the affordable care act, and does not offer a company-sponsored insurance plan, such company must offer assistance to the employee to cover at least 75% of their health insurance costs through a health savings account or other legal and appropriate methodology.

(e) The secretary of revenue shall report to the house committee on taxation and the senate committee on assessment and taxation on or before February 1, 2020, 2021 and 2022 concerning the implementation and effectiveness of the credit provided in this section.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "credits, certain purchases of goods and services for qualified vendors that provide employment to individuals who are blind or severely disabled, qualifications, procedures and limitations;"

A motion by Senator Pyle to amend **S Sub HB 2228** failed and the following amendment was rejected; on page 10, in line 18, by striking "2017" and inserting "2016"; in line 22, by striking "2018" and inserting "2017".

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

On roll call, the vote was: Yeas 19; Nays 20; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Bowers, Denning, Estes, Fitzgerald, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Givens, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Absent or Not Voting: Billinger.

A motion by Senator Pyle to amend **S Sub HB 2228** failed and the following amendment was rejected; on page 10, in line 25, by striking "\$3,750" and inserting "\$4,000"; in line 26, by striking "\$9,375" and inserting "\$10,000"; also in line 26, by striking "\$6,875" and inserting "\$7,000".

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

On roll call, the vote was: Yeas 18; Nays 21; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Estes, Faust-Goudeau, Fitzgerald, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wilborn.

Nays: Berger, Bollier, Denning, Doll, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

Present and Passing: Kelly.

An amendment offered by Senator Hilderbrand was ruled not germane.

An amendment offered by Senator Tyson was ruled not germane.

An amendment offered by Senator Alley failed.

Senator Alley motioned to further amend **S Sub HB 2228**. (see evening session, Committee of the Whole.)

Vice President Longbine moved that the committee rise and report progress.

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

On roll call, the vote was: Yeas 22; Nays 14; Present and Passing 4; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Doll, Faust-Goudeau, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Estes, Fitzgerald, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson.

Present and Passing: Denning, Francisco, Wagle, Wilborn.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub for SB 56**.

Announcing passage of **Sub SB 423**, as amended.

The House adopts the Conference Committee report on **SB 335**.

The House adopts the Conference Committee report on **HB 2482**.

The House adopts the Conference Committee report on **S Sub for HB 2600**.

The House adopts the Conference Committee report on **Sub HB 2602**.

The House adopts the Conference Committee report on **S Sub HB 2701**.

The House not adopts the conference committee report on **S Sub HB 2028**, requests a conference and appoints Representatives Hawkins, Concannon and Murnan as second conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2380**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2380," as follows:

"Senate Substitute for HOUSE BILL No. 2380

By Committee on Assessment and Taxation

"AN ACT concerning taxation; establishing the property tax review study commission; providing for membership and duties."; and the substitute bill be passed.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

Senators Wagle and Denning introduced the following concurrent resolution which was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1614—

A CONCURRENT RESOLUTION relating to the
2018 regular session of the legislature; extending such session
beyond 90 calendar days; and providing for adjournment thereof.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein: That the 2018 regular session of the legislature shall be extended beyond 90 calendar days; and

Be it further resolved: That the legislature shall adjourn at the close of business of the daily session convened on April 7, 2018, and shall reconvene at 10:00 a.m. on April 26, 2018; and

Be it further resolved: That the legislature may adjourn and reconvene at any time during the period on and after April 26, 2018, to May 4, 2018, but the legislature shall reconvene at 10:00 a.m. on May 4, 2018, at which time the legislature shall continue in session and shall adjourn sine die at the close of business on May 4, 2018; and

Be it further resolved: That the secretary of the senate and the chief clerk of the house of representatives and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the Legislative Coordinating Council or by the President of the Senate or the Speaker of the House of Representatives and members of a conference committee attending a meeting of the conference committee authorized by the President of the Senate and the Speaker of the House of Representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation, subsistence allowances, mileage and other expenses in amounts prescribed under K.S.A. 75-3212, and amendments thereto.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

Senators Wagle and Denning introduced the following concurrent resolution which was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1615—

A CONCURRENT RESOLUTION relating to the 2018 regular session of the legislature; extending such session beyond 90 calendar days; and providing for adjournment thereof.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein: That the 2018 regular session of the legislature shall be extended beyond 90 calendar days; and

Be it further resolved: That the legislature shall adjourn at the close of business of the daily session convened on April 8, 2018, and shall reconvene at 10:00 a.m. on April 26, 2018; and

Be it further resolved: That the legislature may adjourn and reconvene at any time during the period on and after April 26, 2018, to May 4, 2018, but the legislature shall reconvene at 10:00 a.m. on May 4, 2018, at which time the legislature shall continue in session and shall adjourn sine die at the close of business on May 4, 2018; and

Be it further resolved: That the secretary of the senate and the chief clerk of the house of representatives and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the Legislative Coordinating Council or by the President of the Senate or the Speaker of the House of Representatives and members of a conference committee attending a meeting of the conference committee authorized by the President of the Senate and the Speaker of the House of Representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation, subsistence allowances, mileage and other expenses in amounts prescribed under K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator Denning **SCR 1615** was adopted by voice vote.

On motion of Senator Denning the Senate recessed to 8:45 p.m.

 EVENING SESSION

The Senate met pursuant to recess with Vice President Longbine in the chair.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for consideration of bills under the heading of General Orders with Senator Masterson in the chair.

On motion of Senator Masterson the report for the afternoon and evening sessions

were adopted.

S Sub HB 2228 be further amended by motion of Senator Alley; on page 17, following line 32, by inserting:

"Sec. 6. K.S.A. 2017 Supp. 79-32,267 is hereby amended to read as follows: 79-32,267. (a) For taxable years commencing after December 31, 2011, and before January 1, 2022, there shall be allowed as a credit against the tax liability of a resident individual taxpayer an amount equal to the resident individual's income tax liability under the provisions of the Kansas income tax act, when the resident individual:

(1) Establishes domicile in: (A) A rural opportunity zone; or (B) Cowley or Crawford county on or after July 1, 2011, and prior to January 1, 2021 and was domiciled outside this state for five or more years immediately prior to establishing their domicile in: (A) A rural opportunity zone in this state; or (B) Cowley or Crawford county;

(2) had Kansas source income less than \$10,000 in any one year for five or more years immediately prior to establishing their domicile in: (A) A rural opportunity zone in this state; or (B) Cowley or Crawford county; and

(3) was domiciled in: (A) A rural opportunity zone; or (B) Cowley or Crawford county during the entire taxable year for which such credit is claimed.

(b) A resident individual may claim the credit authorized by this section for not more than five consecutive years following establishment of their domicile in: (1) A rural opportunity zone; or (2) Cowley or Crawford county.

(c) The maximum amount of any refund under this section shall be equal to the amount withheld from the resident individual's wages or payments other than wages pursuant to K.S.A. 79-3294 et seq., and amendments thereto, or paid by the resident individual as estimated taxes pursuant to K.S.A. 79-32,101 et seq., and amendments thereto.

(d) No credit shall be allowed under this section if:

(1) The resident individual's income tax return on which the credit is claimed is not timely filed, including any extension; or

(2) the resident individual is delinquent in filing any return with, or paying any tax due to, the state of Kansas or any political subdivision thereof.

(e) This section shall be part of and supplemental to the Kansas income tax act.";

Also on page 17, in line 34, by striking "and" and inserting a comma; also in line 34, after "79-32,143a" by inserting "and 79-32,267";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "credits, residents of Cowley and Crawford counties;"; in line 5, by striking the first "and" and inserting a comma; also in line 5, after "79-32,143a" by inserting "and 79-32,267"; and **S Sub HB 2228** be passed as further amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **S Sub HB 2228** was advanced to Final Action and roll call.

S Sub HB 2228, AN ACT concerning income taxation; relating to deductions, Kansas itemized deduction and standard deduction, expensing deduction; treatment of deferred foreign corporate income and global intangible low-taxed income; credits, Eisenhower foundation donations; credits, certain purchases of goods and services for

qualified vendors that provide employment to individuals who are blind or severely disabled, qualifications, procedures and limitations; credits, residents of Cowley and Crawford counties; amending K.S.A. 2017 Supp. 79-32,117, 79-32,119, 79-32,120, 79-32,138, 79-32,143a and 79-32,267 and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote Aye. Last year I said on this floor that because of an improving economy and increasing revenues we had no reason to pass that historically high, and I believe immoral, retroactive tax increase that was brought before us without going through the normal committee process. Instead, a conference committee of only six people, leaders of the House and Senate Tax Committees, introduced it and returned it to us multiple times until it passed. This bill attempts to repair some of the damage shamefully done last year. But, I fear we will soon be increasing taxes again, either openly or as we did last year.—STEVE FITZGERALD

Mr. Vice President: I vote “NO” on **S Sub HB 2228**. Both the House and Senate Committees on Taxation received information from the Department of Revenue in an *Estimated Kansas Impact of the Federal Tax Cuts and Jobs Act* report February 14th; the numbers indicated that there could be a total of \$137.8 million more in revenue to the state in FY2019. The most significant impact, estimated at \$90.3 million more in FY 2019, is a result of the increase in the federal standard deduction that likely means that fewer Kansas residents would be itemizing deductions on their state forms. Since this bill eliminates the restriction on allowing Kansans to itemize on their state form if they have taken the federal standard deduction, that \$90.3 million would not return to the state. The second major impact is a result of changes on taxation of foreign derived income; although estimated as positive, the Department of Revenue cannot say how much would come or when, so another \$77.7 million may not be realized in FY2019. With these subtracted from the estimates, the impact on Kansas is a negative \$30.2 million. There is no additional money to simply be returned.—MARCI FRANCISCO

Mr. Vice President: I vote “NO” on **Senate Substitute for House Bill 2228**. This bill is ill-advised and misguided in as much as it is reducing general fund revenue \$494 million over the next five years, which is a reduction in revenue far more than the \$275 million funding over five years that Republican Senators had in their school finance plan. The reality is Senate Republicans are making tax cuts a higher priority than funding schools at an adequate level. We should be putting the children of Kansas first as opposed to cutting taxes. The other problem I have with this bill is that we’ve never seen a general fund profile as we did on both the House and Senate school finance plans. If we’re going to pass a bill of this magnitude, we should at least know how it impacts the bottom line in our state general fund. It is for these reasons that I vote NO.

—ANTHONY HENSLEY

Senators Bollier, Doll, Faust-Goudeau, Holland, Kelly, Pettey, Rogers and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **S Sub HB 2228**.

Mr. Vice President: I vote "no" on **S Sub for HB 2228**. During the debate on the floor, it was clear that we do not have a concrete idea of how much revenue the Federal Tax Cuts and Jobs Act of 2017 will generate for the people, the businesses, and the state of Kansas. I support the effort to continue to allow all Kansans who currently itemize to continue to do so. It would appear that protecting Kansas taxpayers who itemize is the only part of this bill that is needed to prevent adverse effects to Kansas taxpayers due to last year's Federal tax law. I also support allowing deduction for expenses that was excluded from last year's tax bill. Until we have a more concrete fiscal note on the true impact of the Federal tax law on state tax revenues, it is irresponsible to pass **S Sub for HB 2228** in its entirety.—CAROLYN MCGINN

Senators Bollier, Kelly, Pettey and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator McGinn on **S Sub HB 2228**.

Mr. Vice President: I vote no on **Senate Substitute HB 2228**. We are getting the cart before the horse. I strongly support many of the provisions in this bill. However, it is day 82 of the session and we have yet to finalize a school finance bill or a budget. I think there is wisdom in finalizing our work on both of those matters and getting the April consensus revenue estimates before we address this bill as a whole.—VICKI SCHMIDT

Senators Doll, Holland, Kelly, Pettey, Skubal, Sykes and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator V. Schmidt on **S Sub HB 2228**.

Mr. Vice President: This tax bill keeps the money with the people who earned it. In 2015 the legislature passed, what was the largest tax increase at the time. I stood against and voted against that legislation. Last year, the legislature passed the largest tax increase in Kansas history. I spoke against and voted against that massive tax increase. Today – again, I stand strong for the Kansas taxpayer. We must pass this bill to keep the federal tax cuts of 2017 in the hands of the taxpayer.—CARYN TYSON

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **Sub SB 423; HB 2042**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator McGinn moved the Senate concur in House amendments to **Sub SB 423**.

A substitute motion by Senator Masterson to nonconcur and appoint a conference was rejected.

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

On roll call, the vote was: Yeas 17; Nays 21; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Billinger, Bollier, Denning, Estes, Fitzgerald, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pyle, Tyson, Wagle, Wilborn.

Nays: Berger, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Absent or Not Voting: Pilcher-Cook, Suellentrop.

Citing Rule 29, Senator Hensley moved to call the question. The motion was adopted.

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

On roll call, the vote was: Yeas 21; Nays 16; Present and Passing 1; Absent or Not Voting 2.

Yeas: Berger, Bollier, Bowers, Doll, Faust-Goudeau, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Billinger, Denning, Estes, Fitzgerald, Francisco, Kerschen, Lynn, Masterson, Olson, Petersen, Pyle, Tyson, Wagle, Wilborn.

Present and Passing: Hilderbrand.

Absent or Not Voting: Pilcher-Cook, Suellentrop.

Sub SB 423, AN ACT concerning education; relating to the instruction and financing thereof; Kansas school equity and enhancement act; making and concerning appropriations for the fiscal year ending June 30, 2019, for the department of education; amending K.S.A. 2017 Supp. 72-5132, 72-5133, 72-5143, 72-5145, 72-5148, 72-5149, 72-5150, 72-5151, 72-5155, 72-5170, 72-5171, 72-5173, 72-53,113, 72-53,116 and 72-5461 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 72-1171, 72-5144, 72-6463, 72-6464, 72-6465, 72-6466, 72-6467, 72-6468, 72-6469, 72-6470, 72-6471, 72-6472, 72-6473, 72-6474, 72-6475, 72-6477, 72-6478, 72-6479, 72-6480 and 72-6481.

On roll call, the vote was: Yeas 21; Nays 19; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Nays: Alley, Baumgardner, Billinger, Bollier, Denning, Estes, Fitzgerald, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

The Senate concurred.

EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on the resolution to Concur with **SB 423**. I grew up in a home with a father who started one of the first free-standing surgery centers in the United States. The entire city was opposed to this idea. Because hospitals were essentially synonymous with the church, those from the pulpit were preaching against

him and his idea. Many tears were shed in our home from the stress; people struggle with change and resist it nearly universally. But my father persisted because he believed it was the right thing to do. Today, surgicenters are everywhere. He was right to stand by his principles. Now I must do the right thing. I have always been a pro-education legislator and continue to be so. I am confident that the Supreme Court will ensure that the money needed for adequacy is in place but am not sure they will comment on the policy. The Senate bill has well researched data-based policy. The bill before us does not. It essentially continues the same school funding formula that District 7 has asked to be changed for over 30 years. I must stand with what I believe is best for the education of our children and vote NO.—BARBARA BOLLIER

Mr. Vice President: Tonight the People's House is full of teachers. They are hardworking, good people. We have maligned them repeatedly. We chose to cut funding to schools beginning in 2009. Students that began school at that time are now in high school. The WestEd study made it clear that academic achievement is directly connected to funding. The study also stressed our schools were in the 96% efficiency range. Teachers are doing their job and doing it well. The choices made in this room have crippled the education of our students and the livelihood of our teachers. Our decisions and our conversation should be about student success and the financial resources we need, rather than political posturing. Poor financial decisions by this body, made during a financial depression and made worse by an irresponsible tax policy, are responsible for lost opportunity. This body is responsible for making that wrong right. Tonight's bill is better than the original Senate bill. However, once adjusted for CPI, it still allocates less than we need. I'm afraid it still won't pass constitutional muster. I voted for the Senate Democratic school finance plan. Our plan when added to what was added in SB 19 comes to \$893 million which matches the SBOE recommendation. My community knows where I stand. I vote yes because it's time to let the Supreme Court weigh in.—LYNN ROGERS

Senators Francisco, Hensley and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **Sub SB 423**.

On motion of Senator Denning the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the chair.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the weeks of March 26-29 and April 2-7, 2018:

Senator Berger: recognizing the outstanding work of the Kansas Mennonite Relief Sale and celebrating its 50th Anniversary, recognizing Eva Van Hooser for her work as an Ambassador of International Exploration;

Senator Billinger: congratulating Almena-Northern Valley HS Girls Volleyball on winning the 2017 Class 1A Division II State Championship;

Senator Bowers: congratulating Jeff Schell on being named the 2018 Contractor of the Year, celebrating Paul and Zola Irwin's 70th Wedding Anniversary, congratulating Pam Dunstan on 30 years as a beautician in Mankato and commend her record of customer service, congratulating Martin Myers on receiving the 2018 Lifetime

Achievement Award from the Russell Chamber of Commerce, celebrating Bill Fuller's 80th Birthday;

Senator Faust-Goudeau: recognizing International Rescue Committee's National Service Recognition Day, recognizing the Heartland Wichita Black Chamber of Commerce's 3rd Annual Black and White Ball;

Senator Francisco: recognizing the service of Gary Dee Kirkwood and congratulating him on being selected for the Kansas Honor Flight, congratulating Ruth Gathunguri on being named the 2018 Kansas Boys and Girls Club Youth of the Year;

Senator Hardy: celebrating Arline Roberts' 102nd Birthday, celebrating Mildred Mitchell's 100th Birthday, celebrating Amy Magdeburg's 100th Birthday, celebrating Evan Engle's 102nd Birthday, celebrating Ruth Weed's 100th Birthday, celebrating Letha McDowell's 102nd Birthday;

Senator Kelly: celebrating Ed Redmon's 91st Birthday, congratulating Hayden High School Boys Basketball on winning the 2018 Class 4A Division II State Championship, congratulating Zachary Patton on achieving the rank of Eagle Scout;

Senator Kerschen: congratulating Christopher Clear on achieving the rank of Eagle Scout, congratulating Robert Clear on achieving the rank of Eagle Scout;

Senator Lynn: congratulating Noah Fields on achieving the rank of Eagle Scout;

Senator McGinn: congratulating Halstead High School Boys Basketball on winning the 2018 Class 3A State Championship;

Senator Olson: congratulating Kresynda Robinson on receiving the Girl Scout Gold Award, congratulating Georgia Mitchell on receiving the Girl Scout Gold Award, congratulating Alaina Coughlin on receiving the Girl Scout Gold Award;

Senator Rogers: honoring the life of Robert G. "Bob" Hodgkinson;

Senator Schmidt: congratulating the winners of the Washburn Alumni Awards;

Senator Tyson: recognizing the extraordinary courage displayed by Seth Cummings;
and

Senator Wilborn: celebrating Bernice Schletzbaum's 90th birthday.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Thursday, April 26, 2018.

Journal of the Senate

SIXTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 26, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Suellentrop was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, the next few moments of our time together we're devoting to prayer. During this time, please draw our spirits into a humble awareness of Your Spirit.

We've had some time to get away from these halls, but gratefully we never got away from You. You've been with us in our shining moments and You've been with us when things were not so bright.

Now that we're back, help us to continue an awareness of Your presence. Your Word encourages our faith in Hebrews 13:5-6, where You state You will not in any way fail Your people, give up on us, or leave us without Your support.

You said we can take comfort and be encouraged and boldly declare that You are our Helper. So, Lord, as we move closer to concluding this legislative session, help us continue to rely on You for wisdom and guidance.

In Jesus' Name, I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills were introduced and read by title:

SB 460, AN ACT concerning education; relating to the Kansas school equity and enhancement act; BASE aid amounts; school district local option budgets; amending K.S.A. 2017 Supp. 72-5132, as amended by section 2 of 2018 Substitute for Senate Bill No. 423, and 72-5143, as amended by section 4 of 2018 Substitute for Senate Bill No. 423, and repealing the existing sections, by Committee on Ways and Means.

SB 461, AN ACT reconciling amendments to certain statutes; amending K.S.A. 2017 Supp. 8-240, as amended by section 1 of 2018 House Bill No. 2606, 8-247, as amended by section 2 of 2018 House Bill No. 2606, 12-1775a, 21-6627, 79-213 and 79-32,117 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 8-240, as amended by section 1 of 2018 House Bill No. 2472, 8-247, as amended by section 3 of 2018 House Bill No. 2472, 12-1775b, 21-6627a, 79-213g and 79-32,117o, by Committee on Ways and Means.

SB 462, AN ACT concerning education; relating to the Kansas school equity and enhancement act; BASE aid amounts; school district local option budgets; amending K.S.A. 2017 Supp. 72-5132, as amended by section 2 of 2018 Substitute for Senate Bill No. 423, and 72-5143, as amended by section 4 of 2018 Substitute for Senate Bill No. 423, and repealing the existing sections, by Committee on Ways and Means.

SR 1789, A RESOLUTION urging rate-regulated utility companies and the State Corporation Commission to provide customers and ratepayers of Kansas timely relief by adjusting rates based on the lower federal tax rate and refunding excess funds collected, by Committee on Assessment and Taxation.

MESSAGES FROM THE GOVERNOR

SB 185 approved on April 11, 2018.

SB 324, **SB 410** approved on April 12, 2018.

SB 275, **SB 394** approved on April 16, 2018.

Sub SB 423 approved on April 17, 2018.

SB 263 approved on April 20, 2018.

I am proud to sign **Substitute for Senate Bill No. 423** into law because it provides equitable and adequate funding for our K-12 education system. The bill also includes important accountability measures that focus resources on classroom learning and improved outcomes. However, our work is not yet finished. I encourage both chambers of the legislature to fix the \$80 million error previously identified in this bill as quickly as possible, so that the Attorney General can timely make the State's arguments in the Kansas Supreme Court. I look forward to continuing to work with the legislature, and with the education community, to make Kansas a leader in education.

JEFF COLYER
Governor

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5030**.

Announcing adoption of **SCR 1615**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5030 was thereupon introduced and read by title.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2539**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2042** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

BUD ESTES
 ROB OLSON
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

JOHN BARKER
 RONALD HIGHLAND
Conferees on part of House

On motion of Senator Estes the Senate adopted the conference committee report on **HB 2042**, and requested a new conference be appointed.

The President appointed Senators Estes, Olson and Faust-Goudeau as a second Conference Committee on the part of the Senate on **HB 2042**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2539** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

ELAINE BOWERS
 STEVE FITZGERALD
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

KEITH ESAU
 BLAKE CARPENTER
 VIC MILLER
Conferees on part of House

On motion of Senator Bowers the Senate adopted the conference committee report on **HB 2539**, and requested a new conference be appointed.

The President appointed Senators Bowers, Fitzgerald and Faust-Goudeau as a second Conference Committee on the part of the Senate on **HB 2539**.

ORIGINAL MOTION

On motion of Senator V. Schmidt, the Senate acceded to the request of the House for a conference on **S Sub HB 2028**.

The President appointed Senators V. Schmidt, Estes and Kelly as conferees on the part of the Senate.

On motion of Senator Denning, the Senate recessed until 2:00 p.m..

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGE FROM THE HOUSE

The House announced the appointment of Representatives Waymaster, Proehl and Wolfe Moore as conferees on **Sub HB 2194**.

The House announced the appointment of Representative Horn to replace Representative Murnan as a conferee on **S Sub HB 2028**.

The House adopts the Conference Committee report on **SB 375**.

The House adopts the Conference Committee report on **HB 2583**.

The House adopts the Conference Committee report on **HB 2542**.

The House adopts the Conference Committee report on **Sub HB 2556**.

The House adopts the Conference Committee report on **HB 2476**.

The House adopts the Conference Committee report on **S Sub S Sub HB 2386**.

The House nonconcurs in Senate amendments to **S Sub HB 2228**, requests a conference and has appointed Representatives Johnson, Phillips and Sawyer as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Holland introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1790—

A RESOLUTION congratulating and commending the members of the Baldwin High School girls basketball team for their Class 4A-II state championship.

WHEREAS, The Baldwin High School girls basketball team won the Kansas Class 4A-II state championship with a one-point win over Andale at the state championship game on March 10, 2018; and

WHEREAS, This is the third state championship for the team, with previous wins in 1982 and 1996; and

WHEREAS, In 2015, the team was the state runner-up and qualified for the tournament in 2016; and

WHEREAS, The team amassed a season record of 24-1, the best in the school's history; and

WHEREAS, The Baldwin Bulldogs were the undefeated Frontier League champions with a league record of 12-0; and

WHEREAS, The 2018 team completed the best four-year stretch in the school's history with a record of 83-12, including a 33-game home winning streak; and

WHEREAS, In this year's state tournament, the team set a record for the most points recorded in a single game in an 86-46 victory over Frontenac, along with the record for most points in a state tournament with 204; and

WHEREAS, Members of the team include seniors Reilly Stewart, Abby Ogle, McKinley Markley, Kailee Johnson and Alexia Nelson; juniors Carly Lindenmeyer, Kayla Kurtz, Kate Ogle, Macey Frost, Rian Gere and Paige Ellis; and sophomore Josephine Boyle; and

WHEREAS, The team was coached by Bob Martin, with assistant coaches Eric Toot and Katie Marten, athletic director and athletic trainer Gary Stevanus, team statistician Susie Martin and managers Audrey Flowers, Alexis Flory, Riley Russel, Alper Ahmed, Karly Toot, Karly Neufeld and Cameron Johnson: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the Baldwin High School girls basketball team for their Class 4A-II state championship and their success this year; and

Be it further resolved: That the Secretary of the Senate shall send 24 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1790** was adopted by voice vote.

Senators honored the team and coaches with a standing ovation.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 56; SB 217; Sub SB 272; SB 282; H Sub SB 307; SB 331, SB 335, SB 348.**

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 56** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 56, as follows:

On page 1, in line 21, after "of" by inserting "information"; in line 30, after the second comma by inserting "the adjutant general's department,";

On page 3, in line 3, after "established" by inserting "within and as a part of the office of information technology services";

On page 4, in line 7, after "agencies" by inserting "at no cost to the agencies";

On page 5, in line 14, by striking ". Such report shall be made available to the public upon request" and inserting "and submit such report to the house of representatives committee on government, technology and security or its successor committee and the senate committee on ways and means";

On page 6, in line 32, after "act" by inserting ", including cybersecurity fees charged by the KISO,"; also in line 32, after "be" by inserting "fixed by rules and regulations adopted by the agency and shall be"; in line 40, by striking "15" and inserting "17";

On page 7, in line 10, before "one" by inserting "the network manager of the information network of Kansas (INK); one representative with background and knowledge in technology and cybersecurity from the private sector, however, such representative or such representative's employer shall not be an information technology or cybersecurity vendor that does business with the state of Kansas,"; in line 11, by striking all after "the"; in line 12, by striking "technology" and inserting "senate ways and means committee"; also in line 12, after "senate" by inserting "or such member's designee"; in line 13, by striking all before "appointed" and inserting "senate ways and means committee"; in line 14, after "senate" by inserting "or such member's designee"; in line 15, after "committee" by inserting "or its successor committee"; in line 16, after "representatives" by inserting "or such member's designee"; in line 17, after "committee" by inserting "or its successor committee"; in line 18, after "representatives" by inserting "or such member's designee"; in line 19, by striking "two"; in line 21, by striking the first "and" and inserting a comma; in line 22, before "shall" by inserting "and the representative from the private sector"; in line 32, by striking "chairperson" and inserting "executive chief information technology officer";

And your committee on conference recommends the adoption of this report.

TOM SLOAN

GREG LEWIS

PAM CURTIS

Conferees on part of House

CAROLYN MCGINN

RICK BILLINGER

TOM HAWK

Conferees on part of Senate

Senator McGinn moved the Senate adopt the Conference Committee Report on **H Sub SB 56**.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Hilderbrand, Tyson.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 217** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments as follows:

On page 31, in line 17, by striking "an"; in line 18, by striking "annual" and inserting ", on or before October 1 of each year, a";

On page 114, by striking all in lines 6 through 11 and inserting:

"Sec. 31. K.S.A. 2017 Supp. 21-5909 is hereby amended to read as follows: 21-5909. (a) Intimidation of a witness or victim is preventing or dissuading, or attempting to prevent or dissuade, with an intent to vex, annoy, harm or injure in any way another person or an intent to thwart or interfere in any manner with the orderly administration of justice:

(1) Any witness or victim from attending or giving testimony at any civil or criminal trial, proceeding or inquiry authorized by law; or

(2) any witness, victim or person acting on behalf of a victim from:

(A) Making any report of the victimization of a victim to any law enforcement officer, prosecutor, probation officer, parole officer, correctional officer, community correctional services officer ~~or, judicial officer, the secretary of the department of social and rehabilitation for children and families, the secretary for aging and disability services,~~ or any agent or representative of ~~the either~~ secretary, or any person required to make a report pursuant to K.S.A. 2017 Supp. 38-2223, and amendments thereto;

(B) causing a complaint, indictment or information to be sought and prosecuted; or causing a violation of probation, parole or assignment to a community correctional services program to be reported and prosecuted, and assisting in its prosecution;

(C) causing a civil action to be filed and prosecuted and assisting in its prosecution;
or

(D) arresting or causing or seeking the arrest of any person in connection with the victimization of a victim.

(b) Aggravated intimidation of a witness or victim is intimidation of a witness or victim, as defined in subsection (a), when the:

(1) Act is accompanied by an expressed or implied threat of force or violence against a witness, victim or other person or the property of any witness, victim or other person;

(2) act is in furtherance of a conspiracy;

(3) act is committed by a person who has been previously convicted of corruptly influencing a witness or has been convicted of a violation of this section or any federal or other state's statute ~~which that~~, if the act prosecuted was committed in this state, would be a violation of this section;

(4) witness or victim is under 18 years of age; or

(5) act is committed for pecuniary gain or for any other consideration by a person acting upon the request of another person.

(c) (1) Intimidation of a witness or victim is a class B person misdemeanor.

(2) Aggravated intimidation of a witness or victim is a severity level 6, person felony.

Sec. 32. K.S.A. 2017 Supp. 22-3302 is hereby amended to read as follows: 22-3302. (1) At any time after the defendant has been charged with a crime and before pronouncement of sentence, the defendant, the defendant's counsel or the prosecuting attorney may request a determination of the defendant's competency to stand trial. If, upon the request of either party or upon the judge's own knowledge and observation, the judge before whom the case is pending finds that there is reason to believe that the defendant is incompetent to stand trial the proceedings shall be suspended and a hearing conducted to determine the competency of the defendant.

(2) If the defendant is charged with a felony, the hearing to determine the competency of the defendant shall be conducted by a district judge.

(3) The court shall determine the issue of competency and may impanel a jury of six persons to assist in making the determination. The court may order a psychiatric or psychological examination of the defendant. To facilitate the examination, the court may: (a) If the defendant is charged with a felony, commit the defendant to the state security hospital or any county or private institution for examination and report to the court, or, if the defendant is charged with a misdemeanor, commit the defendant to any appropriate state, county or private institution for examination and report to the court, except that the court shall not commit the defendant to the state security hospital or any other state institution unless, prior to such commitment, the director of a local county or private institution recommends to the court and to the secretary ~~of social and rehabilitation for aging and disability~~ services that examination of the defendant should be performed at a state institution; (b) designate any appropriate psychiatric or psychological clinic, mental health center or other psychiatric or psychological facility to conduct the examination while the defendant is in jail or on pretrial release; or (c) appoint two qualified licensed physicians or licensed psychologists, or one of each, to examine the defendant and report to the court. If the court commits the defendant to an institution for the examination, the commitment shall be for not more than 60 days or

until the examination is completed, whichever is the shorter period of time. No statement made by the defendant in the course of any examination provided for by this section, whether or not the defendant consents to the examination, shall be admitted in evidence against the defendant in any criminal proceeding. Upon notification of the court that a defendant committed for psychiatric or psychological examination under this subsection has been found competent to stand trial, the court shall order that the defendant be returned not later than seven days after receipt of the notice for proceedings under this section. If the defendant is not returned within that time, the county in which the proceedings will be held shall pay the costs of maintaining the defendant at the institution or facility for the period of time the defendant remains at the institution or facility in excess of the seven-day period.

(4) If the defendant is found to be competent, the proceedings which have been suspended shall be resumed. If the proceedings were suspended before or during the preliminary examination, the judge who conducted the competency hearing may conduct a preliminary examination or, if a district magistrate judge was conducting the proceedings prior to the competency hearing, the judge who conducted the competency hearing may order the preliminary examination to be heard by a district magistrate judge.

(5) If the defendant is found to be incompetent to stand trial, the court shall proceed in accordance with K.S.A. 22-3303, and amendments thereto.

(6) If proceedings are suspended and a hearing to determine the defendant's competency is ordered after the defendant is in jeopardy, the court may either order a recess or declare a mistrial.

(7) The defendant shall be present personally at all proceedings under this section.

Sec. 33. K.S.A. 2017 Supp. 36-502 is hereby amended to read as follows: 36-502.

(a) It shall be unlawful for any person to engage in the business of conducting a lodging establishment unless such person shall have in effect a valid license therefor issued by the secretary. Applications for such licenses shall be made on forms prescribed by the secretary, and each such application shall be accompanied by the appropriate license fee required by subsection (c). Prior to the issuance of any such license, the secretary shall inspect or cause to be inspected the lodging establishment designated in the application, to determine that it complies with the standards for lodging establishments promulgated pursuant to this act. If such lodging establishment is found to be in compliance, and the completed application and accompanying fees have been submitted, the secretary shall issue the license. If such lodging establishment is found not to be in compliance, the secretary shall deny such application after providing notice and opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(b) Each license shall designate whether the licensed lodging unit is a hotel, rooming house or boarding house. Any person obtaining a license to engage in the business of conducting a rooming house or boarding house shall not have the right to use the name "hotel" in connection with such business. Every license issued hereunder shall be displayed conspicuously in the lodging establishment for which it is issued, and no such license shall be transferable to any other person or location. Whenever any such license is lost, destroyed or mutilated, a duplicate license shall be issued to any otherwise qualified licensee upon application therefor and the payment of a fee in the amount of \$5.

(c) The fee for a license to conduct a lodging establishment in this state for all or

any part of any calendar year shall be \$30, except that the fee for any lodging establishment containing 10 sleeping rooms shall be \$40 and for every additional 10 rooms therein, an additional fee of \$10 shall be charged. All lodging establishments ~~which that~~ are newly constructed, newly converted to use as a lodging establishment or have a change of ownership shall pay an application fee ~~which that~~ may be adjusted in accordance with the type of establishment or based on other criteria as determined by the secretary, but in no event shall any application fee exceed \$200 in addition to the license fee.

(d) Any lodging establishment that also has a food establishment license shall have a fee set by rule and regulation of the secretary. Such fee shall not exceed the fees for lodging establishments as provided in subsection (c).

(e) A guest house shall not be required to have a lodging license, but such guest house shall be required to be inspected if the secretary receives a complaint concerning such guest house and shall be subject to the temporary closure provisions of ~~subsection (b) of K.S.A. 36-515a(b)~~, and amendments thereto.

(f) A lodging establishment operated in connection with any premises licensed, registered or permitted by the secretary of health and environment, the secretary ~~of social and rehabilitation services for children and families~~, the secretary of corrections or the secretary ~~of for~~ aging, ~~which and~~ disability services ~~that~~ is inspected and regulated pursuant to the respective law or rule and regulation of such secretary, shall not require a license as provided in this section, and the secretary of agriculture shall not be authorized to inspect or cause such premises to be inspected. This subsection shall not apply to a lodging establishment whose primary function is not in connection with any premises licensed, registered or permitted pursuant to the respective law or rule and regulation of such secretary.

Sec. 34. K.S.A. 2017 Supp. 38-2006 is hereby amended to read as follows: 38-2006. The secretary ~~of social and rehabilitation services for children and families~~ shall advise and consult with the secretary of health and environment on issues relating to children's health status.

Sec. 35. K.S.A. 2017 Supp. 38-2212 is hereby amended to read as follows: 38-2212. (a) *Principle of appropriate access.* Information contained in confidential agency records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in this section. Disclosure shall in all cases be guided by the principle of providing access only to persons or entities with a need for information that is directly related to achieving the purposes of this code.

(b) *Free exchange of information.* Pursuant to K.S.A. 2017 Supp. 38-2210, and amendments thereto, the secretary and juvenile intake and assessment agencies shall participate in the free exchange of information concerning a child who is alleged or adjudicated to be in need of care.

(c) *Necessary access.* The following persons or entities shall have access to information from agency records. Access shall be limited to information reasonably necessary to carry out their lawful responsibilities, to maintain their personal safety and the personal safety of individuals in their care, or to educate, diagnose, treat, care for or protect a child alleged to be in need of care. Information authorized to be disclosed pursuant to this subsection shall not contain information ~~which that~~ identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

(1) A child named in the report or records, a guardian ad litem appointed for the

child and the child's attorney.

(2) A parent or other person responsible for the welfare of a child, or such person's legal representative.

(3) A court-appointed special advocate for a child, a citizen review board or other advocate ~~which that~~ reports to the court.

(4) A person licensed to practice the healing arts or mental health profession in order to diagnose, care for, treat or supervise: (A) A child whom such service provider reasonably suspects may be in need of care; (B) a member of the child's family; or (C) a person who allegedly abused or neglected the child.

(5) A person or entity licensed or registered by the secretary of health and environment or approved by the secretary ~~of social and rehabilitation services for children and families~~ to care for, treat or supervise a child in need of care.

(6) A coroner or medical examiner when such person is determining the cause of death of a child.

(7) The state child death review board established under K.S.A. 22a-243, and amendments thereto.

(8) An attorney for a private party who files a petition pursuant to ~~subsection (b) of~~ K.S.A. 2017 Supp. 38-2233 ~~(b)~~, and amendments thereto.

(9) A foster parent, prospective foster parent, permanent custodian, prospective permanent custodian, adoptive parent or prospective adoptive parent. In order to assist such persons in making an informed decision regarding acceptance of a particular child, to help the family anticipate problems ~~which that~~ may occur during the child's placement, and to help the family meet the needs of the child in a constructive manner, the secretary shall seek and shall provide the following information to such person's as the information becomes available to the secretary:

(A) Strengths, needs and general behavior of the child;

(B) circumstances ~~which that~~ necessitated placement;

(C) information about the child's family and the child's relationship to the family ~~which that~~ may affect the placement;

(D) important life experiences and relationships ~~which that~~ may affect the child's feelings, behavior, attitudes or adjustment;

(E) medical history of the child, including third-party coverage ~~which that~~ may be available to the child; and

(F) education history, to include present grade placement, special strengths and weaknesses.

(10) The state protection and advocacy agency as provided by ~~subsection (a)(10) of~~ K.S.A. 65-5603 ~~(a)(10)~~ or ~~subsection (a)(2)(A) and (B) of~~ K.S.A. 74-5515 ~~(a)(2)(A) and (B)~~, and amendments thereto.

(11) Any educational institution to the extent necessary to enable the educational institution to provide the safest possible environment for its pupils and employees.

(12) Any educator to the extent necessary to enable the educator to protect the personal safety of the educator and the educator's pupils.

(13) Any other federal, state or local government executive branch entity or any agent of such entity, having a need for such information in order to carry out such entity's responsibilities under the law to protect children from abuse and neglect.

(d) *Specified access.* The following persons or entities shall have access to information contained in agency records as specified. Information authorized to be

disclosed pursuant to this subsection shall not contain information ~~which that~~ identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

(1) Information from confidential agency records of the ~~Kansas department of social and rehabilitation services for children and families~~, a law enforcement agency or any juvenile intake and assessment worker of a child alleged or adjudicated to be in need of care shall be available to members of the standing house or senate committee on judiciary, house committee on corrections and juvenile justice, house committee on appropriations, senate committee on ways and means, legislative post audit committee and any joint committee with authority to consider children's and families' issues, when carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by $\frac{2}{3}$ of the members of such committee, records and reports received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. The ~~secretary of social and rehabilitation services for children and families~~ shall not summarize the outcome of department actions regarding a child alleged to be a child in need of care in information available to members of such committees.

(2) The ~~secretary of social and rehabilitation services for children and families~~ may summarize the outcome of department actions regarding a child alleged to be a child in need of care to a person having made such report.

(3) Information from confidential reports or records of a child alleged or adjudicated to be a child in need of care may be disclosed to the public when:

(A) The individuals involved or their representatives have given express written consent; or

(B) the investigation of the abuse or neglect of the child or the filing of a petition alleging a child to be in need of care has become public knowledge, provided, however, that the agency shall limit disclosure to confirmation of procedural details relating to the handling of the case by professionals.

(e) *Court order.* Notwithstanding the provisions of this section, a court of competent jurisdiction, after in camera inspection, may order disclosure of confidential agency records pursuant to a determination that the disclosure is in the best interests of the child who is the subject of the reports or that the records are necessary for the proceedings of the court and otherwise admissible as evidence. The court shall specify the terms of disclosure and impose appropriate limitations.

(f) (1) Notwithstanding any other provision of law to the contrary, except as provided in paragraph (4), in the event that child abuse or neglect results in a child fatality or near fatality, reports or records of a child alleged or adjudicated to be in need of care received by the secretary, a law enforcement agency or any juvenile intake and assessment worker shall become a public record and subject to disclosure pursuant to K.S.A. 45-215, and amendments thereto.

(2) Within seven days of receipt of a request in accordance with the procedures adopted under K.S.A. 45-220, and amendments thereto, the secretary shall notify any affected individual that an open records request has been made concerning such records. The secretary or any affected individual may file a motion requesting the court to prevent disclosure of such record or report, or any select portion thereof. If the affected individual does not file such motion within seven days of notification, and the secretary has not filed a motion, the secretary shall release the reports or records. If such motion

is filed, the court shall consider the effect such disclosure may have upon an ongoing criminal investigation, a pending prosecution, or the privacy of the child, if living, or the child's siblings, parents or guardians. The court shall make written findings on the record justifying the closing of the records and shall provide a copy of the journal entry to the affected parties and the individual requesting disclosure pursuant to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(3) For reports or records requested pursuant to this subsection, the time limitations specified in this subsection shall control to the extent of any inconsistency between this subsection and K.S.A. 45-218, and amendments thereto. As used in this section, "near fatality" means an act that, as certified by a person licensed to practice medicine and surgery, places the child in serious or critical condition.

(4) Nothing in this subsection shall allow the disclosure of reports, records or documents concerning the child and such child's biological parents ~~which that~~ were created prior to such child's adoption. Nothing herein is intended to require that an otherwise privileged communication lose its privileged character.

Sec. 36. K.S.A. 2017 Supp. 39-1702 is hereby amended to read as follows: 39-1702. As used in this act:

(a) "Children and adolescents who require multiple levels and kinds of specialized services which are beyond the capability of one agency" means children and adolescents who are residents of Kansas, and with respect to whom there is documentation that: (1) Various agencies have acknowledged the need for a certain type of service and have taken action to provide that level of care; (2) various agencies have collaborated to develop a program plan to meet the needs of the child or adolescent; and (3) various agencies have collaborated to develop programs and funding to meet the need of the child or adolescent, and that existing or alternative programs and funding have been exhausted or are insufficient or inappropriate in view of the distinctive nature of the situation of the child or adolescent.

(b) "Agency" means and includes county health departments, area offices of the Kansas department of social and rehabilitation services for children and families or the Kansas department for aging and disability services, district offices of the department of health and environment, local offices of the department of labor, boards of education of public school districts, community mental health centers, community facilities for people with intellectual or developmental disabilities, or both, district courts, county commissions; and law enforcement agencies.

(c) "Authorized decision makers" means agency representatives who have the authority to commit the resources of the agency they represent in the provision of services to any child or adolescent whose needs are brought before a regional interagency council.

(d) "District court" means the chief judge for a judicial district.

(e) "Parent" means a natural parent, an adoptive parent, a stepparent, a foster care provider of a child or adolescent for whom services are needed from more than one agency; or a person acting as parent of a child or adolescent for whom services are needed from more than one agency.

(f) "Person acting as parent" means a guardian or conservator, or a person, other than a parent, who is liable by law to maintain, care for; or support a child or adolescent, ~~or~~ who has actual care and custody of the child or adolescent and is contributing the major portion of the cost of support of the child or adolescent, ~~or~~ who

has actual care and control of the child or adolescent with the written consent of a person who has legal custody of the child or adolescent; or who has been granted custody of the child or adolescent; by a court of competent jurisdiction.

Sec. 37. K.S.A. 2017 Supp. 40-4702 is hereby amended to read as follows: 40-4702. (a) The governor of the state of Kansas shall appoint a committee ~~which that~~ shall be known as the Kansas business health policy committee, whose purpose is to explore opportunities and encourage employer participation in health plans developed by the committee for low and modest wage employees of small employers.

(b) The Kansas business health policy committee, hereinafter referred to as the health committee, shall consist of:

- (1) The secretary of the department of commerce or the secretary's designee;
- (2) ~~the secretary of the department of social and rehabilitation services for children and families~~ or the secretary's designee;
- (3) the secretary for aging and disability services or the secretary's designee;
- (4) the commissioner of insurance or the commissioner's designee;
- ~~(4)~~(5) one member appointed by the president of the senate;
- ~~(5)~~(6) one member appointed by the speaker of the house of representatives;
- ~~(6)~~(7) one member appointed by the minority leader of the senate;
- ~~(7)~~(8) one member appointed by the minority leader of the house of representatives; and

~~(8)~~(9) three members at large from the private sector appointed by the governor.

The secretary of each state agency represented on this committee shall provide such staff and other resources as the health committee may require.

(c) (1) The initial meeting of the health committee shall be convened within 60 days after the effective date of this act by the governor at a time and place designated by the governor.

(2) Meetings of the health committee subsequent to its initial meeting shall be held and conducted in accordance with policies and procedures established by the health committee.

(3) Commencing at the time of the initial meeting of the health committee, the powers, authorities, duties and responsibilities conferred and imposed upon the health committee by this act shall be operative and effective.

(d) The health committee shall develop and approve a request for proposals for a qualified entity to serve as the Kansas business health partnership, hereinafter referred to as health partnership, ~~which that~~ shall provide a mechanism to combine federal and state subsidies with contributions from small employers and eligible employees to purchase health insurance in accordance with guidelines developed by the health committee.

(e) The health committee shall evaluate responses to the request for proposals and select the qualified entity to serve as the health partnership.

(f) The health committee shall:

- (1) Develop, approve and revise subsidy eligibility criteria provided that:
 - (A) Low wage and modest wage employees of small employers shall be eligible for subsidies if:
 - (i) The small employer has not previously offered health insurance coverage within the two years next preceding the date upon which health insurance is offered; or
 - (ii) the small employer has previously offered health insurance coverage and a

majority of such small employer's employees are low wage or modest wage employees as defined in K.S.A. 40-4701, and amendments thereto;

(B) any small employer's eligible employee with a child who is eligible for coverage under the state children's health insurance program established by K.S.A. 38-2001 et seq., and amendments thereto, or in the state medical assistance program shall be eligible automatically for a subsidy and shall be included in the determination of eligibility for the small employer and its low and modest wage employees; and

(C) at least 70% of the small employer's eligible employees without group health insurance coverage from another source are insured through the partnership; and

(2) determine and arrange for eligibility determination for subsidies of low wage or modest wage employees; and

(3) develop subsidy schedules based upon eligible employee wage levels and family income; and

(4) be responsible for arranging for the provision of affordable health care coverage for eligible employees of small employers and evaluating and creating the opportunity to improve health care provided by plans in the small group health insurance program.

(g) The health committee shall oversee and monitor the ongoing operation of any subsidy program and the financial accountability of all subsidy funds. If, in the judgment of the health committee, the entity selected to serve as the health partnership fails to perform as intended, the health committee may terminate its selection and designation of that entity as the health partnership and may issue a new request for proposal and select a different qualified entity to serve as the health partnership.

(h) The health committee is hereby authorized to accept funds from the federal government, or its agencies, or any other source whatsoever for research studies, investigation, planning and other purposes related to implementation of the objectives of this act. Any funds so received shall be deposited in the state treasury and shall be credited to a special revenue fund ~~which that~~ is hereby created and shall be known as the health committee insurance fund and used in accordance with or direction of the contributing federal agencies. Expenditures from such fund may be made for any purpose in keeping with the responsibilities, functions and authority of the department. Warrants on such fund shall be drawn in the same manner as required of other state agencies upon vouchers approved by the secretary of health and environment, or the secretary's designee, upon receiving prior approval of the health committee.

(i) The health committee is authorized to develop policies for the administration of the subsidy program and for the use of additional federal or private funds to subsidize health insurance coverage for low and modest wage employees of predominantly low-wage small employers. The health committee shall be responsible for setting benefit levels and establishing performance measures for health plans providing health care coverage for this program that include quality, preventative health and other supplementary measures. The health committee shall limit access to the program subsidy to the projected annualized expenditure.

(j) The health committee is hereby authorized to organize, or cause to be organized, one or more advisory committees. No member of any advisory committee established under this subsection shall have previously received or currently receive any payment or other compensation from the health partnership. The membership of each advisory committee established under this subsection shall contain at least one representative who is a small employer and one representative who is an eligible employee as defined

in K.S.A. 40-4701, and amendments thereto, and one representative of the insurance industry.

(k) The health committee shall report on an annual basis on the following subjects:

- (1) Quality assurance measures;
- (2) disease prevention activities;
- (3) disease management activities; and
- (4) other activities or programs the committee decides to include.

Sec. 38. K.S.A. 2017 Supp. 65-689 is hereby amended to read as follows: 65-689. (a) It shall be unlawful for any person to engage in the business of conducting a food establishment or food processing plant unless such person shall have in effect a valid license therefor issued by the secretary.

(b) Applications for such licenses shall be made on forms prescribed by the secretary, and each such application shall be accompanied by an application fee and by a license fee. Prior to the issuance of any such license, the secretary shall inspect or cause to be inspected the food establishment or food processing plant designated in the application, to determine that it complies with rules and regulations adopted pursuant to the food, drug and cosmetic act, and amendments thereto. If the food establishment or food processing plant is found to be in compliance, and the completed application and accompanying fees have been submitted, the secretary shall issue the license. If the food establishment or food processing plant is found not to be in compliance, the secretary shall deny the application for a license after providing notice and opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(c) Every license issued hereunder shall be displayed conspicuously in the food establishment or food processing plant for which it is issued, and no such license shall be transferable to any other person or location. Whenever any such license is lost, destroyed or mutilated, a duplicate license shall be issued to any otherwise qualified licensee upon application therefor and the payment of a fee in the amount of \$5.

(d) A license shall not be required by:

(1) A plant or facility registered or licensed by the department of agriculture pursuant to article 7 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or licensed or registered by the department of agriculture pursuant to article 6a of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall not be required to obtain a separate license pursuant to this section if the inspections conducted under the respective acts encompass all operations of the facility.

(2) A registered nonprofit organization that provides food without charge solely to people who are food insecure, including, but not limited to, soup kitchens and food pantries.

(3) A location where prepackaged individual meals are distributed to persons eligible under the federal older Americans act.

(4) A person who produces food for distribution directly to the end consumer, if such food does not require time and temperature control for safety or specialized processing, as determined by the secretary.

(5) A person who serves food exclusively on interstate conveyances or common carriers.

(6) A person operating a food establishment for less than seven days in any calendar year.

(7) A person who prepares, serves or sells food for the sole purpose of soliciting funds to be used for community or humanitarian purposes or educational or youth activities.

(8) A person operating a food vending machine, if the food vending machine company:

(A) Is licensed as a food establishment, or if located in another state, licensed according to the laws of such state;

(B) maintains, and makes available to the secretary, a current record of the location of each food vending machine it operates or services; and

(C) conspicuously displays the company name, phone number and any additional information the secretary may require on each such vending machine.

(9) A person providing only complimentary coffee to its patrons whose primary business is unrelated to operating a food establishment or food processing plant.

(10) A person operating a farm winery, as defined in K.S.A. 41-102, and amendments thereto, who does not produce or offer any food products other than wine produced at such farm winery.

(11) A retailer, as defined in K.S.A. 41-102, and amendments thereto, that sells only alcoholic liquors and cereal malt beverages.

(12) A food establishment that sells or offers for sale only packaged foods that are non-hazardous and are received directly from a licensed food production facility in packaged form, if such food establishment contains less than 200 cubic feet as measured pursuant to ~~subsection (e) of~~ K.S.A. 65-688(c), and amendments thereto.

(13) A person who provides food samples, without charge, to promote, advertise or compliment the sale of food or associated food preparation equipment.

(14) A guest house, as defined in K.S.A. 36-501, and amendments thereto.

(e) The exemption provided to those entities provided in subsection (d) shall not be exempt from inspection or regulation when a violation is observed or reported to the secretary.

(f) A food establishment operated in connection with any premises licensed, registered or permitted by the secretary of health and environment, the secretary of ~~social and rehabilitation services for children and families~~, the secretary of corrections or the secretary of ~~for aging, which and disability services that~~ is inspected and regulated pursuant to the respective law or rule and regulation of such secretary, shall not require a license, and the secretary of agriculture shall not be authorized to inspect or cause such premises to be inspected. This subsection shall not apply to a food establishment whose primary function is not in connection with any premises licensed, registered or permitted pursuant to the respective law or rule and regulation of such secretary.

Sec. 39. K.S.A. 2017 Supp. 65-6610 is hereby amended to read as follows: 65-6610. (a) An applicant for licensure as an addiction counselor shall furnish evidence that the applicant:

(1) Has attained the age of 21;

(2) (A) has completed at least a baccalaureate degree from an addiction counseling program that is part of a college or university approved by the board; or

(B) has completed at least a baccalaureate degree from a college or university approved by the board. As part of, or in addition to, the baccalaureate degree coursework, such applicant shall also complete a minimum number of semester hours of

coursework on substance use disorders as approved by the board; or

(C) is currently licensed in Kansas as a licensed baccalaureate social worker and has completed a minimum number of semester hours of coursework on substance use disorders as approved by the board; and

(3) has passed an examination approved by the board;

(4) has satisfied the board that the applicant is a person who merits the public trust; and

(5) has paid the application fee established by the board under K.S.A. 2017 Supp. 65-6618, and amendments thereto.

(b) Applications for licensure as a master's addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(1) (A) Has attained the age of 21;

(B) (i) has completed at least a master's degree from an addiction counseling program that is part of a college or university approved by the board;

(ii) has completed at least a master's degree from a college or university approved by the board. As part of or in addition to the master's degree coursework, such applicant shall also complete a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; or

(iii) is currently licensed in Kansas as a licensed master social worker, licensed professional counselor, licensed marriage and family therapist or licensed master's level psychologist; and

(C) has passed an examination approved by the board;

(D) has satisfied the board that the applicant is a person who merits the public trust; and

(E) has paid the application fee fixed under K.S.A. 2017 Supp. 65-6618, and amendments thereto; or

(2) (A) has met the following requirements on or before July 1, 2016:

(i) Holds an active license by the board as an addiction counselor; and

(ii) has completed at least a master's degree in a related field from a college or university approved by the board; and

(B) has completed six hours of continuing education in the diagnosis and treatment of substance use disorders during the three years immediately preceding the application date.

(c) Applications for licensure as a clinical addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(1) Has attained the age of 21; and

(2) (A) (i) has completed at least a master's degree from an addiction counseling program that is part of a college or university approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of

the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(B) (i) has completed at least a master's degree from a college or university approved by the board. As part of or in addition to the master's degree coursework, such applicant shall also complete a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(C) (i) has completed a master's degree from a college or university approved by the board and is licensed by the board as a licensed master's addiction counselor; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at

least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(D) is currently licensed in Kansas as a licensed psychologist, licensed specialist clinical social worker, licensed clinical professional counselor, licensed clinical psychotherapist or licensed clinical marriage and family therapist and provides to the board an attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat substance use disorders; and

(3) has passed an examination approved by the board; and

(4) has satisfied the board that the applicant is a person who merits the public trust; and

(5) has paid the application fee fixed under K.S.A. 2017 Supp. 65-6618, and amendments thereto.

~~(d) Prior to July 1, 2017, a person who was registered by the behavioral sciences regulatory board as an alcohol and other drug counselor or credentialed by the Kansas department for aging and disability services as an alcohol and drug credentialed counselor or credentialed by the Kansas association of addiction professionals as an alcohol and other drug abuse counselor in Kansas at any time prior to the effective date of this act, who was registered in Kansas as an alcohol and other drug counselor, an alcohol and drug credentialed counselor or a credentialed alcohol and other drug abuse counselor within three years prior to the effective date of this act and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed addiction counselor by providing demonstration acceptable to the board of competence to perform the duties of an addiction counselor.~~

~~(e) Prior to July 1, 2017, any person who was registered by the behavioral sciences regulatory board as an alcohol and other drug counselor or credentialed by the department of social and rehabilitation services as an alcohol and drug credentialed counselor or credentialed by the Kansas association of addiction professionals as an alcohol and other drug abuse counselor in Kansas at any time prior to the effective date of this act, and who is also licensed to practice independently as a mental health practitioner or person licensed to practice medicine and surgery, and who was registered or credentialed in Kansas as an alcohol and other drug counselor within three years prior to the effective date of this act and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association~~

designated by the board by rules and regulations.

~~(f) Prior to July 1, 2017, any person who was credentialed by the department of social and rehabilitation services as an alcohol and drug counselor and has been actively engaged in the practice, supervision or administration of addiction counseling in Kansas for not less than four years and holds a master's degree in a related field from a college or university approved by the board and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.~~

Sec. 40. K.S.A. 2017 Supp. 75-7d01 is hereby amended to read as follows: 75-7d01. (a) There is hereby created in the office of the attorney general a batterer intervention program certification unit.

(b) Except as otherwise provided by law, the books, documents, papers, records or other sources of information obtained and the investigations conducted by the unit shall be confidential as required by state or federal law.

(c) The purpose of the batterer intervention program certification unit is to certify and inspect batterer intervention programs in Kansas. To accomplish this purpose, upon request of the unit, the unit shall have access to all records of reports, investigation documents and written reports of findings related to confirmed cases of domestic violence or exploitation of persons or cases in which there is reasonable suspicion to believe domestic violence has occurred ~~which that~~ are received or generated by the Kansas department of social and rehabilitation services for children and families, the Kansas department on for aging and disability services, the department of health and environment or the Kansas bureau of investigation.

(d) The attorney general shall develop a set of tools, methodologies, requirements and forms for the domestic violence offender assessment required by ~~subsection (p) of~~ K.S.A. 2017 Supp. 21-6604(p), and amendments thereto. The batterer intervention program tools, methodologies, requirements and forms shall be developed in consultation with the agency certified by the centers for disease control and prevention and the department of health and human services as the domestic violence coalition for the state and with local domestic violence victims' services organizations.

(e) The attorney general may appoint a panel to assist the attorney general by making recommendations regarding the:

- (1) Content and development of a batterer intervention certification program; and
- (2) rules and regulations.

(f) The attorney general may appoint such advisory committees as the attorney general deems necessary to carry out the purposes of the batterer intervention program certification act. Except as provided in K.S.A. 75-3212, and amendments thereto, no member of any such advisory committee shall receive any compensation, subsistence, mileage or other allowance for serving on an advisory committee or attending any meeting thereof.

Sec. 41. K.S.A. 75-5309 is hereby amended to read as follows: 75-5309. Except as otherwise provided in this order, or in K.S.A. 75-5310, and amendments thereto, the

~~secretary of social and rehabilitation services for children and families~~ shall appoint, subject to the Kansas civil service act, all subordinate officers and employees of the Kansas department of social and rehabilitation services for children and families, and all such subordinate officers and employees shall be within the classified service.

Sec. 42. K.S.A. 2017 Supp. 75-5321a is hereby amended to read as follows: 75-5321a. The ~~secretary of social and rehabilitation services for children and families~~ shall take necessary actions to transfer the administration of certain long-term care programs and services to the ~~secretary of for aging and disability services~~. The programs shall include the nursing facility services payment program, the home and community based services for the frail elderly waiver program, the case management for the frail elderly program and the income-eligible (home care) program. Excluding nursing facility programs, the programs to be transferred shall not include long-term care programs for individuals under the age of 65 with mental illness, intellectual disability, other mental disabilities or physical disabilities. All such transfers shall be made only in accordance with federal grant requirements related to such programs.

Sec. 43. K.S.A. 75-5904 is hereby amended to read as follows: 75-5904. (a) On and after July 1, 1977, all the powers, duties, functions, records, property and personnel of the existing services to the aging section of the department of social and rehabilitation services are hereby transferred to and conferred and imposed upon the ~~secretary of aging created by this act for aging and disability services~~, except as otherwise provided.

(b) The ~~secretary of aging created by this act for aging and disability services~~ shall be a continuation of the services to the aging section of the department of social and rehabilitation services and shall be the successor in every way to the powers, duties and functions of the section, except as herein otherwise provided. On and after July 1, 1977, every act performed in the exercise of such powers, duties and functions by or under the authority of the ~~secretary of aging for aging and disability services~~ shall be deemed to have the same force and effect as if performed by the services for aging section of the department of social and rehabilitation services in which such functions were vested prior to July 1, 1977.

(c) On and after July 1, 1977, wherever the services to the aging section of the department of social and rehabilitation services, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the ~~secretary of aging for aging and disability services~~.

(d) All orders and directives of the services to the aging section of the department of social and rehabilitation services in existence immediately prior to July 1, 1977, shall continue in force and effect and shall be deemed to be duly issued orders and directives of the ~~secretary of aging for aging and disability services~~, until reissued, amended or nullified pursuant to law.

Sec. 44. K.S.A. 76-157 is hereby amended to read as follows: 76-157. Whenever a blind person has been an actual resident of the state for one year next preceding, and a student in actual attendance at a community junior college in the state or at a college, university, technical or professional school located in this state, and authorized by law to grant degrees, other than an institution established for the regular instruction of the blind, and such student shall be designated by the ~~secretary of social and rehabilitation services for children and families~~ as a fit person to receive and as one who ought to receive the aid hereinafter provided for, ~~said the~~ secretary shall employ persons to read to such student from textbooks and pamphlets used by such ~~students student~~ student in ~~his or~~

her the student's studies at such college, university, or school.

Sec. 45. K.S.A. 76-158 is hereby amended to read as follows: 76-158. The ~~secretary of social and rehabilitation services for children and families~~ is hereby authorized and empowered to select such persons as are entitled to the benefits of this act in the several colleges, universities or schools. The ~~secretary of social and rehabilitation services for children and families~~ shall not furnish a reader to any blind person who is not regularly matriculated; who is not in good and regular standing; who is not working for a degree from the institution in which ~~he or she~~ such person is matriculated; and who is not doing the work regularly prescribed by the institution for the degree for which ~~he or she~~ such person is a candidate, and after making such selection the ~~secretary of social and rehabilitation services for children and families~~ is authorized to name and designate some suitable and capable person to read to such blind student from textbooks and pamphlets used by ~~him or her~~ such person in studies in such college, university, or school and to fix the pay to be received by such reader for such services.

Sec. 46. K.S.A. 76-1238 is hereby amended to read as follows: 76-1238. This act is cumulative, and is intended to give authority to the Kansas ~~department of social and rehabilitation for aging and disability~~ services to enter into new contract with the city of Osawatomic; for such water supply; upon the termination of like contract about to expire.

Sec. 47. K.S.A. 76-14a04 is hereby amended to read as follows: 76-14a04. (a) The ~~secretary of social and rehabilitation for aging and disability~~ services is hereby authorized and empowered to execute any lease upon such terms and conditions deemed advisable by the secretary, for the exploration or production of any oil, gas or other minerals retained by the state of Kansas in and under the property in Ellsworth county described as the southwest quarter of section 29, township 15, range eight, except the portion thereof used for cemetery purposes, as provided in K.S.A. 76-14a03.

(b) The amount of money received from such lease including any money received for the production of any oil, gas or other minerals shall be credited to the state general fund.

(c) The property described in subsection (a) is deemed to be under the control of the secretary for purposes of executing such leases for the exploration or production of any oil, gas or other minerals.

Sec. 48. K.S.A. 76-1519a is hereby amended to read as follows: 76-1519a. The ~~secretary of social and rehabilitation for aging and disability~~ services is hereby authorized and empowered to lease, upon such terms and conditions as it shall deem advisable, any part of the property at the Norton state hospital, which is not now needed for the care and treatment of tuberculosis patients, for the purpose of providing a home for the aged or for the establishment of a school or home for ~~retarded~~ children and adults with intellectual or developmental disability or for the establishment of a public or private nonprofit alcoholic treatment center. Such lease shall not be made for a period of more than two ~~(2)~~ years, but may be renewed for like periods from time to time. All moneys received from any such lease shall be paid into the state treasury, and the state treasurer shall credit the same to the general fee fund of the state sanatorium of tuberculosis.

Sec. 49. K.S.A. 19-4016, 40-2,116, 40-12a01, 75-5309, 75-5904, 76-157, 76-158, 76-371, 76-1238, 76-14a04, 76-1510b, 76-1519a, and 76-1522 and K.S.A. 2017 Supp.

12-736, 21-5417, 21-5909, 21-6109, 22-3302, 22-4612, 36-501, 36-502, 38-2006, 38-2212, 39-1430, 39-1431, 39-1433, 39-1602, 39-1702, 39-1903, 40-2,105, 40-2,105a, 40-3401, 40-3403, 40-4702, 59-2946, 59-29b46, 59-3077, 65-689, 65-4412, 65-4432, 65-4915, 65-4921, 65-5601, 65-6610, 65-6805, 75-7d01, 75-5321a, 75-5923, 75-6102, 75-7033, 79-201b and 79-3606 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 8; in line 9, by striking all before the period and inserting "certain state agencies; relating to the Kansas department for aging and disability services and the Kansas department for children and families; making certain statutory revisions and updates to laws in accordance with prior legislative enactment and executive order; amending K.S.A. 19-4016, 40-2,116, 40-12a01, 75-5309, 75-5904, 76-157, 76-158, 76-1238, 76-14a04 and 76-1519a and K.S.A. 2017 Supp. 12-736, 21-5417, 21-5909, 21-6109, 22-3302, 22-4612, 36-501, 36-502, 38-2006, 38-2212, 39-1430, 39-1431, 39-1433, 39-1602, 39-1702, 39-1903, 40-2,105, 40-2,105a, 40-3401, 40-3403, 40-4702, 59-2946, 59-29b46, 59-3077, 65-689, 65-4412, 65-4432, 65-4915, 65-4921, 65-5601, 65-6610, 65-6805, 75-7d01, 75-5321a, 75-5923, 75-6102, 79-201b and 79-3606 and repealing the existing sections; also repealing K.S.A. 76-371, 76-1510b and 76-1522 and K.S.A. 2017 Supp. 75-7033";

And your committee on conference recommends the adoption of this report.

DANIEL HAWKINS
SUSAN CONCANNON
MONICA MURNAN
Conferees on part of House

VICKI SCHMIDT
BARBARA BOLLIER
LAURA KELLY
Conferees on part of Senate

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **SB 217**.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 272** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 11, following line 16, by inserting:

(h) For a second violation of K.S.A. 8-1556, and amendments thereto, within five years after a prior conviction of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$750 for the second violation. For a third and each succeeding violation of K.S.A. 8-1556, and amendments thereto, within five years after two prior convictions of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$1,000 for the third and each succeeding violation.

New Sec. 3. (a) Notwithstanding any other laws to the contrary, an emergency vehicle may operate at a gross weight not exceeding 86,000 pounds, subject to a maximum weight of:

- (1) 24,000 pounds on a single steering axle;
- (2) 33,500 pounds on a single drive axle;
- (3) 62,000 pounds on a tandem axle;
- (4) 52,000 pounds on a tandem rear drive steer axle.

(b) As used in this section, "emergency vehicle" means a vehicle designed to be used under emergency conditions to:

- (1) Transport personnel and equipment; and
- (2) support the suppression of fires and mitigation of other hazardous situations.

"Sec. 4. K.S.A. 2017 Supp. 8-15,108 is hereby amended to read as follows: 8-15,108. (a) It shall be unlawful for any person to operate a golf cart: (1) On any interstate highway, federal highway or state highway; (2) on any public highway or street within the corporate limits of any city unless authorized by such city; or (3) on any street or highway with a posted speed limit greater than 30 miles per hour.

(b) The provisions of subsection (a) shall not prohibit a golf cart from crossing a federal or state highway or a street or highway with a posted speed limit in excess of 30 miles per hour.

(c) A golf cart shall be operated on any public street or highway only during the hours between sunrise and sunset, unless equipped with: (1) Lights as required by law for motorcycles; and (2) a properly mounted slow-moving vehicle emblem as required by K.S.A. 8-1717, and amendments thereto.

(d) This section shall be part of and supplemental to the uniform act regulating traffic on highways.

Sec. 5. K.S.A. 2017 Supp. 8-1904 is hereby amended to read as follows: 8-1904. (a) No vehicle including any load thereon shall exceed a height of 14 feet, except that a vehicle transporting cylindrically shaped bales of hay as authorized by K.S.A. 8-1902(e), and amendments thereto, may be loaded with such bales secured to a height not exceeding 14½ feet. Should a vehicle so loaded with bales strike any overpass or other obstacle, the operator of the vehicle shall be liable for all damages resulting therefrom. The secretary of transportation may adopt rules and regulations for the movement of such loads of cylindrically shaped bales of hay.

(b) No motor vehicle including the load thereon shall exceed a length of 45 feet extreme overall dimension, excluding the front and rear bumpers, except as provided in subsection (d).

(c) Except as otherwise provided in K.S.A. 8-1914 and 8-1915, and amendments thereto, and subsections (d), (e), (f), (g), (h) ~~and~~, (i) ~~and~~ (j), no combination of vehicles coupled together shall exceed a total length of 65 feet.

(d) The length limitations in subsection (b) shall not apply to a truck tractor. No semitrailer which is being operated in combination with a truck tractor shall exceed 59½ feet in length. No semitrailer or trailer which is being operated in a combination consisting of a truck tractor, semitrailer and trailer shall exceed 28½ feet in length.

(e) The limitations in this section governing maximum length of a semitrailer or trailer shall not apply to vehicles operating in the daytime when transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, except that it shall be unlawful to operate any such vehicle or combination of vehicles which exceeds a total length of 85 feet unless a special permit for such operation has been issued by the secretary of transportation or by an agent or designee of the secretary pursuant to K.S.A. 8-1911, and amendments thereto. For the purpose of authorizing the issuance of such special permits at motor carrier inspection stations, the secretary of transportation may contract with the superintendent of the Kansas highway patrol for such purpose, and in such event, the superintendent or any designee of the superintendent may issue such special permit pursuant to the terms and conditions of the contract. The limitations in this section shall not apply to vehicles transporting such objects operated at nighttime by a public utility when required for emergency repair of public service facilities or properties or when operated under special permit as provided in K.S.A. 8-1911, and amendments thereto, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

(f) The limitations of this section governing the maximum length of combinations of vehicles shall not apply to a combination of vehicles consisting of a truck tractor towing a house trailer, if such combination of vehicles does not exceed an overall length of 97 feet.

(g) The length limitations of this section shall not apply to stinger-steered automobile or boat transporters or one truck and one trailer vehicle combination, loaded or unloaded, used in transporting a combine, forage cutter or combine header to be engaged in farm custom harvesting operations, as defined in K.S.A. 8-143j(d), and amendments thereto. A stinger-steered boat transporter or one truck and one trailer vehicle combination, loaded or unloaded, used in transporting a combine, forage cutter or combine header to be engaged in farm custom harvesting operations, as defined in K.S.A. 8-143j(d), and amendments thereto, shall not exceed an overall length limit of 75 feet, exclusive of front and rear overhang. A stinger-steered automobile transporter shall not exceed an overall length limit of 80 feet, exclusive of front and rear overhang.

(h) The length limitations of this section shall not apply to drive-away saddlemount or drive-away saddlemount with fullmount vehicle transporter combination. A drive-away saddlemount or drive-away saddlemount with fullmount vehicle transporter combination shall not exceed an extreme overall dimension of 97 feet.

(i) The length limitations of this section shall not apply to a one truck-tractor two trailer combination or one truck-tractor semitrailer trailer combination used in transporting equipment utilized by custom harvesters under contract to agricultural producers to harvest wheat, soybeans or milo, during the months of April through November, but the length of the property-carrying units, excluding load, shall not exceed 81½ feet.

(j) The length limitations of this section shall not apply to a towaway trailer

transporter combination consisting of a trailer transporter towing unit and two trailers or semitrailers with a total weight not exceeding 26,000 pounds and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor or dealer of such trailers or semitrailers. Such towaway trailer transporter combination shall not exceed a length of 82 feet. As used in this subsection, "a trailer transporting towing unit" means a power unit that is not used to carry property when operating in a towaway trailer transporter combination.";

Also on page 11, in line 17, after "Supp." by inserting "8-15,108, 8-1904 and"; also in line 17, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "overtaking and passing of school buses; operation of golf carts, required equipment for night use; length of vehicles, certain vehicle combinations; gross weight limits, emergency vehicles;"; also in line 2, after "Supp." by inserting "8-15,108, 8-1904 and"; in line 3, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

RICHARD PROEHL
SHANNON FRANCIS
ADAM LUSKER, SR.

Conferees on part of House

MIKE PETERSEN
DAN GODDARD
PAT PETTEY

Conferees on part of Senate

Senator Petersen moved the Senate adopt the Conference Committee Report on **Sub SB 272**.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wilborn.

Nays: Billinger, McGinn, Pilcher-Cook, Wagle.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 282** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments as follows:

On page 20, by striking all in lines 25 through 41;

On page 22, in line 4, by striking "man" and inserting "humans"; in line 6, by striking "man" and inserting "humans";

On page 24, in line 32, by striking "any"; in line 33, by striking all before the period and inserting "cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol)";

On page 29, in line 24, by striking all after "(3)"; in line 25, by striking all before the period and inserting "cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol)";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "concerning CBD"; in line 3, by striking "products;";

And your committee on conference recommends the adoption of this report.

DANIEL HAWKINS
SUSAN CONCANNON
MONICA MURNAN

Conferees on part of House

VICKI SCHMIDT
BARBARA BOLLIER
LAURA KELLY

Conferees on part of Senate

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **SB 282**.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Madam President: I vote "Aye" on the Conference Committee report on **SB 282** which once again adjusts Kansas' Drug Schedules to reflect and protect us from dangerous illicit drugs. I can now support this CCR because it does not include "kratom" (which was my reason for just voting as "Passing" on the original Senate bill). The House, in it's wisdom, delete kratom from the schedule as well as cannabinoids; sometimes also known as CBD oil. It remains regressive that all cannabinoids, primarily marijuana and other naturally produced tetrahydrochlorides "THC", are not removed from Kansas' Drug Schedules. As the ONLY Kansas Senator, indeed Kansas legislator, to repeatedly and diligent reflect the beliefs and desires of the overwhelming majority of Kansans and, apparently, Americans, that marijuana should be legal for both medicinal and even for recreational use, it continues to gripe this Senator, David Haley from Wyandotte, that we are not joining the growing number of States that have abandoned marijuana's prohibition. In fact, were it not for my yet unsuccessful efforts, Madam President, we wouldn't even be talking about marijuana at ALL! We need an advocate from this Senate in the majority to undertake what the majority of Kansans

believe, want and in many cases prefer to ingest for an array of maladies. We deserve a Republican to shoulder this mantle that a Democrat in the distinct minority is unable, as in other issues, to do unless "blessed" by an R. Former U.S. House Speaker Boehner, former Massachusetts Governor Weld, even AG Sessions and so many other good Republicans have all concluded medicinal marijuana is beneficial. I wish too, Madam President, just ONE of you would here too. I will retire from my advocacy and we may see the benefits of marijuana's production, taxation, regulation and dispensing do Kansas well as we can already observe in other parts of our country today.—DAVID HALEY

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 307** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 1, in line 23, after "fee" by inserting "of \$50"; in line 24, by striking all after "application"; by striking all in lines 25 through 34; in line 35, by striking "\$10";

On page 2, in line 6, by striking "fees" and inserting "fee";

On page 4, in line 20, after "days" by inserting ", or 160 hours,";

On page 5, in line 41, after "organization" by inserting "or other nationally recognized organization";

On page 6, in line 15, by striking "30" and inserting "35";

On page 7, in line 37, after "organization" by inserting "or other nationally recognized organization"; in line 38, by striking "water"; also in line 38, after "that" by inserting "uses water to propel the patron through the ride and that"; in line 39, by striking "the"; in line 40, by striking "water" and inserting "such";

On page 11, in line 41, by striking the third comma;

And your committee on conference recommends the adoption of this report.

JOHN BARKER
RON HIGHLAND
LOUIS RUIZ

Conferees on part of House

BUD ESTES
RICK BILLINGER
OLETHA FAUST-GOUDEAU

Conferees on part of Senate

Senator Estes moved the Senate adopt the Conference Committee Report on **H Sub SB 307**.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Olson.

Present and Passing: Pyle.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 331** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 1, in line 26, by striking "an incorporated city within"; also in line 26, by striking all after "county"; in line 27, by striking all before "to"; in line 32, by striking "an incorporated city within"; also in line 32, by striking the comma; in line 33, by striking all before "to";

On page 2, in line 4, by striking "an incorporated city within"; also in line 4, by striking all after "county"; in line 5, by striking all before "to"; in line 10, by striking "an incorporated city within"; also in line 10, by striking all after "county"; also in line 11, by striking all before "to"; in line 16, by striking "an incorporated city within"; also in line 16, by striking the comma; in line 17, by striking all before "to"; in line 22, by striking "an incorporated city within"; in line 23, by striking ", or the resident's designee,."; in line 25, after "(c)" by inserting "The appointing authorities listed in subsection (b)(2) through (13) shall give consideration to individuals who own land that is adjacent to the Flint Hills nature trail when appointing members to the Flint Hills advisory council.

(d)";

And by redesignating subsections accordingly;

On page 3, following line 9, by inserting:

"(h) The provisions of this section shall expire on July 1, 2021.";

On page 4, following line 1, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 79-201a is hereby amended to read as follows: 79-201a.

The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. All property belonging exclusively to the United States, except property which congress has expressly declared to be subject to state and local taxation.

Second. All property used exclusively by the state or any municipality or political subdivision of the state. All property owned, being acquired pursuant to a lease-purchase agreement or operated by the state or any municipality or political subdivision of the state, including property which is vacant or lying dormant, which is used or is to be used for any governmental or proprietary function and for which bonds may be issued or taxes levied to finance the same, shall be considered to be used exclusively by the state, municipality or political subdivision for the purposes of this section. The lease by a municipality or political subdivision of the state of any real property owned or being acquired pursuant to a lease-purchase agreement for the purpose of providing office space necessary for the performance of medical services by a person licensed to

practice medicine and surgery or osteopathic medicine by the board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments thereto, dentistry services by a person licensed by the Kansas dental board pursuant to K.S.A. 65-1401 et seq., and amendments thereto, optometry services by a person licensed by the board of examiners in optometry pursuant to K.S.A. 65-1501 et seq., and amendments thereto, or K.S.A. 74-1501 et seq., and amendments thereto, podiatry services by a person licensed by the board of healing arts pursuant to K.S.A. 65-2001 et seq., and amendments thereto, or the practice of psychology by a person licensed by the behavioral sciences regulatory board pursuant to K.S.A. 74-5301 et seq., and amendments thereto, shall be construed to be a governmental function, and such property actually and regularly used for such purpose shall be deemed to be used exclusively for the purposes of this paragraph. The lease by a municipality or political subdivision of the state of any real property, or portion thereof, owned or being acquired pursuant to a lease-purchase agreement to any entity for the exclusive use by it for an exempt purpose, including the purpose of displaying or exhibiting personal property by a museum or historical society, if no portion of the lease payments include compensation for return on the investment in such leased property shall be deemed to be used exclusively for the purposes of this paragraph. All property leased, other than motor vehicles leased for a period of at least one year and property being acquired pursuant to a lease-purchase agreement, to the state or any municipality or political subdivision of the state by any private entity shall not be considered to be used exclusively by the state or any municipality or political subdivision of the state for the purposes of this section except that the provisions of this sentence shall not apply to any such property subject to lease on the effective date of this act until the term of such lease expires but property taxes levied upon any such property prior to tax year 1989, shall not be abated or refunded. Any property constructed or purchased with the proceeds of industrial revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 12-1740 through 12-1749, and amendments thereto, or purchased with proceeds of improvement district bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-2776, and amendments thereto, or with proceeds of bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-3815a and 19-3815b, and amendments thereto, or any property improved, purchased, constructed, reconstructed or repaired with the proceeds of revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 13-1238 ~~to through~~ 13-1245, ~~inclusive~~, and amendments thereto, or any property improved, reimproved, reconstructed or repaired with the proceeds of revenue bonds issued after July 1, 1963, under the authority of K.S.A. 13-1238 ~~to through~~ 13-1245, ~~inclusive~~, and amendments thereto, which had previously been improved, reconstructed or repaired with the proceeds of revenue bonds issued under such act on or before July 1, 1963, shall be exempt from taxation for so long as any of the revenue bonds issued to finance such construction, reconstruction, improvement, repair or purchase shall be outstanding and unpaid. Any property constructed or purchased with the proceeds of any revenue bonds authorized by K.S.A. 13-1238 ~~to through~~ 13-1245, ~~inclusive~~, and amendments thereto, 19-2776, 19-3815a and 19-3815b, and amendments thereto, issued on or after July 1, 1963, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Any property, all or any portion of which is constructed or purchased with the proceeds of revenue bonds authorized by K.S.A. 12-1740 ~~to through~~ 12-1749, ~~inclusive~~, and amendments thereto, issued on or after July 1, 1963 and prior to July 1, 1981, shall

be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased wholly with the proceeds of revenue bonds issued on or after July 1, 1981, under the authority of K.S.A. 12-1740 ~~to through~~ 12-1749, ~~inclusive~~, and amendments thereto, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased in part with the proceeds of revenue bonds issued on or after July 1, 1981, under the authority of K.S.A. 12-1740 ~~to through~~ 12-1749, ~~inclusive~~, and amendments thereto, shall be exempt from taxation to the extent of the value of that portion of the property financed by the revenue bonds and only for a period of 10 calendar years after the calendar year in which the bonds were issued. The exemption of that portion of the property constructed or purchased with the proceeds of revenue bonds shall terminate upon the failure to pay all taxes levied on that portion of the property which is not exempt and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. Property constructed or purchased in whole or in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-1740 ~~to through~~ 12-1749, ~~inclusive~~, and amendments thereto, and used in any retail enterprise identified under NAICS sectors 44 and 45, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified thereunder, shall not be exempt from taxation. For the purposes of the preceding provision "NAICS" means the North American industry classification system, as developed under the authority of the office of management and budget of the office of the president of the United States. "Headquarters or back office operations" means a facility from which the enterprise is provided direction, management, administrative services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 et seq., and amendments thereto, which is located in a redevelopment project area established under the authority of K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 ~~to through~~ 12-1749a, ~~inclusive~~, and amendments thereto, for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 ~~to through~~ 12-1749a, ~~inclusive~~, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation.

Third. All works, machinery and fixtures used exclusively by any rural water district or township water district for conveying or production of potable water in such rural water district or township water district, and all works, machinery and fixtures used exclusively by any entity which performed the functions of a rural water district on and

after January 1, 1990, and the works, machinery and equipment of which were exempted hereunder on March 13, 1995.

Fourth. All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safekeeping thereof, and for the meeting of fire companies, whether belonging to any rural fire district, township fire district, town, city or village, or to any fire company organized therein or therefor.

Fifth. All property, real and personal, owned by county fair associations organized and operating under the provisions of K.S.A. 2-125 et seq., and amendments thereto.

Sixth. Property acquired and held by any municipality under the municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto, except that such exemption shall not apply to any portion of the project used by a nondwelling facility for profit making enterprise.

Seventh. All property of a municipality, acquired or held under and for the purposes of the urban renewal law, K.S.A. 17-4742 et seq., and amendments thereto, except that such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

Eighth. All property acquired and held by the Kansas armory board for armory purposes under the provisions of K.S.A. 48-317, and amendments thereto.

Ninth. All property acquired and used by the Kansas turnpike authority under the authority of K.S.A. 68-2001 et seq., and amendments thereto, K.S.A. 68-2030 et seq., and amendments thereto, K.S.A. 68-2051 et seq., and amendments thereto, and K.S.A. 68-2070 et seq., and amendments thereto.

Tenth. All property acquired and used for state park purposes by the Kansas department of wildlife, parks and tourism. Property that is part of a state park listed in K.S.A. 32-837(a)(25) or (a)(26), and amendments thereto, and that is contained within or encumbered by any railroad rights-of-way that have been transferred or conveyed to the Kansas department of wildlife, parks and tourism for interim use, pursuant to 16 U.S.C. § 1247(d), shall be deemed to be acquired and used for state park purposes by the Kansas department of wildlife, parks and tourism for the purposes of this subsection.

Eleventh. The state office building constructed under authority of K.S.A. 75-3607 et seq., and amendments thereto, and the site upon which such building is located.

Twelfth. All buildings erected under the authority of K.S.A. 76-6a01 et seq., and amendments thereto, and all other student union buildings and student dormitories erected upon the campus of any institution mentioned in K.S.A. 76-6a01, and amendments thereto, by any other nonprofit corporation.

Thirteenth. All buildings, as the same is defined in ~~subsection (c) of K.S.A. 76-6a13(c)~~, and amendments thereto, which are erected, constructed or acquired under the authority of K.S.A. 76-6a13 et seq., and amendments thereto, and building sites acquired therefor.

Fourteenth. All that portion of the waterworks plant and system of the city of Kansas City, Missouri, now or hereafter located within the territory of the state of Kansas pursuant to the compact and agreement adopted by K.S.A. 79-205, and amendments thereto.

Fifteenth. All property, real and personal, owned by a groundwater management district organized and operating pursuant to K.S.A. 82a-1020, and amendments thereto.

Sixteenth. All property, real and personal, owned by the joint water district organized and operating pursuant to K.S.A. 80-1616 et seq., and amendments thereto.

Seventeenth. All property, including interests less than fee ownership, acquired for the state of Kansas by the secretary of transportation or a predecessor in interest which is used in the administration, construction, maintenance or operation of the state system of highways, regardless of how or when acquired.

Eighteenth. Any building used primarily as an industrial training center for academic or vocational education programs designed for and operated under contract with private industry, and located upon a site owned, leased or being acquired by or for an area vocational school, an area vocational-technical school, a technical college, or a community college, as defined by K.S.A. 2017 Supp 74-34,407, and amendments thereto, and the site upon which any such building is located.

Nineteenth. For all taxable years commencing after December 31, 1997, all buildings of an area vocational school, an area vocational-technical school, a technical college or a community college, as defined by K.S.A. 2017 Supp. 74-32,407, and amendments thereto, which are owned and operated by any such school or college as a student union or dormitory and the site upon which any such building is located.

Twentieth. For all taxable years commencing after December 31, 1997, all personal property which is contained within a dormitory that is exempt from property taxation and which is necessary for the accommodation of the students residing therein.

Twenty-First. All real property from and after the date of its transfer by the city of Olathe, Kansas, to the Kansas state university foundation, all buildings and improvements thereafter erected and located on such property, and all tangible personal property, which is held, used or operated for educational and research purposes at the Kansas state university Olathe innovation campus located in the city of Olathe, Kansas.

Twenty-Second. All real property, and all tangible personal property, owned by postsecondary educational institutions, as that term is defined in K.S.A. 74-3201b, and amendments thereto, or by the board of regents on behalf of the postsecondary educational institutions, which is leased by a for profit company and is actually and regularly used exclusively for research and development purposes so long as any rental income received by such postsecondary educational institution or the board of regents from such a company is used exclusively for educational or scientific purposes. Any such lease or occupancy described in this section shall be for a term of no more than five years.

Twenty-Third. For all taxable years commencing after December 31, 2005, any and all housing developments and related improvements located on United States department of defense military installations in the state of Kansas, which are developed pursuant to the military housing privatization initiative, 10 U.S.C. § 2871 et seq., or any successor thereto, and which are provided exclusively or primarily for use by military personnel of the United States and their families.

Twenty-Fourth. For all taxable years commencing after December 31, 2012, except as hereinafter provided, any property constructed or purchased in part with the proceeds of revenue bonds issued on or after July 1, 2013, under the authority of K.S.A. 12-1740 to through 12-1749a, inclusive, and amendments thereto, shall be exempt from taxation to the extent of the value of that portion of the property financed by the revenue bonds and only for a period of 10 calendar years after the calendar year in which the bonds were issued. The exemption of that portion of the property constructed or purchased

with the proceeds of revenue bonds shall terminate upon the failure to pay all taxes levied on that portion of the property which is not exempt and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. Property constructed or purchased in whole or in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-1740 ~~to through~~ 12-1749a, ~~inclusive~~, and amendments thereto, and used in any retail enterprise identified under NAICS sectors 44 and 45, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified thereunder, shall not be exempt from taxation. For the purposes of the preceding provision "NAICS" means the North American industry classification system, as developed under the authority of the office of management and budget of the office of the president of the United States. "Headquarters or back office operations" means a facility from which the enterprise is provided direction, management, administrative services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 et seq., and amendments thereto, which is located in a redevelopment project area established under the authority of K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 ~~to through~~ 12-1749a, ~~inclusive~~, and amendments thereto, for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 ~~to through~~ 12-1749a, ~~inclusive~~, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation.

Twenty-Fifth. For all taxable years commencing after December 31, 2013, any and all utility systems and appurtenances located on United States department of defense military installations in the state of Kansas, which have been acquired after December 31, 2013, pursuant to the military utilities privatization initiative, 10 U.S.C. § 2688 et seq., or any successor thereto, or which have been installed after December 31, 2013, and which are provided exclusively or primarily for use by the military of the United States.

Twenty-Sixth. All land owned by a municipality that is a part of a public levee that is leased pursuant to K.S.A. 13-1243, and amendments thereto.

Except as otherwise specifically provided, the provisions of this section shall apply to all taxable years commencing after December 31, 2010.";

And by renumbering sections accordingly;

Also on page 4, in line 2, by striking "is" and inserting "and 79-201a are";

On page 1, in the title, in line 2, before "establishing" by inserting "the exemption of state park property from property and ad valorem taxes"; in line 4, after "32-837" by inserting "and 79-201a"; in line 5, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

KYLE HOFFMAN
KENT THOMPSON
SYDNEY CARLIN

Conferees on part of House

DAN KERSCHEN
BUD ESTES
MARCI FRANCISCO

Conferees on part of Senate

Senator Kerschchen moved the Senate adopt the Conference Committee Report on **SB 331**.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 0; Absent or Not Voting 1.

Yeas: Berger, Billinger, Bollier, Bowers, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschchen, Longbine, Lynn, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

Nays: Alley, Baumgardner, Denning, Fitzgerald, Hilderbrand, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Tyson, Wilborn.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 335** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 48, following line 38, by inserting:

"Sec. 26. K.S.A. 2017 Supp. 9-512 is hereby amended to read as follows: 9-512. (a) The commissioner, after notice and an opportunity for hearing, may issue an order to address any violation of this act or rules and regulations adopted pursuant thereto:

(1) Assessing a fine against any person who violates this act, or rules and regulations adopted thereto, in an amount not to exceed \$5,000 per violation;

(2) assessing the agency's operating costs and expenses for investigating and enforcing this act;

(3) requiring the person to pay restitution for any loss arising from the violation or requiring the person to disgorge any profits arising from the violation;

(4) barring the person from future application for licensure pursuant to the act; and

(5) requiring such affirmative action as in the judgment of the commissioner which will carry out the purposes of this act.

(b) The commissioner may enter into a consent order at any time with a person to resolve a matter arising under this act, rules and regulations adopted thereto, or an order issued pursuant to this act.

(c) The commissioner may enter into an informal agreement at any time with a person to resolve a matter arising under this act, rules and regulations adopted pursuant thereto, or an order issued pursuant to this act. The adoption of an informal agreement

authorized by this subsection shall not be subject to the provisions of K.S.A. 77-501 et seq., and amendments thereto, or K.S.A. 77-601 et seq., and amendments thereto. Any informal agreement authorized by this subsection shall not be considered an order or other agency action, and shall be considered confidential examination material pursuant to K.S.A. 9-513c, and amendments thereto. All such examination material shall also be confidential by law and privileged, shall not be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto, shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any private civil action. The provisions of this subsection shall expire on July 1, 2023, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2023.

(e)(d) Any person who knowingly violates any provision of this act shall be guilty of a severity level 9, nonperson felony. Each transaction in violation of this act and each day that a violation continues shall be a separate offense. Whenever a corporation violates any provision of this act, such violation shall be attributed to individual directors, officers and agents who have authorized, ordered or performed any of the acts constituting such violation.

(f)(e) A corporation and its directors, officers and agents may each be prosecuted separately for violations of this act and the acquittal or conviction of one such director, officer or agent shall not abate the prosecution of the others.

(g)(f) Whenever it appears that a person has violated, or is likely to violate, this act, rules and regulations adopted thereunder, or an order issued pursuant to this act, then the commissioner may bring an action for injunctive relief to enjoin the violation or enforce compliance, regardless of whether or not criminal proceedings have been instituted. Any person who engages in activities that are regulated and require a license under this act shall be considered to have consented to the jurisdiction of the courts of this state for all actions arising under this act.

Sec. 27. K.S.A. 2017 Supp. 9-513 is hereby amended to read as follows: 9-513. The commissioner ~~and the commissioner's designees shall rely on the deputy commissioner of the banking division established pursuant to K.S.A. 75-3135, and amendments thereto, and such deputy's staff to~~ administer, interpret and enforce this act for the purpose of protecting the citizens of this state, against financial loss, who purchase payment instruments or who give money or control of their funds or credit into the custody of another person for transmission, regardless of whether the transmitter has any office, facility, agent or other physical presence in the state.";

On page 49, in line 28, after "Supp." by inserting "9-512, 9-513,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the second semicolon by inserting "updating the Kansas money transmitter act;"; in line 4, after "Supp." by inserting "9-512, 9-513,";

And your committee on conference recommends the adoption of this report.

JIM KELLY
RANDY POWELL
GAIL FINNEY

Conferees on part of House

JEFF LONGBINE
RICK BILLINGER
LYNN ROGERS

Conferees on part of Senate

Senator Longbine moved the Senate adopt the Conference Committee Report on **SB 335**.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 348** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, in line 14, by striking "or nonprofit dental services corporation"; in line 21, by striking all after "plan"; in line 22, by striking all before "that"; in line 23, by striking all after "plan";

On page 5, in line 13, by striking "or nonprofit dental services corporation"; following line 13, by inserting:

"New Sec. 4. (a) In the coverage for the next health plan coverage year commencing on January 1, 2019, the state employees health care commission shall provide for the coverage for amino acid-based elemental formula, regardless of delivery method, for the diagnosis or treatment of food protein-induced enterocolitis syndrome, eosinophilic disorders or short bowel syndrome, if prescribed by a prescriber, as defined by K.S.A. 65-1626, and amendments thereto, authorized by the pharmacy act of the state of Kansas and the applicable medical professional licensure entity in the state of Kansas.

(b) (1) Pursuant to the provisions of K.S.A. 40-2249a, and amendments thereto, on or before March 1, 2020, the state employees health care commission shall submit to the president of the senate and to the speaker of the house of representatives a report including the following information pertaining to the mandated coverage for amino acid-based elemental formula provided during the plan year commencing on January 1, 2019, and ending on December 31, 2019:

(A) The impact that the mandated coverage for amino acid-based elemental formula required by subsection (a) has had on the state health care benefits program;

(B) data on the utilization of coverage for amino acid-based elemental formula by covered individuals and the cost of providing such coverage for amino acid-based elemental formula; and

(C) a recommendation whether such mandated coverage for amino acid-based elemental formula should continue for the state health care benefits program or whether additional utilization and cost data is required.

(2) At the next legislative session following receipt of the report required in paragraph (1), the legislature may consider whether or not to require the coverage for amino acid-based elemental formula required by subsection (a) to be included in any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for accident and health services and that is delivered, issued for delivery, amended or renewed in this state on or after July 1, 2021.";

Also on page 5, in line 7, 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 health insurance;"; in line 2, after the semicolon by inserting "coverage for amino acid-based elemental formula;";

And your committee on conference recommends the adoption of this report.

JENE VICKREY

WILLIE DOVE

CINDY NEIGHBOR

Conferees on part of House

JEFF LONGBINE

RICK BILLINGER

LYNN ROGERS

Conferees on part of Senate

Senator Longbine moved the Senate adopt the Conference Committee Report on **SB 348**.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Hilderbrand, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Suellentrop.

The Conference Committee Report was adopted.

CHANGE OF REFERENCE

Pursuant to Senate Rule 55, the appointment of Nan Porter to the Crime Victims Compensation Board was withdrawn from the Committee on Judiciary and placed on the calendar without recommendation.

CHANGE OF CONFERENCE

The President appointed Senator Holland to replace Senator Francisco as a member of the conference committee on **HB 2488**.

The President appointed Senator Holland to replace Senator Francisco as a member of the conference committee on **HB 2492**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2028** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

VICKI SCHMIDT

BUD ESTES

LAURA KELLY

Conferees on part of Senate

DANIEL HAWKINS

SUSAN CONCANNON

EILEEN HORN

Conferees on part of House

On motion of Senator V. Schmidt the Senate adopted the conference committee report on **S Sub HB 2028**, and requested a new conference be appointed.

The President appointed Senators V. Schmidt, Estes and Kelly as a third Conference Committee on the part of the Senate on **S Sub HB 2028**.

ORIGINAL MOTION

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **S Sub HB 2228**.

The President appointed Senators Tyson, Kerschen and Holland as conferees on the part of the Senate.

REPORT ON ENROLLED BILLS

SB 263, SB 275; Sub SB 423 reported correctly enrolled, properly signed and presented to the Governor on April 10, 2018.

SCR 1615 reported correctly enrolled, properly signed and presented to the Secretary of State on April 26, 2018.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Friday, April 27, 2018.

Journal of the Senate

SIXTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 27, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Suellentrop was excused.

Invocation by Reverend Cecil T. Washington:

Reverend Washington sang a beautiful rendition of God Bless America, accompanied by his wife Audry on the keyboard.

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Organization, Calendar and Rules: **HCR 5030**.

Senate Select Committee on Education Finance: **SB 460, SB 462**.

Utilities: **SR 1789**.

Ways and Means: **SB 461**.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2526, HB 2438; SB 427**.

COMMITTEE OF THE WHOLE

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

HB 2438 be amended by motion of Senator Estes; on page 2, in line 38, by striking "statute book" and inserting "Kansas register", and **HB 2438** be passed as amended.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with President Wagle in the Chair.

AFTERNOON SESSION

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for consideration of bills under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the report for the morning and afternoon sessions were adopted.

SB 427 be amended by the adoption of the committee amendments, be further amended by motion of Faust-Goudeau; on page 26, following line 6, by inserting:

"New Sec. 15. (a) All greyhounds used for racing shall: (1) Be housed in comfortable, clean, safe and well-ventilated kennels;

(2) receive plentiful and healthful food and water;

(3) be provided appropriate exercise in clean, safe turnout pens and sprint fields;

(4) be trained using artificial lures; and

(5) receive prompt, appropriate veterinary care.

(b) All racetrack surfaces shall be groomed and maintained daily to ensure the health and safety of the racing greyhounds. All greyhounds shall be trained and cared for by qualified, competent and responsible personnel according to established animal welfare guidelines. All tracks shall enact policies and enforcement procedures that include penalties for violation of proper animal welfare procedures.

(c) All member tracks shall require that proper documentation be filed with and approved by the Kansas racing and gaming commission before any greyhound may be removed from the track premises. The documentation shall verify that the greyhound has been:

(1) Transferred to another greyhound racetrack for purposes of continued racing;

(2) returned to the original owner or breeding farm for pet or breeding purposes; or

(3) upon retirement, placed into an in-house, local or nationally recognized adoption program.

(d) The Kansas racing and gaming commission shall adopt rules and regulations to implement this section.";

And by renumbering sections accordingly; and **SB 427** be passed as further amended.

A motion by Senator Olson to amend **SB 427** failed.

A motion by Senator Pettey to amend **SB 427** failed.

HB 2526 be passed over and retain a place on the calendar.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 427** and **HB 2438** were advanced to Final Action and roll call.

SB 427, AN ACT concerning gaming; relating to the Kansas expanded lottery act; state debtor setoff program; horse and greyhound racing; creating the Kansas horse council fund, privilege fee repayment fund and racetrack gaming facility management repayment fund; amending K.S.A. 74-8836 and K.S.A. 2017 Supp. 74-8702, 74-8741, 74-8743, 74-8744, 74-8746, 74-8747, 74-8766, 74-8814 and 75-6204 and repealing the existing sections.

On roll call, the vote was: Yeas 17; Nays 20; Present and Passing 1; Absent or Not Voting 2.

Yeas: Baumgardner, Bollier, Bowers, Denning, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hensley, Holland, Kerschen, Olson, Taylor, Wagle, Wilborn.

Nays: Alley, Berger, Billinger, Estes, Francisco, Hawk, Hilderbrand, Kelly, Longbine, Lynn, McGinn, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Tyson.

Present and Passing: Doll.

Absent or Not Voting: Masterson, Suellentrop.

A constitutional majority having failed to vote in favor of the bill, **SB 427** did not pass.

EXPLANATION OF VOTE

Madam President: This bill combines two topics with differing implications: greyhound racing and gaming. The greyhound is a beautiful dog, especially when it is doing what it has been bred to do – run. This bill allows that, but it's the remainder of their life that concerns me. I've struggled with this bill. I have constituents who support or oppose this measure as well as friends in this Chamber on both sides. So half will be disappointed with my vote. I understand that. I support the rights of constituents in Sedgwick County to re-vote on this issue. Because of how the earlier vote in Sedgwick County was written, I feel it was flawed. But with the unknown litigation cost, treatment issues of greyhounds and the dying nature of the greyhound industry, even as mentioned by a supporter of the bill, I must vote "no" at this time.—LYNN ROGERS

HB 2438, AN ACT concerning information technology projects; prohibiting state agencies from using the same vendor to plan and implement projects in certain cases, exceptions; amending K.S.A. 2017 Supp. 75-7209 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Masterson, Suellentrop.

The bill passed, as amended.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **S Sub HB 2028**, and has appointed Representatives Hawkins, Concannon and Murnan as third conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2042**, and has appointed Representatives Barker, Highland and Ruiz as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2539**, and has appointed Representatives Esau, Carpenter and Miller as second conferees on the part of the House.

CHANGE OF REFERENCE

The President withdrew **SB 461** from the Committee on **Ways and Means** and referred the bill to the calendar under the heading of **General Orders**.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2359** be amended by substituting a new bill to be designated as "Senate Substitute for Substitute for HOUSE BILL No. 2359," as follows:

"Senate Substitute for Substitute for HOUSE BILL No. 2359

By Committee on Ways and Means

"AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing."; and the substitute bill be passed.

REPORT ON ENROLLED BILLS

SR 1790 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 27, 2018.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Saturday, April 28, 2018.

Journal of the Senate

SIXTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Saturday, April 28, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2365**.

Announcing passage of **SB 419**.

Announcing passage of **SB 449**, as amended.

Announcing passage of **SB 61**, as amended by **H Sub for SB 61**.

Announcing passage of **SB 415**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2365 was thereupon introduced and read by title.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the chair.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Monday, April 30, 2018.

Journal of the Senate

SIXTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, April 30, 2018, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, April 1 is called “April Fool’s Day,” when people attempt to fool everybody. Twenty-nine days later, on April 30th, the inauguration of President George Washington is celebrated. And, it is said that he was a man of integrity who didn’t want to fool anybody.

Desiring to promote a shift from the “April Fool’s” idea of misleading people to the George Washington idea of “Not Telling A Lie,” M. Hirsh Goldberg declared April 30 as “National Honesty Day.”

As the former press secretary to a governor in Maryland, and familiar with politics, he was led to advocate for and encourage a higher moral standard of honesty in politics, in personal relationships, in consumer relations and in historical education.

Lord, above all, You are the Leading Advocate of truth! In Exodus 23:1-2; in the Ten Commandments – Exodus 20:16; and in Ephesians 4:29 – You advise us to let no deceiving, foul, unwholesome words proceed from our mouths, but only words that are good for edification, good for improvement, words that have value and words that are beneficial rather than negative and worthless.

Lord, in the story of Pinocchio, Jiminy Cricket, acting as Pinocchio’s conscience, was not very successful. Pinocchio’s nose kept exposing his dishonesty. Lord, help us in all our endeavors here in these halls, at home with family and friends and throughout the community to be men and women of integrity. Unlike Jiminy Cricket, in his failed attempts to be Pinocchio’s conscience and keep him honest, I’m inviting You to be our “Divine Lie Detector” and sound an alarm in our conscience when we start to move toward deceptive or unwholesome communication.

I pray this prayer, in the Name of Jesus, our Model of Truth. Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Hawk rose on a Point of Personal Privilege to recognize Donna and Jack Vanier who have been named Kansas Humanitarians of the Year. Other guests introduced were their children: John Vanier, Kim Vanier, Mary Vanier, Marty Vanier, and Coach Bill Snyder and his wife Sharon.

Senators honored Donna and Jack with a standing ovation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **Sub HB 2365**.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 415, SB 449, SB 461; S Sub Sub HB 2359**.

COMMITTEE OF THE WHOLE

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

On motion of Senator Masterson the following report was adopted:

SB 461 be passed.

The committee report on **Sub HB 2359** recommending **S Sub Sub HB 2359** be adopted, be amended by motion of Senator Pettey; on page 8, following line 32, by inserting:

"*Provided*, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant.

(c) On July 1, 2018, during the fiscal year ending June 30, 2019, any expenditures from the parent education program account (652-00-2000-2510) of the children's initiatives fund by section 2(c) of chapter 95 of the 2017 Session Laws of Kansas for each grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant, and on July 1, 2018, the provisions of section 2(c) of chapter 95 of the 2017 Session Laws of Kansas that provide for such match to be in an amount that is equal to not less than 65% of the grant are hereby declared to be null and void and shall have no force and effect."

S Sub Sub HB 2359 be further amended by motion of Senator Rogers; on page 14, following line 32, by inserting:

"Sec. 39. Notwithstanding any other statute, during the fiscal year ending June 30, 2018, and June 30, 2019, in addition to the other purposes for which expenditures may be made from the state general fund or any special revenue fund or funds for fiscal year 2018 by the university of Kansas, Kansas state university, Emporia state university, Pittsburg state university, Fort Hays state university and Wichita state university by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by such universities from the state general fund or any special revenue fund or funds to conduct any meeting of such universities or any groups or committees thereof to discuss the allocation of student activities fees in accordance with the Kansas open meetings act, K.S.A. 75-4317 et seq., and amendments thereto.";

And by renumbering sections accordingly

S Sub Sub HB 2359 be further amended by motion of Senator Taylor; on page 8, following line 32, by inserting:

"(c) In addition to the other purposes for which expenditures may be made by the

above agency from the moneys appropriated from the state foundation aid account (652-00-1000-0820) of the state general fund for fiscal year 2019 for such state agency as authorized by chapter 95 of the 2017 Session Laws of Kansas, 2018 Substitute for Senate Bill No. 423, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by such agency from moneys appropriated from the state foundation aid account of the state general fund for fiscal year 2019 for the commissioner of education to allow three-year old preschool-aged at-risk students to participate in the program if such students meet the following requirements: (1) Are under the age of eligibility for attendance at kindergarten; (2) have been selected by the state board of education in accordance with guidelines governing the selection of students for participation in head start programs; (3) do not replace four-year old preschool-aged at-risk students; and (4) only fill available openings in such programs."

And **S Sub Sub HB 2359** be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, **SB 461** and **HB 2359** were advanced to Final Action and roll call.

SB 461, AN ACT reconciling amendments to certain statutes; amending K.S.A. 2017 Supp. 8-240, as amended by section 1 of 2018 House Bill No. 2606, 8-247, as amended by section 2 of 2018 House Bill No. 2606, 12-1775a, 21-6627, 79-213 and 79-32,117 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 8-240, as amended by section 1 of 2018 House Bill No. 2472, 8-247, as amended by section 3 of 2018 House Bill No. 2472, 12-1775b, 21-6627a, 79-213g and 79-32,117o.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The bill passed.

S Sub Sub HB 2359, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Alley, Baumgardner, Estes, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Suellentrop, Tyson.

The bill passed, as amended.

CHANGE IN CONFERENCE

The Vice President appointed Senators McGinn, Billinger, and Kelly to replace

Senators Baumgardner, Denning, and Hensley as members of the conference committee on **H Sub SB 109**.

The Vice President appointed Senators Estes, Olson, and Faust-Goudeau to replace Senators Longbine, Billinger, and Rogers as members of the conference committee on **SB 284**.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 260**.

The House adopts the Conference Committee report on **SB 261**.

The House adopts the Conference Committee report on **H Sub SB 336**.

The House nonconcurrs in Senate amendments to **S Sub Sub HB 2359**, requests a conference and has appointed Representatives Waymaster, Proehl and Wolfe Moore as conferees on the part of the House.

The House the appointment of Representatives Waymaster, Proehl and Wolfe Moore as conferees on **H Sub SB 109** to replace Representatives Patton, Huebert and Trimmer.

The House announced the appointment of Representative Humphries to replace Representative Barker as a conferee on **HB 2280**. Representative Highland is appointed as the Chairman of the conference committee on the part of the House.

ORIGINAL MOTION

On motion of Senator Billinger, the Senate acceded to the request of the House for a conference on **S Sub Sub HB 2359**.

The Vice President appointed Senators McGinn, Billinger and Kelly as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Tyson the Senate nonconcurrred in the House amendments to **SB 415** and requested a conference committee be appointed.

The Vice President appointed Senators Tyson, Kerschen and Holland as a conference committee on the part of the Senate.

On motion of Senator Tyson the Senate nonconcurrred in the House amendments to **SB 449** and requested a conference committee be appointed.

The Vice President appointed Senators Tyson, Kerschen and Holland as a conference committee on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1791—

A RESOLUTION congratulating and commending members of the Seaman High School boys swim and dive team for winning the Kansas Class 5-1A State Championship and for their successful season.

WHEREAS, The Seaman High School boys swim and dive team won the Kansas Class 5-1A State Championship held on February 16 and 17, 2018, in Topeka; and

WHEREAS, The team won first place by 150 points over second-place team, Bishop Miege High School; and

WHEREAS, Swimmer Zeke Metz was named the 5-1A State Championship Swim and Dive Athlete of the meet; and

WHEREAS, Coach Rod Garman was named the 5-1A Swim and Dive Co-coach of the year; and

WHEREAS, Swimmers on the team set five new state records for 5-1A boys swim and dive; and

WHEREAS, The 400-yard freestyle relay team of Zeke Metz, Josh Graves, Cameron Stanley and Joshua Florence won first place with a state meet record; and

WHEREAS, The 200-yard freestyle relay team of Josh Graves, James Sadler, Joshua Florence and Janson Garman won first place with a state meet record; and

WHEREAS, The 200-yard medley relay team of Cameron Stanley, Noah Florence, Zeke Metz and Janson Garman won second place and set a state meet record in the preliminary round; and

WHEREAS, Zeke Metz won first place in both the 200-yard freestyle and the 500-yard freestyle, setting a state meet record in each event; and

WHEREAS, Seaman was also represented in the 200-yard freestyle by Joshua Florence, Logan Stuke and Cooper Garman; in the 200-yard individual medley by Cameron Stanley, Josh Graves and James Sadler; in the 50-yard freestyle by Janson Garman, Devin Appelhanz, Nathan Brewer and Zach Bloom; in the 1-meter diving by Dylan Russell and Briar Dechand; in the 100-yard butterfly by James Sadler and Tristan Hahn; in the 100-yard freestyle by Josh Graves, Janson Garman, Spencer Allacher and Nathan Brewer; in the 500-yard freestyle by Joshua Florence, Noah Florence and Devin Appelhanz; in the 100-yard backstroke by Cameron Stanley, Spencer Allacher and Doug Wyer; and in the 100-yard breaststroke by Noah Florence, Logan Stuke, Cooper Garman and Chantz Barta; and

WHEREAS, The team had an undefeated season and won its third consecutive Topeka City Championship and its third consecutive Centennial League Championship; and

WHEREAS, The team was coached by Rod Garman, head swim coach; Bernard Tuck, assistant swim coach; Amy Watson, head dive coach and managed by Mya Kramer and Sierra Hahn: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend members of the Seaman High School boys swim and dive team for winning the Kansas Class 5-1A State Championship and for their successful season; and

Be it further resolved: That the Secretary of the Senate shall send 25 enrolled copies of this resolution to Senator Schmidt.

On emergency motion of Senator V. Schmidt **SR 1791** was adopted by voice vote.

Senators honored the team members and coaches with a standing ovation.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 61; SB 375; HB 2470, HB 2511, HB 2642, HB 2577.**

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Baumgardner moved the Senate concur in House amendments to **H Sub SB 61**.

H Sub SB 61, AN ACT concerning education; relating to the Kansas school equity and enhancement act; BASE aid amounts; school district local option budgets; amending K.S.A. 2017 Supp. 72-5132, as amended by section 2 of 2018 Substitute for Senate Bill No. 423, and 72-5143, as amended by section 4 of 2018 Substitute for Senate Bill No. 423, and repealing the existing sections.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 1; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

Nays: Alley, Baumgardner, Fitzgerald, Masterson, Pyle, Suellentrop, Tyson, Wilborn.

Present and Passing: Francisco.

The Senate concurred.

EXPLANATION OF VOTE

Mr. Vice President: I vote "PASS" on the **House Substitute for Senate Bill 61**. I support the funding that is in this school finance bill, but recognize that the legislature could be more specific in programming and am very concerned that the "fix" creates a bifurcated classification of the local option budget for school districts. The legislature was told that we had made a mistake in the funding formula in the earlier bill we passed; now that we are working on a fix, we are learning of specific reasons that make the counting 15% of the local option budget as part of the state effort, essentially "effective base" funding, fail tests of equity. I believe any "fix" needs to address this concern.—MARCI FRANCISCO

PROTEST

Protest of Senator Hensley

Against Certain Provisions Contained in House Substitute for Senate Bill 61

April 30, 2018

Madam President: I hereby exercise my right under Article 2, Section 10, of the Kansas Constitution to protest certain provisions of **House Substitute for Senate Bill 61 ("H Sub SB 61")**.

New Section 1(a) of **H Sub SB 61**, known as the "Patton Fix," creates a bifurcated classification of the local option budget ("LOB") for school districts. Until now, the LOB has been a discretionary levy allowing school districts to decide whether to adopt an LOB and at what percentage up to 33%. Under **H Sub SB 61**, the first 15% of the LOB now becomes mandatory with the remaining portion between 15% and 33% to be discretionary (although districts going above 30% are subject to a protest petition). New Section 1(b) of **H Sub SB 61** then requires that the mandatory 15% LOB to be included "in determining the adequacy of the amount of total funding provided by the legislature in making suitable provision for finance of the educational interests of the state." The same section also allows the discretionary portion of the LOB to be

included in the same determination.

Supporters of the inclusion of the 15% mandatory LOB – and requiring that mandatory portion be counted as part of the total funding provided by the legislature for purposes of adequacy – are emphatic that these provisions “don’t do anything.” This justification, on its face, makes little sense. However, it seems much more ill-advised when considering that we are at a critical juncture in the remedy phase of the *Gannon* case. While these provisions may not have a practical effect in the school finance formula, they very well may “do something” in terms of violating Article 6 of the Kansas Constitution.

Additionally, the resolution required to be adopted and published by local school districts who increase their LOB levy above 30% requires that a percentage proportional to that amount of such school district’s total foundation aid attributable to the at-risk student weighting and bilingual weighting as compared to such district’s total foundation aid be spent on at-risk and bilingual education funding. *See* Section 5(h)(i)(A)-(B). This was adopted as new law in **H Sub for SB 423**. This is a further erosion of the discretionary aspect of the LOB levy. For example, USD 500, Kansas City, Kansas, which has 83% at risk and bilingual, would be required to spend at least 83% of their LOB fund for at risk and ELL services. USD 229, Blue Valley, which has 8% at risk and bilingual, would only have to spend 8% of their LOB fund for at risk and ELL services. This likely creates a substantial adequacy, equity, and structure issue.

1. The Patton Fix appears to codify the State’s “effective base” argument soundly rejected by the Court in *Gannon V*

In the State’s defense of 2017 **SB 19** on adequacy grounds, the State advanced an argument that calculated an “effective base” by adding the funds from the authorized increases in the LOB to the new BASE amount. The State argued that “[w]ith LOB considered, **SB 19** provides \$118,297,424 more funds in FY 18 than if the LPA study’s base – as calculated by the panel – were applied without LOB funding” *See* Brief of Appellant State of Kansas, pg. 14-15. The State went on to argue that when the increased LOB funds are calculated into the BASE, the “effective base” for FY 18 increases from \$4,006 to \$5,639. This, of course, sounds very familiar to the Aurand Amendment to **H Sub SB 423** which inflated the BASE with the 15% mandatory LOB to \$4,900 for the 2018-2019 school year.

In *Gannon V*, the Court addressed the State’s “effective base” argument and soundly rejected it. The Court stated that it is a false equivalency to contend that the BASE and LOB funds are comparable because they “are fundamentally different with frequently different purposes.” *Gannon V*, slip op. pg. 39. This is because LOB-generated funds “do not provide the same fixed amount to every student regardless of their locale.” *Id* at pg. 40. The amounts of funding each school district receives from levying these mills vary widely from district to district because of differences in property wealth as well as differences in the LOB percentages of their general state aid authorized by their respective school boards. Suffice it to say, it is clear that not every student receives the same amount of LOB funding. This is true even when considering supplemental state aid. *Id.*

The Court also pointed to the fact that LOB funds are not subject to the same limitations as BASE funding. “[L]OB funds can be used by districts in a myriad of

other ways, *e.g.*, to directly supplement funding from the base formula” and now pay for nearly one-fourth of districts’ operating expenses. *Id* at 41. Continuing this trend of greater reliance on LOB funding to displace BASE funding will result in less funding benefiting the weighted pupils through the funding formula. Such a trend would only further exacerbate the achievement issues identified by the Court through the application of the *Rose Standards*.

The adoption of the Patton Fix essentially codifies the “effective base” argument by continuing to mandate the 15% LOB for every school district then requiring that mandatory 15% LOB be counted in the “amount of funding provided by the legislature” It will be unsurprising if the State advances a similar argument that the BASE is really \$4,900 when you consider the mandatory 15% LOB and even more if you consider the discretionary portion of the LOB. This is a troubling path for the legislature to go down in an attempt to “fix” the Aurand Amendment.

2. The greater the reliance on LOB-generated funds, and the less the reliance on BASE-generated funds, the more the specter of unconstitutional structure looms

Not only does the Patton Fix raise concerns because of its codification of the previously rejected “effective base” argument, it has the potential to raise structure and equity issues. As was pointed out *infra*, the Court has repeatedly warned against overreliance on LOB-generated funds to provide for school finance funding. While there are a number of reasons for this, two reasons deserve particular note in connection with the Patton Fix. First, even with the supplemental state aid (equalization), not every Kansas student receives the same amount of funding from the LOB. In recognizing that the State’s decision to rely on increased LOB funding to adequately fund K-12 education has brought various challenges and those challenges are difficult to manage, the Court stated:

“Nevertheless, the effort to mitigate the effects of these problems cannot extinguish the constitutional obligations to provide equitable funding. As we have previously cautioned: “[I]f local funding is to continue, this disparate effect has to be limited so it complies with Article 6.”

Gannon V, slip op. at 71 (citing *Gannon III*, 304 Kan. at 501). Currently, the State provides supplemental state aid (equalization) at 81.2%. Taking the step to codify the “effective base” argument after its wholesale rejection in *Gannon V* and another attempt to count LOB-generated funds as state funds provided by the legislature jeopardizes equity yet again. It is estimated that if the State would be required to go to 100% equalization with regard to the mandatory 15% LOB, it would cost approximately \$200 million per year in additional funding. Justice Biles made this exact point during oral arguments with regard to 2017 **SB 19**:

“And I think greater reliance on the LOB to meet basic educational needs squarely creates an equity problem. Because you’re not equalizing at 100%, so that, so even though you’re at 81.2, the more you rely on LOB for basics, you’re going to have to look at that equalization number because otherwise just to meet the basics some taxpayers are going to have to tax themselves harder than other taxpayers and that seems to me to be a pretty big problem the way this thing is set up right now.”

(Kansas Supreme Court Archived Oral Arguments, *Gannon v. State*, July 18, 2017, at 33:09-33:49, retrieved April 30, 2018 at www.kscourts.org).

Second, changing the LOB levy from discretionary to partially mandatory – even with no practical effect – raises potential structure issues. While the Court has previously found that the structure of the previous school finance formula and the new – nearly identical one – passed in **SB 19**, are constitutional with regard to structure, it has warned that greater reliance on LOB-generated funds risks such constitutionality in the future. The Court noted that:

[T]he more that LOB funds are used to pay the expenses of the basic education owed to students, then the less that state funds will be necessary to do so. It logically follows that even less funding then will go to benefit the weighted pupils – whether bilingual education, vocational, at-risk, or otherwise – through the total foundation aid formula. And those funds will continue to be reduced as long as school boards, their voters, are able to increase their LOB authorizations and mill levies and use surrogate funds – with the legislature’s empowerment and encouragement.

Gannon V, slip. op. 41. “[T]he greater the reliance on LOB-generated funds, and the less reliance on BASE-generated funds, the more the specter of unconstitutional structure looms.” *Id* at 41. To make such a change at this critical juncture seems ill advised. Especially when considering the provisions of Section 5(h)(i)(A)-(B) contained in **H Sub SB 423**.

3. The “do nothing” provisions in H Sub SB 61 carry a high likelihood of a special session to avoid a school shutdown this fall

In Justice Biles’ concurring and dissenting opinion, he concurred in the majority’s approach to stay the mandate on adequacy until June 30, 2018. However, he advocated for enjoining the implementation of the inequitable features of **SB 19** from being operational during the 2017-18 school year. *Gannon V*, slip op. at 82. Justice Biles then went on to recount the lengthy history of the failings by the State in regard to equitable funding of K-12 education. Given this view and the clear frustration the Court as a whole has with the legislature regarding the school finance issue, rolling the dice on provisions that “do nothing” yet raise potential equity and structure issues seems extremely risky.

While there are serious problems with the adoption of the Patton Fix and there is more than enough justification to vote against **H Sub for SB 61**, time is short and rejecting this bill creates a substantial risk of not fixing the Aurand Amendment. This would leave flaws in the formula in place preventing the expenditure of portions of the already appropriated funds. Unfortunately, the most prudent approach at this juncture is to vote in favor of **H Sub for SB 61** and let the Court play its role as a co-equal branch of government. – SENATOR ANTHONY HENSLEY

Senators Faust-Goudeau, Hawk, Holland, Kelly, Pettey and Rogers request the record to show they concur with the "Constitutional Protest" offered by Senator Hensley on **H Sub SB 61**.

Mr. Vice President: I supported the Senate plan for the school finance formula. However, I vote "aye" on **H Sub SB 61** because I believe the bill should be presented as those who voted for it perceived it to be when they voted for it.—DAN KERSCHEN

Senator Billinger requests the record to show he concurs with the "Explanation of Vote" offered by Senator Kerschen on **H Sub SB 61**.

Mr. Vice President: I submit the following tables supporting my yes vote on **H Sub SB 61**.—CAROLYN MCGINN

ATTACHMENT A

State of Kansas Education-Related Expenditures
(Excluding K-12 School Finance)
Updated for Senate Omnibus Budget Action

	FY 2018 through Senate Omnibus Action		FY 2019 through Senate Omnibus Action	
	State General Fund	All Funds	State General Fund	All Funds
General Government				
Attorney General				
DARE Program	-	25,000	-	25,000
Total-General Government	\$ -	\$ 25,000	\$ -	\$ 25,000
Human Services				
Department for Children & Families				
Child Care Assistance	10,429,859	39,428,376	10,429,859	36,491,520
Child Care Quality	-	5,083,046	-	5,083,046
Independent Living & Life Skills Svcs.	393,977	1,969,886	393,977	1,969,886
KS Early Head Start	-	9,238,642	-	9,238,642
Vocational Rehabilitation Case Svcs.	1,043,906	4,900,967	1,217,749	5,717,131
Smartmoves	-	219,435	-	1,219,435
EPIC Skillz	-	188,583	-	188,583
Urban Scholastic Center	-	109,253	-	109,253
Project Impact	-	-	-	189,317
Kansas Reading Roadmap	-	9,790,950	-	9,790,950
Kidzlit	-	877,725	-	1,877,725
Jobs for America's Graduates	-	4,400,000	-	3,750,000
Communities in Schools	-	1,453,487	-	1,789,520
Subtotal-Children & Families	\$ 11,867,742	\$ 77,660,330	\$ 12,041,585	\$ 77,415,008
Parsons St. Hospital & Training Ctr.				
Special Purpose School	350,000	350,000	350,000	350,000
Health & Environment-Health				
School Health	375,378	691,907	353,061	691,907
Infant & Toddler Services	1,000,000	11,153,186	1,000,000	11,151,104
Newborn Hearing Aid Loaner Prog.	-	41,346	-	40,602
Newborn Screening Metabolic/Hearing	16,700	768,200	16,700	773,868
Subtotal-KDHE-Health	\$ 1,392,076	\$ 12,652,639	\$ 1,369,761	\$ 12,657,481
Total-Human Services	\$ 13,609,818	\$ 90,662,969	\$ 13,761,346	\$ 90,422,489
Education				
Department of Education				
Parent Education Program	-	7,237,635	-	8,237,635
Pre-K Program	-	4,132,317	-	8,332,317
Kansas Reading Success	2,100,000	2,100,000	2,100,000	2,100,000
Communities in Schools	-	50,000	-	50,000
Mental Health Pilot Program	-	-	9,953,886	9,953,886
Teach for America	-	-	520,000	520,000
CAEDE Pilot	-	-	-	1,000,000
Children's Cabinet Programs	-	15,607,840	-	18,018,476
Subtotal-Department of Education	\$ 2,100,000	\$ 29,127,792	\$ 12,573,886	\$ 48,212,314
School for the Blind				
Education of Blind Children	5,368,299	7,043,445	5,435,728	6,767,521
School for the Deaf				

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Education of Deaf Children	8,831,258	11,044,447	8,899,899	10,798,266
Kansas Board of Regents				
Excel in Career Tech. Ed. (SB 155)	28,050,000	28,050,000	28,050,000	28,050,000
Emporia State University				
Ctr. for Early Childhood Ed.	12,023	480,489	12,023	480,489
Reading Related Services	26,450	26,450	26,450	26,450
Enhancing Your Future	12,690	16,790	12,690	16,790
Sonia Kovalevsky Math Day	-	1,500	-	1,500
MASTER-IT	16,721	20,721	16,721	20,721
Family Literacy Program	360	30,458	372	30,470
Yes, I Can Do Science & Mathematics	-	5,750	-	5,750
Subtotal--Emporia State University	\$ 68,244	\$ 582,158	\$ 68,256	\$ 582,170
Fort Hays State University				
Herdon Clinic	586,319	777,523	586,319	777,523
Tigers Tots Nursery Center	-	103,452	-	103,452
Subtotal--Ft. Hays State University	\$ 586,319	\$ 880,975	\$ 586,319	\$ 880,975
Kansas State University				
Hoeflin Stone House	65,000	395,869	65,000	475,000
Early Childhood Laboratory	65,000	110,160	65,000	125,000
KSDE Food Program	-	7,000	-	7,000
Speech & Hearing Center	168,474	343,579	168,474	345,000
Subtotal--Kansas State University	\$ 298,474	\$ 856,608	\$ 298,474	\$ 952,000
Kansas State University--ESARP				
4-H Program	417,167	1,098,416	417,167	1,098,416
Youth Leadership Program	94,620	255,109	94,620	255,109
Army Youth & Teen Center	20,914	115,295	20,914	115,295
Community Youth Dev. & Training	26,998	114,745	26,998	114,745
Learning & Social Readiness	12,450	43,423	12,450	43,423
Improve Parenting Skills	707,299	1,371,609	707,299	1,371,609
Subtotal--KSU--ESARP	\$ 1,279,448	\$ 2,998,597	\$ 1,279,448	\$ 2,998,597
Pittsburg State University				
Pre-school Lab	17,587	34,694	17,587	34,694
Yes Program	17,636	35,350	17,636	35,350
America Reads Challenge	834	35,350	834	35,350
Science Day	-	984	-	984
Career Exploration	-	2,727	-	2,727
Subtotal--Pittsburg State University	\$ 36,057	\$ 109,105	\$ 36,057	\$ 109,105
University of Kansas				
Hilltop Child Dev. Center	-	2,509,000	-	2,552,000
E.A. Hill Child Dev. Center	-	495,000	-	503,000
School Performance Series	-	52,000	-	60,500
Architecture Design Camp	-	27,000	-	27,000
Media Workshop	-	55,000	-	57,000
Institute for Young Musicians	-	74,617	-	74,617
Museum of Art Programming	48,000	146,825	45,100	113,850
Subtotal--University of Kansas	\$ 48,000	\$ 3,359,442	\$ 45,100	\$ 3,387,967
Wichita State University				
Speech Language-Hearing Clinic	94,300	503,300	94,300	503,300
Nursing Health Screenings	9,300	9,300	9,300	9,300

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Nursing Students Services	17,250	17,250	17,250	17,250
PA Health Sciences Program	-	9,500	-	9,500
Upward Bound	-	391,255	-	391,255
Regional Math/Science Program	-	320,124	-	320,124
Upward Bound--Communications	-	245,723	-	245,723
TRIO Talent Search--Proj. Disc.	-	559,200	-	559,200
GEAR UP	-	3,500,000	-	3,500,000
Teacher Education Majors	-	23,758	-	23,758
Child Development Center	-	690,041	-	690,041
America Reads Challenge	-	85,850	-	85,850
Communities in Schools	-	16,681	-	16,681
Subtotal--Wichita State University	\$ 120,850	\$ 6,371,982	\$ 120,850	\$ 6,371,982
Historical Society				
Educational Programming	16,584	26,200	16,584	26,200
State Library				
Summer Reading Program	-	40,500	-	40,500
KS Reads to Preschoolers	-	3,800	-	3,800
Children's Ebook Collections	-	47,000	-	50,000
Learning Foreign Language	-	-	-	-
Subtotal--State Library	\$ -	\$ 91,300	\$ -	\$ 94,300
Total--Education	\$ 46,803,533	\$ 90,542,051	\$ 57,410,569	\$ 109,231,397
Public Safety				
Department of Corrections				
Lawrence Gardner High School	2,451,425	2,528,374	2,407,805	2,528,374
Adjutant General				
Starbase	-	1,586,000	-	1,650,000
Total--Public Safety	\$ 2,451,425	\$ 4,114,374	\$ 2,407,805	\$ 4,178,374
Transportation				
Kansas Department of Transportation				
Safe Routes to Schools	-	855,496	-	855,496
Total--Transportation	\$ -	\$ 1,795,496	\$ -	\$ 1,795,496
TOTAL--Excluding K-12 School Finance	\$ 62,864,776	\$ 187,139,890	\$ 73,579,720	\$ 205,652,756
TOTAL--K-12 School Finance	\$ 3,371,430,869	\$ 4,417,091,828	\$ 3,448,622,911	\$ 4,587,764,220
GRAND TOTAL	\$ 3,434,295,645	\$ 4,604,231,718	\$ 3,522,202,631	\$ 4,793,416,976

EXPLANATION OF VOTE

Mr. Vice President: I strongly opposed **SB 423** when it was passed four weeks ago after midnight. To spend over \$500 million more annually, on top of \$300 million in new spending approved last year, represents a capitulation to the court and includes little policy reforms, such as measures that would require accountability, improve outcomes, and increase parental choice. Nor did **SB 423** address that the vast majority of school districts don't even use the LOB provided to them under current law. Therefore, throwing hundreds of millions of dollars into the same type of formula that has failed in the past is not the right answer. The entire legislative process for education funding created a bill with numerous problems. I support **H Sub SB 61** because it corrects a provision that otherwise would have unfairly eliminated funding from several specific school districts. For that narrow reason, I vote "yes" on **H Sub SB 61**.—MARY PILCHER-COOK

Senator Lynn requests the record to show she concurs with the "Explanation of Vote" offered by Senator Pilcher-Cook on **H Sub SB 61**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 375** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 6 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 19 and inserting:

"New Section 1. The portion of K-15 from the southern city limits of the city of Clay Center, then south to its junction with K-82, is hereby designated as the master trooper Larry L. Huff memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the master trooper Larry L. Huff memorial highway.

New Sec. 2. The portion of United States highway 50 from its junction with K-61 southwest of the city of Hutchinson, then west to the northwestern city limits of the city of Sylvia, is hereby designated as the trooper Conroy G. O'Brien memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper Conroy G. O'Brien memorial highway.

New Sec. 3. The portion of United States highway 54 from the western city limits of the city of Meade, then west to the eastern city limits of the city of Plains, is hereby designated as the trooper Jimmie Jacobs memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper Jimmie Jacobs memorial highway.

New Sec. 4. The portion of K-96 from its western junction with interstate highway 235, then northwest to the eastern city limits of the city of Mount Hope, is hereby designated as the trooper Ferdinand "Bud" Pribbenow memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper Ferdinand "Bud" Pribbenow memorial highway.

New Sec. 5. The portion of United States highway 83 from its junction with interstate highway 70, then north to the junction with United States highway 24, is hereby designated as the master trooper Dean A. Goodheart memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the master trooper Dean A. Goodheart memorial highway.

New Sec. 6. The portion of K-18 from its junction with interstate highway 70, then northeast to the western city limits of the city of Manhattan, is hereby designated as the trooper John McMurray memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper John McMurray memorial highway.

New Sec. 7. The portion of United States highway 24 from its junction with United States highway 59 north of the city of Williamstown, then southeast to its junction with United States highway 40 north of the city of Lawrence, is hereby designated as the trooper Maurice R. Plummer memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper Maurice R. Plummer memorial highway.

New Sec. 8. The portion of United States highway 59 from its junction with United States highway 56, then north to the southern city limits of the city of Lawrence, is hereby designated as the lieutenant Bernard C. Hill memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the lieutenant Bernard C. Hill memorial highway.

New Sec. 9. The portion of United States highway 81 from its junction with United States highway 166, then north to the Sedgwick county line, is hereby designated as the trooper James D. Thornton memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper James D. Thornton memorial highway.

New Sec. 10. On and after July 1, 2018, any sign that commemoratively designates a highway, bridge, interchange or trail in honor of an individual shall include, if applicable, the individual's:

(a) Rank, if a current or former member of law enforcement, the United States military or national guard; or

(b) title, if a current or former holder of an elected office or member of an elected body.

New Sec. 11. The portion of United States highway 69 from the junction of United States highway 69 and 167th street in Johnson county, then south on United States highway 69 to the junction of United States highway 69 and 215th street is hereby designated as the master deputy Brandon Collins memorial highway. Upon compliance with K.S.A. 2017 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the master deputy Brandon Collins memorial highway.

Sec. 12. K.S.A. 68-1024 is hereby amended to read as follows: 68-1024. Kansas highway No. 15 from the Nebraska-Kansas boundary line ~~on the north~~, then south to the southern city limits of Clay Center, then south from the junction with K-82 highway to the Kansas-Oklahoma boundary line ~~on the south~~ is hereby designated as "the

Eisenhower memorial highway." The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the Eisenhower memorial highway.

Sec. 13. K.S.A. 68-1027 is hereby amended to read as follows: 68-1027. That portion of United States highway 50 from Emporia, then west to the junction with K-61 highway southwest of the city of Hutchinson, then west from the northwestern city limits of the city of Sylvia to Dodge City is hereby designated as the "turkey wheat trail highway," and the secretary of transportation is hereby directed to erect suitable signs and markers along such highway showing such designation.

Sec. 14. K.S.A. 2017 Supp. 68-1029 is hereby amended to read as follows: 68-1029. (a) The portion of United States highway 54 from the west city limits of the city of Greensburg, then southwest to the western city limits of the city of Meade, then in a southwesterly direction from the eastern city limits of the city of Plains to the Kansas-Oklahoma border, is hereby designated as "The Yellow Brick Road." The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the highway is "The Yellow Brick Road," except that any additional signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

(b) The city of Liberal is hereby designated as "The Land of Oz" and "The Home of Dorothy of the Wizard of Oz."

Sec. 15. K.S.A. 68-1044 is hereby amended to read as follows: 68-1044. K-96 highway northwest from the west city limits of the city of Wichita to the eastern city limits of the city of Mount Hope, then west to the city limits of the city of Hutchinson is hereby designated as the State Fair freeway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the State Fair freeway. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

Sec. 16. K.S.A. 68-1054 is hereby amended to read as follows: 68-1054. United States highway 83 from the Kansas-Nebraska border on the north, then south to the junction with United States highway 24, then south from the junction with interstate highway 70 to the Kansas-Oklahoma border on the south is hereby designated the veterans of foreign wars memorial highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the veterans of foreign wars memorial highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

Sec. 17. K.S.A. 2017 Supp. 68-1058 is hereby amended to read as follows: 68-1058. United States highway 24 from the west city limits of Topeka, then west on United States highway 24 to the west junction of United States highway 24 and K-177 highway, then south to the junction of K-177 highway and K-18 highway, then west on K-18 highway through the to the western city limits of the city of Manhattan to the junction with interstate highway 70, is hereby designated as the 75th division of the

United States Army highway. The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the highway is the 75th division of the United States Army highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

Sec. 18. K.S.A. 2017 Supp. 68-10,114 is hereby amended to read as follows: 68-10,114. (a) On and after July 1, 2015, the secretary of transportation shall not place any signs commemoratively designating any highway, bridge, interchange or trail until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

(b) The provisions of this section shall not apply to K.S.A. 2017 Supp. 68-10,119 and sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, and amendments thereto.

Sec. 19. K.S.A. 2017 Supp. 68-10,119 is hereby amended to read as follows: 68-10,119. The portion of United States highway 75 from the northern border of Woodson county, then south on United States highway 75 to the northern city limits of the city of Yates Center is hereby designated as the sergeant Eldon K Miller memorial highway. Upon compliance with K.S.A. 2017 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the sergeant Eldon K Miller memorial highway.";

Also on page 3, in line 20, before "K.S.A." by inserting "K.S.A. 68-1024, 68-1027, 68-1044, and 68-1054 and"; also in line 20, by striking " 8-1904 is" and inserting "68-1029, 68-1058, 68-10,114 and 68-10,119 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; in line 2, by striking all before the second semicolon and inserting "concerning roads and highways; relating to memorial highways, contents of signs, master deputy Brandon Collins and members of the Kansas highway patrol killed in the line of duty"; also in line 2, after "amending" by inserting "K.S.A. 68-1024, 68-1027, 68-1044 and 68-1054 and"; in line 3, by striking "8-1904" and inserting "68-1029, 68-1058, 68-10,114 and 68-10,119"; also in line 3, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

RICHARD PROEHL

SHANNON FRANCIS

Conferees on part of House

MIKE PETERSEN

DAN GODDARD

Conferees on part of Senate

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 375**.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Olson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2028** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 12 through 36;

By striking all on pages 2 through 24;

On page 25, by striking all in lines 1 through 40 and inserting the following:

"New Section 1. (a) Sections 1 through 7, and amendments thereto, shall be known and may be cited as the Kansas telemedicine act.

(b) This section shall take effect on and after January 1, 2019.

New Sec. 2. (a) For purposes of Kansas telemedicine act:

(1) "Distant site" means a site at which a healthcare provider is located while providing healthcare services by means of telemedicine.

(2) "Healthcare provider" means a physician, licensed physician assistant, licensed advanced practice registered nurse or person licensed, registered, certified or otherwise authorized to practice by the behavioral sciences regulatory board.

(3) "Originating site" means a site at which a patient is located at the time healthcare services are provided by means of telemedicine.

(4) "Physician" means a person licensed to practice medicine and surgery by the state board of healing arts.

(5) "Telemedicine," including "telehealth," means the delivery of healthcare services or consultations while the patient is at an originating site and the healthcare provider is at a distant site. Telemedicine shall be provided by means of real-time two-way interactive audio, visual, or audio-visual communications, including the application of secure video conferencing or store-and-forward technology to provide or support healthcare delivery, that facilitate the assessment, diagnosis, consultation, treatment, education and care management of a patient's healthcare. "Telemedicine" does not include communication between:

(A) Healthcare providers that consist solely of a telephone voice-only conversation, email or facsimile transmission; or

(B) a physician and a patient that consists solely of an email or facsimile transmission.

(b) This section shall take effect on and after January 1, 2019.

New Sec. 3. (a) The same requirements for patient privacy and confidentiality under the health insurance portability and accountability act of 1996 and 42 C.F.R. §

2.13, as applicable, that apply to healthcare services delivered via in-person contact shall also apply to healthcare services delivered via telemedicine. Nothing in this section shall supersede the provisions of any state law relating to the confidentiality, privacy, security or privileged status of protected health information.

(b) Telemedicine may be used to establish a valid provider-patient relationship.

(c) The same standards of practice and conduct that apply to healthcare services delivered via in-person contact shall also apply to healthcare services delivered via telemedicine.

(d) (1) A person authorized by law to provide and who provides telemedicine services to a patient shall provide the patient with guidance on appropriate follow-up care.

(2) (A) Except when otherwise prohibited by any other provision of law, when the patient consents and the patient has a primary care or other treating physician, the person providing telemedicine services shall send within three business days a report to such primary care or other treating physician of the treatment and services rendered to the patient in the telemedicine encounter.

(B) A person licensed, registered, certified or otherwise authorized to practice by the behavioral sciences regulatory board shall not be required to comply with the provisions of subparagraph (A).

(e) This section shall take effect on and after January 1, 2019.

New Sec. 4. (a) The provisions of this section shall apply to any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for accident and health services and that is delivered, issued for delivery, amended or renewed on or after January 1, 2019. The provisions of this section shall also apply to the Kansas medical assistance program.

(b) No individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society, health maintenance organization or the Kansas medical assistance program shall exclude an otherwise covered healthcare service from coverage solely because such service is provided through telemedicine, rather than in-person contact, or based upon the lack of a commercial office for the practice of medicine, when such service is delivered by a healthcare provider.

(c) The insured's medical record shall serve to satisfy all documentation for the reimbursement of all telemedicine healthcare services, and no additional documentation outside of the medical record shall be required.

(d) Payment or reimbursement of covered healthcare services delivered through telemedicine may be established by an insurance company, nonprofit health service corporation, nonprofit medical and hospital service corporation or health maintenance organization in the same manner as payment or reimbursement for covered services that are delivered via in-person contact are established.

(e) Nothing in this section shall be construed to:

(1) Prohibit an individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for telemedicine or the Kansas medical assistance program from providing

coverage for only those services that are medically necessary, subject to the terms and conditions of the covered individual's health benefits plan;

(2) mandate coverage for a healthcare service delivered via telemedicine if such healthcare service is not already a covered healthcare service, when delivered by a healthcare provider subject to the terms and conditions of the covered individual's health benefits plan; or

(3) allow an individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for telemedicine or the Kansas medical assistance program to require a covered individual to use telemedicine or in lieu of receiving an in-person healthcare service or consultation from an in-network provider.

(f) The provisions of K.S.A. 40-2248 and 40-2249a, and amendments thereto, shall not apply to this section.

(g) This section shall take effect on and after January 1, 2019.

New Sec. 5. (a) The state board of healing arts, following consultation with the state board of pharmacy and the board of nursing, shall adopt rules and regulations relating to the prescribing of drugs, including controlled substances, via telemedicine. Such rules and regulations shall be adopted by December 31, 2018.

(b) The state board of healing arts shall adopt such rules and regulations as may be necessary to effectuate the provisions of Kansas telemedicine act. Such rules and regulation, shall be adopted by December 31, 2018.

(c) The behavioral sciences regulatory board shall adopt such rules and regulations as may be necessary to effectuate the provisions of Kansas telemedicine act. Such rules and regulations shall be adopted by December 31, 2018.

New Sec. 6. Nothing in the Kansas telemedicine act shall be construed to authorize the delivery of any abortion procedure via telemedicine.

New Sec. 7. If any provision of the Kansas telemedicine act, or the application thereof to any person or circumstance, is held invalid or unconstitutional by court order, then the remainder of the Kansas telemedicine act and the application of such provision to other persons or circumstances shall not be affected thereby and it shall be conclusively presumed that the legislature would have enacted the remainder of the Kansas telemedicine act without such invalid or unconstitutional provision, except that the provisions of section 6, and amendments thereto, are expressly declared to be nonseverable.

New Sec. 8. (a) On and after January 1, 2019, the department of health and environment and any managed care organization providing state medicaid services under the Kansas medical assistance program shall provide coverage for speech-language pathology services and audiology services provided by a speech-language pathologist or audiologist licensed by the Kansas department for aging and disability services by means of telehealth, as defined in section 2, and amendments thereto, if such services would be covered by the Kansas medical assistance program when delivered via in-person contact.

(b) The department of health and environment shall implement and administer this section consistent with applicable federal laws and regulations and shall submit to the United States centers for medicare and medicaid services any state medicaid plan amendment, waiver request or other approval request necessary to implement this

section.

(c) The department of health and environment shall adopt rules and regulations as may be necessary to implement and administer this section. Such rules and regulations shall be adopted on or before December 31, 2018.

(d) On or before January 13, 2020, the department of health and environment shall prepare an impact report that assesses the social and financial effects of the coverage mandated by this section, including the impacts listed in K.S.A. 40-2249(a) and (b), and amendments thereto, and shall submit such report to the legislature and the house of representatives standing committee on health and human services, the house of representatives standing committee on insurance, the senate standing committee on public health and welfare and the senate standing committee on financial institutions and insurance.

Sec. 9. K.S.A. 2017 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, ~~inclusive~~, 40-2250, K.S.A. 2017 Supp. 40-2,105a, 40-2,105b, 40-2,184, 40-2,190 ~~and~~, 40-2,194, and sections 1 through 7, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.

Sec. 10. K.S.A. 2017 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles ~~60 to through 74, inclusive~~, of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, ~~inclusive~~, 40-2a01 et seq., 40-2111 ~~to through~~ 40-2116, ~~inclusive~~, 40-2215 ~~to through~~ 40-2220, ~~inclusive~~, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 ~~to through~~ 40-2421, ~~inclusive~~, and 40-3301 ~~to through~~ 40-3313, ~~inclusive~~, and K.S.A. 2017 Supp. 40-2,105a, 40-2,105b, 40-2,184, 40-2,190 ~~and~~, 40-2,194 and sections 1 through 7, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

Sec. 11. K.S.A. 2017 Supp. 40-2,103 and 40-19c09 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 8; in line 9, by striking all before the period and inserting "concerning health and healthcare; relating to the practice of telemedicine; Kansas medical assistance

program; enacting the Kansas telemedicine act; amending K.S.A. 2017 Supp. 40-2,103 and 40-19c09 and repealing the existing sections”;

And your committee on conference recommends the adoption of this report.

VICKI SCHMIDT

BUD ESTES

Conferees on part of Senate

DANIEL HAWKINS

SUSAN CONCANNON

Conferees on part of House

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **S Sub HB 2028**.

On roll call, the vote was: Yeas 32; Nays 6; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Francisco, Hensley, Kelly, Pettey, Rogers.

Present and Passing: Holland.

Absent or Not Voting: Olson.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr Vice President: I vote “NO” on the Conference Committee Report for **S Sub HB 2028**. While I wholeheartedly support the policy we have put in place in this bill for telemedicine parity in Kansas, my oath is to uphold the constitution. Interfering with the private physician-patient relationship with non-medically based policy is something that as a physician, I cannot support, as it interferes with the constitutional right to decide in collaboration with a physician an individual’s medical care.—BARBARA BOLLIER

Mr. Vice President: Kansans deserve access to healthcare, and telemedicine provides that, especially for thousands in rural Kansas. That is why I have been a proponent of telemedicine and supported this bill when it was in its original form. This bill has since been hijacked and highly politicized by inserting an unnecessary and unprecedented severability clause to protect abortion policy that already exists in current statute and puts telemedicine at risk. Mr. Vice President, I vote “NO” on **Senate Substitute for House Bill 2028**. —LAURA KELLY

Senators Bollier, Francisco, Pettey and Rogers request the record to show they concur with the "Explanation of Vote" offered by Senator Kelly on **S Sub HB 2028**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2470** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, following line 5, by inserting:

"Section 1. K.S.A. 2017 Supp. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic candy" means:

(1) For purposes of manufacturing, any candy or other confectionery product with an alcohol content greater than 0.5% alcohol by volume; and

(2) for purposes of sale at retail, any candy or other confectionery product with an alcohol content greater than 1% alcohol by volume.

(c) "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

~~(d)~~(d) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

~~(e)~~(e) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(f)~~(f) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

~~(g)~~(g) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(h)~~(h) "Director" means the director of alcoholic beverage control of the department of revenue.

~~(i)~~(i) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

~~(j)~~(j) "Domestic beer" means beer which contains not more than ~~10%~~ 15% alcohol by weight and which is manufactured in this state.

~~(k)~~(k) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

~~(l)~~(l) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

~~(m)~~(m) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(n)~~(n) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

~~(o)~~(o) "Hard cider" means any alcoholic beverage that:

- (1) Contains less than 8.5% alcohol by volume;
- (2) has a carbonation level that does not exceed 6.4 grams per liter; and
- (3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of

correcting natural deficiencies.

~~(p)~~ "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

~~(q)~~ (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

~~(r)~~ "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

~~(s)~~ "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

~~(t)~~ "Minor" means any person under 21 years of age.

~~(u)~~ "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

~~(v)~~ "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

~~(w)~~ "Person" means any natural person, corporation, partnership, trust or association.

~~(x)~~ "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

~~(y)~~ "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

~~(z)~~ (1) "Retailer" means a person who sells at retail, or offers for sale at retail, alcoholic liquors.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

~~(aa)~~ "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

~~(bb)~~ "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

~~(bb)~~(cc) "Secretary" means the secretary of revenue.

~~(ee)~~(dd) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

~~(dd)~~(ce) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

~~(ee)~~(ff) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

~~(ff)~~(gg) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

~~(gg)~~(hh) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

~~(hh)~~(ii) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(ii)~~(jj) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. The term "wine" shall include hard cider and any other product that is commonly known as a subset of wine.

Sec. 2. On and after April 1, 2019, K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic candy" means:

(1) For purposes of manufacturing, any candy or other confectionery product with an alcohol content greater than 0.5% alcohol by volume; and

(2) for purposes of sale at retail, any candy or other confectionery product with an alcohol content greater than 1% alcohol by volume.

(c) "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed ~~as a beverage~~ by a human being, but shall not include any cereal malt beverage.

~~(e)~~(d) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

~~(d)~~(e) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(e)~~(f) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

~~(f)~~(g) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(g)~~(h) "Director" means the director of alcoholic beverage control of the department of revenue.

~~(h)~~(i) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

~~(i)~~(j) "Domestic beer" means beer which contains not more than ~~10%~~ 15% alcohol by weight and which is manufactured in this state.

~~(j)~~(k) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

~~(k)~~(l) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

~~(l)~~(m) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(m)~~(n) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

~~(n)~~(o) "Hard cider" means any alcoholic beverage that:

- (1) Contains less than 8.5% alcohol by volume;
- (2) has a carbonation level that does not exceed 6.4 grams per liter; and
- (3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

~~(o)~~(p) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

~~(p)~~(q) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

~~(q)~~(r) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

~~(r)~~(s) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

~~(s)~~(t) "Minor" means any person under 21 years of age.

~~(t)~~(u) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

~~(u)~~(v) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

~~(v)~~(w) "Person" means any natural person, corporation, partnership, trust or

association.

~~(w)~~(x) "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

~~(x)~~(y) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

~~(y)~~(z) (1) "Retailer" means a person who is licensed under the Kansas liquor control act and sells at retail, or offers for sale at retail, alcoholic liquors or cereal malt beverages.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

~~(z)~~(aa) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

~~(aa)~~(bb) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

~~(bb)~~(cc) "Secretary" means the secretary of revenue.

~~(cc)~~(dd) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

~~(dd)~~(ee) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

~~(ee)~~(ff) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

~~(ff)~~(gg) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

~~(gg)~~(hh) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

~~(hh)~~(ii) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(ii)~~(jj) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing

sugar added for the purpose of correcting natural deficiencies. The term "wine" shall include hard cider and any other product that is commonly known as a subset of wine.

Sec. 3. K.S.A. 2017 Supp. 41-308a is hereby amended to read as follows: 41-308a.

(a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, public venues, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 41-2645, and amendments thereto, and caterers;

(3) the sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (e), if the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) the sale of wine manufactured by the licensee for consumption on the licensed premises, provided, the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments. Wine sold pursuant to this paragraph shall not be subject to the provisions of the club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto, and no drinking establishment license shall be required to make such sales;

(6) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(7) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

(8) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

(9) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2017 Supp. 41-350, and amendments thereto.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (e), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; and

(3) the manufacture of domestic table wine and domestic fortified wine and the storage thereof; provided, that the aggregate quantity of wine produced by the farm winery licensee, including all winery outlets, shall not exceed 100,000 gallons per year.

(c) Not less than 30% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production requirement of this subsection shall be determined based on the annual production of domestic table wine and domestic fortified wine by the farm winery.

(d) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day ~~except Sunday and between 12 noon and 6 p.m. on Sunday~~. If authorized by subsection (a), a farm winery may serve samples of wine manufactured by the licensee and wine imported under subsection (e) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(e) The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(f) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

(i) This section shall be part of and supplemental to the Kansas liquor control act.";

Also on page 1, in line 21, after "(5)" by inserting "the sale, on the licensed premises in refillable and sealable containers to consumers for consumption off the licensed premises, of beer manufactured by the licensee, subject to the following conditions:

(A) Containers described in this paragraph shall contain not less than 32 fluid ounces and not more than 64 fluid ounces of beer; and

(B) the licensee shall affix a label to all containers sold pursuant to this paragraph clearly indicating the licensee's name and the name and type of beer contained in such container;

(6) ";

On page 3, in line 5, by striking "except"; in line 6, by striking all before the fifth period;

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

Also on page 3, by striking all in lines 41 through 43;

By striking all on page 4;

On page 5, by striking all in lines 1 through 26; and inserting:

"Sec. 5. K.S.A. 2017 Supp. 41-354 is hereby amended to read as follows: 41-354.

(a) A microdistillery license shall allow:

(1) The manufacture of not more than 50,000 gallons of spirits per year and the storage thereof;

(2) the sale to spirit distributors of spirits, manufactured by the licensee;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of spirits manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of spirits manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of spirits and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; and

(6) if the licensee is also licensed as a caterer, the sale of spirits and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microdistillery licensee, the director may issue not to exceed one microdistillery packaging and warehousing facility license to the microdistillery licensee. A microdistillery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microdistillery to the licensed premises of the microdistillery packaging and warehousing facility, of spirits manufactured by the licensee, for the purpose of packaging or storage, or both;

(2) the transfer, from the licensed premises of the microdistillery packaging and warehousing facility to the licensed premises of the microdistillery, of spirits manufactured by the licensee; or

(3) the removal from the licensed premises of the microdistillery packaging and warehousing facility of spirits manufactured by the licensee for the purpose of delivery to a licensed spirits wholesaler.

(c) A microdistillery may sell spirits in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day ~~except Sunday and between 11 a.m. and 7 p.m. on Sunday~~. If authorized by subsection (a), a microdistillery may serve samples of spirits and serve and sell spirits and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(d) The director may issue to the Kansas state fair or any bona fide group of distillers a permit to import into this state small quantities of spirits. Such spirits shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such spirits shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of spirit to be imported, the quantity to be imported, the tasting programs for which the spirit is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of spirits pursuant to this subsection and the conduct of tasting programs for which such spirits are imported.

(e) A microdistillery license or microdistillery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(f) No microdistillery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(g) Whenever a microdistillery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

(h) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(i) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(j) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 6. K.S.A. 2017 Supp. 41-2614 is hereby amended to read as follows: 41-2614.

(a) Except as provided by subsection (c), no public venue, club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and ~~9:00~~ 6:00 a.m. on any day.

(b) No caterer shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.

(c) A hotel of which the entire premises are licensed as a drinking establishment or

as a drinking establishment/caterer may allow at any time the serving, mixing and consumption of alcoholic liquor and cereal malt beverage from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.

Sec. 7. K.S.A. 2017 Supp. 41-2640 is hereby amended to read as follows: 41-2640.

(a) No club, drinking establishment, caterer or holder of a temporary permit, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person an individual drink at a price that is less than the acquisition cost of the individual drink to the licensee or permit holder;

(3) sell, offer to sell or serve to any person an unlimited number of individual drinks during any set period of time for a fixed price, except at private functions not open to the general public or to the general membership of a club;

(4) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of individual drinks as prizes;

(5) sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or

(6) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through (5).

(b) No public venue, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person a drink or original container of alcoholic liquor or cereal malt beverage at a price that is less than the acquisition cost of the drink or original container of alcoholic liquor or cereal malt beverage to the licensee;

(3) sell or serve alcoholic liquor in glass containers to customers in the general admission area;

(4) sell or serve more than two drinks per customer at any one time in the general admission area;

(5) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of drinks as prizes;

(6) sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or

(7) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (b)(1) through (6).

(c) A public venue, club, drinking establishment, caterer or holder of a temporary permit may:

(1) Offer free food or entertainment at any time;

(2) sell or deliver wine by the bottle or carafe;

(3) sell, offer to sell and serve individual drinks at different prices throughout any day;

(4) sell or serve beer or cereal malt beverage in a pitcher capable of containing not more than 64 fluid ounces;

(5) offer samples of alcohol liquor free of charge as authorized by this act; or

(6) sell or serve margarita, sangria, daiquiri, mojito or other mixed alcoholic beverages as approved by the director in a pitcher containing not more than 64 fluid ounces.

(d) A hotel of which the entire premises is licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, distribute to its guests coupons redeemable on the hotel premises for drinks containing alcoholic liquor. The hotel shall remit liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto, on each drink served based on a price which is not less than the acquisition cost of the drink.

(e) (1) A public venue, club or drinking establishment may offer customer self-service of beer or wine, or both, from automated devices on licensed premises so long as the licensee monitors and has the ability to control the dispensing of such beer or wine, or both, from the automated devices.

~~(2) The secretary may adopt rules and regulations as necessary to implement the provisions of this subsection (A). For purposes of this subsection, "automated device" shall mean any mechanized device capable of dispensing wine or beer, or both, directly to a customer in exchange for compensation that a licensee has received directly from the customer.~~

(B) No licensee shall allow an automated device to be used on its licensed premises without first providing written or electronic notification to the director of the licensee's intent to use the automated device. The licensee shall provide this notification at least 48 hours before any automated device is used on the licensed premises.

(C) Each licensee offering customer self-service of wine or beer, or both, from any automated device shall provide constant video monitoring of the automated device at all times during which the licensee is open to the public. The licensee shall keep recorded footage from the video monitoring for at least 60 days and shall provide the footage, upon request, to any agent of the director or other authorized law enforcement agent.

(D) The compensation required by subsection (a) shall be in the form of a programmable, prepaid access card containing a fixed amount of monetary credit that may be directly exchanged for beer or wine dispensed from the automated device. Access cards may be sold, used or reactivated only during a business day. Each access card shall be purchased from the licensee by a customer. A licensee shall not issue more than one active access card to a customer. For purposes of this subsection, an access card shall be deemed active if the access card contains monetary credit or has not yet been used to dispense 15 ounces of wine or 32 ounces of beer. Each purchase of an access card under this subparagraph shall be subject to the liquor drink tax imposed by K.S.A. 79-41a02, and amendments thereto.

(E) In order to obtain a prepaid access card from a licensee, each customer shall produce a valid driver's license, identification card or other government-issued document that contains a photograph of the individual and demonstrates that the individual is at least 21 years of age. Each access card shall be programmed to require the production of the customer's valid identification before the access card can be used for the first time during any business day or for any subsequent reactivation as provided in subparagraph (D).

(F) Each access card shall become inactive at the end of each business day.

(G) Each access card shall be programmed to allow the dispensing of no more than 15 ounces of wine or 32 ounces of beer to a customer. Once an access card has been

used to dispense 15 ounces of wine or 32 ounces of beer to a customer, the access card shall become inactive. Any customer in possession of an inactive access card may, upon production of the customer's valid identification to the licensee or licensee's employee, have the access card reactivated to allow the dispensing of an additional 15 ounces of wine or 32 ounces of beer from an automated device.

Subparagraph (D), (E), (F) or (G) shall not apply to wine or beer that is dispensed directly to the licensee or the licensee's agent or employee.

(3) The secretary shall adopt rules and regulations prior to January 1, 2019, as necessary to implement the provisions of this subsection.

(4) Notwithstanding any other provision of law, all laws and rules and regulations applicable to the sale of alcoholic liquor to persons under the legal age of consumption shall be applicable to the sales transaction of the prepaid access card.

(f) A hotel of which the entire premises is not licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, through an agreement with one or more clubs or drinking establishments, distribute to its guests coupons redeemable at such clubs or drinking establishments for drinks containing alcoholic liquor. Each club or drinking establishment redeeming coupons issued by a hotel shall collect from the hotel the agreed price, which shall be not less than the acquisition cost of the drink plus the liquor drink tax for each drink served. The club or drinking establishment shall collect and remit the liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto.

(g) Violation of any provision of this section is a misdemeanor punishable as provided by K.S.A. 41-2633, and amendments thereto.

(h) Violation of any provision of this section shall be grounds for suspension or revocation of the licensee's license as provided by K.S.A. 41-2609, and amendments thereto, and for imposition of a civil fine on the licensee or temporary permit holder as provided by K.S.A. 41-2633a, and amendments thereto.

(i) For purposes of this section, the term "day" means from 6:00 a.m. until 2:00 a.m. the following calendar day.

Sec. 8. K.S.A. 65-664 is hereby amended to read as follows: 65-664. A food shall be deemed to be adulterated:

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of the substance in such food does not ordinarily render it injurious to health; or (2) (A) it bears or contains any added poisonous or added deleterious substance, other than one which is; (i) A pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive, which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto; ~~or~~ (B) it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto; or (C) it is or it bears or contains any food additive which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto. Where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under K.S.A. 65-667, and amendments thereto, and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of

such pesticide chemical remaining in or on such processed food shall, notwithstanding the provisions of K.S.A. 65-667, and amendments thereto, and ~~clause subparagraph (C) of this subsection~~, not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of such residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity; ~~or~~ (3) it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or is otherwise unfit for food; ~~or~~ (4) it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; ~~or~~ (5) it is the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse; or (6) its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(b) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; ~~or~~ (2) any substance has been substituted wholly or in part therefor; ~~or~~ (3) damage or inferiority has been concealed in any manner; or (4) any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is. This subsection does not apply to any cured or smoked pork product by reason of its containing added water.

(c) If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of ~~$\frac{4}{10}$ of 1%~~ 0.4%, harmless natural wax not in excess of ~~$\frac{4}{10}$ of 1%~~ 0.4%, harmless natural gum, and pectin. This subsection does not apply to any confectionery by reason of its containing ~~less than $\frac{1}{2}$ of~~ not more than 1% by volume of alcohol ~~derived solely from the use of flavoring extracts~~, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

(d) If it is or bears or contains any color additive ~~which that~~ is unsafe within the meaning of K.S.A. 65-667, and amendments thereto.";

Also on page 5, in line 27, before "K.S.A." by inserting "K.S.A. 65-664 and"; also in line 27, by striking "41-104 and" and inserting "41-102, 41-308a,"; also in line 27, before "are" by inserting ", 41-354, 41-2614 and 41-2640"; following line 28, by inserting:

"Sec. 9. On and after April 1, 2019, K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A. 2017 Supp. 41-102, as amended by section 1 of this act, are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the first semicolon; in line 2, by striking all before "amending" and inserting "defining alcoholic candy; confectionery products containing alcohol and adulterated food products; expanding hours of sales; authorizing sale of refillable and sealable containers by microbreweries"; also in line 2, after "amending" by inserting "K.S.A. 65-664 and K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, and"; also in line 2, by striking "41-104 and" and inserting "41-102, 41-308a,"; in line 3, after "41-308b" by inserting ", 41-354, 41-2614 and 41-2640"; also in line 3, after "sections" by

inserting "; also repealing K.S.A. 2017 Supp. 41-102, as amended by section 1 of this act";

And your committee on conference recommends adoption of this report.

BUD ESTES

ROB OLSON

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

JOHN BARKER

RONALD HIGHLAND

LOUIS RUIZ

Conferees on part of House

Senator Estes moved the Senate adopt the Conference Committee Report on **HB 2470**.

On roll call, the vote was: Yeas 34; Nays 4; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Baumgardner, Hilderbrand, Pyle, Tyson.

Present and Passing: Francisco.

Absent or Not Voting: Olson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2511** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 36;

By striking all on pages 2 through 6;

On page 7, by striking all in lines 1 through 11 and inserting:

"Section 1. K.S.A. 2017 Supp. 8-2005 is hereby amended to read as follows: 8-2005. (a) Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

(b) Local authorities in exercising those functions referred to in subsection (a) shall be subject to the direction and control of the secretary of transportation with respect to highways and streets designated by the secretary as connecting links in the state highway system.

~~(c) In townships located in Douglas, Johnson, Riley, Shawnee and Sedgwick counties, the township board shall place and maintain traffic control devices, other than regulatory signs, on township roads under the board's jurisdiction. In addition, such~~

township board shall place and maintain regulatory signs on township roads under the board's jurisdiction consistent with resolutions of the board of county commissioners of the county in which the township road is located. For this purpose, a regulatory sign is a sign setting forth a regulation, the violation of which subjects the operator of the motor vehicle to fine, imprisonment, or both. In all counties operating under the county-township system, responsibilities for traffic-control devices and signage shall be as follows:

(1) Counties shall maintain the county roads and shall place and maintain traffic-control devices on county roads. Counties shall maintain and place on township roads signs related to county culverts and county bridges, and construction signage related to county projects on township roads.

(2) Township boards shall maintain the local township roads and shall place and maintain traffic-control signage on such township roads, except as provided in paragraph (1). Regulatory signs on township roads under the township board's jurisdiction shall be consistent with resolutions of the board of county commissioners of the county in which the township road is located.

(3) For purposes of this subsection, a regulatory sign is a sign setting forth a regulation, the violation of which subjects the operator of the motor vehicle to a fine, imprisonment, or both. Nothing in this subsection shall be construed as precluding the board of county commissioners from placing and maintaining traffic-control devices or street name signs on township roads, if the board determines that traffic-control devices or signs placed by a township are inadequate, but the board of county commissioners shall have no obligation to do so not be required to take such action.

(d) In all counties operating under the county road unit system, responsibilities for traffic-control devices and signage shall be as follows:

(1) Counties shall maintain the county roads and township roads and shall place and maintain all traffic-control devices on such roads.

(2) Township boards shall not be responsible for roads or signage.

(e) In all counties operating under the general county rural highway system, responsibilities for traffic-control devices and signage shall be as follows:

(1) Counties shall maintain the county roads and township roads and maintain all traffic-control devices on such roads in accordance with K.S.A. 68-591 et seq., and amendments thereto.

(2) Township boards shall not be responsible for roads or signage.

Sec. 2. K.S.A. 2017 Supp. 68-526 is hereby amended to read as follows: 68-526.

~~(a)~~ In all counties not operating under the county road unit system operating under the county-township system, the township board shall have the general charge and supervision of all township roads and township culverts in their respective townships. The board shall procure machinery, implements, tools, drain tile, stone, gravel and any other material or equipment required, for the construction or repair of such roads and culverts. All work shall be done in accordance with any plans and specifications and the general regulations to be prepared and furnished by the county engineer. The township board shall place and maintain all such traffic-control devices for township roads as provided by K.S.A. 8-2005, and amendments thereto.

~~(b)~~ In townships located in Douglas, Johnson, Riley, Shawnee and Sedgwick counties, the township board shall place and maintain traffic control devices and guidance, warning and regulatory signs on all township roads as provided by K.S.A. 8-

~~2005, and amendments thereto.~~

Sec. 3. K.S.A. 68-589 is hereby amended to read as follows: 68-589. As used in this act, the following terms shall have the meaning ascribed to them by this section unless the context otherwise requires. (a) "Municipality" means any city ~~or~~, county or township.

(b) "Governing body" as applied to a county, means the board of county commissioners; ~~and as applied to a city means the governing body of such the city; and as applied to a township means the township board.~~";

Also on page 7, in line 12, before "K.S.A." by inserting "K.S.A. 68-589 and"; also in line 12, by striking "8-247 and 8-2,135" and inserting "8-2005 and 68-526";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "commercial driver's licenses, renewal period" and inserting "roads and highways; relating to traffic-control devices, maintenance thereof, counties and townships; townships, special highway improvement fund"; in line 2, after "amending" by inserting "K.S.A. 68-589 and"; also in line 2, by striking "8-247 and 8-2,135" and inserting "8-2005 and 68-526";

And your committee on conference recommends the adoption of this report.

MIKE PETERSEN

DAN GODDARD

PAT PETTEY

Conferees on part of Senate

RICHARD PROEHL

SHANNON FRANCIS

ADAM LUSKER, SR.

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2511**.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Olson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2577** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, in line 13, before "administer" by inserting":

(1)";

Also on page 1, in line 16, before the period by inserting ";

(2) provide and maintain the reporting system necessary to comply with K.S.A. 65-5704, and amendments thereto; and

(3) provide training to owners or operators of Kansas facilities, Kansas first responders and Kansas emergency management officials on the existence, access and use of the reporting system established pursuant to the Kansas emergency planning and community right-to-know act";

Also on page 1, in line 23, by striking all after "(1)"; by striking all in line 24; in line 25, by striking "(2)";

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

On page 2, in line 10, by striking all after the first "the"; in line 11, by striking "program" and inserting "purposes described in section 1(b), and amendments thereto"; in line 13, by striking all after "the"; in line 14, by striking all before the comma and inserting "purposes described in section 1(b), and amendments thereto";

On page 3, following line 8, by inserting:

"Sec. 3. K.S.A. 65-5725 is hereby amended to read as follows: 65-5725. (a) Except as otherwise provided by this order, all of the powers, duties, and functions of the secretary of health and environment relating to provision of support for the oversight and administrative activities of the state commission on emergency planning and response ~~commission as provided in K.S.A. 65-5704(a), and amendments thereto~~, are hereby transferred to and conferred and imposed upon the adjutant general.

(b) Except as otherwise provided by this order, whenever the words "secretary of health and environment" or words of like effect are referred to or designated by a statute, rule and regulation, contract or other document in connection with the powers, duties, and functions transferred from the secretary of health and environment to the adjutant general by this order, the reference or designation shall be deemed to apply to the adjutant general.";

Also on page 3, in line 9, by striking "is" and inserting "and 65-5725 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "fee restrictions; secretary of health and environment, rules and regulations;"; also in line 3, after "65-5704" by inserting "and 65-5725"; in line 4, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

DAN KERSCHEN

BUD ESTES

MARCI FRANCISCO

Conferees on part of Senate

TOM SLOAN

KEN RAHJES

PONKA-WE VICTORS

Conferees on part of House

Senator Kerschen moved the Senate adopt the Conference Committee Report on **HB 2577**.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Tyson.

Absent or Not Voting: Olson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2642** submits the following report:

The Senate recesses from all of its amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 3, following line 16, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 25-4152 is hereby amended to read as follows: 25-4152. (a) Except as provided in subsection (b), the commission shall send a notice by registered or certified mail to any person failing to file any report or statement required by K.S.A. 25-4144, 25-4145 or 25-4148, and amendments thereto, and to the candidate appointing any treasurer failing to file any such report, within the time period prescribed therefor. The notice shall state that the required report or statement has not been filed with either the office of secretary of state or county election officer or both. The person failing to file any report or statement, and the candidate appointing any such person, shall be responsible for the filing of such report or statement. The notice also shall state that such person shall have 15 days from the date such notice is deposited in the mail to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within the prescribed period, such person shall pay to the state a civil penalty of \$10 per day for each day that such report or statement remains unfiled, except that no such civil penalty shall exceed \$300. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(b) (1) Subject to the notice provisions of subsection (a), reports that are due under the provisions of K.S.A. 25-4148(a)(1) and (2), and amendments thereto, for candidates that appear on the ballot for the then-current primary or general election ballot and are late more than 48 hours shall be subject to civil penalties as provided in subsection (b) (2).

(2) The candidate shall be liable for a civil penalty of \$100 for the first day the report is more than 48 hours late and \$50 for each subsequent day the report is late, but in no case shall the civil penalty exceed \$1,000. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(c) (1) Subject to the notice provisions of subsection (a), reports that are due under the provisions of K.S.A. 25-4145 and 25-4148, and amendments thereto, for each political committee that anticipates receiving \$2,501 or more in any calendar year and are late more than 48 hours shall be subject to civil penalties as provided in subsection (c)(2).

(2) The political committee shall be liable for a civil penalty of \$100 for the first

day the report is more than 48 hours late and \$50 for each subsequent day the report is late, but in no case shall the civil penalty exceed \$1,000. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(d) Civil penalties provided for by this section 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 the governmental ethics commission fee fund.

~~(e)~~(e) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of the county in which such person resides.

Sec. 3. K.S.A. 2017 Supp. 46-268 is hereby amended to read as follows: 46-268.

(a) Except as otherwise provided in subsection (b), every lobbyist shall file electronically with the secretary of state a report of employment and expenditures on a form and in the manner prescribed and provided by the commission. A report shall be filed on or before the 10th day of the months of February, March, April, May, September and January. Reports shall include all expenditures which are required to be reported under K.S.A. 46-269, and amendments thereto, or a statement that no expenditures in excess of \$100 were made for such purposes, during the preceding calendar month or months since the period for which the last report was filed.

(b) For any calendar year in which a lobbyist expects to expend an aggregate amount of less than \$100 for lobbying in each reporting period, a lobbyist shall file electronically an affidavit of such intent with the secretary of state. Such lobbyist shall not be required to file the reports required under subsection (a) for the year for which such affidavit is filed. If in any reporting period a lobbyist filing such affidavit expends in excess of \$100 in reportable expenses, a report shall be filed for such period in the manner prescribed by subsection (a).

Sec. 4. K.S.A. 2017 Supp. 46-280 is hereby amended to read as follows: 46-280.

(a) Except as provided in subsection (b), the commission shall send a notice by registered or certified mail to any person failing to register or to file any report or statement as required by K.S.A. 46-247; or 46-265 or 46-268, and amendments thereto, within the time period prescribed therefor. The notice shall state that the required registration, report or statement had not been filed with the office of secretary of state. The notice also shall state that such person shall have five days from the date of receipt of such notice to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within such period, such person shall pay to the state a civil penalty of \$10 per day for each day that such person remains unregistered or that such report or statement remains unfiled, except that no such civil penalty shall exceed \$300. The commission may waive, for good cause, payment of any civil penalty imposed hereunder.

(b) Subject to the notice provisions of subsection (a), reports required for lobbyists under K.S.A. 46-268, and amendments thereto, that are late more than 48 hours shall be subject to civil penalties as provided in subsection (b)(2).

(2) The lobbyist shall be liable for a civil penalty of \$100 for the first day the report is more than 48 hours late and \$50 for each subsequent day the report is late, but in no case shall the civil penalty exceed \$1,000. The commission may waive, for good cause,

payment of any civil penalty imposed by this section.

(c) Whenever the commission shall determine that any report filed by a lobbyist as required by K.S.A. 46-269, and amendments thereto, is incorrect, incomplete or fails to provide the information required by such section, the commission shall notify such lobbyist by registered or certified mail, specifying the deficiency. Such notice shall state that the lobbyist shall have 30 days from the date of the receipt of such notice to file an amended report correcting such deficiency before a civil penalty will be imposed and the registration of such lobbyist revoked and the badge be required to be returned to the office of the secretary of state. A copy of such notice shall be sent to the office of the secretary of state. If such lobbyist fails to file an amended report within the time specified, such lobbyist shall pay to the commission a civil penalty of \$10 per day for each day that such person fails to file such report except that no such civil penalty shall exceed \$300. On the 31st day following the receipt of such notice, the registration of any lobbyist failing to file such amended report shall be revoked.

~~(e)~~(d) Civil penalties provided for by this section 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 the governmental ethics commission fee fund.

~~(e)~~(c) (1) Except as provided in subsection paragraph (2), if a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of the county in which such person resides.

(2) If a person required to file under ~~subsection (f)~~ of K.S.A. 46-247(f), and amendments thereto, fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover ~~such the~~ civil penalty in the district court of Shawnee county, Kansas.

Sec. 5. K.S.A. 25-3205 is hereby amended to read as follows: 25-3205. (a) The state board of canvassers shall be the board of canvassers for the final canvass of the primary election of national and state officers. Provisions of law relating to the canvass of the national and state general elections shall, as far as applicable, apply to the canvass and certification of the secretary of state of ~~such the~~ primary elections. The state board of canvassers shall meet at the office of the secretary of state on the call of the secretary of state as soon as convenient after the tabulation of the returns is made. The meeting shall be called not later than September 1 next following ~~such the~~ election, except when ~~such the~~ date falls on Sunday, then not later than the next following day which is not a legal holiday, and may recess from time to time until the final canvass is completed.

As soon as ~~such the~~ final canvass of the primary election shall be completed, the secretary of state shall publish in the Kansas register a certified statement of the candidates for the presidential electors, United States senator, representatives in congress and all state officers or so many of ~~such the~~ officers as may have been voted for at ~~such the~~ election. On the fourth day after the completion of such final canvass or as soon as practicable thereafter, the secretary of state shall mail to each candidate found by the state board of canvassers to be duly nominated a certificate of nomination, showing the name of the candidate, the party by whom nominated and the office for which the candidate is nominated as specified in the nomination papers and determined

by the state board of canvassers.

(b) The secretary of state shall publish on the official secretary of state website results by precinct for all federal offices, statewide offices and for state legislative offices not later than 30 days after the final canvass of the primary election is complete.

Sec. 6. K.S.A. 25-3206 is hereby amended to read as follows: 25-3206. (a) The state board of canvassers shall make the final canvass of national and state primary and general elections. ~~Such~~ The board shall also make the final canvass of elections upon constitutional amendments and all questions submitted to election on a statewide basis, including questions on retention in office of justices of the supreme court, judges of the court of appeals and judges of the district court.

(b) For the purpose of canvassing elections specified in subsection (a), the state board of canvassers shall meet on the call of the secretary of state, in the secretary's office, as soon as convenient after the tabulation of the returns is made. In the case of general elections, the meeting shall be called not later than December 1 next following ~~such~~ the election, except when ~~such~~ the date falls on Sunday, then not later than the following day, and may recess from time to time until the canvass is completed.

(c) The state board of canvassers shall, upon the abstracts on file in the office of secretary of state, proceed to make final canvass of any election for officers specified in subsection (a). The state board of canvassers shall certify a statement which shall show the names of the persons receiving votes for any of ~~such~~ the offices, and the whole number received by each, distinguishing the districts and counties in which they were voted.

(d) The state board of canvassers shall, upon the abstracts on file in the office of the secretary of state, proceed to make final canvass and determination of the result of statewide question submitted elections. The state board of canvassers shall certify a statement of the number of votes on each question and the result thereof.

(e) The state board of canvassers shall certify such statements to be correct, and the members shall subscribe their names thereto, and the board shall determine what persons have been elected to such offices and the members shall endorse and subscribe on the statement a certificate of ~~such~~ the determination and deliver them to the secretary of state.

(f) The secretary of state shall publish on the official secretary of state website election results by precinct for all federal offices, statewide offices and for legislative offices not later than 30 days after the final canvass of the general election results.;

Also on page 3, in line 17, before "K.S.A" by inserting "K.S.A. 25-3205 and 25-3206 and"; also in line 17, after "Supp." by inserting "25-4152,"; also in line 17, by striking "is" and inserting ", 46-268 and 46-280 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "campaign finance; dealing with" and inserting "elections; relating to"; in line 2, after the semicolon by inserting "campaign finance reports; publishing of election results;"; also in line 2, after "amending" by inserting "K.S.A. 25-3205 and 25-3206 and"; also in line 2, after "Supp." by inserting "25-4152,"; also in line 2, after "25-4156" by inserting ", 46-268 and 46-280"; in line 3, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

ELAINE BOWERS
STEVE FITZGERALD
OLETHA FAUST-GOUDEAU
Conferees on part of Senate

KEITH ESAU
BLAKE CARPENTER
VIC MILLER
Conferees on part of House

Senator Bowers moved the Senate adopt the Conference Committee Report on **HB 2642**.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Olson.

The Conference Committee Report was adopted.

CHANGE IN CONFERENCE

The Vice President appointed Senators Estes, Olson, and Faust-Goudeau to replace Senators Petersen, Goddard, and Pettey as members of the conference committee on **Sub HB 2194**.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, May 1, 2018.

Journal of the Senate

SIXTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 1, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Senator Dan Goddard:

God of the universe, we give you thanks for giving us another day. We pray the men and women assembled here will humble themselves to the sacred task of governing for the people of Kansas.

We pray for laws that will protect and respect the earth from which we prosper. We pray for wisdom, not rhetoric, and generosity, not indifference. We pray for leaders gifted in diplomacy and blessed with character and integrity.

Lord, inspire the men and women of this body and the people who serve them to be their best selves, that they may in turn be an inspiration to all Kansans.

May all that is done this day be for Your honor and glory. Amen.

(Based on a Prayer by the Reverend Michael Livingston, November 7, 2012)

The Pledge of Allegiance was led by President Wagle.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 415** and has appointed Representatives Johnson, Phillips and Sawyer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 449** and has appointed Representatives Johnson, Phillips and Sawyer as conferees on the part of the House.

The House announced the appointment of Representatives Jennings, Whitmer and Highberger as conferees on **SB 284** to replace Representatives Kelly, Powell and Finney.

The House adopts the Conference Committee report on **S Sub HB 2028**.

SPECIAL REMARKS

Senator Faust-Goudeau recognized Wesley Collins, a junior at Washburn University. He is double majoring in international business and marketing, and has an interest in the policy process in Kansas.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with President Wagle in the chair.

AFTERNOON SESSION

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 260, SB 261, SB 281, SB 288; H Sub SB 336; Sub HB 2129; HB 2523, HB 2571.**

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Wilborn moved the Senate concur in House amendments to **SB 281.**

SB 281, AN ACT concerning protection orders; relating to the protection from abuse act; the protection from stalking, sexual assault or human trafficking act; amending K.S.A. 60-3105 and K.S.A. 2017 Supp. 21-5924, 60-3104, 60-31a01, 60-31a02, 60-31a03, 60-31a04, 60-31a05, 60-31a06, 60-31a07, 60-31a08 and 60-31a09 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Senate concurred.

Senator Wilborn moved the Senate concur in House amendments to **SB 288.**

SB 288, AN ACT repealing K.S.A. 69-102 and 69-103; concerning service of process; procuring adjournment for trial.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Hilderbrand.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 261** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 2, following line 22, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 23-2511 is hereby amended to read as follows: 23-

2511. ~~(a)~~ Every person who performs a marriage ceremony under the provisions of this act shall endorse the person's certificate of the marriage on the license, give the duplicate copy of the license to the parties to the marriage and return the license, within 10 days after the marriage, to the judge or clerk of the district court who issued it. ~~The judge or clerk shall record the marriage on the marriage record in the office of the judge or clerk and shall forward, not later than the third day of the following month, to the secretary of health and environment the license and certificate of marriage, together with a statement of the names of the parties and the name and address of the person who performed the marriage ceremony. Not later than the third day of the following month, the judge or clerk shall submit the information from the license to the vital statistics integrated information system maintained by the secretary of health and environment, or by other means as designated by the secretary and the judicial administrator.~~

~~(b) If no marriage license has been issued by the judge or clerk of the district court during a month, the judge or clerk shall promptly notify the secretary of health and environment to that effect on a form provided for that purpose.~~

Sec. 3. K.S.A. 2017 Supp. 50-6,109a is hereby amended to read as follows: 50-6,109a. (a) The attorney general is hereby given jurisdiction and authority over all matters involving the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act including to:

(1) Employ or appoint agents as necessary to implement, administer and enforce the act;

(2) contract;

(3) expend funds;

(4) license and discipline;

(5) investigate;

(6) issue subpoenas;

(7) keep statistics; and

(8) conduct education and outreach programs to promote compliance with the act.

(b) In accordance with the rules and regulations filing act, the attorney general is hereby authorized to adopt rules and regulations necessary to implement the provisions of the scrap metal theft reduction act.

(c) There is hereby established in the state treasury the scrap metal theft reduction fee fund to be administered by the attorney general. All moneys received by the attorney general from fees, charges or penalties collected under the provisions of the scrap metal theft reduction act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount thereof in the state treasury to the credit of the scrap metal theft reduction fee fund. All expenditures from such 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 attorney general or the attorney general's designee. All moneys credited to the scrap metal theft reduction fee fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(d) (1) Before January 1, ~~2019~~ 2020, the attorney general shall establish and maintain a database which shall be a central repository for the information required to be provided under K.S.A. 2017 Supp. 50-6,110, and amendments thereto. The database shall be maintained for the purpose of providing information to law enforcement and for

any other purpose deemed necessary by the attorney general to implement and enforce the provisions of the scrap metal theft reduction act.

(2) On or before February 1, 2019, the attorney general shall submit a report to the president of the senate, the speaker of the house of representatives and the standing committees on judiciary in the senate and the house of representatives on the progress achieved in establishing the database required by this subsection.

(e) The information required by K.S.A. 2017 Supp. 50-6,110, and amendments thereto, maintained in such database by the attorney general, or by any entity contracting with the attorney general, submitted to, maintained or stored as part of the system shall:

(1) Be confidential, shall only be used for investigatory, evidentiary or analysis purposes related to criminal violations of city, state or federal law and shall only be released to law enforcement in response to an official investigation or as permitted in subsection (d); and

(2) not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2020, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.

Sec. 4. K.S.A. 2017 Supp. 50-6,109c is hereby amended to read as follows: 50-6,109c. (a) Any scrap metal dealer who violates any of the provisions of the scrap metal theft reduction act, in addition to any other penalty provided by law, may incur a civil penalty imposed pursuant to subsection (b) in an amount not less than \$100 nor more than \$5,000 for each violation.

(b) The attorney general, upon a finding that a scrap metal dealer or any employee or agent thereof or any person or entity required to be registered as a scrap metal dealer has violated any of the provisions of the scrap metal theft reduction act may impose a civil penalty as provided in this subsection upon such scrap metal dealer.

(c) A civil penalty shall not be imposed pursuant to this section except upon the written order of the attorney general to the scrap metal dealer who is responsible for the violation. Such order is a final order for purposes of judicial review and shall state the violation, the penalty to be imposed and the right of such dealer to appeal as provided in the Kansas judicial review act.

(d) This section shall be unenforceable and shall not apply from ~~the effective date of this act June 1, 2017,~~ to January 1, ~~2019~~ 2020.

Sec. 5. K.S.A. 2017 Supp. 50-6,110 is hereby amended to read as follows: 50-6,110. (a) It shall be unlawful for any person to sell any item or items of regulated scrap metal to a scrap metal dealer, or employee or agent of a dealer, in this state unless such person meets the requirements of this subsection.

(1) Such person shall present to such scrap metal dealer, or employee or agent of such dealer, at or before the time of sale, the following: The seller's name, address, sex, date of birth and the seller's driver's license, military identification card, passport or personal identification license. An official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller.

(2) Such person shall complete and sign the statement provided for in subsection (b)(10).

(b) Every scrap metal dealer shall keep a register in which the dealer, or employee

or agent of the dealer, shall at the time of purchase or receipt of any item for which such information is required to be presented, cross-reference to previously received information, or accurately and legibly record at the time of sale the following information:

- (1) The time, date and place of transaction;
 - (2) the seller's name, address, sex, date of birth and the identifying number from the seller's driver's license, military identification card, passport or personal identification license; the identifying number from an official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller;
 - (3) a copy of the identification card or document containing such identifying number. Failure to comply with the provisions of this paragraph between ~~the effective date of this act June 1, 2017,~~ and January 1, ~~2019~~ 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation;
 - (4) the license number, color and style or make of any motor vehicle in which the junk vehicle or other regulated scrap metal property is delivered in a purchase transaction;
 - (5) a general description, made in accordance with the custom of the trade, of the predominant types of junk vehicle or other regulated scrap metal property purchased in the transaction;
 - (6) the weight, quantity or volume, made in accordance with the custom of the trade, of the regulated scrap metal property purchased;
 - (7) if a junk vehicle or vehicle part is being bought or sold, a description of the junk vehicle or vehicle part, including the make, model, color, vehicle identification number and serial number if applicable;
 - (8) the price paid for, traded for or dealt for in a transaction for the junk vehicle or other regulated scrap metal property;
 - (9) the full name of the individual acting on behalf of the regulated scrap metal dealer in making the purchase; and
 - (10) a signed statement from the seller indicating from where the property was obtained and that: (A) Each item is the seller's own personal property, is free of encumbrances and is not stolen; or (B) the seller is acting for the owner and has permission to sell each item. If the seller is not the owner, such statement shall include the name and address of the owner of the property.
- (c) Every scrap metal dealer shall photograph the item or lot of items being sold at the time of purchase or receipt of any item for which such information is required to be presented. Such photographs shall be kept with the record of the transaction and the scrap metal dealer's register of information required by subsection (b). Failure to comply with the provisions of this subsection between ~~the effective date of this act June 1, 2017,~~ and January 1, ~~2019~~ 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.
- (d) The scrap metal dealer's register of information required by subsection (b), including copies of identification cards and signed statements by sellers, and photographs required by subsection (c) may be kept in electronic format.
- (e) Every scrap metal dealer shall forward the information required by this section to the database described in K.S.A. 2017 Supp. 50-6,109a, and amendments thereto.

(f) Notwithstanding any other provision to the contrary, this section shall not apply to transactions in which the seller is a:

- (1) Registered scrap metal dealer;
- (2) vehicle dealer licensed under chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or
- (3) scrap metal dealer or vehicle dealer registered or licensed in another state.

(g) (1) Except as provided in subsection (g)(2), this section shall not apply to transactions in which the seller is known to the purchasing scrap metal dealer to be a licensed business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.

(2) The attorney general may determine, by rules and regulations, which of the requirements of this section shall apply to transactions described in subsection (g)(1).

(h) The amendments made to subsection (e) by section 13 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from ~~the effective date of this act June 1, 2017,~~ to January 1, ~~2019~~ 2020.

Sec. 6. K.S.A. 2017 Supp. 50-6,111 is hereby amended to read as follows: 50-6,111. (a) It shall be unlawful for any such scrap metal dealer, or employee or agent of the dealer, to purchase any item or items of regulated scrap metal in a transaction for which K.S.A. 2017 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without demanding and receiving from the seller that information. Every scrap metal dealer shall file and maintain a record of information obtained in compliance with the requirements in K.S.A. 2017 Supp. 50-6,110, and amendments thereto. All records kept in accordance with the provisions of the scrap metal theft reduction act shall be open at all times to law enforcement officers and shall be kept for two years. If the required information is maintained in electronic format, the scrap metal dealer shall provide a printout of the information to law enforcement officers upon request.

(b) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any junk vehicle in a transaction for which K.S.A. 2017 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without:

- (1) Inspecting the vehicle offered for sale and recording the vehicle identification number; and
- (2) obtaining an appropriate bill of sale issued by a governmentally operated vehicle impound facility if the vehicle purchased has been impounded by such facility or agency.

(c) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase or receive any regulated scrap metal from a minor unless such minor is accompanied by a parent or guardian or such minor is a licensed scrap metal dealer.

(d) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any of the following items without obtaining proof that the seller is an employee, agent or person who is authorized to sell the item on behalf of the governmental entity; utility provider; railroad; cemetery; civic organization; manufacturing, industrial or other commercial vendor that generates or sells such items in the regular course of business; or scrap metal dealer:

- (1) Utility access cover;
- (2) street light poles or fixtures;

- (3) road or bridge guard rails;
- (4) highway or street sign;
- (5) water meter cover;
- (6) traffic directional or traffic control signs;
- (7) traffic light signals;
- (8) any metal marked with any form of the name or initials of a governmental entity;
- (9) property owned and marked by a telephone, cable, electric, water or other utility provider;
- (10) property owned and marked by a railroad;
- (11) funeral markers or vases;
- (12) historical markers;
- (13) bales of regulated metal;
- (14) beer kegs;
- (15) manhole covers;
- (16) fire hydrants or fire hydrant caps;
- (17) junk vehicles with missing or altered vehicle identification numbers;
- (18) real estate signs;
- (19) bleachers or risers, in whole or in part;
- (20) twisted pair copper telecommunications wiring of 25 pair or greater existing in 19, 22, 24 or 26 gauge; and
- (21) burnt wire.

(e) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to sell, trade, melt or crush, or in any way dispose of, alter or destroy any regulated scrap metal, junk vehicle or vehicle part upon notice from any law enforcement agency, or any of their agents or employees, that they have cause to believe an item has been stolen. A scrap metal dealer shall hold any of the items that are designated by or on behalf of the law enforcement agency for 30 days, exclusive of weekends and holidays.

(f) Failure to comply with the provisions of this section between ~~the effective date of this act June 1, 2017,~~ and January 1, ~~2019~~ 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.

Sec. 7. K.S.A. 2017 Supp. 50-6,112a is hereby amended to read as follows: 50-6,112a. (a) A scrap metal dealer shall not purchase any regulated scrap metal without having first registered each place of business with the attorney general as herein provided.

(b) The attorney general shall establish a system for the public to confirm scrap metal dealer registration certificates. Such system shall include a listing of valid registration certificates and such other information collected pursuant to the scrap metal theft reduction act, as the attorney general may determine is appropriate. Disclosure of any information through use of the system established by the attorney general shall not be deemed to be an endorsement of any scrap metal dealer or determination of any facts, qualifications, information or reputation of any scrap metal dealer by the attorney general, the state, or any of their respective agents, officers, employees or assigns.

(c) A registration for a scrap metal dealer shall be verified and upon a form approved by the attorney general and contain:

(1) (A) The name and residence of the applicant, including all previous names and aliases; or

(B) if the applicant is a: Corporation, the name and address of each manager, officer or director thereof, and each stockholder owning in the aggregate more than 25% of the stock of such corporation; or partnership or limited liability company, the name and address of each partner or member;

(2) the length of time that the applicant has resided within the state of Kansas and a list of all residences outside the state of Kansas during the previous 10 years;

(3) the particular place of business for which a registration is desired, the name of the business, the address where the business is to be conducted, the hours of operation and the days of the week during which the applicant proposes to engage in business;

(4) the name of the owner of the premises upon which the place of business is located; and

(5) the applicant shall disclose any prior convictions within 10 years immediately preceding the date of making the registration for: A violation of article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2017 Supp. 21-5801 through 21-5839 or K.S.A. 2017 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2017 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2017 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2017 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(d) Each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of not less than \$500 nor more than \$1,500, as prescribed by the attorney general for each particular place of business for which a registration is desired.

(e) The attorney general shall accept a registration for a scrap metal dealer as otherwise provided for herein, from any scrap metal dealer qualified to file such registration, to purchase regulated scrap metals. Such registration shall be issued for a period of one year.

(f) If an original registration is accepted, the attorney general shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not been revoked as provided by law. The renewal fee shall be not more than \$1,500, as prescribed by the attorney general.

(g) Any registration issued under the scrap metal theft reduction act shall not be transferable.

(h) This section shall not apply to a business licensed under the provisions of K.S.A. 8-2404, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components.

(i) The amendments made to subsections (d) and (f) by section 15 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from ~~the effective date of this act June 1, 2017,~~ to January 1, 2020.

Sec. 8. K.S.A. 2017 Supp. 50-6,112b is hereby amended to read as follows: 50-

6,112b. (a) After examining the information contained in a filing for a scrap metal dealer registration and determining the registration meets the statutory requirements for such registration, the attorney general shall accept such filing and the scrap metal dealer shall be deemed to be properly registered.

(b) No scrap metal registration shall be accepted for:

(1) A person who is not a citizen or legal permanent resident of the United States.

(2) A person who is under 18 years of age and whose parents or legal guardians have been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under the scrap metal theft reduction act.

(3) A person who, within 10 years immediately preceding the date of filing, has pled guilty to, entered into a diversion agreement for, been convicted of, released from incarceration for or released from probation or parole for committing, attempting to commit, or conspiring to commit a violation of: Article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2017 Supp. 21-5801 through 21-5839 or K.S.A. 2017 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2017 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2017 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2017 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(4) A person who within the 10 years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration.

(5) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar filing within the last 10 years.

(6) A partnership or limited liability company, unless all partners or members of the partnership or limited liability company are otherwise qualified to file a registration.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason.

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration.

(9) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under the scrap metal theft reduction act.

(10) A person who does not own the premises upon which the place of business is located for which a license is sought, unless the person has a written lease for at least $\frac{3}{4}$ of the period for which the license is to be issued.

(c) Any person filing a scrap metal dealer registration may be subject to a criminal history records check and may be given a written notice that a criminal history records

check is required. The attorney general may require such applicant to be fingerprinted and submit to a state and national criminal history record check. If required, such fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The attorney general shall submit any fingerprints provided to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the attorney general in the taking and processing of fingerprints of applicants. The attorney general may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the applicant and in the official determination of whether the scrap metal dealer registration shall be accepted. If the criminal history record information is used to disqualify an applicant, the applicant shall be informed in writing of that decision.

(d) The amendments made to subsections (b)(10) and (c) by section 16 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from ~~the effective date of this act June 1, 2017,~~ to January 1, ~~2019~~ 2020.

Sec. 9. K.S.A. 2017 Supp. 74-7301 is hereby amended to read as follows: 74-7301. As used in this act:

(a) "Allowance expense" means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care and for the replacement of items of clothing or bedding which were seized for evidence. Such term includes a total charge not in excess of \$5,000 for expenses in any way related to funeral, cremation or burial; but such term shall not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semi-private accommodations, unless other accommodations are medically required. Such term includes a total charge not in excess of \$1,000 for expenses in any way related to crime scene cleanup.

(b) "Board" means the crime victims compensation board established under K.S.A. 74-7303, and amendments thereto.

(c) "Claimant" means any of the following persons claiming compensation under this act: A victim; a dependent of a deceased victim; a third person other than a collateral source; or an authorized person acting on behalf of any of them.

(d) "Collateral source" means the net financial benefit, after deduction of taxes, legal fees, costs, expenses of litigation, liens, offsets, credits or other deductions, from a source of benefits or advantages for economic loss otherwise reparable under this act which the victim or claimant has received, or which is readily available to the victim or claimant, from:

- (1) The offender;
- (2) the government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this act;
- (3) social security, medicare and medicaid;
- (4) state-required temporary nonoccupational disability insurance;
- (5) workers' compensation;

- (6) wage continuation programs of any employer;
- (7) proceeds of a contract of insurance payable to the victim for loss which the victim sustained because of the criminally injurious conduct; ~~or~~
- (8) a contract providing prepaid hospital and other health care services or benefits for disability; or

(9) damages awarded in a tort action.

(e) "Criminally injurious conduct" means conduct that: (1) (A) Occurs or is attempted in this state or occurs to a person whose domicile is in Kansas who is the victim of a violent crime which occurs in another state, possession, or territory of the United States of America may make an application for compensation if:

- (i) The crimes would be compensable had it occurred in the state of Kansas; and
- (ii) the places the crimes occurred are states, possessions or territories of the United States of America not having eligible crime victim compensation programs;
- (B) poses a substantial threat or personal injury or death; and
- (C) either is punishable by fine, imprisonment or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or

(2) is an act of terrorism, as defined in 18 U.S.C. § 2331, or a violent crime that posed a substantial threat or caused personal injury or death, committed outside of the United States against a person whose domicile is in Kansas, except that criminally injurious conduct does not include any conduct resulting in injury or death sustained as a member of the United States armed forces while serving on active duty.

Such term shall not include conduct arising out of the ownership, maintenance or use of a motor vehicle, except for violations of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or violations of municipal ordinances or county resolutions prohibiting the acts prohibited by those statutes, or violations of K.S.A. 8-1602, and amendments thereto, K.S.A. 21-3404, 21-3405 and 21-3414, prior to their repeal, or K.S.A. 2017 Supp. 21-5405, 21-5406 and ~~subsection (b) of~~ K.S.A. 2017 Supp. 21-5413(b), and amendments thereto, or when such conduct was intended to cause personal injury or death.

(f) "Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the victim's death.

(g) "Dependent's economic loss" means loss after decedent's death of contributions of things of economic value to the decedent's dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death.

(h) "Dependent's replacement services loss" means loss reasonably incurred by dependents after decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death and not subtracted in calculating dependent's economic loss.

(i) "Economic loss" means economic detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, dependent's economic loss and dependent's replacement service loss. Noneconomic detriment is not loss, but economic detriment is loss although caused by pain and suffering or physical impairment.

(j) "Noneconomic detriment" means pain, suffering, inconvenience, physical

impairment and nonpecuniary damage.

(k) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of self or family, if such person had not been injured.

(l) "Work loss" means loss of income from work the injured person would have performed if such person had not been injured, and expenses reasonably incurred by such person in obtaining services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by such person or by income such person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.

(m) "Victim" means a person who suffers personal injury or death as a result of: (1) Criminally injurious conduct; (2) the good faith effort of any person to prevent criminally injurious conduct; or (3) the good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct.

(n) "Crime scene cleanup" means removal of blood, stains, odors or other debris caused by the crime or the processing of the crime scene.";

Also on page 2, in line 39, after "20-362" by inserting ", 23-2511, 50-6,109a, 50-6,109c, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b, 74-7301";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "state agencies; relating to"; also in line 1, by striking "relating to"; in line 3, after the semicolon by inserting "marriage license information; notification by courts to the secretary of health and environment; attorney general; enforcement of the scrap metal theft reduction act; crime victims compensation board; definition of collateral source;"; in line 6, after "20-362" by inserting ", 23-2511, 50-6,109a, 50-6,109c, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b, 74-7301";

And your committee on conference recommends the adoption of this report.

BLAINE FINCH

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

Senator Wilborn moved the Senate adopt the Conference Committee Report on **SB 261**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 336** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 336, as follows:

On page 21, following line 17, by inserting:

"Sec. 8. K.S.A. 2017 Supp. 45-254 is hereby amended to read as follows: 45-254. (a) Every audio or video recording made and retained by law enforcement using a body camera or a vehicle camera shall be considered a criminal investigation record as defined in K.S.A. 45-217, and amendments thereto. The provisions of this subsection shall expire on July 1, 2021, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2021.

(b) In addition to any disclosure authorized pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto, a person described in subsection (c) may ~~request~~ make a request in accordance with procedures adopted under K.S.A. 45-220, and amendments thereto, to listen to an audio recording or to view a video recording made by a body camera or a vehicle camera. The law enforcement agency shall allow the person to listen to the requested audio recording or to view the requested video recording within 20 days after making the request, and may charge a reasonable fee for such services provided by the law enforcement agency.

(c) Any of the following may make a request under subsection (b):

- (1) A person who is a subject of the recording;
- (2) ~~a~~ any parent or legal guardian of a person under 18 years of age who is a subject of the recording;
- (3) ~~an attorney for a person described in subsection (c)(1) or (c)(2); and~~
- (4) ~~an heir at law, an executor or an administrator of a decedent, when the~~ a decedent is a subject of the recording; and
- (4) an attorney for a person described in this subsection.

(d) As used in this section:

(1) "Body camera" means a device that is worn by a law enforcement officer that electronically records audio or video of such officer's activities.

(2) "Heir at law" means: (A) An executor or an administrator of the decedent; (B) the spouse of the decedent, if living; (C) if there is no living spouse of the decedent, an adult child of the decedent, if living; or (D) if there is no living spouse or adult child of the decedent, a parent of the decedent, if living.

(3) "Vehicle camera" means a device that is attached to a law enforcement vehicle that electronically records audio or video of law enforcement officers' activities.

Sec. 9. K.S.A. 2017 Supp. 75-3520 is hereby amended to read as follows: 75-3520. (a) (1) Unless required by federal law, no document available for public inspection or copying shall contain an individual's social security number if such document contains such individual's personal information. "Personal information" shall include, but not be limited to, name, address, phone number or e-mail address.

(2) The provisions of ~~paragraph paragraphs~~ (1) and (3) of this subsection shall not apply to documents recorded in the official records of any recorder of deeds of the county or to any documents filed in the official records of the court and shall be

included, but not limited to, such documents of any records that when filed constitutes:

- ~~(1)~~(A) A consensual or nonconsensual lien;
- ~~(2)~~(B) an eviction record;
- ~~(3)~~(C) a judgment;
- ~~(4)~~(D) a conviction or arrest;
- ~~(5)~~(E) a bankruptcy;
- ~~(6)~~(F) a secretary of state filing; or
- ~~(7)~~(G) a professional license.

(3) Any document or record that contains all or any portion of an individual's social security number shall have all portions of all social security numbers redacted before the document or record is made available for public inspection or copying.

(4) (A) An agency shall give notice as defined in K.S.A. 2017 Supp. 50-7a01, and amendments thereto, to any individual whose personal information was disclosed in violation of this subsection when it becomes aware of the unauthorized disclosure. Notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and any measures necessary to determine the scope of unauthorized disclosures.

(B) The agency shall offer to such individuals credit monitoring services at no cost for a period of one year. The agency shall provide all information necessary for such individual to enroll in such services and shall include information on how such individual can place a security freeze on such individual's consumer report.

(b) (1) No person, including an individual, firm, corporation, association, partnership, joint venture or other business entity, or any employee or agent thereof, shall solicit, require or use for commercial purposes an individual's social security number unless such number is necessary for such person's normal course of business and there is a specific use for such number for which no other identifying number may be used.

(2) Paragraph (1) of this subsection does not apply to documents or records that are recorded or required to be open to the public pursuant to state or federal law, or by court rule or order, and this paragraph does not limit access to these documents or records.

(3) Paragraph (1) of this subsection does not apply to the collection, use or release of social security numbers for the following purposes:

(A) Mailing of documents that include social security numbers sent as part of an application or enrollment process or to establish, amend or terminate an account, contract or policy or to confirm the accuracy of the social security number;

(B) internal verification or administrative purposes;

(C) investigate or prevent fraud, conduct background checks, conduct social or scientific research, collect a debt, obtain a credit report from or furnish data to a consumer reporting agency pursuant to the fair credit reporting act, 15 U.S.C. § 1681 et seq., undertake a permissible purpose enumerated under the Gramm-Leach Bliley Act, 15 U.S.C. § 6802 (e), or locate an individual who is missing, a lost relative, or due a benefit, such as pension, insurance or unclaimed property benefit; or

(D) otherwise required by state or federal law or regulation.

(c) An individual who is aggrieved by a violation of this section may recover a civil penalty of not more than \$1,000 for each violation.";

Also on page 21, in line 19, by striking "and" and inserting a comma; also in line 19, after "45-229" by inserting ", 45-254 and 75-3520";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "public records; relating to"; also in line 1, by striking "relating to"; in line 3, after the second semicolon by inserting "disclosure of law enforcement recordings using a body camera or vehicle camera; disclosure of personal information; social security numbers; notice of unauthorized disclosure;"; in line 5, by striking the first "and" and inserting a comma; also in line 5, after "45-229" by inserting ", 45-254 and 75-3520";

And your committee on conference recommends the adoption of this report.

BLAINE FINCH

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **H Sub SB 336**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2129** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 2, following line 28, by inserting:

"Sec. 5. K.S.A. 75-6521 is hereby amended to read as follows: 75-6521. As used in K.S.A. 75-6521 through 75-6523, and amendments thereto:"

(a) "Commission" means the Kansas state employees health care commission established pursuant to K.S.A. 75-6502, and amendments thereto.

(b) "Director" means the director of accounts and reports.

(c) "Employee" means any person who is an elected or appointed officer or any employee of the state in the classified service or unclassified service under the Kansas civil service act, other than persons who are employed on a seasonal or temporary basis.

(d) "Long-term care insurance" means any long-term care insurance policy ~~which~~ that is authorized to be sold in the state of Kansas.

(e) "Indemnity insurance" means any supplemental liability insurance policy that protects an individual against loss arising from a specific cause and that is authorized to

be sold in the state of Kansas.

(f) "State" means the state of Kansas and any state agency as defined in ~~subsection (3) of K.S.A. 75-3701(3)~~, and amendments thereto.

Sec. 6. K.S.A. 75-6522 is hereby amended to read as follows: 75-6522. (a) The Kansas state employees health care commission shall offer ~~to all employees~~ long-term care insurance and indemnity insurance to all employees. The commission may enter into one or more group insurance contracts to provide such ~~long-term care~~ insurance.

(b) ~~The Kansas state employees health care~~ commission is hereby authorized to negotiate and enter into contracts with qualified insurers for the purpose of providing long-term care insurance and indemnity insurance. The commission shall advertise for proposals, shall negotiate with not less than three firms or other parties submitting proposals, and shall select from among those submitting proposals the firm or other contracting party to contract with for the purpose of entering into contracts for long-term care insurance and indemnity insurance.

(c) The provisions of K.S.A. 75-4317 ~~to through~~ 75-4320a, ~~inclusive~~, and amendments thereto, shall not apply to meetings of the ~~Kansas state employees health care~~ commission when the commission meets solely for the purpose of discussing and preparing strategies for negotiations for contracts for long-term care insurance or indemnity insurance.

(d) Contracts entered into pursuant to this section shall not be subject to the provisions of K.S.A. 75-3738 ~~to through~~ 75-3740, ~~inclusive~~, and amendments thereto. Such contracts may be for terms of not more than three years and may be renegotiated and renewed. All such contracts shall be subject to the limits of appropriations made or available therefor and subject to the provisions of appropriations acts relating thereto.

(e) In exercising and performing the powers, duties and functions prescribed by this section, the ~~Kansas state employees health care~~ commission may adopt rules and regulations and enter into such contracts as may be necessary.

Sec. 7. K.S.A. 75-6523 is hereby amended to read as follows: 75-6523. (a) The purchase of long-term care insurance and indemnity insurance by an employee shall be voluntary, and the cost of such insurance shall be paid by the employee. The cost of such insurance for such employee shall be established by the Kansas state employees health care commission.

(b) Periodic deductions from state payrolls may be made in accordance with procedures prescribed by the secretary of administration to cover the costs of the long-term care insurance and indemnity insurance payable to employees. All moneys deducted pursuant to this section shall be remitted to the commission and deposited in the cafeteria benefits fund in the manner provided by K.S.A. 75-6513, and amendments thereto.";

Also on page 2, in line 29, by striking the first "and" and inserting a comma; also in line 29, after "75-3744" by inserting ", 75-6521, 75-6522 and 75-6523";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the third semicolon by inserting "payroll deductions for indemnity insurance;"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "75-3744" by inserting ", 75-6521, 75-6522 and 75-6523";

And your committee on conference recommends the adoption of this report.

CAROLYN MCGINN

RICK BILLINGER

LAURA KELLY

Conferees on part of Senate

BILL SUTTON

CHUCK WEBER

TOM BURROUGHS

Conferees on part of House

Senator McGinn moved the Senate adopt the Conference Committee Report on **Sub HB 2129**.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn.

Nays: Fitzgerald, Hilderbrand, Masterson, Pilcher-Cook, Pyle, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2523** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 3, following line 7, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 21-5512 is hereby amended to read as follows: 21-5512. (a) Unlawful sexual relations is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender if:

(1) The offender is an employee or volunteer of the department of corrections, or the employee or volunteer of a contractor who is under contract to provide services for a correctional institution, and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate;

(2) the offender is a parole officer, volunteer for the department of corrections or the employee or volunteer of a contractor who is under contract to provide supervision services for persons on parole, conditional release or postrelease supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate who has been released on parole, conditional release or postrelease supervision and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is an inmate who has been released and is currently on parole, conditional release or postrelease supervision;

(3) the offender is a law enforcement officer, an employee of a jail, or the employee

of a contractor who is under contract to provide services in a jail and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such jail;

(4) the offender is a law enforcement officer, an employee of a juvenile detention facility or sanctions house, or the employee of a contractor who is under contract to provide services in such facility or sanctions house and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such facility or sanctions house;

(5) the offender is an employee of the department of corrections or the employee of a contractor who is under contract to provide services in a juvenile correctional facility and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such facility;

(6) the offender is an employee of the department of corrections or the employee of a contractor who is under contract to provide direct supervision and offender control services to the department of corrections and:

(A) The person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been:

(i) Released on conditional release from a juvenile correctional facility under the supervision and control of the department of corrections or juvenile community supervision agency; or

(ii) placed in the custody of the department of corrections under the supervision and control of the department of corrections or juvenile community supervision agency; and

(B) the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision;

(7) the offender is an employee of the Kansas department for aging and disability services or the Kansas department for children and families or the employee of a contractor who is under contract to provide services in an aging and disability or children and families institution or to the Kansas department for aging and disability services or the Kansas department for children and families and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a patient in such institution or in the custody of the secretary for aging and disability services or the secretary for children and families;

(8) the offender is a worker, volunteer or other person in a position of authority in a family foster home licensed by the department of health and environment and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a foster child placed in the care of such family foster home;

(9) the offender is a teacher or other person in a position of authority and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a student enrolled at the school where the offender is employed. If the offender is the parent of the student, the

provisions of ~~subsection (b)~~ of K.S.A. 2017 Supp. 21-5604(b), and amendments thereto, shall apply, not this subsection;

(10) the offender is a court services officer or the employee of a contractor who is under contract to provide supervision services for persons under court services supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been placed on probation under the supervision and control of court services and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of court services;

(11) the offender is a community correctional services officer or the employee of a contractor who is under contract to provide supervision services for persons under community corrections supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been assigned to a community correctional services program under the supervision and control of community corrections and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of community corrections;~~or~~

(12) the offender is a surety or an employee of a surety and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is the subject of a surety or bail bond agreement with such surety and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is the subject of a surety or bail bond agreement with such surety;or

(13) the offender is a law enforcement officer and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is interacting with such law enforcement officer during the course of a traffic stop, a custodial interrogation, an interview in connection with an investigation, or while the law enforcement officer has such person detained.

(b) Unlawful sexual relations as defined in:

(1) Subsection (a)(5) is a severity level 4, person felony; and

(2) subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), (a)(10), (a)(11)~~or~~, (a)(12)or (a)(13) is a severity level 5, person felony.

(c) (1) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of K.S.A. 2017 Supp. 21-5503, and amendments thereto, the provisions of K.S.A. 2017 Supp. 21-5503, and amendments thereto, shall apply, not this section.

(2) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of ~~subsection (b)(1)~~ of K.S.A. 2017 Supp. 21-5506(b)(1), and amendments thereto, the provisions of ~~subsection (b)(1)~~ of K.S.A. 2017 Supp. 21-5506(b)(1), and amendments thereto, shall apply, not this section.

(3) If an offender violates the provisions of this section by engaging in sodomy which would constitute a violation of ~~subsection (a)(3), (a)(4) or (b)~~ of K.S.A. 2017 Supp. 21-5504(a)(3), (a)(4) or (b), and amendments thereto, the provisions of

~~subsection (a)(3), (a)(4) or (b) of K.S.A. 2017 Supp. 21-5504(a)(3), (a)(4) or (b), and amendments thereto, shall apply, not this section.~~

(4) If an offender violates the provisions of this section by engaging in lewd fondling or touching which would constitute a violation of ~~subsection (b)(2) of K.S.A. 2017 Supp. 21-5506(b)(2), and amendments thereto, the provisions of subsection (b)(2) of K.S.A. 2017 Supp. 21-5506(b)(2), and amendments thereto, shall apply, not this section.~~

(d) As used in this section:

(1) "Correctional institution" means the same as in K.S.A. 75-5202, and amendments thereto;

(2) "inmate" means the same as in K.S.A. 75-5202, and amendments thereto;

(3) "parole officer" means the same as in K.S.A. 75-5202, and amendments thereto;

(4) "postrelease supervision" means the same as in K.S.A. 2017 Supp. 21-6803, and amendments thereto;

(5) "juvenile detention facility" means the same as in K.S.A. 2017 Supp. 38-2302, and amendments thereto;

(6) "juvenile correctional facility" means the same as in K.S.A. 2017 Supp. 38-2302, and amendments thereto;

(7) "sanctions house" means the same as in K.S.A. 2017 Supp. 38-2302, and amendments thereto;

(8) "institution" means the same as in K.S.A. 76-12a01, and amendments thereto;

(9) "teacher" means and includes teachers, coaches, supervisors, principals, superintendents and any other professional employee in any public or private school offering any of grades kindergarten through 12;

(10) "community corrections" means the entity responsible for supervising adults and juvenile offenders for confinement, detention, care or treatment, subject to conditions imposed by the court pursuant to the community corrections act, K.S.A. 75-5290, and amendments thereto, and the revised Kansas juvenile justice code, K.S.A. 2017 Supp. 38-2301 et seq., and amendments thereto;

(11) "court services" means the entity appointed by the district court that is responsible for supervising adults and juveniles placed on probation and misdemeanants placed on parole by district courts of this state;

(12) "juvenile community supervision agency" means an entity that receives grants for the purpose of providing direct supervision to juveniles in the custody of the department of corrections; and

(13) "surety" means the same as in K.S.A. 22-2809a, and amendments thereto."

On page 5, following line 17, by inserting:

"Sec. 4. K.S.A. 2017 Supp. 74-5605 is hereby amended to read as follows: 74-5605. (a) Every applicant for certification shall be an employee of a state, county or city law enforcement agency, a municipal university police officer, a railroad policeman appointed pursuant to K.S.A. 66-524, and amendments thereto; an employee of the tribal law enforcement agency of an Indian nation that has entered into a tribal-state gaming compact with this state; a manager or employee of the horsethief reservoir benefit district pursuant to K.S.A. 2017 Supp. 82a-2212, and amendments thereto; or a school security officer designated as a school law enforcement officer pursuant to K.S.A. 2017 Supp. 72-6146, and amendments thereto.

(b) Prior to admission to a course conducted at the training center or at a certified

state or local law enforcement agency, the applicant's appointing authority or agency head shall furnish to the director of police training and to the commission a statement certifying that the applicant has been found to meet the minimum requirements of certification established by this subsection. The commission may rely upon the statement of the appointing authority or agency head as evidence that the applicant meets the minimum requirements for certification to issue a provisional certification. Each applicant for certification shall meet the following minimum requirements:

- (1) Be a United States citizen;
 - (2) have been fingerprinted and a search of local, state and national fingerprint files made to determine whether the applicant has a criminal record;
 - (3) not have been convicted of a crime that would constitute a felony under the laws of this state, a misdemeanor crime of domestic violence or a misdemeanor offense that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the commission;
 - (4) have: (A) graduated from a high school accredited by the Kansas state board of education or the appropriate accrediting agency of another state jurisdiction ~~or have;~~ (B) obtained a high school education from a nonaccredited private secondary school as defined in K.S.A. 2017 Supp. 72-4345, and amendments thereto; or (C) obtained the equivalent of a high school education as defined by rules and regulations of the commission;
 - (5) be of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer;
 - (6) have completed an assessment, including psychological testing approved by the commission, to determine that the applicant does not have a mental or personality disorder that would adversely affect the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment;
 - (7) be free of any physical or mental condition which adversely affects the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment; and
 - (8) be at least 21 years of age.
- (c) The commission may deny a provisional or other certification upon a finding that the applicant has engaged in conduct for which a certificate may be revoked, suspended or otherwise disciplined as provided in K.S.A. 74-5616, and amendments thereto. When it appears that grounds for denial of a certification exist under this subsection, after a conditional offer of employment has been made to an applicant seeking appointment as a police officer or law enforcement officer, the applicant's appointing authority or agency head may request an order from the commission to determine whether a provisional certification will be issued to that applicant.
- (d) As used in this section, "conviction" includes rendering of judgment by a military court martial pursuant to the uniform code of military justice, by a court of the United States or by a court of competent jurisdiction in any state, whether or not expunged; and any diversion or deferred judgment agreement entered into for a misdemeanor crime of domestic violence or a misdemeanor offense that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations by the commission and any diversion agreement or deferred judgment entered into on or after July 1, 1995, for a felony.";

On page 5, in line 18, by striking "and" and inserting ", 21-5512,"; also in line 18, after "74-5602" by inserting "and 74-5605";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second semicolon by inserting "crime of unlawful sexual relations;"; in line 3, by striking the first "and" and inserting ", 21-5512,"; also in line 3, after "74-5602" by inserting "and 74-5605";

And your committee on conference recommends the adoption of this report.

RICHARD WILBORN

JULIE LYNN

DAVID HALEY

Conferees on part of Senate

BLAINE FINCH

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **HB 2523**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2539** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, in line 5, before "K.S.A" by inserting "On and after January 1, 2019,"; in line 17, by striking "30" and inserting "25"; also in line 17, by striking all after "older"; in line 18, by striking "candidate" and inserting "by the deadline for filing"; also in line 18, after "office" by inserting "as provided in K.S.A. 25-205, and amendments thereto"; following line 20, by inserting:

"Sec. 2. K.S.A. 2017 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where the person is a resident, or where the person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, the voter shall provide identification pursuant to K.S.A. 25-2908, and amendments thereto.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, the voter shall provide with the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or a photocopy of any other identification provided by K.S.A. 25-2908, and amendments thereto.

(d) A voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto, if:

(1) The voter is unable or refuses to provide current and valid identification; or

(2) the name and address of the voter provided on the application for an advance voting ballot do not match the voter's name and address on the registration book. The voter shall provide a valid form of identification as defined in K.S.A. 25-2908, and amendments thereto, to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) No county election officer shall provide an advance voting ballot to a person who is requesting an advance voting ballot to be transmitted by mail unless:

(1) The county election official verifies that the signature of the person matches that on file in the county voter registration records, except that verification of the voter's signature shall not be required if a voter has a disability preventing the voter from signing. Signature verification may occur by electronic device or by human inspection. In the event that the signature of a person who is requesting an advance voting ballot does not match that on file, the county election officer shall attempt to contact the person and shall offer the person another opportunity to provide the person's signature for the purposes of verifying the person's identity. If the county election officer is unable to reach the person, the county election officer may transmit a provisional ballot, however, such provisional ballot may not be counted unless a signature is included therewith that can be verified; and

(2) the person provides such person's full Kansas driver's license number, Kansas nondriver's identification card number issued by the division of vehicles, or submits such person's application for an advance voting ballot and a copy of identification provided by K.S.A. 25-2908, and amendments thereto, to the county election officer for verification. If a person applies for an advance voting ballot to be transmitted by mail but fails to provide identification pursuant to this subsection or the identification of the person cannot be verified by the county election officer, the county election officer shall provide information to the person regarding the voter rights provisions of subsection (d) and shall provide the person an opportunity to provide identification pursuant to this subsection. For the purposes of this act, Kansas state offices and offices of any subdivision of the state will allow any person seeking to vote by an advance voting ballot the use of a photocopying device to make one photocopy of an identification document at no cost.

(f) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in both even-

numbered and odd-numbered years, between April 1 of such year and the Tuesday of the week preceding such primary election.

(2) For the general election occurring on the Tuesday following the first Monday in November in both even-numbered and odd-numbered years, between 90 days prior to such election and the Tuesday of the week preceding such general election.

(3) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

(4) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the Tuesday of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the final date for mailing of advance voting ballots shall be one week before such election.

(5) For any special election of officers, at such time as is specified by the secretary of state.

The county election officer of any county may receive applications prior to the time specified in this subsection and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(g) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than 12 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

The county election officer may designate places other than the central county election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots. Ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(h) Any person having a permanent disability or an illness ~~which that~~ has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information ~~which that~~ establishes the voter's right to permanent advance voting status.

(i) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which the persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Names and addresses shall

remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of the applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make the inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by the officer stating the person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(j) If a person on the permanent advance voting list fails to vote in four consecutive general elections held on the Tuesday succeeding the first Monday in November of each even-numbered and odd-numbered year, the county election officer may mail a notice to such voter. The notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

(k) The secretary of state may adopt rules and regulations in order to implement the provisions of this section and to define valid forms of identification.

Sec. 3. K.S.A. 2017 Supp. 25-1124 is hereby amended to read as follows: 25-1124.

(a) Upon receipt of the advance voting ballot, the voter shall cast such voter's vote as follows: The voter shall make a cross or check mark in the square or parentheses opposite the name of each candidate or question for whom the voter desires to vote. The voter shall make no other mark, and shall allow no other person to make any mark, upon such ballot. If the advance voting ballot was transmitted by mail, the voter personally shall place the ballot in the ballot envelope bearing the same number as the ballot and seal the envelope. The voter shall complete the form on the ballot envelope and shall sign the same. Except as provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope shall be mailed or otherwise transmitted to the county election officer. If the advance voting ballot was transmitted to the voter in person in the office of the county election officer or at a satellite advance voting site, the voter may deposit such ballot into a locked ballot box without an envelope.

(b) Any voter who has an illness or physical disability or who is not proficient in reading the English language ~~that and~~ is unable to apply for or mark or transmit an advance voting ballot, or any voter who has a disability preventing the voter from signing an application or the form on the ballot envelope, may request assistance by a person who has signed a statement required by subsection (d) in applying for or marking an advance voting ballot, or in signing an application or the form on the ballot envelope if the voter has a disability preventing the voter from signing.

(c) Any voted ballot may be transmitted to the county election officer by the voter or by another person designated in writing by the voter, except if the voter has a disability preventing the voter from writing and signing a statement, the written and signed statement required by subsection (d) shall be sufficient. Any such voted ballot shall be transmitted to the county election officer before the close of the polls on election day.

(d) The county election officer shall allow a person to assist a voter who has an illness or physical disability or who is not proficient in reading the English language in applying for or marking an application or advance voting ballot, or to sign for a voter who has a disability preventing the voter from signing an application or advance voting ballot form, provided a written statement is signed by the person who renders assistance to the voter who has an illness or physical disability or who is not proficient in reading the English language and such statement is submitted to the county election officer with the application or ballot. The statement shall be on a form prescribed by the secretary of state and shall contain a statement from the person providing assistance that the person has not exercised undue influence on the voting decision of the voter who has an illness or physical disability or who is not proficient in reading the English language and that the person providing assistance has completed the application ~~or~~ marked the ballot, or signed the application or ballot form as instructed by the voter.

(e) Any person assisting a voter who has an illness or physical disability or who is not proficient in reading the English language in applying for or marking an advance voting ballot, or in signing an application or advance voting ballot form for a voter who has a disability preventing the voter from signing the application or advance voting ballot form, who knowingly fails to sign and submit the statement required by this section or who exercises undue influence on the voting decision of such voter shall be guilty of a severity level 9, nonperson felony.

Sec. 4. K.S.A. 2017 Supp. 25-1128 is hereby amended to read as follows: 25-1128.

(a) No voter shall knowingly mark or transmit to the county election officer more than one advance voting ballot, or set of one of each kind of ballot, if the voter is entitled to vote more than one such ballot at a particular election.

(b) Except as provided in K.S.A. 25-1124, and amendments thereto, no person shall knowingly interfere with or delay the transmission of any advance voting ballot application from a voter to the county election officer, nor shall any person mail, fax or otherwise cause the application to be sent to a place other than the county election office. Any person or group engaged in the distribution of advance voting ballot applications shall mail, fax or otherwise deliver any application signed by a voter to the county election office within two days after such application is signed by the applicant.

(c) Except as otherwise provided by law, no person other than the voter, shall knowingly mark, sign or transmit to the county election officer any advance voting ballot or advance voting ballot envelope.

(d) Except as otherwise provided by law, no person shall knowingly sign an application for an advance voting ballot for another person. This provision shall not apply if a voter has a disability preventing the voter from signing an application or if an immediate family member signs an application on behalf of another immediate family member with proper authorization being given.

(e) No person, unless authorized by K.S.A. 25-1122 ~~or K.S.A.~~ 25-1124, and amendments thereto, shall knowingly intercept, interfere with, or delay the transmission

of advance voting ballots from the county election officer to the voter.

(f) No person shall knowingly and falsely affirm, declare or subscribe to any material fact in an affirmation form for an advance voting ballot or set of advance voting ballots.

(g) A voter may return such voter's advance voting ballot to the county election officer by personal delivery or by mail. Upon written designation by the voter, a person other than the voter may return the advance voting ballot by personal delivery or mail, except that a written designation shall not be required from a voter who has a disability preventing the voter from writing or signing a written designation. Any such person designated by the voter shall sign a statement that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter.

(h) Violation of any provision of this section is a severity level 9, nonperson felony.

Sec. 5. K.S.A. 25-1121 is hereby amended to read as follows: 25-1121. ~~It shall be the duty of (a)~~ The secretary of state ~~to~~ shall prescribe the general forms of advance voting ballots to be used in all primary and general elections and the form of the printed instructions to voters containing a statement of all the requirements of this act, to enable voters to comply with ~~such the~~ requirements of this act. ~~Such The~~ prescribed forms shall be transmitted to the county election officers 35 days before each primary and general election.

(b) The secretary of state shall prescribe the general format of advance voting ballot envelopes. The envelopes shall include signature blocks for the advance voter; a signature block for the person, if any, assisting the advance voter; and a signature block for a person, if any, who signs the advance voting ballot envelope on behalf of the advance voter in situations when the advance voter is physically unable to sign the envelope.

(c) The advance ballot envelope shall contain the following statement after the signature block provided for the person who signs the advance ballot envelope on behalf of a person physically unable to sign such envelope:

"My signature constitutes an affidavit that the person for whom I signed the envelope is a person who is physically unable to sign such envelope. By signing this envelope, I swear this information is true and correct, and that signing an advance ballot envelope under false pretenses shall constitute the crime of perjury."

Sec. 6. K.S.A. 2017 Supp. 21-5903 is hereby amended to read as follows: 21-5903.

(a) Perjury is intentionally and falsely:

(1) Swearing, testifying, affirming, declaring or subscribing to any material fact upon any oath or affirmation legally administered in any cause, matter or proceeding before any court, tribunal, public body, notary public or other officer authorized to administer oaths; ~~or~~

(2) subscribing as true and correct under penalty of perjury any material matter in any declaration, verification, certificate or statement as permitted by K.S.A. 53-601, and amendments thereto or

(3) subscribing as true and correct under the penalty of perjury the affidavit as provided in K.S.A. 25-1121(c), and amendments thereto.

(b) Perjury is a:

(1) Severity level 9, nonperson felony, except as provided in subsection (b)(2); and

(2) severity level 7, nonperson felony if the false statement is made upon the trial of

a felony charge.

Nov Sec. 7. (a) After an election and prior to the meeting of the county board of canvassers to certify the official election results for any election in which the canvassers certify the results, the county election officer shall conduct a manual audit or tally of each vote cast, regardless of the method of voting, in 1% of all precincts, with a minimum of one precinct located within the county. The precinct or precincts shall be randomly selected and the selection shall take place after the election.

(b) (1) The audit shall be performed manually and shall review all paper ballots selected pursuant to subsection (a). The audit shall be performed by a sworn election board consisting of bipartisan trained board members. The county election officer will determine the members of the sworn election board who will conduct the audit.

(2) The audit will review contested races as follows:

(A) In presidential election years:

- (i) One federal race;
- (ii) one state legislative race; and
- (iii) one county race.

(B) In even numbered non-presidential election years:

- (i) One federal race;
- (ii) one statewide race;
- (iii) one state legislative race; and
- (iv) one county race.

(C) In odd-numbered election years, two local races will be randomly selected and the selection shall take place after the election.

(c) At least five days prior to the audit, notice of the time and location of the audit shall be provided to the public on the official county website. The audit shall be conducted in a public setting. Any candidate or entity who is authorized to appoint a poll agent may appoint a poll agent for the audit.

(d) The results of the audit shall be compared to the unofficial election night returns and a report shall be submitted to the county election office and to the secretary of state's office prior to the meeting of the county board of canvassers. If a discrepancy is reported between the audit and the unofficial returns and cannot be resolved, the county election officer or the secretary of state may require audits of additional precincts. Once the audit has been completed, the results of the audit shall be used by the county board of canvassers when certifying the official election results.

(e) The secretary of state shall adopt rules and regulations governing the conduct and procedure of the audit, including the random selection of the precincts and offices involved in the audit.

(f) The provisions of this section shall apply to all counties for elections that take place after January 1, 2019.

Sec. 8. K.S.A. 2017 Supp. 25-3104 is hereby amended to read as follows: 25-3104. The original canvass of every election shall be performed by the election boards at the voting places. The county election officer shall present the original returns, together with the ballots, books and any other records of the election, for the purpose of canvass, to the county board of canvassers at any time between 8 a.m. and 10 a.m. on the Monday next following any election held on a Tuesday, except that the county election officer may move the canvass to the second Thursday following the election if notice is published prior to the canvass in a newspaper with general circulation in the county any

business day not later than 13 days following any election. Notice of the time and place of the canvass shall be published in a newspaper of general circulation in the county prior to the canvass. For elections not held on a Tuesday, the canvass by the county board of canvassers shall be held on a day and hour designated by it, and not later than the ~~fifth~~ 13th day following the day of such election.

Sec. 9. K.S.A. 2017 Supp. 25-4403 is hereby amended to read as follows: 25-4403.

(a) The board of county commissioners and the county election officer of any county may provide an electronic or electromechanical voting system to be used at voting places, or for advance voting in the county at national, state, county, township, city and school primary and general elections and in question submitted elections.

(b) The board of county commissioners of any county in which the board of county commissioners and county election officer have determined that an electronic or electromechanical voting system shall be used may issue bonds to finance and pay for purchase, lease or rental of such a system.

(c) The board of county commissioners and the county election officer of any county may adopt, experiment with or abandon any electronic or electromechanical system herein authorized and approved for use in the state and may use such a system in all or any part of the voting areas within the county or in combination with an optical scanning voting system or with regular paper ballots. Whenever the secretary of state rescinds approval of any voting system, the board of county commissioners and the county election officer shall abandon ~~such the~~ system until changes therein required by the secretary of state have been made, or if the secretary of state advises that acceptable changes cannot be made therein, ~~such the~~ abandonment shall be permanent.

(d) On and after the effective date of this act, no board of county commissioners in any county may purchase, lease or rent any direct recording electronic system, as defined in K.S.A. 25-4401(d), and amendments thereto. On and after the effective date of this act, no board of county commissioners in any county may purchase, lease or rent any electronic or electromechanical voting system, unless such system:

(1) Provides a paper record of each vote cast, produced at the time the vote is cast; and

(2) has the ability to be tested both before an election and prior to the date of canvass. Such test shall include the ability to match the paper record of the machine to the vote total contained in the machine.

Sec. 10. K.S.A. 2017 Supp. 25-4406 is hereby amended to read as follows: 25-4406. Electronic or electromechanical voting systems approved by the secretary of state:

(a) Shall provide for voting for the candidates for nomination or election of all political parties officially recognized pursuant to K.S.A. 25-302a, and amendments thereto;

(b) shall permit a voter to vote for any independent candidate for any office;

(c) shall provide for voting on constitutional amendments or other questions submitted;

(d) shall be so constructed that, as to primaries where candidates are nominated by political parties, the voter can vote only for the candidates for whom the voter is qualified to vote according to articles 2 and 33 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(e) shall afford the voter an opportunity to vote for any or all candidates for an

office for whom the voter is by law entitled to vote and no more, and at the same time shall prevent the voter from voting for the same candidate twice for the same office;

(f) shall be so constructed that in presidential elections the presidential electors of any political party may be voted for by one action;

(g) shall provide for "write-in" votes;

(h) shall provide for voting in absolute secrecy, except as to persons who request assistance due to temporary illness or disability or a lack of proficiency in reading the English language;

(i) shall reject all votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast;

(j) shall provide for instruction of voters on the operation of voting machines, illustrating the manner of voting by the use of such systems. The instruction may include printed materials or demonstration by election board workers; ~~and~~

(k) shall provide a paper record of each vote cast, produced at the time the vote is cast;

(l) shall have the ability to be tested both before an election and prior to the date of canvass. The test shall include the ability to match the paper records of such machines to the vote totals contained in the machines; and

(m) shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment.

Sec. 11. K.S.A. 25-1121 and K.S.A. 2017 Supp. 21-5903, 25-1122, 25-1124, 25-1128, 25-3104, 25-4403 and 25-4406 are hereby repealed.;

Also on page 1, in line 21, before "K.S.A" by inserting "On and after January 1, 2019,"; in line 22, by striking "January"; in line 23, by striking "1, 2019 and,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "25-101a" by inserting "and 25-1121 and K.S.A. 2017 Supp. 21-5903, 25-1122, 25-1124, 25-1128, 25-3104, 25-4403 and 25-4406"; also in line 2, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

ELAINE BOWERS

STEVE FITZGERALD

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

KEITH ESAU

BLAKE CARPENTER

Conferees on part of House

Senator Fitzgerald moved the Senate adopt the Conference Committee Report on **HB 2539**.

On roll call, the vote was: Yeas 32; Nays 4; Present and Passing 4; Absent or Not Voting 0.

Yeas: Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, Skubal, Suellentrop, Taylor, Wagle, Wilborn.

Nays: Baumgardner, McGinn, V. Schmidt, Tyson.
 Present and Passing: Francisco, Haley, Holland, Sykes.
 The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2571** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 12, by striking all in lines 26 through 43;

By striking all on page 13;

On page 14, by striking all in lines 1 through 33;

Also, on page 14, following line 33, by inserting:

"New Section 1. As used in sections 1 through 31, and amendments thereto:

(a) "Arbitration organization" means an association, agency, board, commission or other entity that is neutral and initiates, sponsors or administers an arbitration proceeding or is involved in the appointment of an arbitrator;

(b) "arbitrator" means an individual appointed to render an award, alone or with others, in a controversy that is subject to an agreement to arbitrate;

(c) "court" means a court of competent jurisdiction in this state;

(d) "knowledge" means actual knowledge;

(e) "person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation or any other legal or commercial entity; and

(f) "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

New Sec. 2. (a) Except as otherwise provided in sections 1 through 31, and amendments thereto, a person gives notice to another person by taking action that is reasonably necessary to inform the other person in ordinary course, whether or not the other person acquires knowledge of the notice.

(b) A person has notice if the person has knowledge of the notice or has received notice.

(c) A person receives notice when it comes to the person's attention or the notice is delivered at the person's place of residence or place of business, or at another location held out by the person as a place of delivery of such communications.

New Sec. 3. (a) Sections 1 through 31, and amendments thereto, govern an agreement to arbitrate made on or after July 1, 2018.

(b) Sections 1 through 31, and amendments thereto, govern an agreement to arbitrate made before July 1, 2018, if all parties to the agreement or to the arbitration proceeding so agree in the record.

New Sec. 4. (a) Except as otherwise provided in subsections (b) and (c), a party to an agreement to arbitrate or to an arbitration proceeding may waive or the parties may vary the effect of, the requirements of sections 1 through 31, and amendments thereto, to the extent permitted by law.

(b) Before a controversy arises that is subject to an agreement to arbitrate, a party

to the agreement may not:

(1) Waive or agree to vary the effect of the requirements of sections 5(a), 6(a), 8, 17(a) or (b), 26 or 28, and amendments thereto;

(2) agree to unreasonably restrict the right under section 9, and amendments thereto, to notice of the initiation of an arbitration proceeding;

(3) agree to unreasonably restrict the right under section 12, and amendments thereto, to disclosure of any facts by a neutral arbitrator; or

(4) waive the right under section 16, and amendments thereto, of a party to an agreement to arbitrate to be represented by a lawyer at any proceeding or hearing under sections 1 through 31, and amendments thereto, but an employer and a labor organization may waive the right to representation by a lawyer in a labor arbitration.

(c) A party to an agreement to arbitrate or arbitration proceeding may not waive, or the parties may not vary the effect of, the requirements of this section or section 3, 7, 14, 18, 20(d) or (e), 22, 23, 24, 25(a) or (b), 29, 30 or 31, and amendments thereto.

New Sec. 5. (a) Except as otherwise provided in section 28, and amendments thereto, an application for judicial relief under sections 1 through 31, and amendments thereto, must be made by motion to the court and heard in the manner provided by law or rule of court for making and hearing motions.

(b) Unless a civil action involving the agreement to arbitrate is pending, notice of an initial motion to the court under this act must be served in the manner provided by law for the service of a summons in a civil action. Otherwise, notice of the motion must be given in the manner provided by law or rule of court for serving motions in pending cases.

New Sec. 6. (a) An agreement contained in a record to submit to arbitration any existing or subsequent controversy arising between the parties to the agreement is valid, enforceable and irrevocable, except upon a ground that exists at law or in equity for the revocation of a contract.

(b) The court shall decide whether an agreement to arbitrate exists or a controversy is subject to an agreement to arbitrate.

(c) An arbitrator shall decide whether a condition precedent to arbitrability has been fulfilled and whether a contract containing a valid agreement to arbitrate is enforceable.

(d) If a party to a judicial proceeding challenges the existence of, or claims that a controversy is not subject to, an agreement to arbitrate, the arbitration proceeding may continue, pending final resolution of the issue by the court, unless the court otherwise orders.

New Sec. 7. (a) On motion of a person showing an agreement to arbitrate and alleging another person's refusal to arbitrate, pursuant to the agreement:

(1) If the refusing party does not appear or does not oppose the motion, the court shall order the parties to arbitrate; and

(2) if the refusing party opposes the motion, the court shall proceed summarily to decide the issue and order the parties to arbitrate, unless it finds that there is no enforceable agreement to arbitrate.

(b) On motion of a person alleging that an arbitration proceeding has been initiated or threatened, but that there is no agreement to arbitrate, the court shall proceed summarily to decide the issue. If the court finds that there is an enforceable agreement to arbitrate, it shall order the parties to arbitrate.

(c) If the court finds that there is no enforceable agreement, it may not, pursuant to subsections (a) or (b), order the parties to arbitrate.

(d) The court may not refuse to order arbitration because the claim subject to arbitration lacks merit or grounds for the claim have not been established.

(e) If a proceeding involving a claim referable to arbitration under an alleged agreement to arbitrate is pending in court, a motion under this section must be made in that court. Otherwise, a motion under this section may be made in any court as provided in section 27, and amendments thereto.

(f) If a party makes a motion to the court to order arbitration, the court on just terms shall stay any judicial proceeding that involves a claim alleged to be subject to the arbitration until the court renders a final decision under this section.

(g) If the court orders arbitration, the court on just terms shall stay any judicial proceeding that involves a claim subject to the arbitration. If a claim subject to the arbitration is severable, the court may limit the stay to that claim.

New Sec. 8. (a) Before an arbitrator is appointed and is authorized and able to act, the court, upon motion of a party to an arbitration proceeding and for good cause shown, may enter an order for provisional remedies to protect the effectiveness of the arbitration proceeding to the same extent and under the same conditions as if the controversy were the subject of a civil action.

(b) After an arbitrator is appointed and is authorized and able to act:

(1) The arbitrator may issue such orders for provisional remedies, including interim awards, as the arbitrator finds necessary to protect the effectiveness of the arbitration proceeding and to promote the fair and expeditious resolution of the controversy, to the same extent and under the same conditions as if the controversy were the subject of a civil action; and

(2) a party to an arbitration proceeding may move the court for a provisional remedy only if the matter is urgent and the arbitrator is not able to act timely or the arbitrator cannot provide an adequate remedy.

(c) A party does not waive a right of arbitration by making a motion under subsection (a) or (b).

New Sec. 9. (a) A person initiates an arbitration proceeding by giving notice in a record to the other parties to the agreement to arbitrate in the agreed manner between the parties or, in the absence of agreement, by certified or registered mail, return receipt requested and obtained, or by service as authorized for the commencement of a civil action. The notice must describe the nature of the controversy and the remedy sought.

(b) Unless a person objects for lack or insufficiency of notice under section 15(c), and amendments thereto, not later than the beginning of the arbitration hearing, the person, by appearing at the hearing, waives any objection to lack of or insufficiency of notice.

New Sec. 10. (a) Except as otherwise provided in subsection (c), upon motion of a party to an agreement to arbitrate or to an arbitration proceeding, the court may order consolidation of separate arbitration proceedings as to all or some of the claims if:

(1) There are separate agreements to arbitrate or separate arbitration proceedings between the same persons or one of them is a party to a separate agreement to arbitrate or a separate arbitration proceeding with a third person;

(2) the claims subject to the agreements to arbitrate arise in substantial part from the same transaction or series of related transactions;

(3) the existence of a common issue of law or fact creates the possibility of conflicting decisions in the separate arbitration proceedings; and

(4) prejudice resulting from a failure to consolidate is not outweighed by the risk of undue delay or prejudice to the rights of or hardship to parties opposing consolidation.

(b) The court may order consolidation of separate arbitration proceedings as to some claims and allow other claims to be resolved in separate arbitration proceedings.

(c) The court may not order consolidation of the claims of a party to an agreement to arbitrate if the agreement prohibits consolidation.

New Sec. 11. (a) If the parties to an agreement to arbitrate agree on a method for appointing an arbitrator, that method must be followed, unless the method fails. If the parties have not agreed on a method, the agreed method fails or an arbitrator appointed fails or is unable to act and a successor has not been appointed, the court, on motion of a party to the arbitration proceeding, shall appoint the arbitrator. An arbitrator so appointed has all the powers of an arbitrator designated in the agreement to arbitrate or appointed pursuant to the agreed method.

(b) An individual who has a known, direct and material interest in the outcome of the arbitration proceeding or a known, existing and substantial relationship with a party may not serve as an arbitrator required by an agreement to be neutral.

New Sec. 12. (a) Before accepting appointment, an individual who is requested to serve as an arbitrator, after making a reasonable inquiry, shall disclose to all parties to the agreement to arbitrate and arbitration proceeding and to any other arbitrators any known facts that a reasonable person would consider likely to affect the impartiality of the arbitrator in the arbitration proceeding, including:

(1) A financial or personal interest in the outcome of the arbitration proceeding; and

(2) an existing or past relationship with any of the parties to the agreement to arbitrate or the arbitration proceeding, their counsel or representatives, a witness or other arbitrators.

(b) An arbitrator has a continuing obligation to disclose to all parties to the agreement to arbitrate and arbitration proceeding and to any other arbitrators any facts that the arbitrator learns after accepting appointment that a reasonable person would consider likely to affect the impartiality of the arbitrator.

(c) If an arbitrator discloses a fact required by subsection (a) or (b) to be disclosed and a party timely objects to the appointment or continued service of the arbitrator based upon the fact disclosed, the objection may be a ground under section 23(a)(2), and amendments thereto, for vacating an award made by the arbitrator.

(d) If the arbitrator did not disclose a fact as required by subsection (a) or (b), upon timely objection by a party, the court under section 23(a)(2), and amendments thereto, may vacate the award.

(e) An arbitrator appointed as a neutral arbitrator who does not disclose a known, direct and material interest in the outcome of the arbitration proceeding or a known, existing and substantial relationship with a party is presumed to act with evident partiality under section 23(a)(2), and amendments thereto.

(f) If the parties to an arbitration proceeding agree to the procedures of an arbitration organization or any other procedures for challenges to arbitrators before an award is made, substantial compliance with those procedures is a condition precedent to a motion to vacate an award on that ground under section 23(a)(2), and amendments

thereto.

New Sec. 13. If there is more than one arbitrator, the powers of an arbitrator must be exercised by a majority of the arbitrators, but all of them shall conduct the hearing under section 15(c), and amendments thereto.

New Sec. 14. (a) An arbitration organization acting in that capacity is immune from civil liability to the same extent as a judge of a court of this state acting in a judicial capacity.

(b) The immunity afforded by this section supplements any immunity under other law.

(c) The failure of an arbitrator to make a disclosure required by section 12, and amendments thereto, does not cause any loss of immunity under this section.

(d) In a judicial, administrative or similar proceeding, an arbitrator or representative of an arbitration organization is not competent to testify, and may not be required to produce records as to any statement, conduct, decision or ruling occurring during the arbitration proceeding, to the same extent as a judge of a court of this state acting in a judicial capacity. This subsection does not apply:

(1) To the extent necessary to determine the claim of an arbitrator, arbitration organization or representative of the arbitration organization against a party to the arbitration proceeding; or

(2) to a hearing on a motion to vacate an award under section 23(a)(1) or (2), and amendments thereto, if the movant establishes prima facie that a ground for vacating the award exists.

(e) If a person commences a civil action against an arbitrator, arbitration organization or representative of an arbitration organization arising from the services of an arbitrator, organization or representative or if a person seeks to compel an arbitrator or a representative of an arbitration organization to testify or produce records in violation of subsection (d), and the court decides that the arbitrator, arbitration organization or representative of an arbitration organization is immune from civil liability or that the arbitrator or representative of the organization is not competent to testify, the court shall award to the arbitrator, organization or representative reasonable attorney fees and other reasonable expenses of litigation.

New Sec. 15. (a) An arbitrator may conduct an arbitration in such manner as the arbitrator considers appropriate for a fair and expeditious disposition of the proceeding. The authority conferred upon the arbitrator includes the power to hold conferences with the parties to the arbitration proceeding before the hearing and, among other matters, determine the admissibility, relevance, materiality and weight of any evidence.

(b) An arbitrator may decide a request for summary disposition of a claim or particular issue:

(1) If all interested parties agree; or

(2) upon request of one party to the arbitration proceeding, if that party gives notice to all other parties to the proceeding and the other parties have a reasonable opportunity to respond.

(c) If an arbitrator orders a hearing, the arbitrator shall set a time and place and give notice of the hearing not less than five days before the hearing begins. Unless a party to the arbitration proceeding makes an objection to lack or insufficiency of notice not later than the beginning of the hearing, the party's appearance at the hearing waives the objection. Upon request of a party to the arbitration proceeding and for good cause

shown, or upon the arbitrator's own initiative, the arbitrator may adjourn the hearing from time to time as necessary but may not postpone the hearing to a time later than that fixed by the agreement to arbitrate for making the award unless the parties to the arbitration proceeding consent to a later date. The arbitrator may hear and decide the controversy upon the evidence produced, although a party who was duly notified of the arbitration proceeding did not appear. The court, on request, may direct the arbitrator to conduct the hearing promptly and render a timely decision.

(d) At a hearing under subsection (c), a party to the arbitration proceeding has a right to be heard, to present evidence material to the controversy, and to cross-examine witnesses appearing at the hearing.

(e) If an arbitrator ceases or is unable to act during the arbitration proceeding, a replacement arbitrator must be appointed in accordance with section 11, and amendments thereto, to continue the proceeding and to resolve the controversy.

New Sec. 16. A party to an arbitration proceeding may be represented by a lawyer.

New Sec. 17. (a) An arbitrator may issue a subpoena for the attendance of a witness and for the production of records and other evidence at any hearing and may administer oaths. A subpoena must be served in the manner for service of subpoenas in a civil action and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner for enforcement of subpoenas in a civil action.

(b) In order to make the proceedings fair, expeditious and most cost effective, upon request of a party to or a witness in an arbitration proceeding, an arbitrator may permit a deposition of any witness to be taken for use as evidence at the hearing, including a witness who cannot be subpoenaed for or is unable to attend a hearing. The arbitrator shall determine the conditions under which the deposition is taken.

(c) An arbitrator may permit such discovery as the arbitrator decides is appropriate in the circumstances, taking into account the needs of the parties to the arbitration proceeding and other affected persons and the desirability of making the proceeding fair, expeditious and cost effective.

(d) If an arbitrator permits discovery under subsection (c), the arbitrator may order a party to the arbitration proceeding to comply with the arbitrator's discovery-related orders, issue subpoenas for the attendance of a witness and for the production of records and other evidence at a discovery proceeding, and take action against a noncomplying party to the extent a court could, if the controversy were the subject of a civil action in this state.

(e) An arbitrator may issue a protective order to prevent the disclosure of privileged information, confidential information, trade secrets and other information protected from disclosure to the extent a court could, if the controversy were the subject of a civil action in this state.

(f) All laws compelling a person under subpoena to testify and all fees for attending a judicial proceeding, a deposition or a discovery proceeding as a witness apply to an arbitration proceeding as if the controversy were the subject of a civil action in this state.

(g) The court may enforce a subpoena or discovery-related order for the attendance of a witness within this state and for the production of records and other evidence issued by an arbitrator in connection with an arbitration proceeding in another state upon conditions determined by the court as to make the arbitration proceeding fair, expeditious and cost effective. A subpoena or discovery-related order issued by an

arbitrator in another state must be served in the manner provided by law for service of subpoenas in a civil action in this state and, upon motion to the court by a party to the arbitration proceeding or the arbitration, enforced in the manner provided by law for enforcement of subpoenas in a civil action in this state.

New Sec. 18. If an arbitrator makes a pre-award ruling in favor of a party to the arbitration proceeding, the party may request the arbitrator to incorporate the ruling into an award under section 19, and amendments thereto. A prevailing party may make a motion to the court for an expedited order to confirm the award under section 22, and amendments thereto, in which case the court shall summarily decide the motion. The court shall issue an order to confirm the award, unless the court vacates, modifies or corrects the award under section 23 or 24, and amendments thereto.

New Sec. 19. (a) An arbitrator shall make a record of an award. The record must be signed or otherwise authenticated by an arbitrator who concurs with the award. The arbitrator or the arbitration organization shall give notice of the award, including a copy of the award, to each party to the arbitration proceeding.

(b) An award must be made within the time specified by the agreement to arbitrate or, if not specified therein, within the time ordered by the court. The court may extend or the parties to the arbitration proceeding may agree in a record to extend the time. The court or the parties may do so within or after the time specified or ordered. A party waives any objection that an award was not timely made unless the party gives notice of the objection to the arbitrator before receiving notice of the award.

New Sec. 20. (a) On motion to an arbitrator by a party to an arbitration proceeding, the arbitrator may modify or correct an award:

(1) Upon a ground stated in section 24(a)(1) or (3), and amendments thereto;
(2) because the arbitrator has not made a final and definite award upon a claim submitted by the parties to the arbitration proceeding; or

(3) to clarify the award.

(b) A motion under subsection (a) must be made and notice given to all parties within 20 days after the movant receives notice of the award.

(c) A party to the arbitration proceeding must give notice of any objection to the motion within 10 days after receipt of the notice.

(d) If a motion to the court is pending under section 22, 23 or 24, and amendments thereto, the court may submit the claim to the arbitrator to consider whether to modify or correct the award:

(1) Upon a ground stated in section 24(a)(1) or (3), and amendments thereto;

(2) because the arbitrator has not made a final and definite award upon a claim submitted by the parties to the arbitration proceedings; or

(3) to clarify the award.

(e) An award modified or corrected pursuant to this section is subject to sections 19(a), 22, 23 and 24, and amendments thereto.

New Sec. 21. (a) An arbitrator may award punitive damages or other exemplary relief if such an award is authorized by law in a civil action involving the same claim and the evidence produced at the hearing justifies the award under the legal standards otherwise applicable to the claim.

(b) An arbitrator may award reasonable attorney fees and other reasonable expenses of arbitration if such an award is authorized by law in a civil action involving the same claim or by the agreement of the parties to the arbitration proceeding.

(c) As to all remedies other than those authorized by subsections (a) and (b), an arbitrator may order such remedies as the arbitrator considers just and appropriate under the circumstances of the arbitration proceeding. The fact that such a remedy could not or would not be granted by the court is not a ground for refusing to confirm an award under section 22, and amendments thereto, or for vacating an award under section 23, and amendments thereto.

(d) An arbitrator's expenses and fees, together with other expenses, must be paid as provided in the award.

(e) If an arbitrator awards punitive damages or other exemplary relief under subsection (a), the arbitrator shall specify in the award the basis in fact justifying and the basis in law authorizing the award and state separately the amount of punitive damages or other exemplary relief.

New Sec. 22. After a party to an arbitration proceeding receives notice of an award, the party may make a motion to the court for an order confirming the award, at which time the court shall issue a confirming order, unless the award is modified or corrected pursuant to section 20 or 24, and amendments thereto, or is vacated pursuant to section 23, and amendments thereto.

New Sec. 23. (a) Upon motion to the court by a party to an arbitration proceeding, the court shall vacate an award made in the arbitration proceeding if:

- (1) The award was procured by corruption, fraud or other undue means;
- (2) there was:
 - (A) Evident partiality by an arbitrator appointed as a neutral arbitrator;
 - (B) corruption by an arbitrator; or
 - (C) misconduct by an arbitrator prejudicing the rights of a party to the arbitration proceeding;
- (3) an arbitrator refused to postpone the hearing upon showing of sufficient cause for postponement, refused to consider evidence material to the controversy, or otherwise conducted the hearing contrary to section 15, and amendments thereto, so as to prejudice substantially the rights of a party to the arbitration proceeding;
- (4) an arbitrator exceeded the arbitrator's powers;
- (5) there was no agreement to arbitrate, unless the person participated in the arbitration proceeding without raising the objection under section 15(c), and amendments thereto, not later than the beginning of the arbitration hearing; or
- (6) the arbitration was conducted without proper notice of the initiation of an arbitration as required in section 9, and amendments thereto, so as to prejudice substantially the rights of a party to the arbitration proceeding.

(b) A motion under this section must be filed within 90 days after the movant receives notice of the award pursuant to section 19, and amendments thereto, or within 90 days after the movant receives notice of the award pursuant to section 20, and amendments thereto, unless the movant alleges that the award was procured by corruption, fraud or other undue means, in which case, the motion must be made within 90 days after the ground is known or, by the exercise of reasonable care, would have been known by the movant.

(c) If the court vacates an award on a ground other than that set forth in subsection (a)(5), it may order a rehearing. If the award is vacated on a ground stated in subsection (a)(1) or (2), the rehearing must be before a new arbitrator. If the award is vacated on a ground stated in subsection (a)(3), (4) or (6), the rehearing must be before the arbitrator

who made the award or the arbitrator's successor. The arbitrator must render the decision in the rehearing within the same time as that provided in section 19(b), and amendments thereto, for an award.

(d) If the court denies a motion to vacate an award, it shall confirm the award unless a motion to modify or correct the award is pending.

New Sec. 24. (a) Upon motion made within 90 days after the movant receives notice of the award pursuant to section 19, and amendments thereto, or within 90 days after the movant receives notice of a modified or corrected award pursuant to section 20, and amendments thereto, the court shall modify or correct the award if:

(1) There was an evident mathematical miscalculation or an evident mistake in the description of a person, thing or property referred to in the award;

(2) the arbitrator has made an award on a claim not submitted to the arbitrator and the award may be corrected without affecting the merits of the decision upon the claims submitted; or

(3) the award is imperfect in a matter of form not affecting the merits of the decision on the claims submitted.

(b) If a motion made under subsection (a) is granted, the court shall modify or correct and confirm the award as modified or corrected. Otherwise, unless a motion to vacate is pending, the court shall confirm the award.

(c) A motion to modify or correct an award pursuant to this section may be joined with a motion to vacate the award.

New Sec. 25. (a) Upon granting an order confirming, vacating without directing a rehearing, modifying or correcting an award, the court shall enter a judgment in conformity therewith. The judgment may be recorded, docketed and enforced as any other judgment in a civil action.

(b) A court may allow reasonable costs of the motion and subsequent judicial proceedings.

(c) On application of a prevailing party to a contested judicial proceeding under section 22, 23 or 24, and amendments thereto, the court may add reasonable attorney fees and other reasonable expenses of litigation incurred in a judicial proceeding after the award is made to a judgment confirming, vacating without directing a rehearing, modifying or correcting an award.

New Sec. 26. (a) A court of this state having jurisdiction over the controversy and the parties may enforce an agreement to arbitrate.

(b) An agreement to arbitrate providing for arbitration in this state confers exclusive jurisdiction on the court to enter judgment on an award under sections 1 through 31, and amendments thereto.

New Sec. 27. A motion pursuant to section 5, and amendments thereto, must be made in the court of the county in which the agreement to arbitrate specifies the arbitration hearing is to be held or, if the hearing has been held, in the court of the county in which it was held. Otherwise, the motion may be made in the court of any county in which an adverse party resides or has a place of business or, if no adverse party has a residence or place of business in this state, in the court of any county in this state. All subsequent motions must be made in the court hearing the initial motion unless the court otherwise directs.

New Sec. 28. (a) An appeal may be taken from:

(1) An order denying a motion to compel arbitration;

(2) an order granting a motion to stay arbitration;
 (3) an order confirming or denying confirmation of an award;
 (4) an order modifying or correcting an award;
 (5) an order vacating an award without directing a rehearing; or
 (6) a final judgment entered pursuant to sections 1 through 31, and amendments thereto.

(b) An appeal under this section must be taken as from an order or judgment in a civil action.

New Sec. 29. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

New Sec. 30. The provisions of sections 1 through 31, and amendments thereto, governing the legal effect, validity and enforceability of electronic records or electronic signatures and of contracts performed with the use of such records or signatures conform to the requirements of section 102 of the electronic signatures in global and national commerce act.

New Sec. 31. Sections 1 through 31, and amendments thereto, do not affect an action or proceeding commenced or right accrued before sections 1 through 31, and amendments thereto, take effect. Subject to section 3, and amendments thereto, an arbitration agreement made before the effective date of sections 1 through 31, and amendments thereto, is governed by article 4 of chapter 5 of the Kansas Statutes Annotated, prior to its repeal.

New Sec. 32. (a) (1) Except as provided in subsection (a)(2), a provision in a trust instrument requiring the mediation or arbitration of disputes between or among beneficiaries, a fiduciary, a person granted nonfiduciary powers under the trust instrument, or any combination thereof, is enforceable.

(2) A provision in a trust instrument requiring the mediation or arbitration of a dispute relating to the validity of a trust is not enforceable, unless all interested persons to the dispute consent to mediation or arbitration of such dispute.

(b) This section shall be part of and supplemental to the Kansas uniform trust code.

Sec. 33. K.S.A. 50-6,100 is hereby amended to read as follows: 50-6,100. (a) Each consumer shall have the option of submitting any dispute arising under this act to arbitration. Upon application of the consumer all ~~manufactures~~ manufacturers shall submit to such arbitration.

(b) Such arbitration shall be conducted in accordance with the provisions of the uniform arbitration act (~~K.S.A. 5-401 et seq., sections 1 through 31,~~ and amendments thereto). Any agreement to arbitrate entered into under this section shall ensure the personal objectivity of the arbitrators and the right of each party to present its case, to be in attendance during any presentation made by the other party and to rebut or refute such presentation.

Sec. 34. K.S.A. 66-1712 is hereby amended to read as follows: 66-1712. (a) When any person desires to carry out temporarily any function or activity in closer proximity to any high voltage overhead line than is permitted by this act, the person or persons responsible for the function or activity shall notify the public utility which owns or operates the high voltage overhead line of the function or activity and shall make appropriate arrangements with the public utility for temporary barriers, temporary deenergization and grounding of the conductors, temporary rerouting of electric current

or temporary relocating of the conductors before proceeding with any function or activity which would impair the clearances required by this act.

(b) A person or persons requesting a public utility to provide temporary clearances or other safety precautions shall be responsible for payment of only those costs incurred by such utility in the temporary rerouting of electric current or the temporary relocating of the conductors. Upon request, a public utility shall provide a written costs estimate for the work needed to provide temporary rerouting of electric current or temporary relocating of the conductors. Unless otherwise agreed to, or unless circumstances require a longer period of time before work commences in order to assure continuity of service to electric customers, a public utility shall commence work on such temporary rerouting of electric current, temporary relocating of the conductors, temporary barriers or temporary deenergization and grounding of the conductors as may be appropriate, within seven working days after such notification has been made in accordance with ~~subsection (a) of K.S.A. 66-1712(a), and amendments thereto.~~

(c) If a person requesting a public utility to provide temporary rerouting of electric current or the temporary relocating of the conductors disagrees with the reasonableness of the written costs estimate or the description of the work to be performed, the following options are available to such person:

(1) Such person under protest may pay the utility for the work in accordance with the written cost estimate, but shall be entitled to seek recovery of all or any part of the money so paid in an arbitration proceeding as hereinafter provided; or

(2) prior to directing the work to be performed, the person or persons may submit to binding arbitration, as hereinafter provided, to resolve the issue of the reasonableness of the written cost estimate or the description or extent of the work to be performed by the public utility under such estimate.

(d) Disputes submitted to binding arbitration under this section shall be submitted in accordance with the procedures set forth in ~~K.S.A. 5-401 et seq. sections 1 through 31,~~ and amendments thereto. The decision of the arbitrator or arbitrators as to the reasonableness of the costs or the necessity of the work to be performed shall be final and binding upon the parties.

Sec. 35. K.S.A. 5-401, 5-402, 5-403, 5-404, 5-405, 5-406, 5-407, 5-408, 5-409, 5-410, 5-411, 5-412, 5-413, 5-414, 5-415, 5-416, 5-417, 5-418, 5-419, 5-420, 5-421, 5-422, 50-6,100 and 66-1712 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the semicolon and inserting "arbitration; enacting the uniform arbitration act of 2000; relating to mediation or arbitration of disputes concerning trust instruments"; in line 4, by striking all before "and"; and inserting "50-6,100 and 66-1712"; in line 5, by striking "section" and inserting "sections; also repealing K.S.A. 5-401, 5-402, 5-403, 5-404, 5-405, 5-406, 5-407, 5-408, 5-409, 5-410, 5-411, 5-412, 5-413, 5-414, 5-415, 5-416, 5-417, 5-418, 5-419, 5-420, 5-421 and 5-422";

And your committee on conference recommends the adoption of this report.

RICHARD WILBORN
MOLLY BAUMGARDNER
DAVID HALEY

Conferees on part of Senate

BLAINE FINCH
BRAD RALPH
JOHN CARMICHAEL

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **HB 2571**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

ENROLLED BILLS

H Sub SB 56; Sub SB 272; H Sub SB 307; SB 331, SB 419 reported correctly enrolled, properly signed and presented to the Governor on May 1, 2018.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, May 2, 2018.

Journal of the Senate

SIXTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 2, 2018, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, on the first of May, 1945, Germany announced that Adolf Hitler was dead. Sixty-six years later, again on the first of May, 2011, Osama bin Laden was dead.

Lord, let us be reminded, in this first part of May, to strive for justice, virtue and morality, that Your grace may abound in all that we do.

You said in Proverbs 14:34, Righteousness exalts a nation, but sin will disgrace.

And again, You said in Proverbs 11:11, By the blessing of righteous people a city is exalted, but by the mouth of the wicked it is overthrown. So, Lord cover us, to keep us safe and convict us to keep us right. In Jesus' Name, I pray Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1792—

A RESOLUTION congratulating and commending members of the McPherson High School girls basketball team for winning the Kansas Class 4A-I State Championship.

WHEREAS, The McPherson High School girls basketball team won the Kansas Class 4A-I State Championship on March 10, 2018; and

WHEREAS, The team has made 31 trips to the state tournament, including 23 of the last 26 seasons; and

WHEREAS, The team has made it to the final four 21 times, been the state runner-up six times and has won the state championship nine times; and

WHEREAS, The team has won 21 of the last 24 league titles, including 11 consecutive seasons, from 2008 through 2018; and

WHEREAS, The junior varsity and C-teams also finished the season undefeated, and the junior varsity team has won 77 consecutive games; and

WHEREAS, The varsity team was represented by seniors Mandi Cooks and Taylor Robertson; juniors Jaycee Burghart, Megan Eisenbarth, Kari Ellet, Hannah Hageman, Riley Hett, Maggie Leaf and Claire Yowell; sophomores Cassie Cooks, Emma Ruddle, Lakyn Schieferecke and Andrea Sweat; and freshman Grace Pyle; and

WHEREAS, Coaches for the team are Chris Strathman, Mike Reith, Tim Ellet and Shelly Prescott, with managers Alaina Diggs, Hannah Dossett and Natalie Rowe: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend members of the McPherson High School girls basketball team for winning the Kansas Class 4A-I State Championship; and

Be it further resolved: That the Secretary of the Senate shall send 22 enrolled copies of this resolution to Senator Wilborn.

On emergency motion of Senator Wilborn **SR 1792** was adopted by voice vote. Senators honored the team and coaches with a standing ovation.

Senator Sykes introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1793—

A RESOLUTION celebrating the 25th anniversary of Heart to Heart International.

WHEREAS, Heart to Heart International (HHI), a humanitarian organization located in Lenexa, Kansas, is celebrating 25 years of service to areas of need around the world; and

WHEREAS, HHI has responded to multiple humanitarian crises worldwide to help strengthen communities by improving access to health care, providing humanitarian development and administering crisis relief; and

WHEREAS, HHI began its mission in 1992 with an airlift to help people in Russia by distributing aid to 32 area hospitals and nine orphanages, which was the largest private humanitarian airlift at that time; and

WHEREAS, In 1993, HHI developed a partnership with the American Association of Family Physicians to create Physicians With Heart. The partnership conducted 20 airlifts throughout Europe and Vietnam and helped mobilize people and resources to improve health, provide medical education and foster the development of family medicine worldwide; and

WHEREAS, In 1995, HHI launched a partnership with FedEx, whose MD-11 plane was the first American plane to land in Hanoi since the end of the Southeast Asian conflict, and delivered 45 tons of supplies valued at \$7 million; and

WHEREAS, In 1996, HHI delivered \$12 million in aid to Calcutta, India, to help Mother Teresa and the Missionaries of Charity and also sent medical aid and products to various hospitals in Calcutta; and

WHEREAS, In 1997, The Goodwill Medical Airlift landed in the People's Republic of China with 36 tons of medicine and supplies worth \$6.2 million; and

WHEREAS, In 2010, HHI responded to the earthquake in Haiti and helped to hire, train and create Haitian leadership in the medical community to make a meaningful and lasting impact beyond the earthquake, resulting in HHI-trained Haitian medical teams to respond to the devastating effects of Hurricane Matthew in 2016; and

WHEREAS, In 2014, HHI responded to the Ebola crisis in Liberia by setting up and running an Ebola treatment unit as well as training administrators and teachers in the local school district on safe hygiene practices; and

WHEREAS, Starting in 2015, HHI has helped supply medicines, medical supplies, tents and hygiene kits to Syrian refugees; and

WHEREAS, Throughout its 25 years of service in 130 countries, HHI has shipped \$1.6 billion in total aid and has logged 1.1 million volunteer hours: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we celebrate the 25th anniversary of Heart to Heart International and commend them for providing vital health and humanitarian services to the most vulnerable and needy populations in order to help improve global health and welfare; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Sykes.

On emergency motion of Senator Sykes **SR 1793** was adopted by voice vote.

Guests introduced were Jim Mitchum, Kim Carroll, Rick Randolph, Gary Morsch and Carla Duryee.

Senators honored the guests with a standing ovation.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2470**.

The House adopts the Conference Committee report on **HB 2511**.

The House adopts the Conference Committee report on **HB 2577**.

The House adopts the Conference Committee report on **HB 2642**.

The House concurs in Senate amendments to **HB 2549**, and requests return of the bill.

The House adopts the Conference Committee report on **SB 180**.

The House adopts the Conference Committee report on **SB 266**.

The House adopts the Conference Committee report on **SB 328**.

The House announced the appointment of Representatives Highland, Ellis and Ruiz as conferees on **Sub HB 2194**.

The House announced the appointment of Representatives Johnson, Phillips and Sawyer as conferees on **SB 296**.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointment, submitted by the Attorney General to the Senate for confirmation was considered.

Senator Denning moved the following appointment be confirmed without recommendation from the Committee on **Judiciary**.

Kansas Crime Victims Compensation Board:

Nan Porter, Term ends March 15, 2021

On roll call, the vote was: Yeas 24; Nays 15; Present and Passing 0; Absent or Not Voting 1.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Alley, Baumgardner, Estes, Fitzgerald, Givens, Goddard, Hardy, Hilderbrand, Lynn, Masterson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson.

Absent or Not Voting: Olson.

The appointment was confirmed.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2571**.

The House adopts the Conference Committee report on **HB 2539**.

The House adopts the Conference Committee report on **HB 2523**.

The House adopts the Conference Committee report on **Sub HB 2129**.

The House nonconcurrs in Senate amendments to **HB 2438**, requests a conference and has appointed Representatives Highland, Humphries and Ruiz as conferees on the part of the House.

Announcing passage of **SB 461**.

CHANGE IN CONFERENCE

The Vice President appointed Senators Wilborn, Lynn, and Haley to replace Senators Estes, Olson, and Faust-Goudeau as members of the conference committee on **SB 284**.

ORIGINAL MOTION

On motion of Senator Estes, the Senate acceded to the request of the House for a conference on **HB 2438**.

The Vice President appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Longbine in the chair.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 180, SB 266, SB 328; HB 2280, HB 2458, HB 2479, HB 2579**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 180** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 2, in line 15, before "Files" by inserting "Except as provided in subsection (f), or except as necessary for such agency's internal hiring processes,"; in line 16, by striking all after "agency"; in line 17, by striking "processes"; in line 23, by striking all after "files"; in line 24, by striking all before the period; in line 27, after the period by inserting "Except in a civil action involving negligent hiring, such files shall not be subject to discovery, subpoena or other process directed toward the hiring agency obtaining the files.";

On page 3, by striking all in lines 8 through 43;

On page 4, by striking all in lines 1 through 42 and inserting:

"Sec. 2. K.S.A. 2017 Supp. 45-220, as amended by section 2 of 2018 House Bill

No. 2459, is hereby amended to read as follows: 45-220. (a) Each public agency shall adopt procedures to be followed in requesting access to and obtaining copies of public records, which procedures shall provide full access to public records, protect public records from damage and disorganization, prevent excessive disruption of the agency's essential functions, provide assistance and information upon request and insure efficient and timely action in response to applications for inspection of public records.

(b) A public agency may require a written request for inspection of public records but shall not otherwise require a request to be made in any particular form. Except as otherwise provided by subsection (c), a public agency shall not require that a request contain more information than the requester's name and address and the information necessary to ascertain the records to which the requester desires access and the requester's right of access to the records. A public agency may require proof of identity of any person requesting access to a public record. No request shall be returned, delayed or denied because of any technicality unless it is impossible to determine the records to which the requester desires access.

(c) If access to public records of an agency or the purpose for which the records may be used is limited pursuant to K.S.A. 45-221 or K.S.A. 2017 Supp. 45-230, and amendments thereto, the agency may require a person requesting the records or information therein to provide written certification that:

- (1) The requester has a right of access to the records and the basis of that right; or
- (2) the requester does not intend to, and will not: (A) Use any list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or (B) sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

(d) A public agency shall establish, for business days when it does not maintain regular office hours, reasonable hours when persons may inspect and obtain copies of the agency's records. The public agency may require that any person desiring to inspect or obtain copies of the agency's records during such hours so notify the agency, but such notice shall not be required to be in writing and shall not be required to be given more than 24 hours prior to the hours established for inspection and obtaining copies.

(e) Each official custodian of public records shall designate such persons as necessary to carry out the duties of custodian under this act and shall ensure that a custodian is available during regular business hours of the public agency to carry out such duties.

(f) Each public agency shall provide, upon request of any person, the following information:

(1) The principal office of the agency, its regular office hours and any additional hours established by the agency pursuant to subsection (c).

(2) The title and address of the official custodian of the agency's records and of any other custodian who is ordinarily available to act on requests made at the location where the information is displayed.

(3) The fees, if any, charged for access to or copies of the agency's records.

(4) The procedures to be followed in requesting access to and obtaining copies of the agency's records, including procedures for giving notice of a desire to inspect or

obtain copies of records during hours established by the agency pursuant to subsection (c).

(g)(1) Except for requests of summary data compiled from information submitted by multiple criminal justice agencies or as otherwise provided by law, requests for records submitted to the central repository or any other repositories supporting the criminal justice information system that are maintained by the Kansas bureau of investigation pursuant to K.S.A. 22-4704 and 22-4705, and amendments thereto, shall be directed to the criminal justice agency from which the records originated.

(2) As used in this subsection, the terms "central repository," "criminal justice agency" and "criminal justice information system" have the same meanings as defined in K.S.A. 22-4701, and amendments thereto.

(h) Except for requests of summary data compiled from information submitted by multiple law enforcement agencies or as otherwise provided by law, requests for records submitted to the Kansas asset seizure and forfeiture repository that are maintained by the Kansas bureau of investigation pursuant to section 1 of 2018 House Bill No. 2459, and amendments thereto, shall be directed to the law enforcement agency from which the records originated.

(i) Requests for records defined as "files" pursuant to section 1, and amendments thereto, submitted to a state or local law enforcement agency or governmental agency shall be directed to the state or local law enforcement agency or governmental agency that made, maintained or kept such files, as required by section 1, and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 74-5611a is hereby amended to read as follows: 74-5611a. (a) (1) The commission shall establish and maintain a central registry of all Kansas police officers or law enforcement officers.

(2) The purpose of the registry is to be a resource for all agencies who appoint or elect police or law enforcement officers to use when reviewing employment applications of such officers. The registry shall be made available only to those agencies who appoint or elect police or law enforcement officers. include all records received or created by the commission pursuant to this section and all records related to violations of the Kansas law enforcement training act, including, but not limited to, records of complaints received or maintained by the commission.

(3) All records contained in the registry are confidential and shall not be disclosed pursuant to the Kansas open records act, except such records may be disclosed as provided in subsections (a)(4) and (a)(5) and the Kansas administrative procedure act. The provisions of this paragraph shall expire on July 1, 2023, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2023.

(4) Records contained in the registry, other than investigative files, shall be disclosed:

(A) To an agency that certifies, appoints or elects police or law enforcement officers;

(B) to the person who is the subject of the information, but the commission may require disclosure in such a manner as to prevent identification of any other person who is the subject or source of the information;

(C) in any proceeding conducted by the commission in accordance with the Kansas administrative procedure act, or in an appeal of an order of the commission entered in a

proceeding, or to a party in such proceeding or that party's attorney;

(D) to a municipal, state or federal licensing, regulatory or enforcement agency with jurisdiction over acts or conduct similar to acts or conduct that would constitute grounds for action under this act; and

(E) to the director of police training when such disclosure is relevant to the exercise of the authority granted in K.S.A. 74-5604a(b), and amendments thereto.

(5) The following records may be disclosed to any person pursuant to the Kansas open records act:

(A) A record containing only:

(i) A police or law enforcement officer's name;

(ii) the name of a police or law enforcement officer's current employer;

(iii) the police or law enforcement officer's dates of employment with the police or law enforcement officer's current employer;

(iv) the name of previous law enforcement employers and the dates of employment with each employer;

(v) a summary of the trainings completed by the police or law enforcement officer as reported to the commission; and

(vi) the status of the police or law enforcement officer's certification under this act; and

(B) statewide summary data without personally identifiable information.

(6) The provisions of K.S.A. 45-221(a), and amendments thereto, shall apply to any records disclosed pursuant to subsection (a)(4) or (a)(5).

(b) The director shall provide forms for registration and shall refuse any registration not submitted on such form in full detail.

(c) Within 30 days of appointment, election or termination, every city, county and state agency, every school district and every community college shall submit the name of any person appointed or elected to or terminated from the position of police officer or law enforcement officer within its jurisdiction.

(d) Upon termination, the agency head shall include a report explaining the circumstances under which the officer resigned or was terminated. Such termination report shall be available to the terminated officer and any law enforcement agency to which the terminated officer later applies for a position as a police officer or law enforcement officer. The terminated officer may submit a written statement in response to the termination and any such statement shall be included in the registry file concerning such officer. The director shall adopt a format for the termination report.

(e) The agency, agency head and any officer or employee of the agency shall be absolutely immune from civil liability:

(1) For the report made in accordance with subsection (d); and

(2) when responding in writing to a written request concerning a current or former officer from a prospective law enforcement agency of that officer for the report made in accordance with subsection (d) and for the disclosure of such report.";

Also on page 4, in line 43, by striking "is" and inserting ", as amended by section 2 of 2018 House Bill No. 2459, and 74-5611a are";

On page 5, in line 2, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second semicolon by inserting "Kansas law enforcement training act; central registry;"; in line 3, after "45-220" by inserting ", as

amended by section 2 of 2018 House Bill No. 2459, and 74-5611a"; in line 4, by striking "section" and inserting "sections";

And your committee on conference recommends adoption of this report.

BLAINE FINCH

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

Senator Wilborn moved the Senate adopt the Conference Committee Report on **SB 180**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 260** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 36, following line 6, by inserting:

"Sec. 39. K.S.A. 2017 Supp. 75-7209 is hereby amended to read as follows: 75-7209. (a) Whenever an agency proposes an information technology project, such agency shall prepare and submit to the chief information technology officer of the branch of state government of which the agency is a part of a project budget estimate therefor, and for each amendment or revision thereof, in accordance with this section. Each information technology project budget estimate shall be in such form as required by the director of the budget, in consultation with the chief information technology architect, and by this section. In each case, the agency shall prepare and include as a part of such project budget estimate a plan consisting of a written program statement describing the project. The program statement shall:

(1) Include a detailed description of and justification for the project, including: (A) An analysis of the programs, activities and other needs and intended uses for the additional or improved information technology; (B) a statement of project scope including identification of the organizations and individuals to be affected by the project and a definition of the functionality to result from the project; and (C) an analysis of the alternative means by which such information technology needs and uses could be satisfied;

(2) describe the tasks and schedule for the project and for each phase of the project, if the project is to be completed in more than one phase;

(3) include a financial plan showing: (A) The proposed source of funding and categorized expenditures for each phase of the project; and (B) cost estimates for any needs analyses or other investigations, consulting or other professional services, computer programs, data, equipment, buildings or major repairs or improvements to buildings and other items or services necessary for the project; and

(4) include a cost-benefit statement based on an analysis of qualitative as well as financial benefits.

(b) (1) Before one or more state agencies proposing an information technology project begin implementation of the project, the project plan, including the architecture and the cost-benefit analysis, shall be approved by the head of each state agency proposing the project and by the chief information technology officer of each branch of state government of which the agency or agencies are a part. Approval of those projects that involve telecommunications services shall also be subject to the provisions of K.S.A. 75-4709, 75-4710 and 75-4712, and amendments thereto.

(2) All specifications for bids or proposals related to an approved information technology project of one or more state agencies shall be reviewed by the chief information technology officer of each branch of state government of which the agency or agencies are a part.

(3) (A) Agencies are prohibited from contracting with a vendor to implement the project if that vendor prepared or assisted in the preparation of the program statement required under subsection (a), the project planning documents required under subsection (b)(1), or any other project plans prepared prior to the project being approved by the chief information technology officer as required under subsection (b)(1).

(B) Information technology projects with an estimated cumulative cost of less than \$5,000,000 are exempted from the provisions of subparagraph (A).

(C) The provisions of subparagraph (A) may be waived with prior written permission from the chief information technology officer.

(c) Annually at the time specified by the chief information technology officer of the branch of state government of which the agency is a part, each agency shall submit to such officer:

(1) A copy of a three-year strategic information technology plan that sets forth the agency's current and future information technology needs and utilization plans for the next three ensuing fiscal years, in such form and containing such additional information as prescribed by the chief information technology officer; and

(2) any deviations from the state information technology architecture adopted by the information technology executive council.

(d) The provisions of this section shall not apply to the information network of Kansas (INK).

Sec. 40. K.S.A. 2017 Supp. 12-5377, as amended by section 1 of 2018 House Bill No. 2435, is hereby amended to read as follows: 12-5377. (a) The receipts and disbursements of the LCPA shall be audited yearly by a licensed municipal accountant or certified public accountant.

(b) The LCPA may require an audit of any provider's books and records concerning the collection and remittance of fees pursuant to this act. The cost of any such audit shall be paid from the 911 state grant fund.

(c) (1) On or before December 31, 2018, and at least once every five years thereafter, the division of post audit shall conduct an audit of the 911 system to determine: ~~(1) (A)~~ Whether the moneys received by PSAPs pursuant to this act are being used appropriately; ~~(2) (B)~~ whether the amount of moneys collected pursuant to this act is adequate; and ~~(3) (C)~~ the status of 911 service implementation. The auditor to conduct such audit shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing audits pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, ~~the 911 state grant fund shall reimburse~~ the division of post audit shall be reimbursed from the 911 state grant fund for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the LCPA, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(d) (1) On or before December 31, 2018, the division of post audit shall conduct an audit of the budget and expenditures of the 911 coordinating council. In conducting such audit, the division shall examine: (A) The annual expenses and financial needs, including personnel, of the council; (B) the total annual operating expenses of the council that are included in the 2.5% cap on expenditures pursuant to K.S.A. 2017 Supp.12-5364(i), and amendments thereto; (C) the current and projected contractual expenses of the council; (D) the expenditures and distribution of moneys from the 911 state grant fund by the council; and (E) whether the moneys expended by the council are being used pursuant to this act. The auditor, to conduct such audit, shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing the audit pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the division of post audit shall be reimbursed from the 911 state grant fund for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(e) The legislature shall review this act at the regular 2014 legislative session and at the regular legislative session every five years thereafter.";

And by renumbering sections accordingly;

Also on page 36, in line 9, after "Supp." by inserting "12-5377, as amended by section 1 of 2018 House Bill No. 2435,"; in line 10, after "75-5133" by inserting ", 75-7209";

On page 1, in the title, in line 1, by striking "audits of"; in line 5, after the semicolon by inserting "911 coordinating council certain audits; technology projects certain vendor restrictions,"; in line 7, after "Supp." by inserting "12-5377, as amended by section 1 of 2018 House Bill No. 2435,"; in line 8, after "75-5133" by inserting ", 75-7209";

And your committee on conference recommends the adoption of this report.

JOHN BARKER
RONALD HIGHLAND
LOUIS RUIZ

Conferees on part of House

BUD ESTES
 ROB OLSON
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

Senator Estes moved the Senate adopt the Conference Committee Report on **SB 260**.
 On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 266** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 6 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 35; following line 35, by inserting:

"Section 1. K.S.A. 2017 Supp. 59-29a02 is hereby amended to read as follows: 59-29a02. As used in this act:

(a) "Sexually violent predator" means any person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in repeat acts of sexual violence and who has serious difficulty in controlling such person's dangerous behavior.

(b) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others.

(c) "Likely to engage in repeat acts of sexual violence" means the person's propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others.

(d) "Sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) "Sexually violent offense" means:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2017 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or ~~subsection (a) of K.S.A. 2017 Supp. 21-5506(a)~~, and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or ~~subsection (b) of K.S.A. 2017 Supp. 21-5506(b)~~, and amendments thereto;

(4) criminal sodomy, as defined in ~~subsection (a)(2) and (a)(3) of K.S.A. 21-3505(a)(2) and (a)(3)~~, prior to its repeal, or ~~subsection (a)(3) and (a)(4) of K.S.A. 2017~~

Supp. 21-5504(a)(3) and (a)(4), and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2017 Supp. 21-5504(b), and amendments thereto;

(6) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or ~~subsection (a)~~ of K.S.A. 2017 Supp. 21-5508(a), and amendments thereto;

(7) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2017 Supp. 21-5508(b), and amendments thereto;

(8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto;

(9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2017 Supp. 21-5505(b), and amendments thereto;

(10) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or ~~subsection (b)~~ of K.S.A. 2017 Supp. 21-5604(b), and amendments thereto;

(11) any conviction for a felony offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent offense as defined in ~~subparagraphs~~ paragraphs (1) through (11) or any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this section;

(12) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 and 21-3303, prior to their repeal, or K.S.A. 2017 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent offense as defined in this subsection; or

(13) any act which either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this act, has been determined beyond a reasonable doubt to have been sexually motivated.

(f) "Agency with jurisdiction" means that agency which releases upon lawful order or authority a person serving a sentence or term of confinement and includes the department of corrections, the Kansas department for aging and disability services and the prisoner review board.

(g) "Person" means an individual who is a potential or actual subject of proceedings under this act.

(h) "Treatment staff" means the persons, agencies or firms employed by or contracted with the secretary to provide treatment, supervision or other services at the sexually violent predator facility.

(i) "Transitional release" means any halfway house, work release, sexually violent predator treatment facility or other placement designed to assist the person's adjustment and reintegration into the community ~~once released from commitment~~.

(j) "Secretary" means the secretary for aging and disability services.

(k) "Conditional release" means approved placement in the community for a minimum of five years while under the supervision of the person's court of original commitment and monitored by the secretary for aging and disability services.

(l) " Conditional release monitor" means an individual appointed by the court to monitor the person's compliance with the treatment plan while placed on conditional release and who reports to the court. Such monitor shall not be a court services officer.

(m) "Progress review panel" means individuals appointed by the secretary for aging and disability services to evaluate a person's progress in the sexually violent predator

treatment program.

Sec. 2. K.S.A. 2017 Supp. 59-29a07 is hereby amended to read as follows: 59-29a07. (a) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If such determination that the person is a sexually violent predator is made by a jury, such determination shall be by unanimous verdict of such jury. Such determination may be appealed in the manner provided for civil cases in article 21 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto. If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the secretary for aging and disability services for control, care and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person is safe to be at large. Such control, care and treatment shall be provided at a facility operated by the Kansas department for aging and disability services.

(b) At all times, persons committed for control, care and treatment by the Kansas department for aging and disability services pursuant to the Kansas sexually violent predator act shall be kept in a secure facility and such persons shall be segregated on different units from any other patient under the supervision of the secretary for aging and disability services and commencing June 1, 1995, such persons committed pursuant to the Kansas sexually violent predator act shall be kept in a facility or building separate from any other patient under the supervision of the secretary. ~~The provisions of this subsection~~ secure confinement restriction shall not apply to any reintegration, transitional release or conditional release facility or building utilized in any transitional release program or conditional release program.

(c) The Kansas department for aging and disability services is authorized to enter into an interagency agreement with the department of corrections for the confinement of such persons. Such persons who are in the confinement of the secretary of corrections pursuant to an interagency agreement shall be housed and managed separately from offenders in the custody of the secretary of corrections, and except for occasional instances of supervised incidental contact, shall be segregated from such offenders.

(d) If any person while committed to the custody of the secretary pursuant to the Kansas sexually violent predator act shall be taken into custody by any law enforcement officer as defined in K.S.A. 2017 Supp. 21-5111, and amendments thereto, pursuant to any parole revocation proceeding or any arrest or conviction for a criminal offense of any nature, upon the person's release from the custody of any law enforcement officer, the person shall be returned to the custody of the secretary for further treatment pursuant to the Kansas sexually violent predator act. During any such period of time a person is not in the actual custody or supervision of the secretary, the secretary shall be excused from the provisions of K.S.A. 59-29a08, and amendments thereto, with regard to providing that person an annual examination, annual notice and annual report to the court, except that the secretary shall give notice to the court as soon as reasonably possible after the taking of the person into custody that the person is no longer in treatment pursuant to the Kansas sexually violent predator act and notice to the court when the person is returned to the custody of the secretary for further treatment.

(e) If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct the person's release.

(f) Upon a mistrial, the court shall direct that the person be held at an appropriate secure facility, including, but not limited to, a county jail, until another trial is

conducted. Any subsequent trial following a mistrial shall be held within 90 days of the previous trial, unless such subsequent trial is continued as provided in K.S.A. 59-29a06, and amendments thereto.

(g) If the person charged with a sexually violent offense has been found incompetent to stand trial and is about to be released pursuant to K.S.A. 22-3305 and amendments thereto and such person's commitment is sought pursuant to subsection (a), the court shall first hear evidence and determine whether the person did commit the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on such person's own behalf, the extent to which the evidence could be reconstructed without the assistance of the person and the strength of the prosecution's case. If after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, the court shall enter a final order, appealable by the person, on that issue and may proceed to consider whether the person should be committed pursuant to this section.

Sec. 3. K.S.A. 2017 Supp. 59-29a08 is hereby amended to read as follows: 59-29a08. (a) Each person committed under the Kansas sexually violent predator act shall have a current examination of the person's mental condition made once every year. The secretary shall provide the person with an annual written notice of the person's right to petition the court for release over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall also forward the annual report, as well as the annual notice and waiver form, to the court that committed the person under the Kansas sexually violent predator act. The court shall file the notice and the report upon receipt and forward the file-stamped copy to the attorney general. The attorney general shall forward a file-stamped copy of the annual written notice and annual report to the secretary upon receipt.

(b) The person must file a request for an annual review hearing within 45 days after the date the court files the annual written notice. Failure to request a hearing within 45 days pursuant to this subsection waives the person's right to a hearing until the next annual report is filed by the court. A contested annual review hearing for transitional release shall consist of consideration about whether the person is entitled to transitional release. Only a person in transitional release shall be permitted to petition for conditional release. Only a person in conditional release shall be permitted to petition for final discharge after a minimum of five years has passed in which the person has been free of violations of conditions of such person's treatment plan, as provided in K.S.A. 59-29a19(e), and amendments thereto.

(c) The person may retain, or if the person is indigent and so requests the court may appoint, an examiner pursuant to K.S.A. 60-235, and amendments thereto, and the examiner shall have access to all available records concerning the person. If the person is indigent and makes a request for an examiner, the court shall determine whether the services are necessary and shall determine the reasonable compensation for such

services. The court, before appointing an examiner, shall consider factors including the person's compliance with institutional requirements and the person's participation in treatment to determine whether the person's progress justifies the costs of an examination. The appointment of an examiner is discretionary.

(d) At the annual review hearing, the burden of proof shall be upon the person to show probable cause to believe the person's mental abnormality or personality disorder has significantly changed so that the person is safe to be placed in transitional release. The report, or a copy thereof, of the findings of a qualified expert shall be admissible into evidence in the annual review hearing in the same manner and with the same force and effect as if the qualified expert had testified in person. If the person does not participate in the prescribed treatment plan, the person is presumed to be unable to show probable cause to believe the person is safe to be released.

(e) The person shall have a right to have an attorney represent the person at the annual review hearing to determine probable cause, but the person is not entitled to be present at the hearing.

(f) If the person does not file a petition requesting a hearing pursuant to subsection (b), the court that committed the person under the Kansas sexually violent predator act shall then conduct an in camera annual review of the status of the person's mental condition and determine whether the person's mental abnormality or personality disorder has significantly changed so that an annual review hearing is warranted. The court shall enter an order reflecting its determination.

(g) If the court at the annual review hearing determines that probable cause exists to believe that the person's mental abnormality or personality disorder has significantly changed so that the person is safe to be placed in transitional release, then the court shall set a hearing for transitional release on the issue. The person shall be entitled to be present and entitled to the assistance of counsel. The attorney general shall represent the state and shall have a right to have the person evaluated by experts chosen by the state. The person shall also have the right to have experts evaluate the person on the person's behalf and the court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing for transitional release shall be upon the state to prove beyond a reasonable doubt that the person's mental abnormality or personality disorder remains such that the person is not safe to be placed in transitional release and if transitionally released is likely to engage in repeat acts of sexual violence.

(h) If, after the hearing for transitional release, the court is convinced beyond a reasonable doubt that the person is not appropriate for transitional release, the court shall order that the person remain in secure commitment. Otherwise, the court shall order that the person be placed in transitional release.

(i) If the court determines that the person should be placed in transitional release, the secretary shall transfer the person to the transitional release program. The secretary may contract for services to be provided in the transitional release program. During any period the person is in transitional release, that person shall comply with any rules or regulations the secretary may establish for this program and every directive of the treatment staff of the transitional release program.

(j) At any time during which the person is in the transitional release program and the treatment staff determines that the person has violated any rule, regulation or directive associated with the transitional release program, the treatment staff may remove the person from the transitional release program and return the person to the

secure commitment facility, or may request the district court to issue an emergency ex parte order directing any law enforcement officer to take the person into custody and return the person to the secure commitment facility. Any such request may be made verbally or by telephone, but shall be followed in written, facsimile or electronic form delivered to the court by not later than 5:00 p.m. of the first day the district court is open for the transaction of business after the verbal or telephonic request was made.

(k) Upon the person being returned to the secure commitment facility from the transitional release program, notice thereof shall be given by the secretary to the court. The court shall set the matter for a hearing within two working days of receipt of notice of the person's having been returned to the secure commitment facility and cause notice thereof to be given to the attorney general, the person and the secretary. The attorney general shall have the burden of proof to show probable cause that the person violated conditions of transitional release. The hearing shall be to the court. At the conclusion of the hearing the court shall issue an order returning the person to the secure commitment facility or to the transitional release program, and may order such other further conditions with which the person must comply if the person is returned to the transitional release program.

(l) For the purposes of this section, if the person is indigent and without counsel, the court shall appoint counsel to assist such person.

Sec. 4. K.S.A. 2017 Supp. 59-29a11 is hereby amended to read as follows: 59-29a11. (a) If a person has previously filed a petition for transitional release, conditional release or final discharge without the secretary for aging and disability services approval and the court determined either upon review of the petition or following a hearing, that the person's petition was frivolous or that the person's condition had not significantly changed so that it is safe for the person to be at large, then the court shall deny the subsequent petition, unless the petition contains facts upon which a court could find the condition of the petitioner had significantly changed so that a hearing was warranted. Upon receipt of a first or subsequent petition from committed persons without the secretary's approval, the court shall endeavor whenever possible to review the petition and determine if the petition is based upon frivolous grounds and if so shall deny the petition without a hearing.

(b) No transitional release or conditional release facility or building shall be located within 2,000 feet of a licensed child care facility, an established place of worship, any residence in which a child under 18 years of age resides, or the real property of any school upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any grades one through 12. This subsection shall not apply to any state institution or facility.

(c) Transitional release or conditional release facilities or buildings shall be subject to all regulations applicable to other property and buildings located in the zone or area that are imposed by any municipality through zoning ordinance, resolution or regulation, such municipality's building regulatory codes, subdivision regulations or other nondiscriminatory regulations.

(d) On and after July 1, 2015, the secretary for aging and disability services shall place no more than 16 sexually violent predators in any one county on transitional release or conditional release.

(e) The secretary for aging and disability services shall submit an annual report to

the governor and the legislature during the first week of the regular legislative session detailing activities related to the transitional release and conditional release of sexually violent predators. The report shall include the status of such predators who have been placed in transitional release or conditional release including the number of any such predators and their locations; information regarding the number of predators who have been returned to the sexually violent predator treatment program at Larned state hospital along with the reasons for such return; and any plans for the development of additional transitional release or conditional release facilities.

Sec. 5. K.S.A. 2017 Supp. 59-29a19 is hereby amended to read as follows: 59-29a19. (a) If the court determines that the person should be placed on conditional release, the court, based upon the recommendation of the treatment staff and progress review panel, shall establish a plan of treatment which the person shall be ordered to follow. This plan of treatment may include, but shall not be limited to: Provisions as to where the person shall reside and with whom, taking prescribed medications, attending individual and group counseling and any other type of treatment, maintaining employment, having no contact with children, ~~not frequenting facilities, locations, events or otherwise in which children are likely to be present and not engaging in activities in which contact with children is likely~~ having no direct contact with individuals that match the person's victim template, travel restrictions, searches, home visits, substance abuse testing and registration requirements. Upon a showing by the person that the person accepts the plan of treatment and is prepared to follow it, the court shall release the person from the transitional release program.

~~(b) After a minimum of five years have passed in which the person has been free of violations of conditions of such person's treatment plan, the treatment staff, or other professionals directed by the court may examine such person to determine if the person's mental abnormality or personality disorder has changed so as to warrant such person being considered for final discharge. The person preparing the report shall forward the report to the court. The court shall review the same. If the court determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is safe to be entitled to final discharge, the court shall set a formal hearing on the issue. The attorney general shall have the burden of proof to show beyond a reasonable doubt that the person's mental abnormality or personality disorder remains such that such person is not appropriate for final discharge. The person shall have the same rights as enumerated in K.S.A. 59-29a06, and amendments thereto. Subsequent to either a court review or a hearing, the court shall issue an appropriate order with findings of fact. The order of the court shall be provided to the attorney general, the person and the secretary.~~

~~(c) If, after a hearing, the court is convinced beyond a reasonable doubt that the person is not appropriate for final discharge, the court shall continue custody of the person with the secretary for placement in a secure facility, transitional release program or conditional release program. Otherwise, the court shall order the person finally discharged. In the event the court does not order final discharge of the person, the person still retains the right to annual reviews.~~

~~(d) At any time during which the person is on conditional release and the professional person designated by the court in the treatment plan to monitor the person's compliance with it determines that the person has violated any material condition of that plan, that professional person may request the district court to issue an emergency ex~~

parte order directing any law enforcement officers to take the person into custody and return the person to the secure commitment facility. Any such request may be made verbally or by telephone, but shall be followed in written, facsimile or electronic copy form delivered to the court not later than 5:00 p.m. of the first day the district court is open for the transaction of business after the verbal or telephonic request was made.

~~(e) Upon the person being returned to the secure commitment facility from conditional release, notice thereof shall be given by the secretary to the court. The court shall set the matter for a hearing within two working days of receipt of notice of the person's having been returned to the secure commitment facility and cause notice thereof to be given to the attorney general, the person and the secretary. The attorney general shall have the burden of proof to show probable cause that the person violated conditions of conditional release. The hearing shall be to the court. At the conclusion of the hearing the court shall issue an order returning the person to the secure commitment facility, to the transitional release program or to conditional release, and may order such other further conditions with which the person must comply if the person is returned to either the transitional release program or to conditional release.~~

(b) The conditional release monitor shall monitor the person's compliance with the plan of treatment ordered by the court while on conditional release. The conditional release monitor shall report the person's progress on conditional release to the court. At any time during which the person is on conditional release and the conditional release monitor determines that the person has violated any material condition of the plan, the conditional release monitor may request the district court to issue an emergency ex parte order directing any law enforcement officer to take the person into custody and return the person to the secure commitment facility. Any such request shall be made by sworn affidavit setting forth with specificity the grounds for the entry of such emergency ex parte order provided to the court by personal deliver, telefacsimile communication or electronic means prior to the entry of such order and notice of such request shall be given to the person's counsel, or if the person is unrepresented, to the person.

(c) A current examination of the person's mental condition shall be made in accordance with K.S.A. 59-29a08, and amendments thereto, and submitted to the court and the secretary once each year.

(d) Upon the person being returned to the secure commitment facility from conditional release, notice shall be given by the secretary to the court. The court shall set the matter for a hearing within two working days of receipt of notice of the person's having been returned to the secure commitment facility and cause notice to be given to the attorney general, the person and the secretary. The attorney general shall have the burden of proof to show probable cause that the person violated conditions of conditional release. The hearing shall be to the court. At the conclusion of the hearing, the court shall issue an order returning the person to the secure commitment facility, to transitional release, or to conditional release, and may order such other further conditions with which the person must comply if the person is returned to either transitional release or conditional release.

(e) After a minimum of five years has passed in which the person has been free of violations of conditions of such person's treatment plan, the treatment staff, or other treatment providers directed by the court, may examine such person to determine if the person's mental abnormality or personality disorder has significantly changed so as to

warrant such person being considered for final discharge. The individual preparing the report shall forward the report to the court. The court shall review the same. If the court determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is safe to be entitled to final discharge, the court shall set a formal hearing on the issue. The attorney general shall have the burden of proof to show beyond a reasonable doubt that the person's mental abnormality or personality disorder remains such that such person is not appropriate for final discharge. The person shall have the same rights as enumerated in K.S.A. 59-29a06, and amendments thereto. Subsequent to either a court review or a hearing, the court shall issue an appropriate order with findings of fact. The order of the court shall be provided to the attorney general, the person and the secretary.

(f) If, after a hearing, the court is convinced beyond a reasonable doubt that the person is not appropriate for final discharge, the court shall continue custody of the person with the secretary for placement in a secure facility, or on transitional or conditional release. Otherwise, the court shall order the person finally discharged. In the event the court does not order final discharge of the person, the person still retains the right to annual reviews.

(~~f~~)(g) The final discharge shall not prevent the person from being prosecuted for any criminal acts which the person is alleged to have committed or from being subject in the future to a subsequent commitment under this act.

Sec. 6. K.S.A. 2017 Supp. 59-29a22 is hereby amended to read as follows: 59-29a22. (a) As used in this section:

(1) "Person" means any individual:

(A) Who is receiving services for mental illness and who is admitted, detained, committed, transferred or placed in the custody of the secretary for aging and disability services under the authority of K.S.A. 22-3219, 22-3302, 22-3303, 22-3428a, 22-3429, 22-3430, 59-29a05, 75-5209 and 76-1306, and amendments thereto.

(B) In the custody of the secretary for aging and disability services after being found a sexually violent predator pursuant to the Kansas sexually violent predator act, including any sexually violent predator placed on transitional release.

(2) "Restraints" means the application of any devices, other than human force alone, to any part of the body of the person for the purpose of preventing the person from causing injury to self or others.

(3) "Seclusion" means the placement of a person, alone, in a room, where the person's freedom to leave is restricted and where the person is not under continuous observation.

(4) "Emergency lockdown" means a safety measure used to isolate all or a designated number of persons greater than one to their rooms for a period necessary to ensure a safe and secure environment.

(5) "Individual person management plan" means a safety measure used to isolate an individual person when the person presents a safety or security risk that cannot be addressed through routine psychiatric methods.

(b) Each person shall have the following statutory rights:

(1) Upon admission or commitment, to be informed orally and in writing of the person's rights under this section. Copies of this section shall be posted conspicuously in each facility, and shall be available to the person's guardian and immediate family.

(2) To refuse to perform labor which is of financial benefit to the facility in which

the person is receiving treatment or service. Privileges or release from the facility may not be conditioned upon the performance of any labor which is regulated by this subsection. Tasks of a personal housekeeping nature are not considered compensable labor. A person may voluntarily engage in therapeutic labor which is of financial benefit to the facility if such labor is compensated in accordance with a plan approved by the department and if:

- (A) The labor is an integrated part of the person's treatment plan;
 - (B) the labor is supervised by a staff member who is qualified to oversee the therapeutic aspects of the activity;
 - (C) the person has given written informed consent to engage in such labor and has been informed that such consent may be withdrawn at any time; and
 - (D) the labor involved is evaluated for its appropriateness by the staff of the facility at least once every 180 days.
- (3) To receive adequate treatment appropriate for such person's condition.
- (4) To be informed of such person's treatment and care and to participate in the planning of such treatment and care.
- (5) To refuse to consent to the administration of any medication prescribed for medical or psychiatric treatment, except in a situation in which the person is in a mental health crisis and less restrictive or intrusive measures have proven to be inadequate or clinically inappropriate. Treatment for a mental health crisis shall include medication or treatment necessary to prevent serious physical harm to the person or to others. After full explanation of the benefits and risks of such medication, the medication may be administered over the person's objection, except that the objection shall be recorded in the person's medical record and at the same time written notice thereof shall be forwarded to the medical director of the treatment facility or the director's designee. Within five days after receiving such notice, excluding Saturdays, Sundays and legal holidays, the medical director or designee shall deliver to the person's medical provider the medical director's or designee's written decision concerning the administration of that medication, and a copy of that decision shall be placed in the person's medical record.
- (A) Medication may not be used as punishment, for the convenience of staff, as a substitute for a treatment program or in quantities that interfere with a person's treatment program.
 - (B) A person will have the right to have explained the nature of all medications prescribed, the reason for the prescription and the most common side effects and, if requested, the nature of any other treatments ordered.
- (6) To be subjected to restraint, seclusion, emergency lockdown, individual person management plan, or any combination thereof, only as provided in this subsection.
- (A) Restraints, seclusion, or both, may be used in the following circumstances:
 - (i) If it is determined by medical staff to be necessary to prevent immediate substantial bodily injury to the person or others and that other alternative methods to prevent such injury are not sufficient to accomplish this purpose. When used, the extent of the restraint or seclusion applied to the person shall be the least restrictive measure necessary to prevent such injury to the person or others, and the use of restraint or seclusion in a treatment facility shall not exceed three hours without medical reevaluation. When restraints or seclusion are applied, there shall be monitoring of the person's condition at a frequency determined by the treating physician or licensed

psychologist, which shall be no less than once per each 30 minutes. The superintendent of the treatment facility or a physician or licensed psychologist shall sign a statement explaining the treatment necessity for the use of any restraint or seclusion and shall make such statement a part of the permanent treatment record of the person.

(ii) For security reasons during transport to or from the person's unit, including, but not limited to, transport to another treatment or health care facility, another secure facility or court. Any person committed or transferred to a hospital or other health care facility for medical care may be isolated for security reasons within a locked area.

(B) Emergency lockdown may be used in the following circumstances:

(i) When necessary as an emergency measure as needed for security purposes, to deal with an escape or attempted escape, the discovery of a dangerous weapon or explosive device in the unit or facility or the receipt of reliable information that a dangerous weapon or explosive device is in the unit or facility, to prevent or control a riot or the taking of a hostage or for the discovery of contraband or a unit-wide search. An emergency lockdown order may be authorized only by the superintendent of the facility or the superintendent's designee.

(ii) During a period of emergency lockdown, the status of each person shall be reviewed every 30 minutes to ensure the safety of the person, and each person who is locked in a room without a toilet shall be given an opportunity to use a toilet at least once every hour, or more frequently if medically indicated.

(iii) The facility shall have a written policy covering the use of emergency lockdown that ensures the safety of the individual is secured and that there is regular, frequent monitoring by trained staff to care for bodily needs as may be required.

(iv) An emergency lockdown order may only be in effect for the period of time needed to preserve order while dealing with the situation and may not be used as a substitute for adequate staffing.

(C) Individual person management plan may be used in any of the following situations:

(i) As needed when a person demonstrates or threatens substantial injury to others, and routine psychiatric methods have been ineffective or are unlikely to be effective in reducing such risk.

(ii) As needed for safety or security purposes, ~~to deal~~ for the behavioral management in situations including, but not limited to:

(a) Dealing with an escape or attempted escape;

(b) the discovery of a dangerous weapon or explosive device in the unit or facility or the receipt of reliable information that a dangerous weapon or explosive device is in the unit or facility;

(c) ~~to prevent preventing or control~~ controlling a riot or;

(d) the taking of a hostage or;

(e) the disruption of the therapeutic environment on the unit; or

(f) for the discovery of contraband.

(iii) The status of the person shall be reviewed every 30 minutes to ensure the safety of the person.

(D) Restraint, seclusion, emergency lockdown, individual person management plan, or any combination thereof, may be used in any other situation deemed necessary by treatment staff for the safety of a person or persons, facility staff or visitors. In all situations, restraint, seclusion, emergency lockdown, or individual person management

plan shall never be used as a punishment or for the convenience of staff.

(E) A person may be locked or restricted in such person's room during the night shift if such person resides in a unit in which each room is equipped with a toilet and sink or, if a person does not have a toilet in the room, if such person is given an opportunity to use a toilet at least once every hour, or more frequently if medically indicated.

(7) To not be subject to such procedures as psychosurgery, electroshock therapy, experimental medication, aversion therapy or hazardous treatment procedures without the written consent of the person or the written consent of a parent or legal guardian, if such person is a minor or has a legal guardian provided that the guardian has obtained authority to consent to such from the court which has venue over the guardianship following a hearing held for that purpose.

(8) To individual religious worship within the facility if the person desires such an opportunity, as long as it complies with applicable laws and facility rules and policies. The provisions for worship shall be available to all persons on a nondiscriminatory basis. No individual may be coerced into engaging in any religious activities.

(9) To a humane psychological and physical environment within the hospital facilities. All facilities shall be designed to afford patients with comfort and safety, to promote dignity and ensure privacy. Facilities shall also be designed to make a positive contribution to the effective attainment of the treatment goals of the hospital.

(10) To confidentiality of all treatment records and, as permitted by other applicable state or federal laws, to inspect and, upon receipt of payment of reasonable costs, to receive a copy of such records. The head of any treatment facility or designee who has the records may refuse to disclose portions of such records if the head of the treatment facility or designee states in writing that such disclosure will likely be injurious to the welfare of the person.

(11) Except as otherwise provided, to not be filmed or taped, unless the person signs an informed and voluntary consent that specifically authorizes a named individual or group to film or tape the person for a particular purpose or project during a specified time period. The person may specify in such consent periods during which, or situations in which, the person may not be filmed or taped. If a person is legally incompetent, such consent shall be granted on behalf of the person by the person's guardian. A person may be filmed or taped for security purposes without the person's consent.

(12) To be informed in writing upon or at a reasonable time after admission, of any liability that the patient or any of the patient's relatives may have for the cost of the patient's care and treatment and of the right to receive information about charges for care and treatment services.

(13) To be treated with respect and recognition of the patient's dignity and individuality by all employees of the treatment facility.

(14) To send and receive sealed mail to or from legal counsel, the courts, the secretary for aging and disability services, the superintendent of the treatment facility, the agency designated as the developmental disabilities protection and advocacy agency pursuant to P.L. 94-103, as amended, private physicians and licensed psychologists. A person who is indigent may have reasonable access to letter-writing materials.

(15) To send and receive mail with reasonable limitations. A person's mail is subject to physical examination and inspection for contraband, as defined by facility rules and policies.

(A) An officer or employee of the facility at which the person is placed may delay delivery of the mail to the person for a reasonable period of time to verify whether the mail contains contraband, as defined by facility rules and policies, or whether the person named as the sender actually sent the mail. If contraband is found, such contraband may be returned to the sender or confiscated by the facility. If the officer or staff member cannot determine whether the person named as the sender actually sent the mail, the officer or staff member may return the mail to the sender along with notice of the facility mail policy.

(B) The superintendent of the facility or the superintendent's designee may, in accordance with the standards and the procedure under subsection (c), authorize a member of the facility treatment staff to read the mail, if the superintendent or the superintendent's designee has reason to believe that the mail could pose a threat to security at the facility or seriously interfere with the treatment, rights, or safety of the person or others.

(C) A person may not receive through the mail any sexually explicit materials, items that are considered contraband, as defined by facility rules and policies, or items deemed to jeopardize the person's individual treatment, another person's treatment or the therapeutic environment of the facility.

(16) Reasonable access to a telephone to make and receive telephone calls within reasonable limits.

(17) To wear and use such person's own clothing and toilet articles, as long as such wear and use complies with facility rules and policies, or to be furnished with an adequate allowance of clothes if none are available.

(18) To possess personal property in a reasonable amount, as long as the property complies with state laws and facility rules and policies, and be provided a reasonable amount of individual storage space pursuant to facility rules and policies. In no event shall a person be allowed to possess or store contraband.

(19) Reasonable protection of privacy in such matters as toileting and bathing.

(20) To see a reasonable number of visitors who do not pose a threat to the safety and security or therapeutic climate of the person, other persons, visitors or the facility.

(21) To present grievances under the procedures established by each facility on the person's own behalf.

(22) To spend such person's money as such person chooses with reasonable limitations, except under the following circumstances: (A) When restricted by facility rules and policies; or (B) to the extent that authority over the money is held by another, including the parent of a minor, a court-appointed guardian of the person's estate or a representative payee. A treatment facility may, as a part of its security procedures, use a trust account in lieu of currency that is held by a person, and may establish reasonable policies governing account transactions.

(c) (1) A person's rights under subsections (b)(15) to (b)(22) may be denied for cause by the superintendent of the facility or the superintendent's designee, or when medically or therapeutically contraindicated as documented by the person's physician, licensed psychologist or licensed master's level psychologist in the person's treatment record. The individual shall be informed in writing of the grounds for withdrawal of the right and shall have the opportunity for a review of the withdrawal of the right in an informal hearing before the superintendent of the facility or the superintendent's designee. There shall be documentation of the grounds for withdrawal of rights in the

person's treatment record.

(2) Notwithstanding subsection (c)(1), when the facility makes an administrative decision that applies equally to all persons and there is a legitimate governmental reason for the decision, notice of the decision is all that is required.

(d) The secretary for aging and disability services shall establish procedures to assure protection of persons' rights guaranteed under this section.

(e) No person may intentionally retaliate or discriminate against any person or employee for contacting or providing information to any state official or to an employee of any state protection and advocacy agency, or for initiating, participating in, or testifying in a grievance procedure or in an action for any remedy authorized under this section.

(f) (1) Proceedings under this section or any other appeal concerning an action by the Kansas department for aging and disability services shall be governed under the Kansas administrative procedure act and the Kansas judicial review act. A person appealing any alleged violations of this section or any other agency determination shall exhaust all administrative remedies available through the Larned state hospital, including the sexual predator treatment program, before having any right to request a hearing under the Kansas administrative procedure act.

(2) A final agency determination shall include notice of the right to appeal such determination only to the office of administrative hearings. Within 30 days after service of a final agency determination and the notice of right to appeal, the appellant may file a request for hearing in writing with the office of administrative hearings for a review of that determination. Any request for hearing must be accompanied by a copy of the final agency determination, including all documentation submitted through Larned state hospital and all agency responses. Failure to timely request a hearing constitutes a waiver of the right to any review. The request shall be examined by the presiding officer assigned. If the appellant seeks to challenge the final agency determination on any grounds other than material facts in controversy or agency violation of a relevant rule, regulation or statute, the appellant shall express such allegations with particularity within the request for hearing. If it plainly appears from the face of the request and accompanying final agency determination that the appellant failed to state a claim on which relief could be granted, or the appellant failed to demonstrate exhaustion, the request shall be dismissed. The burden shall be on the appellant to prove by a preponderance of the evidence that the agency action violated a specific rule, regulation or statute. If the request for hearing does not allege a violation of a specific rule, regulation or statute, the burden shall be on the appellant to prove by a preponderance of the evidence that the agency had no legitimate government interest in taking such action. Any dispositive ruling of the hearing officer assigned by the office of administrative hearings shall be deemed an initial order under the Kansas administrative procedure act.

(3) The person shall participate by telephone or other electronic means at any hearing before the office of administrative hearings or any proceeding under the Kansas judicial review act, unless the presiding officer or court determines that the interests of justice require an in-person proceeding. Notwithstanding K.S.A. 77-609, and amendments thereto, if an in-person proceeding is necessary, such proceeding shall be conducted at the place where the person is committed.

(4) Except as otherwise provided in the Kansas sexually violent predator act and

notwithstanding K.S.A. 77-609, and amendments thereto, venue shall be in Pawnee county, Kansas, for all proceedings brought pursuant to the Kansas judicial review act.";

Also on page 3, in line 36, by striking "74-7301 is" and inserting "59-29a02, 59-29a07, 59-29a08, 59-29a11, 59-29a19 and 59-29a22 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "the"; by striking all in line 2 and inserting "sexually Kansas violent predator act; relating to persons in the custody of the secretary for aging and disability services; administrative confinement; amending K.S.A. 2017 Supp. 59-29a02, 59-29a07, 59-29a08, 59-29a11, 59-29a19 and 59-29a22"; in line 3, by striking "section" and inserting "sections";

And your committee on conference recommends adoption of this report.

BLAINE FINCH

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

Senator Wilborn moved the Senate adopt the Conference Committee Report on **SB 266**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 328** submits the following report:

The House recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, be passed as amended.

And your committee on conference recommends adoption of this report.

RUSS JENNINGS

JOHN WHITMER

DENNIS HIGHBERGER

Conferees on part of House

BUD ESTES

ROB OLSON

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

Senator Estes moved the Senate adopt the Conference Committee Report on **SB 328**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2280** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking lines 8 through 34;

By striking all on pages 2 and 3;

On page 4, by striking lines 1 through 35 and inserting:

"Section 1. K.S.A. 2017 Supp. 77-416 is hereby amended to read as follows: 77-416. (a) Every state agency shall file with the secretary of state every rule and regulation adopted by it and every amendment and revocation thereof in the manner prescribed by the secretary of state. Each rule and regulation shall include a citation to the statutory section or sections being implemented or interpreted and a citation of the authority pursuant to which it, or any part thereof, was adopted. Every rule and regulation filed in the office of the secretary of state shall be accompanied by a copy of the economic impact statement required by subsection (b) and a copy of the environmental benefit statement if required by subsection (d). A copy of any document adopted by reference in a rule and regulation shall be available from the state agency ~~which that~~ adopted the rule and regulation upon request by any person interested therein. The state agency, under the direction of the secretary of state, shall number each section with a distinguishing number and, in making a compilation of the rules and regulations, the sections shall be arranged in numerical order. A decimal system of numbering shall be prohibited.

(b) (1) At the time of drafting a proposed rule and regulation or amendment to an existing rule and regulation, the state agency shall consider the economic impact of ~~such the~~ proposed rule and regulation ~~or amendment upon all governmental agencies or units and all persons which will be subject thereto and upon the general public. Prior to giving notice of a hearing on a proposed rule and regulation,~~ The state agency shall prepare an economic impact statement that shall include:

(A) ~~A~~ An analysis, brief description, and cost and benefit quantification of the proposed rules and regulations and what is intended to be accomplished by their adoption, If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs;

(B) whether the proposed rule and regulation is mandated by federal law as a

requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law;

~~(C) a description of the cost, the persons who will bear the costs and those who will be affected by the proposed rules and regulations, including the agency proposing the rules and regulations, other governmental agencies or units, private citizens and consumers of the products or services which are the subject of the rules and regulations or the enforcement thereof; and~~

~~(D) a description of any less costly or less intrusive methods that were considered by the state agency for achieving the stated purpose of the rules and regulations and why such methods were rejected in favor of the proposed rules and regulations. The state agency may consult with other state agencies when preparing the economic impact statement; and~~

~~(E) a description of businesses that would be directly affected by the proposed rules and regulations, the benefits of the proposed rules and regulations and measures taken to minimize the impact of the proposed rules and regulations on business and economic development within the state of Kansas.~~

(C) an analysis specifically addressing the following factors:

(i) The extent to which the rule and regulation will enhance or restrict business activities and growth;

(ii) the economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, business sectors, public utility ratepayers, individuals and local governmental units that will be affected by the proposed rule and regulation and on the state economy as a whole;

(iii) the businesses that would be directly affected by the proposed rule and regulation;

(iv) the benefits of the proposed rule and regulation compared to the cost;

(v) measures taken by the agency to minimize the cost and impact of the proposed rule and regulation on business and economic development within the state of Kansas, local government and individuals;

(vi) an estimate, expressed as a single dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units or members of the public and a determination of whether those costs will exceed \$3,000,000 over any two-year period; and

(vii) an estimate of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule, expressed as a single dollar figure.

(2) The state agency shall consult with the League of Kansas municipalities, Kansas association of counties and the Kansas association of school boards, as appropriate, when preparing the economic impact statement of a proposed rule and regulation which increases or decreases revenues of cities, counties or school districts or imposes functions or responsibilities on cities, counties or school districts—~~which that~~ will increase their expenditures or fiscal liability. The agency shall consult and solicit information from businesses, business associations, local governmental units, state agencies or institutions and members of the public that may be affected by the proposed rule and regulation or that may provide relevant information.

(3) As required pursuant to the provisions of K.S.A. 77-420(d), and amendments thereto, the state agency shall reevaluate and, when necessary, update the economic impact statement when directed to do so by the director of the budget and, if approved by the director of the budget, shall submit the revised economic impact statement at the time of filing a rule and regulation with the secretary of state. If a public hearing was held prior to the adoption of the rule and regulation, a state agency at the time of filing a rule and regulation with the secretary of state shall include as a part of the economic impact statement a statement specifying the time and place at which the hearing was held and the attendance at the hearing. A copy of the current economic impact statement shall be available from the state agency upon request by any party interested therein.

~~(c) Upon request of the state rules and regulations board, the joint committee on administrative rules and regulations or the chairperson of either committee or board,~~ Pursuant to the provisions of K.S.A. 77-420, and amendments thereto, the director of the budget shall review the economic impact statement prepared by any state agency and shall prepare a supplemental or revised statement and an independent analysis by the director of the budget of the cost and the factors as set forth in subsection (b)(1)(A) and (C) and subsection (e). If possible, the supplemental or revised statement shall include a reliable estimate in dollars of the anticipated change in revenues and expenditures of the state. It also shall include a statement, if determinable or reasonably foreseeable, of the immediate and long-range economic impact of the rule and regulation upon persons subject thereto, small employers and the general public. If, after careful investigation, it is determined that no dollar estimate is possible, the statement shall set forth the reasons why no dollar estimate can be given. Every state agency is directed to cooperate with the division of the budget in the preparation of any statement pursuant to this subsection when, and to the extent, requested by the director of the budget. The director of the budget shall follow the procedures set forth in K.S.A. 77-420, and amendments thereto, in evaluating and accepting or rejecting the proposed rule and regulation. No agency shall submit a rule and regulation to the secretary of state for filing before receiving the approval of the director of the budget as provided in this subsection and K.S.A. 77-420, and amendments thereto.

(d) At the time of drafting a proposed environmental rule and regulation or amendment to an existing environmental rule and regulation, the state agency shall consider the environmental benefit of such proposed rule and regulation or amendment. Prior to giving notice of a hearing on a proposed rule and regulation, the state agency shall prepare an environmental benefit statement that shall include a description of the need for and the environmental benefits ~~which that~~ will likely accrue as the result of the proposed rule and regulation or amendment. The description shall summarize, when applicable, research indicating the level of risk to the public health or the environment being removed or controlled by the proposed rule and regulation or amendment. When specific contaminants are to be controlled by the proposed rule and regulation or amendment, the description shall indicate the level at which the contaminants are considered harmful according to currently available research. The state agency may consult with other state agencies when preparing the environmental benefit statement. The state agency shall reevaluate and, when necessary, update the statement at the time of filing a rule and regulation with the secretary of state. A copy of the current environmental benefit statement shall be available from the state agency upon request by any party interested therein.

(e) In addition to the requirements of subsection (b), the economic impact statement for all environmental rules and regulations shall include:

(1) A description of the capital and annual costs of compliance with the proposed rules and regulations, and the persons who will bear those costs;

(2) a description of the initial and annual costs of implementing and enforcing the proposed rules and regulations, including the estimated amount of paperwork, and the state agencies, other governmental agencies or other persons or entities who will bear the costs;

(3) a description of the costs ~~which that~~ would likely accrue if the proposed rules and regulations are not adopted, the persons who will bear the costs and those who will be affected by the failure to adopt the rules and regulations; and

(4) a detailed statement of the data and methodology used in estimating the costs used in the statement.

(f) In 2021, the legislative post audit committee shall direct the legislative division of post audit to conduct an audit to study:

(1) The accuracy of economic impact statements submitted by state agencies pursuant to this section for the immediately preceding seven years;

(2) the impact the review by the director of the budget has had on the accuracy of economic impact statements submitted by state agencies pursuant to this section; and

(3) whether the \$3,000,000 cost figure is the appropriate amount of economic impact to trigger the hearing procedure required by K.S.A. 77-420(a), and amendments thereto.

Sec. 2. K.S.A. 2017 Supp. 77-420 is hereby amended to read as follows: 77-420. (a) (1) Every rule and regulation proposed to be adopted by any state agency, before being submitted to the secretary of administration and the attorney general as required by this section, shall be submitted with the economic impact statement for the rule and regulation required by K.S.A. 77-416, and amendments thereto, to the director of the budget for review of the accuracy and completeness of the agency's economic impact statement. The director of the budget shall make an independent determination of the amount of implementation and compliance costs reasonably expected to be incurred by or passed along to businesses, local government and individuals over any two-year period as a result of the proposed rule and regulation and shall conduct an independent analysis of the factors set forth in K.S.A. 77-416(b)(1)(A) and (C) and (e), and amendments thereto. Every rule and regulation approved by the director of the budget shall be stamped as approved, and the date of approval shall be indicated.

(2) If the director independently determines that a proposed rule and regulation submitted or resubmitted by the agency will not result in implementation or compliance costs of more than \$3,000,000 for businesses, local government or individuals in any two-year period, the director shall:

(A) Approve the rule and regulation if the director independently determines that the economic impact statement is accurate, demonstrates a complete analysis as required by K.S.A. 77-416(b)(1)(A) and (C) and (e), and amendments thereto, and the director concurs with the economic impact statement; or

(B) disapprove the rule and regulation.

(3) If the director of the budget determines that the proposed rule and regulation will result in implementation and compliance costs of more than \$3,000,000 for businesses, local government or individuals in any two-year period, the director of the

budget shall:

(A) Approve the proposed rule and regulation, if the agency, prior to the submission or the resubmission of a rule and regulation to the director, holds a public hearing and finds that the costs of the proposed rule and regulation have been accurately determined and are necessary for achieving legislative intent and the director, after an independent analysis, concurs with the agency's findings and analysis and approves the economic impact statement; or

(B) disapprove the proposed rule and regulation.

(b) The director of the budget shall submit an annual report to the legislature and to the joint committee on administrative rules and regulations on the first day of the 2019 regular legislative session and subsequent regular legislative sessions on all rules and regulations approved or denied by the director. The report shall include the text of each rule and regulation reviewed, the final economic impact statement and a summary of the director's analysis supporting the decision to approve or reject the rule and regulation. The director shall immediately submit a separate report to the legislature, if in session, and the joint committee on administrative rules and regulations upon the approval or denial of a rule or regulation with costs determined to be greater than \$3,000,000 for businesses, local government or individuals over any two-year period. The report shall include an analysis of the agency's and the director's decisions with respect to the necessity of the cost of the rule and regulation to achieve legislative intent.

(c) Every rule and regulation proposed to be adopted by any state agency that has been approved by the director of the budget pursuant to the provisions of subsection (a), before being submitted to the attorney general under this section, shall be submitted to the secretary of administration for approval of its organization, style, orthography and grammar subject to such requirements as to organization, style, orthography and grammar as the secretary may adopt. Every rule and regulation submitted to the secretary of administration under this subsection ~~(a)~~ shall be accompanied by a copy of any document which is adopted by reference by the rule and regulation. Every rule and regulation approved by the secretary of administration under this subsection ~~(a)~~ shall be stamped as approved and the date of such approval shall be indicated therein.

~~(b)(d)~~ Every rule and regulation proposed by any state agency which that has been approved by the director of the budget and the secretary of administration as provided in ~~subsection~~ subsections (a) and (c) before being adopted or filed shall be submitted to the attorney general for an opinion as to the legality of the same, including whether the making of such rule and regulation is within the authority conferred by law on the state agency. The attorney general shall promptly furnish an opinion as to the legality of the proposed rule and regulation so submitted. Every rule and regulation submitted to the attorney general under this subsection ~~(b)~~ shall be accompanied by a copy of any document which is adopted by reference by the rule and regulation. Every rule and regulation approved by the attorney general under this subsection ~~(b)~~ shall be stamped as approved and the date of such approval shall be indicated therein.

~~(c)~~ (c) No rule and regulation shall be filed by the secretary of state unless:

(1) The rule and regulation has been approved by the director of the budget;
(2) the organization, style, orthography and grammar have been approved by the secretary of administration;

~~(2)~~ (3) the rule and regulation has been approved in writing by the attorney general

as to legality;

~~(3)~~(4) the rule and regulation has been formally adopted by the state agency after it has been approved by the director of the budget, the secretary of administration and the attorney general and is accompanied by a certified or other formal statement of adoption when adoption is by an executive officer of a state agency, or by a certified copy of the roll call vote required for its adoption by K.S.A. 77-421, and amendments thereto, when adoption is by a board, commission, authority or other similar body;

~~(4)~~(5) the rule and regulation to be filed is accompanied by a copy of the economic impact statement as provided by K.S.A. 77-416, and amendments thereto, that has been reviewed and approved by the director of the budget as provided by subsection (a); and

~~(5)~~(6) the rule and regulation to be filed is accompanied by a copy of the environmental benefit statement required by K.S.A. 77-416, and amendments thereto, if applicable.

Sec. 3. K.S.A. 2017 Supp. 77-420a is hereby amended to read as follows: 77-420a. No rule and regulation shall be adopted prior to the effective date of the statute authorizing its adoption, but prior to the effective date of such statute, the proposed rule and regulation may be submitted to the director of the budget, the secretary of administration and to the attorney general for approval as required by K.S.A. 77-420, and amendments thereto, and notice of the proposed rule and regulation may be given and a hearing held thereon in the manner provided by K.S.A. 77-421, and amendments thereto.

Sec. 4. K.S.A. 2017 Supp. 77-421 is hereby amended to read as follows: 77-421. (a) (1) Except as provided by subsection (a)(2), subsection (a)(3) or subsection (a)(4), prior to the adoption of any permanent rule and regulation or any temporary rule and regulation which is required to be adopted as a temporary rule and regulation in order to comply with the requirements of the statute authorizing the same and after any such rule and regulation has been approved by the director of the budget, the secretary of administration and the attorney general, the adopting state agency shall give at least 60 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations established by K.S.A. 77-436, and amendments thereto. The notice shall be provided to the secretary of state and to the chairperson, vice chairperson, ranking minority member of the joint committee and legislative research department and shall be published in the Kansas register. A complete copy of all proposed rules and regulations and the complete economic impact statement required by K.S.A. 77-416, and amendments thereto, shall accompany the notice sent to the secretary of state. The notice shall contain:

(A) A summary of the substance of the proposed rules and regulations;

(B) a summary of the economic impact statement indicating the estimated economic impact on governmental agencies or units, persons subject to the proposed rules and regulations and the general public;

(C) a summary of the environmental benefit statement, if applicable, indicating the need for the proposed rules and regulations;

(D) the address where a complete copy of the proposed rules and regulations, the complete economic impact statement, the environmental benefit statement, if applicable, required by K.S.A. 77-416, and amendments thereto, may be obtained;

(E) the time and place of the public hearing to be held; the manner in which interested parties may present their views; and

(F) a specific statement that the period of 60 days' notice constitutes a public comment period for the purpose of receiving written public comments on the proposed rules and regulations and the address where such comments may be submitted to the state agency. Publication of such notice in the Kansas register shall constitute notice to all parties affected by the rules and regulations.

(2) Prior to adopting any rule and regulation which establishes seasons and fixes bag, creel, possession, size or length limits for the taking or possession of wildlife and after such rule and regulation has been approved by the secretary of administration and the attorney general, the secretary of wildlife, parks and tourism shall give at least 30 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection (a)(1)(E) shall state that the period of 30 days' notice constitutes a public comment period on such rules and regulations.

(3) Prior to adopting any rule and regulation which establishes any permanent prior authorization on a prescription-only drug pursuant to K.S.A. 39-7,120, and amendments thereto, or which concerns coverage or reimbursement for pharmaceuticals under the pharmacy program of the state medicaid plan, and after such rule and regulation has been approved by the director of the budget, the secretary of administration and the attorney general, the secretary of health and environment shall give at least 30 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection (a)(1)(E) shall state that the period of 30 days' notice constitutes a public comment period on such rules and regulations.

(4) Prior to adopting any rule and regulation pursuant to subsection (c), the state agency shall give at least 60 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection (a)(1)(E) shall state that the period of notice constitutes a public comment period on such rules and regulations.

(b) (1) On the date of the hearing, all interested parties shall be given reasonable opportunity to present their views or arguments on adoption of the rule and regulation, either orally or in writing. At the time it adopts or amends a rule and regulation, the state agency shall prepare a concise statement of the principal reasons for adopting the rule and regulation or amendment thereto, including:

(A) The agency's reasons for not accepting substantial arguments made in testimony and comments; and

(B) the reasons for any substantial change between the text of the proposed adopted or amended rule and regulation contained in the published notice of the proposed adoption or amendment of the rule and regulation and the text of the rule and regulation as finally adopted.

(2) Whenever a state agency is required by any other statute to give notice and hold a hearing before adopting, amending, reviving or revoking a rule and regulation, the

state agency, in lieu of following the requirements or statutory procedure set out in such other law, may give notice and hold hearings on proposed rules and regulations in the manner prescribed by this section.

(3) Notwithstanding the other provisions of this section, the secretary of corrections may give notice or an opportunity to be heard to any inmate in the custody of the secretary with regard to the adoption of any rule and regulation.

(c) (1) The agency shall initiate new rulemaking proceedings under this act, if a state agency proposes to adopt a final rule and regulation that:

(A) Differs in subject matter or effect in any material respect from the rule and regulation as originally proposed; and

(B) is not a logical outgrowth of the rule and regulation as originally proposed.

(2) For the purposes of this provision, a rule and regulation is not the logical outgrowth of the rule and regulation as originally proposed if a person affected by the final rule and regulation was not put on notice that such person's interests were affected in the rule making.

(d) When, pursuant to this or any other statute, a state agency holds a hearing on the adoption of a proposed rule and regulation, the agency shall cause written minutes or other records, including a record maintained on sound recording tape or on any electronically accessed media or any combination of written or electronically accessed media records of the hearing to be made. If the proposed rule and regulation is adopted and becomes effective, the state agency shall maintain, for not less than three years after its effective date, such minutes or other records, together with any recording, transcript or other record made of the hearing and a list of all persons who appeared at the hearing and who they represented, any written testimony presented at the hearing and any written comments submitted during the public comment period.

(e) No rule and regulation shall be adopted by a board, commission, authority or other similar body except at a meeting which is open to the public and notwithstanding any other provision of law to the contrary, no rule and regulation shall be adopted by a board, commission, authority or other similar body unless it receives approval by roll call vote of a majority of the total membership thereof.

Sec. 5. K.S.A. 2017 Supp. 77-422 is hereby amended to read as follows: 77-422.

(a) A rule and regulation may be adopted by a state agency as a temporary rule and regulation if the state agency and the state rules and regulations board finds that the preservation of the public peace, health, safety or welfare necessitates or makes desirable putting such rule and regulation into effect prior to the time it could be put into effect if the agency were to comply with the notice, hearing and publication requirements of this act or prior to the effective date prescribed by K.S.A. 77-426, and amendments thereto.

(b) Temporary rules and regulations may be adopted without the giving of notice and the holding of a hearing thereon.

(c) (1) A temporary rule and regulation shall take effect:

(A) After approval by the director of the budget, the secretary of administration and the attorney general as provided by K.S.A. 77-420, and amendments thereto;

(B) after approval by the state rules and regulations board as provided by K.S.A. 77-423, and amendments thereto; and

(C) upon filing with the secretary of state.

(2) The effective date of all or specific parts of a temporary rule and regulation may

be delayed to a date later than its filing date if the delayed effective date of such rule and regulation, or specific parts thereof, is clearly expressed in the body of such rule and regulation.

(3) A temporary rule and regulation shall be effective for a period not to exceed 120 days except that, for good cause, a state agency may request that a temporary rule and regulation may be renewed one time for an additional period not to exceed 120 days.

(d) A temporary rule and regulation which amends an existing rule and regulation shall have the effect of suspending the force and effect of the existing rule and regulation until such time as the temporary rule and regulation is no longer effective. In such case, at the time the temporary rule and regulation ceases to be effective, the existing permanent rule and regulation which was amended by the temporary rule and regulation shall be in full force and effect unless such existing rule and regulation is otherwise amended, revoked or suspended as provided by law.

(e) Temporary rules and regulations shall be numbered in accordance with the numbering arrangement approved by the secretary of state and otherwise shall conform to the approval, adoption and filing requirements of this act, insofar as the same can be made applicable.";

Also on page 4, in line 36, by striking "2016" and inserting "2017";

On page 5, in line 4, by striking "and"; in line 7, after "chairperson" by inserting "and the chairperson of the senate committee on ways and means in even-numbered years and the chairperson of the house of representatives committee on appropriations in odd-numbered years"; in line 18, by striking "2016" and inserting "2017";

On page 6, in line 8, by striking "As"; by striking all in lines 9 through 14; in line 15, by striking all before "The"; in line 23, following "(d)" by inserting "The committee shall issue a report to the legislature following each meeting making comments and recommendations and indicating concerns about any proposed rule and regulation. Such report shall be made available to each agency that had proposed rules and regulations reviewed at such meeting during the agency's public comment period for such proposed rules and regulations required by K.S.A. 77-421, and amendments thereto. If having a final report completed by the public hearing required by K.S.A. 77-421, and amendments thereto, is impractical, a preliminary report shall be made available to the agency containing the committee's comments. The preliminary report shall be incorporated into the final report and made available to each agency.

(e)";

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

Also on page 6, in line 40, by striking "2016" and inserting "2017"; also in line 40, after the comma by inserting "77-420, 77-420a, 77-421, 77-422,"; in line 43, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "review" and inserting "approval"; also in line 2, by striking "state agencies" and inserting "the director of the budget"; in line 3, after the second semicolon by inserting "report made by committee; audit;"; in line 4, by striking "2016" and inserting "2017"; in line 5, after the comma by inserting "77-420, 77-420a, 77-421, 77-422,";

And your committee on conference recommends adoption of this report.

BUD ESTES
 ROB OLSON
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

RONALD HIGHLAND
 SUSAN HUMPHRIES
 LOUIS RUIZ
Conferees on part of House

Senator Olson moved the Senate adopt the Conference Committee Report on **HB 2280**.

On roll call, the vote was: Yeas 23; Nays 11; Present and Passing 6; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Denning, Estes, Faust-Goudeau, Fitzgerald, Hensley, Hilderbrand, Holland, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Rogers, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Doll, Givens, Goddard, Hardy, Longbine, V. Schmidt, Skubal, Sykes, Taylor.

Present and Passing: Francisco, Haley, Hawk, Kelly, McGinn, Pettey.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2458** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 12, following line 22, by inserting:

"Sec. 6. K.S.A. 2017 Supp. 21-5706 is hereby amended to read as follows: 21-5706. (a) It shall be unlawful for any person to possess any opiates, opium or narcotic drugs, or any stimulant designated in K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled substance analog thereof.

(b) It shall be unlawful for any person to possess any of the following controlled substances or controlled substance analogs thereof:

(1) Any depressant designated in K.S.A. 65-4105(e), K.S.A. 65-4107(e), K.S.A. 65-4109(b) or (c) or K.S.A. 65-4111(b), and amendments thereto;

(2) any stimulant designated in K.S.A. 65-4105(f), K.S.A. 65-4107(d)(2), (d)(4), (d)(5) or (f)(2) or K.S.A. 65-4109(e), and amendments thereto;

(3) any hallucinogenic drug designated in K.S.A. 65-4105(d), K.S.A. 65-4107(g) or K.S.A. 65-4109(g), and amendments thereto;

(4) any substance designated in K.S.A. 65-4105(g) and K.S.A. 65-4111(c), (d), (e), (f) or (g), and amendments thereto;

(5) any anabolic steroids as defined in K.S.A. 65-4109(f), and amendments thereto;

(6) any substance designated in K.S.A. 65-4113, and amendments thereto; or

(7) any substance designated in K.S.A. 65-4105(h), and amendments thereto.

(c) (1) Violation of subsection (a) is a drug severity level 5 felony.

(2) Except as provided in subsection (c)(3):

(A) Violation of subsection (b) is a class A nonperson misdemeanor, except as provided in subsection (c)(2)(B); and

(B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug severity level 5 felony if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense if the substance involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana as designated in K.S.A. 65-4105(d), and amendments thereto, or any substance designated in K.S.A. 65-4105(h), and amendments thereto, or an analog thereof.

(3) If the substance involved is marijuana, as designated in K.S.A. 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as designated in K.S.A. 65-4105(h), and amendments thereto, violation of subsection (b) is a:

(A) Class B nonperson misdemeanor, except as provided in (c)(3)(B) and (c)(3)(C);

(B) class A nonperson misdemeanor if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense; and

(C) drug severity level 5 felony if that person has two or more prior convictions under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense.

(d) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance or controlled substance analog.

Sec. 7. K.S.A. 2017 Supp. 21-5911 is hereby amended to read as follows: 21-5911.

(a) Escape from custody is escaping while held in custody on a:

(1) Charge, conviction of or arrest for a misdemeanor;

(2) charge, adjudication or arrest as a juvenile offender where the act, if committed by an adult, would constitute a misdemeanor; or

(3) commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto, based on a finding that the person committed an act constituting a misdemeanor or by a person 18 years of age or over who is being held in custody on an adjudication of a misdemeanor.

(b) Aggravated escape from custody is:

(1) Escaping while held in custody:

(A) Upon a charge, conviction of or arrest for a felony;

(B) upon a charge, adjudication or arrest as a juvenile offender where the act, if committed by an adult, would constitute a felony;

(C) prior to or upon a finding of probable cause for evaluation as a sexually violent predator as provided in K.S.A. 59-29a05, and amendments thereto;

(D) upon commitment to a treatment facility as a sexually violent predator as provided in K.S.A. 59-29a01 et seq., and amendments thereto;

(E) upon a commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto, based on a finding that the person committed an act constituting a felony;

(F) by a person 18 years of age or over who is being held on an adjudication of a felony; or

(G) upon incarceration at a state correctional institution while in the custody of the secretary of corrections.

(2) Escaping effected or facilitated by the use of violence or the threat of violence against any person while held in custody:

(A) On a charge or conviction of any crime;

(B) on a charge or adjudication as a juvenile offender where the act, if committed by an adult, would constitute a felony;

(C) prior to or upon a finding of probable cause for evaluation as a sexually violent predator as provided in K.S.A. 59-29a05, and amendments thereto;

(D) upon commitment to a treatment facility as a sexually violent predator as provided in K.S.A. 59-29a01 et seq., and amendments thereto;

(E) upon a commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto, based on a finding that the person committed an act constituting any crime;

(F) by a person 18 years of age or over who is being held on a charge or adjudication of a misdemeanor or felony; or

(G) upon incarceration at a state correctional institution while in the custody of the secretary of corrections.

(c) (1) Escape from custody is a class A nonperson misdemeanor.

(2) Aggravated escape from custody as defined in:

(A) Subsection (b)(1)(A), (b)(1)(C), (b)(1)(D), (b)(1)(E) or (b)(1)(F) is a severity level 8, nonperson felony;

(B) subsection (b)(1)(B) or (b)(1)(G) is a severity level 5, nonperson felony;

(C) subsection (b)(2)(A), (b)(2)(C), (b)(2)(D), (b)(2)(E) or (b)(2)(F) is a severity level 6, person felony; and

(D) subsection (b)(2)(B) or (b)(2)(G) is a severity level 5, person felony.

(d) As used in this section and K.S.A. 2017 Supp. 21-5912, and amendments thereto:

(1) "Custody" means arrest; detention in a facility for holding persons charged with or convicted of crimes or charged or adjudicated as a juvenile offender; detention for extradition or deportation; detention in a hospital or other facility pursuant to court order, imposed as a specific condition of probation or parole or imposed as a specific condition of assignment to a community correctional services program; commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto; or any other detention for law enforcement purposes. "Custody" does not include general supervision of a person on probation or parole or constraint incidental to release on bail;

(2) "escape" means ~~departure from custody without lawful authority or failure to return to custody following temporary leave lawfully granted pursuant to express authorization of law or order of a court;~~

(A) Departure from custody without lawful authority; or

(B) failure to return to custody following temporary leave lawfully granted by:

(i) Express authorization of law;

(ii) order of a court; or

(iii) a custodial official authorized to grant such leave;

(3) "juvenile offender" means the same as in K.S.A. 2017 Supp. 38-2302, and amendments thereto; and

(4) "state correctional institution" means the same as in K.S.A. 75-5202, and amendments thereto.

(e) As used in this section, the term "charge" shall not require that the offender was held on a written charge contained in a complaint, information or indictment, if such offender was arrested prior to such offender's escape from custody.

Sec. 8. K.S.A. 2017 Supp. 21-6824 is hereby amended to read as follows: 21-6824. (a) There is hereby established a nonprison sanction of certified drug abuse treatment programs for certain offenders who are sentenced on or after November 1, 2003. Placement of offenders in certified drug abuse treatment programs by the court shall be limited to placement of adult offenders, convicted of a felony violation of ~~K.S.A. 65-4160 or 65-4162, prior to their repeal, K.S.A. 2010 Supp. 21-36a06, prior to its transfer, or K.S.A. 2017 Supp. 21-5706, and amendments thereto,~~ whose offense is classified in grid blocks:

(1) ~~Whose offense is classified in grid blocks~~ 5-C, 5-D, 5-E, 5-F, 5-G, 5-H or 5-I of the sentencing guidelines grid for drug crimes and such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2017 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction; or

(2) ~~whose offense is classified in grid blocks~~ 5-A, or 5-B, 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes, such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2017 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction, if the person felonies in the offender's criminal history were severity level 8, 9 or 10 or nongrid offenses of the sentencing guidelines grid for nondrug crimes, and the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will not be jeopardized by such placement in a drug abuse treatment program.

(b) As a part of the presentence investigation pursuant to K.S.A. 2017 Supp. 21-6813, and amendments thereto, offenders who meet the requirements of subsection (a), unless otherwise specifically ordered by the court, shall be subject to:

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

(2) a criminal risk-need assessment. The criminal risk-need assessment shall assign a high or low risk status to the offender.

(c) If the offender is assigned a high risk status as determined by the drug abuse assessment performed pursuant to subsection (b)(1) and a moderate or high risk status as determined by the criminal risk-need assessment performed pursuant to subsection (b)(2), the sentencing court shall commit the offender to treatment in a drug abuse treatment program until the court determines the offender is suitable for discharge by the court. The term of treatment shall not exceed 18 months. The court may extend the term of probation, pursuant to ~~subsection (c)(3) of~~ K.S.A. 2017 Supp. 21-6608(c)(3), and amendments thereto. The term of treatment may not exceed the term of probation.

(d) (1) Offenders who are committed to a drug abuse treatment program pursuant to subsection (c) shall be supervised by community correctional services.

(2) Offenders who are not committed to a drug abuse treatment program pursuant to subsection (c) shall be supervised by community correctional services or court services based on the result of the criminal risk assessment.

(e) Placement of offenders under subsection (a)(2) shall be subject to the departure sentencing statutes of the revised Kansas sentencing guidelines act.

(f) (1) Offenders in drug abuse treatment programs shall be discharged from such program if the offender:

(A) Is convicted of a new felony; or

(B) has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding.

(2) Offenders who are discharged from such program shall be subject to the revocation provisions of ~~subsection (n) of~~ K.S.A. 2017 Supp. 21-6604(n), and amendments thereto.

(g) As used in this section, "mental health professional" includes licensed social workers, persons licensed to practice medicine and surgery, licensed psychologists, licensed professional counselors or registered alcohol and other drug abuse counselors licensed or certified as addiction counselors who have been certified by the secretary of corrections to treat offenders pursuant to K.S.A. 2017 Supp. 75-52,144, and amendments thereto.

(h) (1) Offenders who meet the requirements of subsection (a) shall not be subject to the provisions of this section and shall be sentenced as otherwise provided by law, if such offenders:

(A) Are residents of another state and are returning to such state pursuant to the interstate corrections compact or the interstate compact for adult offender supervision; or

(B) are not lawfully present in the United States and being detained for deportation; or

(C) do not meet the risk assessment levels provided in subsection (c).

(2) Such sentence shall not be considered a departure and shall not be subject to appeal.

(i) The court may order an offender who otherwise does not meet the requirements of subsection (c) to undergo one additional drug abuse assessment while such offender is on probation. Such offender may be ordered to undergo drug abuse treatment pursuant to subsection (a) if such offender is determined to meet the requirements of subsection (c). The cost of such assessment shall be paid by such offender.;

Also on page 12, in line 23, by striking "and" and inserting a comma; also in line 23, after "21-5417" by inserting ", 21-5417, as amended by section 3 of 2018 Senate Bill No. 217, 21-5706, 21-5911 and 21-6824";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after the semicolon by inserting "controlled substances; possession; escape and aggravated escape from custody; definition of escape; certified drug abuse treatment programs;"; also in line 5, by striking "and" and inserting a comma; in line 6, after "21-5417" by inserting ", 21-5706, 21-5911 and 21-6824"; also in line 6, after "sections" by inserting "; also repealing K.S.A. 2017 Supp. 21-5417, as amended by section 3 of 2018 Senate Bill No. 217";

And your committee on conference recommends adoption of this report.

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

BLAINE FINCH

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **HB 2458**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2479** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 2, in line 1, after "trial" by inserting "in a criminal action"; in line 2, by striking "court in a criminal action" and inserting "judge"; in line 4, after "anyone" by inserting ", except as provided in subsections (f) and (g)"; in line 5, after "(b)," by inserting "(c)."; in line 12, by striking "pursuant to subsection (b)"; in line 14, by striking all after "jury"; in line 15, by striking all before the comma; in line 28, by striking "the" and inserting "this"; in line 29, after "from" by inserting "discussing the deliberations or verdict with a member of the jury for the purpose of"; in line 30, after "(g)" by inserting "Nothing in this section shall prohibit the court or a judge from discussing the deliberations or verdict with a member of the jury for any lawful purpose.

(h) ";

And your committee on conference recommends the adoption of this report.

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

BLAINE FINCH

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **HB 2479**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2579** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 2, in line 28, by striking "\$50,000" and inserting "\$65,000"; in line 43, after "\$100,000" by inserting "or 25% of the award, whichever is greater,";

On page 3, in line 10, after "section" by inserting "not to exceed a total of \$25,000, unless a greater reasonable total is authorized by the court upon a finding of good cause shown"; in line 14, by striking "finance literary" and inserting "financial literacy";

On page 4, by striking all in lines 1 through 7;

On page 6, in line 23, after "(2)" by inserting "Payment of a judgment arising from a claim pursuant to section 1, and amendments thereto, shall be subject to review by the state finance council. The attorney general shall notify the state finance council of the need for such review and ensure that payment of the judgment occurs without unnecessary delay.

(3) ";

Also on page 6, in line 25, after the period by inserting:

"(4)";

Also on page 6, in line 27, after the period by inserting:

"(5)";

On page 9, in line 23, by striking "attorney general" and inserting "secretary of health and environment or the secretary's designee"; following line 27, by inserting:

"New Sec. 5. (a) On completion of a jury trial in a civil action and before the jury is discharged, the judge shall inform the jurors that they have an absolute right to discuss or not to discuss the deliberations or verdict with anyone except as provided in subsections (f) and (g). The judge shall also inform the jurors of the provisions set forth in subsections (b), (c), (d) and (e).

(b) Immediately following the discharge of the jury in a civil action, the defendant, or the defendant's attorney or representative, or the plaintiff, or the plaintiff's attorney or representative, may discuss the jury deliberations or verdict with a member of the jury only if the juror consents to the discussion.

(c) If a discussion of the jury deliberations or verdict with a member of the jury occurs at any time other than immediately following the discharge of the jury, prior to discussing the jury deliberations or verdict with a member of a jury, the defendant, or

the defendant's attorney or representative, or the plaintiff, or the plaintiff's attorney or representative, shall inform the juror of the identity of the case, the party in the case that the person represents, the subject of the interview, the absolute right of the juror to discuss or not discuss the deliberations or verdict in the case with the person and the juror's right to review and have a copy of any declaration filed with the court.

(d) Any unreasonable contact with a juror by the defendant, or the defendant's attorney or representative, or by the plaintiff, or the plaintiff's attorney or representative, without the juror's consent shall be immediately reported to the trial court.

(e) Any violation of this section shall be considered a violation of a lawful court order and may be punished as contempt of court.

(f) Nothing in this section shall prohibit a law enforcement officer from discussing the deliberations or verdict with a member of the jury for the purpose of investigating an allegation of criminal conduct.

(g) Nothing in this section shall prohibit the court or a judge from discussing the deliberations or verdict with a member of the jury for any lawful purpose.

(h) This section shall be part of and supplemental to the code of civil procedure.";
And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "actions" by inserting "and civil procedure"; in line 3, after "program" by inserting "; contact with jurors, procedures and limitations; code of civil procedure";

And your committee on conference recommends adoption of this report.

RICHARD WILBORN

MOLLY BAUMGARDNER

DAVID HALEY

Conferees on part of Senate

BLAINE FINCH

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **HB 2579**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: I VOTE "AYE" ON THE CONFERENCE COMMITTEE REPORT FOR **HB 2579** (INCORPORATING PROVISIONS OF **SB 336** AS ORIGINALLY INTRODUCED) PROVIDING FOR COMPENSATORY MEASURES TO EXONOREES FOUND TO HAVE BEEN WRONGFULLY INCARCERATED OF

A CRIME IN KANSAS. The waking nightmare of being innocent of a crime; but arrested, charged, prosecuted, convicted, sentenced and put in prison is something all of us can imagine but never fully fathom unless we lived through it personally. Then, upon exoneration and release, to receive nothing from the entity that stole one's liberty, one's irreplaceable time (finite to every Life) without restitution or support or even, often, apology...is beyond the nightmare itself; outside any definition of Justice. As the solo advocate until 2018 for compensation for the wrongfully incarcerated, I authored and sponsored several bills over the last decade horrified by several examples of these miscarriages. Today, better language than the best of my efforts, is mirrored in this CCR; as presented by the Senator from Miami, the Innocence Project, Alvin Sykes of the Emmitt Till Justice Campaign and supporting testimonies from real life exonorees including Messrs. Bledsoe, Jones and McIntyre and honed through the Kansas Senate and Kansas House. I genuinely commend their superior efforts; all. So, \$65,000 cash per incarcerated annum; academic (tuition, texts, room and board); state health plan benefits and clearance/purging of all relevant arrest and incarceration history is a good start for Kansas. It is my pledge and my hope to restore the subrogation provision added by the Senate but stripped from this CCR that insures partial restitution to the taxpayers of the State (who FUND the State's General Fund that PAYS these awards) by the party or parties that knowingly contributed to the wrongful conviction of an innocent person in the first place. For example, that crooked cop that planted the weapon or contraband on a "suspect" or the lazy investigator or eager-to-convict-anyone for an outstanding crime prosecutor or inept judge or vindictive, greedy relative or "credible" eye-witness that gives false testimony, etc. should ever be held financially responsible to the exonoree and/or the State and should not rest easy until we, the Legislature of Kansas, insure they are. Won't this too serve as a deterrent to any of those miscreants who consider such foul deeds in the future...? But for now, this CCR is a high water mark for the State of Kansas. Though a long time in coming, I join in the pride we should all share in its unanimous passage.—DAVID HALEY

REPORT ON ENROLLED BILLS

H Sub for SB 61 reported correctly enrolled, properly signed and presented to the Governor on May 2, 2018.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Thursday, May 3, 2018.

Journal of the Senate

SIXTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 3, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Lord, we're nearing the end of our labors here. And the focus of our efforts will be shifting. But we don't want to lose sight of Your guidance. Today is the National Day of Prayer, established to encourage the exercise of looking to You in all that we do.

Guided by Your Holy Spirit, You inspired the Apostle Paul to give us these words in 1 Timothy 2:1-2: "The first thing I want you to do is pray. Pray every way you know how, for everyone you know. Pray especially for rulers and their governments to rule well so we can be quietly about our business of living simply, in humble contemplation."

So Lord, keep us humble enough to keep us prayerful enough to seek You enough, that as our Divine GPS, You'll give us wisdom and guidance enough.

Thank You Lord, for the privilege of prayer. In Jesus' Name, I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub SB 179**.

The House adopts the Conference Committee report on **SB 199**.

The House adopts the Conference Committee report on **SB 310**.

The House adopts the Conference Committee report on **H Sub SB 374**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Tyson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1794—

A RESOLUTION recognizing Kansas' celebration
of the 100th anniversary of the 19th Amendment.

WHEREAS, August 20, 2020, signifies the 100th anniversary of the ratification of the 19th Amendment to the Constitution of the United States of America; and

WHEREAS, The ratification of this amendment not only allowed women the right to vote, but it also allowed women to accomplish successes in every industry; and

WHEREAS, Women play a critical leadership role in our country, and there are numerous former, current and future women leaders from the state of Kansas who should be recognized; and

WHEREAS, The Jan Henrie Women's Leadership Foundation of Wichita State University will host a statewide, three-day event on August 13, 14 and 15, 2020, to foster unity, provide training and promote women's leadership throughout the state of Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize August 13 through 15, 2020, as Kansas' celebration of the 100th anniversary of the ratification of the 19th Amendment to the Constitution of the United States of America and call upon the people of Kansas to unite as we support the success of women and recognize Kansas women in leadership roles with the appropriate activities, events and programs; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Tyson.

On emergency motion of Senator Tyson **SR 1794** was adopted by voice vote.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Longbine in the chair.

CHANGE OF CONFERENCE

The Vice President appointed Senators Tyson, Kerschen, and Holland to replace Senators Wilborn, Lynn, and Haley as members of the conference committee on **SB 296**.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 179; SB 199, SB 310; H Sub SB 374; Sub HB 2194; HB 2067**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Tyson moved the Senate concur in House amendments to **SB 415**.

SB 415, AN ACT concerning the Kansas state fair; relating to state sales tax revenues collected on the Kansas state fairgrounds; deposit of revenues in state fair capital improvements fund; amending K.S.A. 2017 Supp. 2-223 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 179** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 179, as follows:

On page 1, in line 10, by striking "that causes the juvenile to be" and inserting "and is";

On page 2, in line 22, after the comma by inserting "the managed care organization, if the juvenile is a medicaid recipient, and"; also in line 22, by striking all after "center"; in line 23, by striking all before "discharged" and inserting "serving the area where the juvenile is being"; in line 26, after the comma by inserting "the managed care organization, if the juvenile is a medicaid recipient, and the"; also in line 26, by striking all after "center"; in line 27, by striking all before "discharged" and inserting "serving the area where the juvenile is being"; in line 29, by striking all after "(1)"; by striking all in lines 30 through 36; in line 37, by striking all before the period and inserting "Upon admission to a juvenile crisis intervention center, and if the juvenile is a medicaid recipient, the managed care organization shall approve services as recommended by the head of the juvenile crisis intervention center. Within 14 days after admission, the head of the juvenile crisis intervention center shall develop a plan of treatment for the juvenile in collaboration with the managed care organization";

On page 3, in line 4, by striking all after "center"; in line 5, by striking "(1)"; in line 37, after "(1)" by inserting ""Head of a juvenile crisis intervention center" means the administrative director of a juvenile crisis intervention center or such person's designee; (2)";

Also on page 3, in line 39, after "disorder" by inserting "or mental condition";

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

On page 16, following line 25, by inserting:

"Sec. 8. K.S.A. 2017 Supp. 38-2202 is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:

(a) "Abandon" or "abandonment" means to forsake, desert or, without making appropriate provision for substitute care, cease providing care for the child.

(b) "Adult correction facility" means any public or private facility, secure or nonsecure, which is used for the lawful custody of accused or convicted adult criminal offenders.

(c) "Aggravated circumstances" means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

(d) "Child in need of care" means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 2017 Supp. 38-2242, and amendments thereto, who:

(1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian;

(2) Is without the care or control necessary for the child's physical, mental or emotional health;

(3) has been physically, mentally or emotionally abused or neglected or sexually abused;

(4) has been placed for care or adoption in violation of law;

(5) has been abandoned or does not have a known living parent;

(6) is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments thereto;

(7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2017 Supp. 21-6301(a)(14), and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult;

(8) while less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2017 Supp. 21-5102, and amendments thereto;

(9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian;

(10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee;

(11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused;

(12) while less than 10 years of age commits the offense defined in K.S.A. 2017 Supp. 21-6301(a)(14), and amendments thereto;

(13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve; or

(14) has been subjected to an act which would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or has committed an act which, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 2017 Supp. 21-6419, and amendments thereto.

(e) "Citizen review board" is a group of community volunteers appointed by the court and whose duties are prescribed by K.S.A. 2017 Supp. 38-2207 and 38-2208, and amendments thereto.

(f) "Civil custody case" includes any case filed under chapter 23 of the Kansas Statutes Annotated, and amendments thereto, the Kansas family law code, article 11; of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, determination of parentage, article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, adoption and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators.

(g) "Court-appointed special advocate" means a responsible adult other than an attorney guardian ad litem who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 2017 Supp. 38-2206, and amendments thereto, in a proceeding pursuant to this code.

(h) "Custody" whether temporary, protective or legal, means the status created by court order or statute which vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.

(i) "Extended out of home placement" means a child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date at which a child in the custody of the secretary was removed from the child's home.

(j) "Educational institution" means all schools at the elementary and secondary levels.

(k) "Educator" means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has exposure to a pupil specified in K.S.A. 72-89b03(a), and amendments thereto.

(l) "Harm" means physical or psychological injury or damage.

(m) "Interested party" means the grandparent of the child, a person with whom the child has been living for a significant period of time when the child in need of care petition is filed, and any person made an interested party by the court pursuant to K.S.A. 2017 Supp. 38-2241, and amendments thereto, or Indian tribe seeking to intervene that is not a party.

(n) "Jail" means:

(1) An adult jail or lockup; or

(2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensure requirements under law and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(o) "Juvenile detention facility" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders which must not be a jail.

(p) "Juvenile intake and assessment worker" means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(q) "Kinship care placement" means the placement of a child in the home of ~~the child's relative or in the home of another~~ an adult with whom the child or the child's parent already has a close emotional ~~attachment ties~~.

(r) "Law enforcement officer" means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(s) "Multidisciplinary team" means a group of persons, appointed by the court under K.S.A. 2017 Supp. 38-2228, and amendments thereto, which has knowledge of the circumstances of a child in need of care.

(t) "Neglect" means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm,

and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include, but shall not be limited to:

(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;

(2) failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or

(3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to K.S.A. 2017 Supp. 38-2217(a)(2), and amendments thereto.

(u) "Parent" when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.

(v) "Party" means the state, the petitioner, the child, any parent of the child and an Indian child's tribe intervening pursuant to the Indian child welfare act.

(w) "Permanency goal" means the outcome of the permanency planning process which may be reintegration, adoption, appointment of a permanent custodian or another planned permanent living arrangement.

(x) "Permanent custodian" means a judicially approved permanent guardian of a child pursuant to K.S.A. 2017 Supp. 38-2272, and amendments thereto.

(y) "Physical, mental or emotional abuse" means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.

(z) "Placement" means the designation by the individual or agency having custody of where and with whom the child will live.

(aa) "Reasonable and prudent parenting standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural and social activities.

(bb) "Relative" means a person related by blood, marriage or adoption ~~but, when referring to a relative of a child's parent, does not include the child's other parent.~~

(cc) "Runaway" means a child who is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian.

(dd) "Secretary" means the secretary for children and families or the secretary's designee.

(ee) "Secure facility" means a facility, other than a staff secure facility which is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences or physical restraint in order to control behavior

of its residents. No secure facility shall be in a city or county jail.

(ff) "Sexual abuse" means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include, but is not limited to, allowing, permitting or encouraging a child to:

- (1) Be photographed, filmed or depicted in pornographic material; or
- (2) be subjected to aggravated human trafficking, as defined in K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the offender or another, or be subjected to an act which would constitute conduct proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2017 Supp. 21-6419 or 21-6422, and amendments thereto.

(gg) "Shelter facility" means any public or private facility or home, other than a juvenile detention facility or staff secure facility, that may be used in accordance with this code for the purpose of providing either temporary placement for children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

(hh) "Staff secure facility" means a facility described in K.S.A. 2017 Supp. 65-535, and amendments thereto: (1) That does not include construction features designed to physically restrict the movements and activities of juvenile residents who are placed therein; (2) that may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. No staff secure facility shall be in a city or county jail.

(ii) "Transition plan" means, when used in relation to a youth in the custody of the secretary, an individualized strategy for the provision of medical, mental health, education, employment and housing supports as needed for the adult and, if applicable, for any minor child of the adult, to live independently and specifically provides for the supports and any services for which an adult with a disability is eligible including, but not limited to, funding for home and community based services waivers.

(jj) "Youth residential facility" means any home, foster home or structure which provides 24-hour-a-day care for children and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 9. On and after July 1, 2019, K.S.A. 2017 Supp. 38-2202, as amended by section 8 of this act, is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:

(a) "Abandon" or "abandonment" means to forsake, desert or, without making appropriate provision for substitute care, cease providing care for the child.

(b) "Adult correction facility" means any public or private facility, secure or nonsecure, which is used for the lawful custody of accused or convicted adult criminal offenders.

(c) "Aggravated circumstances" means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

(d) "Child in need of care" means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 2017 Supp. 38-2242, and amendments thereto, who:

- (1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian;

(2) is without the care or control necessary for the child's physical, mental or emotional health;

(3) has been physically, mentally or emotionally abused or neglected or sexually abused;

(4) has been placed for care or adoption in violation of law;

(5) has been abandoned or does not have a known living parent;

(6) is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments thereto;

(7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2017 Supp. 21-6301(a)(14), and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult;

(8) while less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2017 Supp. 21-5102, and amendments thereto;

(9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian;

(10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee;

(11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused;

(12) while less than 10 years of age commits the offense defined in K.S.A. 2017 Supp. 21-6301(a)(14), and amendments thereto;

(13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve; or

(14) has been subjected to an act which would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or has committed an act which, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 2017 Supp. 21-6419, and amendments thereto.

(e) "Citizen review board" is a group of community volunteers appointed by the court and whose duties are prescribed by K.S.A. 2017 Supp. 38-2207 and 38-2208, and amendments thereto.

(f) "Civil custody case" includes any case filed under chapter 23 of the Kansas Statutes Annotated, and amendments thereto, the Kansas family law code, article 11 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, determination of parentage, article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, adoption and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators.

(g) "Court-appointed special advocate" means a responsible adult other than an attorney guardian ad litem who is appointed by the court to represent the best interests

of a child, as provided in K.S.A. 2017 Supp. 38-2206, and amendments thereto, in a proceeding pursuant to this code.

(h) "Custody" whether temporary, protective or legal, means the status created by court order or statute which vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.

(i) "Extended out of home placement" means a child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date at which a child in the custody of the secretary was removed from the child's home.

(j) "Educational institution" means all schools at the elementary and secondary levels.

(k) "Educator" means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has exposure to a pupil specified in K.S.A. 72-89b03(a), and amendments thereto.

(l) "Harm" means physical or psychological injury or damage.

(m) "Interested party" means the grandparent of the child, a person with whom the child has been living for a significant period of time when the child in need of care petition is filed, and any person made an interested party by the court pursuant to K.S.A. 2017 Supp. 38-2241, and amendments thereto, or Indian tribe seeking to intervene that is not a party.

(n) "Jail" means:

(1) An adult jail or lockup; or
(2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensure requirements under law and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(o) "Juvenile detention facility" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders which must not be a jail.

(p) "Juvenile intake and assessment worker" means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(q) "Kinship care placement" means the placement of a child in the home of an adult with whom the child or the child's parent already has close emotional ties.

(r) "Law enforcement officer" means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(s) "Multidisciplinary team" means a group of persons, appointed by the court under K.S.A. 2017 Supp. 38-2228, and amendments thereto, which has knowledge of the circumstances of a child in need of care.

(t) "Neglect" means acts or omissions by a parent, guardian or person responsible

for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include, but shall not be limited to:

(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;

(2) failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or

(3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to K.S.A. 2017 Supp. 38-2217(a)(2), and amendments thereto.

(u) "Parent" when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.

(v) "Party" means the state, the petitioner, the child, any parent of the child and an Indian child's tribe intervening pursuant to the Indian child welfare act.

(w) "Permanency goal" means the outcome of the permanency planning process which may be reintegration, adoption, appointment of a permanent custodian or another planned permanent living arrangement.

(x) "Permanent custodian" means a judicially approved permanent guardian of a child pursuant to K.S.A. 2017 Supp. 38-2272, and amendments thereto.

(y) "Physical, mental or emotional abuse" means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.

(z) "Placement" means the designation by the individual or agency having custody of where and with whom the child will live.

(aa) "Reasonable and prudent parenting standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural and social activities.

(bb) "Relative" means a person related by blood, marriage or adoption.

(cc) "Runaway" means a child who is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian.

(dd) "Secretary" means the secretary for children and families or the secretary's designee.

(ee) "Secure facility" means a facility, other than a staff secure facility or juvenile detention facility which is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences or physical restraint in

order to control behavior of its residents. No secure facility shall be in a city or county jail.

(ff) "Sexual abuse" means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include, but is not limited to, allowing, permitting or encouraging a child to:

(1) Be photographed, filmed or depicted in pornographic material; or
 (2) be subjected to aggravated human trafficking, as defined in K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the offender or another, or be subjected to an act which would constitute conduct proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2017 Supp. 21-6419 or 21-6422, and amendments thereto.

(gg) "Shelter facility" means any public or private facility or home, other than a juvenile detention facility or staff secure facility, that may be used in accordance with this code for the purpose of providing either temporary placement for children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

(hh) "Staff secure facility" means a facility described in K.S.A. 2017 Supp. 65-535, and amendments thereto: (1) That does not include construction features designed to physically restrict the movements and activities of juvenile residents who are placed therein; (2) that may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. No staff secure facility shall be in a city or county jail.

(ii) "Transition plan" means, when used in relation to a youth in the custody of the secretary, an individualized strategy for the provision of medical, mental health, education, employment and housing supports as needed for the adult and, if applicable, for any minor child of the adult, to live independently and specifically provides for the supports and any services for which an adult with a disability is eligible including, but not limited to, funding for home and community based services waivers.

(jj) "Youth residential facility" means any home, foster home or structure which provides 24-hour-a-day care for children and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 10. K.S.A. 2017 Supp. 38-2254 is hereby amended to read as follows: 38-2254. (a) Unless waived by the persons entitled to notice, the court shall require notice of the time and place of the dispositional hearing be given to the parties and interested parties.

(b) The court shall require notice and the right to be heard as to proposals for living arrangements for the child, the services to be provided the child and the child's family, and the proposed permanency goal for the child to the following:

(1) The child's foster parent or parents or permanent custodian providing care for the child;

(2) preadoptive parents for the child, if any;

(3) the child's grandparents at their last known addresses or if no grandparent is living or if no living grandparent's address is known, to the closest relative of each of the child's parents whose address is known;

(4) the person having custody of the child; and

(5) upon request, by any person having close emotional ties with the child and who is deemed by the court to be essential to the deliberations before the court.

(c) The notice required by this subsection shall be given by first class mail, not less than 10 business days before the hearing.

(d) Individuals receiving notice pursuant to subsection (b) shall not be made a party or interested party to the action solely on the basis of this notice and the right to be heard. The right to be heard shall be at a time and in a manner determined by the court and does not confer an entitlement to appear in person at government expense.

(e) The provisions of this subsection shall not require additional notice to any person otherwise receiving notice of the hearing pursuant to K.S.A. 2017 Supp. 38-2239, and amendments thereto.

Sec. 11. K.S.A. 2017 Supp. 38-2255 is hereby amended to read as follows: 38-2255. (a) *Considerations*. Prior to entering an order of disposition, the court shall give consideration to:

- (1) The child's physical, mental and emotional condition;
- (2) the child's need for assistance;
- (3) the manner in which the parent participated in the abuse, neglect or abandonment of the child;
- (4) any relevant information from the intake and assessment process; and
- (5) the evidence received at the dispositional hearing.

(b) *Custody with a parent*. The court may place the child in the custody of either of the child's parents subject to terms and conditions which the court prescribes to assure the proper care and protection of the child, including, but not limited to:

- (1) Supervision of the child and the parent by a court services officer;
- (2) participation by the child and the parent in available programs operated by an appropriate individual or agency; and
- (3) any special treatment or care which the child needs for the child's physical, mental or emotional health and safety.

(c) *Removal of a child from custody of a parent*. The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (1) (A) The child is likely to sustain harm if not immediately removed from the home;

- (B) allowing the child to remain in home is contrary to the welfare of the child; or
- (C) immediate placement of the child is in the best interest of the child; and
- (2) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

The court shall not enter an order removing a child from the custody of a parent pursuant to this section based solely on the finding that the parent is homeless.

(d) *Custody of a child removed from the custody of a parent*. If the court has made the findings required by subsection (c), the court shall enter an order awarding custody to: A relative of the child or to a person with whom the child has close emotional ties who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto; any other suitable person; a shelter facility; a youth residential facility; a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto,

or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto; or, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse, to the secretary. Custody awarded under this subsection shall continue until further order of the court.

(1) When custody is awarded to the secretary, the secretary shall consider any placement recommendation by the court and notify the court of the placement or proposed placement of the child within 10 days of the order awarding custody. After providing the parties or interested parties notice and opportunity to be heard, the court may determine whether the secretary's placement or proposed placement is contrary to the welfare or in the best interests of the child. In making that determination the court shall consider the health and safety needs of the child and the resources available to meet the needs of children in the custody of the secretary. If the court determines that the placement or proposed placement is contrary to the welfare or not in the best interests of the child, the court shall notify the secretary, who shall then make an alternative placement.

(2) The custodian designated under this subsection shall notify the court in writing at least 10 days prior to any planned placement with a parent. The written notice shall state the basis for the custodian's belief that placement with a parent is no longer contrary to the welfare or best interest of the child. Upon reviewing the notice, the court may allow the custodian to proceed with the planned placement or may set the date for a hearing to determine if the child shall be allowed to return home. If the court sets a hearing on the matter, the custodian shall not return the child home without written consent of the court.

(3) The court may grant any person reasonable rights to visit the child upon motion of the person and a finding that the visitation rights would be in the best interests of the child.

(4) The court may enter an order restraining any alleged perpetrator of physical, mental or emotional abuse or sexual abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child, other family member or witness; or attempting to visit, contact, harass or intimidate the child, other family member or witness. Such restraining order shall be served by personal service pursuant to ~~subsection (a) of~~ K.S.A. 2017 Supp. 38-2237(a), and amendments thereto, on any alleged perpetrator to whom the order is directed.

(5) The court shall provide a copy of any orders entered within 10 days of entering the order to the custodian designated under this subsection.

(e) *Further determinations regarding a child removed from the home.* If custody has been awarded under subsection (d) to a person other than a parent, a permanency plan shall be provided or prepared pursuant to K.S.A. 2017 Supp. 38-2264, and amendments thereto. If a permanency plan is provided at the dispositional hearing, the court may determine whether reintegration is a viable alternative or, if reintegration is not a viable alternative, whether the child should be placed for adoption or a permanent custodian appointed. In determining whether reintegration is a viable alternative, the court shall consider:

(1) Whether a parent has been found by a court to have committed one of the

following crimes or to have violated the law of another state prohibiting such crimes or to have aided and abetted, attempted, conspired or solicited the commission of one of these crimes: (A) Murder in the first degree, K.S.A. 21-3401, prior to its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto; (B) murder in the second degree, K.S.A. 21-3402, prior to its repeal, or K.S.A. 2017 Supp. 21-5403, and amendments thereto; (C) capital murder, K.S.A. 21-3439, prior to its repeal, or K.S.A. 2017 Supp. 21-5401, and amendments thereto; (D) voluntary manslaughter, K.S.A. 21-3403, prior to its repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto; or (E) a felony battery that resulted in bodily injury;

(2) whether a parent has subjected the child or another child to aggravated circumstances;

(3) whether a parent has previously been found to be an unfit parent in proceedings under this code or in comparable proceedings under the laws of another state or the federal government;

(4) whether the child has been ~~in extended out of home placement~~ the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date on which a child in the secretary's custody was removed from the child's home;

(5) whether the parents have failed to work diligently toward reintegration;

(6) whether the secretary has provided the family with services necessary for the safe return of the child to the home; and

(7) whether it is reasonable to expect reintegration to occur within a time frame consistent with the child's developmental needs.

(f) *Proceedings if reintegration is not a viable alternative.* If the court determines that reintegration is not a viable alternative, proceedings to terminate parental rights and permit placement of the child for adoption or appointment of a permanent custodian shall be initiated unless the court finds that compelling reasons have been documented in the case plan why adoption or appointment of a permanent custodian would not be in the best interests of the child. If compelling reasons have not been documented, the county or district attorney shall file a motion within 30 days to terminate parental rights or a motion to appoint a permanent custodian within 30 days and the court shall hold a hearing on the motion within 90 days of its filing. No hearing is required when the parents voluntarily relinquish parental rights or consent to the appointment of a permanent custodian.

(g) *Additional Orders.* In addition to or in lieu of any other order authorized by this section:

(1) The court may order the child and the parents of any child who has been adjudicated a child in need of care to attend counseling sessions as the court directs. The expense of the counseling may be assessed as an expense in the case. No mental health provider shall charge a greater fee for court-ordered counseling than the provider would have charged to the person receiving counseling if the person had requested counseling on the person's own initiative.

(2) If the court has reason to believe that a child is before the court due, in whole or in part, to the use or misuse of alcohol or a violation of K.S.A. 2017 Supp. 21-5701 through 21-5717, and amendments thereto, by the child, a parent of the child, or another person responsible for the care of the child, the court may order the child, parent of the child or other person responsible for the care of the child to submit to and complete an

alcohol and drug evaluation by a qualified person or agency and comply with any recommendations. If the evaluation is performed by a community-based alcohol and drug safety program certified pursuant to K.S.A. 8-1008, and amendments thereto, the child, parent of the child or other person responsible for the care of the child shall pay a fee not to exceed the fee established by that statute. If the court finds that the child and those legally liable for the child's support are indigent, the fee may be waived. In no event shall the fee be assessed against the secretary.

(3) If child support has been requested and the parent or parents have a duty to support the child, the court may order one or both parents to pay child support and, when custody is awarded to the secretary, the court shall order one or both parents to pay child support. The court shall determine, for each parent separately, whether the parent is already subject to an order to pay support for the child. If the parent is not presently ordered to pay support for any child who is subject to the jurisdiction of the court and the court has personal jurisdiction over the parent, the court shall order the parent to pay child support in an amount determined under K.S.A. 2017 Supp. 38-2277, and amendments thereto. Except for good cause shown, the court shall issue an immediate income withholding order pursuant to K.S.A. 2017 Supp. 23-3101 et seq., and amendments thereto, for each parent ordered to pay support under this subsection, regardless of whether a payor has been identified for the parent. A parent ordered to pay child support under this subsection shall be notified, at the hearing or otherwise, that the child support order may be registered pursuant to K.S.A. 2017 Supp. 38-2279, and amendments thereto. The parent shall also be informed that, after registration, the income withholding order may be served on the parent's employer without further notice to the parent and the child support order may be enforced by any method allowed by law. Failure to provide this notice shall not affect the validity of the child support order.

Sec. 12. K.S.A. 2017 Supp. 38-2268 is hereby amended to read as follows: 38-2268. (a) Prior to a hearing to consider the termination of parental rights, if the child's permanency plan is either adoption or appointment of a custodian, with the ~~consent~~ approval of the guardian ad litem and acceptance and approval of the secretary, either or both parents may: Relinquish parental rights to the child; to the secretary; consent to an adoption; or consent to appointment of a permanent custodian.

(b) *Relinquishment of child to secretary.* (1) Any parent or parents may relinquish a child to the secretary, and if the secretary accepts the relinquishment in writing, the secretary shall stand in loco parentis to the child and shall have and possess over the child all rights of a parent, including the power to place the child for adoption and give consent thereto.

(2) All relinquishments to the secretary shall be in writing, in substantial conformity with the form for relinquishment contained in the appendix of forms following K.S.A. 59-2143, and amendments thereto, and shall be executed by either parent of the child.

(3) The relinquishment shall be in writing and shall be acknowledged before a judge of a court of record or before an officer authorized by law to take acknowledgments. If the relinquishment is acknowledged before a judge of a court of record, it shall be the duty of the court to advise the relinquishing parent of the consequences of the relinquishment.

(4) Except as otherwise provided, in all cases where a parent has relinquished a

child to the agency pursuant to K.S.A. 59-2111 through 59-2143, and amendments thereto, all the rights of the parent shall be terminated, including the right to receive notice in a subsequent adoption proceeding involving the child. Upon such relinquishment, all the rights of the parents to such child, including such parent's right to inherit from or through such child, shall cease.

(5) If a parent has relinquished a child to the secretary based on a belief that the child's other parent would relinquish the child to the secretary or would be found unfit, and this does not occur, the rights of the parent who has relinquished a child to the secretary shall not be terminated.

(6) A parent's relinquishment of a child shall not terminate the right of the child to inherit from or through the parent.

(c) *Permanent custody.* (1) A parent may consent to appointment of an individual as permanent custodian and if the individual accepts the consent, such individual shall stand in loco parentis to the child and shall have and possess over the child all the rights of a legal guardian.

(2) All consents to appointment of a permanent custodian shall be in writing and shall be executed by either parent of the child.

(3) The consent shall be in writing and shall be acknowledged before a judge of a court of record or before an officer authorized by law to take acknowledgments. If the consent is acknowledged before a judge of a court of record, it shall be the duty of the court to advise the consenting parent of the consequences of the consent.

(4) If a parent has consented to appointment of a permanent custodian based upon a belief that the child's other parent would so consent or would be found unfit, and this does not occur, the consent shall be null and void.

(d) *Adoption.* If the child is in the custody of the secretary and the parental rights of both parents have been terminated or the parental rights of one parent have been terminated or that parent has relinquished parental rights to the secretary, ~~the other parent may consent to the adoption of the child may be adopted~~ by persons approved by the secretary ~~or approved by~~ and the court. If the child is no longer in the custody of the secretary, the court may approve adoption of the child by persons who: (1) Both parents consent to adopt; or (2) one parent consents to adopt, if the parental rights of the other parent have been terminated. The consent shall follow the form contained in the appendix of forms following K.S.A. 59-2143, and amendments thereto.

Sec. 13. K.S.A. 2017 Supp. 38-2269 is hereby amended to read as follows: 38-2269. (a) When the child has been adjudicated to be a child in need of care, the court may terminate parental rights or appoint a permanent custodian when the court finds by clear and convincing evidence that the parent is unfit by reason of conduct or condition which renders the parent unable to care properly for a child and the conduct or condition is unlikely to change in the foreseeable future.

(b) In making a determination of unfitness the court shall consider, but is not limited to, the following, if applicable:

(1) Emotional illness, mental illness, mental deficiency or physical disability of the parent, of such duration or nature as to render the parent unable to care for the ongoing physical, mental and emotional needs of the child;

(2) conduct toward a child of a physically, emotionally or sexually cruel or abusive nature;

(3) the use of intoxicating liquors or narcotic or dangerous drugs of such duration

or nature as to render the parent unable to care for the ongoing physical, mental or emotional needs of the child;

- (4) physical, mental or emotional abuse or neglect or sexual abuse of a child;
- (5) conviction of a felony and imprisonment;
- (6) unexplained injury or death of another child or stepchild of the parent or any child in the care of the parent at the time of injury or death;
- (7) failure of reasonable efforts made by appropriate public or private agencies to rehabilitate the family;
- (8) lack of effort on the part of the parent to adjust the parent's circumstances, conduct or conditions to meet the needs of the child; and
- (9) ~~whether the child has been in extended out of home placement~~, as a result of the actions or inactions attributable to the parent and one or more of the factors listed in subsection (c) apply, the child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date on which a child in the secretary's custody was removed from the child's home.

(c) In addition to the foregoing, when a child is not in the physical custody of a parent, the court, shall consider, but is not limited to, the following:

- (1) Failure to assure care of the child in the parental home when able to do so;
- (2) failure to maintain regular visitation, contact or communication with the child or with the custodian of the child;
- (3) failure to carry out a reasonable plan approved by the court directed toward the integration of the child into a parental home; and
- (4) failure to pay a reasonable portion of the cost of substitute physical care and maintenance based on ability to pay.

In making the above determination, the court may disregard incidental visitations, contacts, communications or contributions.

(d) A finding of unfitness may be made as provided in this section if the court finds that the parents have abandoned the child, the custody of the child was surrendered pursuant to K.S.A. 2017 Supp. 38-2282, and amendments thereto, or the child was left under such circumstances that the identity of the parents is unknown and cannot be ascertained, despite diligent searching, and the parents have not come forward to claim the child within three months after the child is found.

(e) If a person is convicted of a felony in which sexual intercourse occurred, or if a juvenile is adjudicated a juvenile offender because of an act which, if committed by an adult, would be a felony in which sexual intercourse occurred, and as a result of the sexual intercourse, a child is conceived, a finding of unfitness may be made.

(f) The existence of any one of the above factors standing alone may, but does not necessarily, establish grounds for termination of parental rights.

(g) (1) If the court makes a finding of unfitness, the court shall consider whether termination of parental rights as requested in the petition or motion is in the best interests of the child. In making the determination, the court shall give primary consideration to the physical, mental and emotional health of the child. If the physical, mental or emotional needs of the child would best be served by termination of parental rights, the court shall so order. A termination of parental rights under the code shall not terminate the right of a child to inherit from or through a parent. Upon such termination all rights of the parent to such child, including, such parent's right to inherit from or through such child, shall cease.

(2) If the court terminates parental rights, the court may authorize adoption pursuant to K.S.A. 2017 Supp. 38-2270, and amendments thereto, appointment of a permanent custodian pursuant to K.S.A. 2017 Supp. 38-2272, and amendments thereto, or continued permanency planning.

(3) If the court does not terminate parental rights, the court may authorize appointment of a permanent custodian pursuant to K.S.A. 2017 Supp. 38-2272, and amendments thereto, or continued permanency planning.

(h) If a parent is convicted of an offense as provided in ~~subsection (a)(7) of~~ K.S.A. 2017 Supp. 38-2271(a)(7), and amendments thereto, or is adjudicated a juvenile offender because of an act which if committed by an adult would be an offense as provided in ~~subsection (a)(7) of~~ K.S.A. 2017 Supp. 38-2271(a)(7), and amendments thereto, and if the victim was the other parent of a child, the court may disregard such convicted or adjudicated parent's opinions or wishes in regard to the placement of such child.

(i) A record shall be made of the proceedings.

(j) When adoption, proceedings to appoint a permanent custodian or continued permanency planning has been authorized, the person or agency awarded custody of the child shall within 30 days submit a written plan for permanent placement which shall include measurable objectives and time schedules.

Sec. 14. K.S.A. 2017 Supp. 38-2282 is hereby amended to read as follows: 38-2282. (a) This section shall be known and may be cited as the newborn infant protection act. The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent, and to provide safe and secure alternatives to such abandonment.

(b) As used in this section:

(1) "Non-relinquishing parent" means the biological parent of an infant who does not leave the infant with any person listed in subsection (c) in accordance with this section; and

(2) "relinquishing parent" means the biological parent or person having legal custody of an infant who leaves the infant with any person listed in subsection (c) in accordance with this section.

(c) A person purporting to be an infant's parent or other person having lawful custody of an infant ~~which is 45~~ who is 60 days old or younger and ~~which who~~ has not suffered bodily harm may surrender physical custody of the infant to any employee who is on duty at a police station, sheriff's office, law enforcement center, fire station, city or county health department or medical care facility as defined by K.S.A. 65-425, and amendments thereto. Such employee shall, without a court order, take physical custody of an infant surrendered pursuant to this section. A relinquishing parent or other person voluntarily surrendering an infant under this subsection shall not be required to reveal personally identifiable information, but may be offered the opportunity to provide information concerning the infant's familial or medical history.

~~(e)(d)~~ A person or Any employee of a facility described in subsection (c) to whom an infant is delivered pursuant to this ~~subsection~~ section shall not reveal the name or other personally identifiable information of the person who delivered the infant unless there is a reasonable suspicion that the infant has been abused or neglected, and such person or such facility and its employees shall be immune from administrative, civil or criminal liability for any action taken pursuant to this subsection. Such immunity shall

not extend to any acts or omissions, including negligent or intentional acts or omissions, occurring after the acceptance of the infant.

(e) If an infant is delivered pursuant to this section to any facility described in subsection (c) that is not a medical care facility, the employee of such facility who takes physical custody of the infant shall arrange for the immediate transportation of the infant to the nearest medical care facility as defined by K.S.A. 65-425, and amendments thereto. The medical care facility, its employees, agents and medical staff shall perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health and safety of the infant and shall be immune from administrative, civil and criminal liability for treatment performed consistent with such standard.

~~(d)~~(f) As soon as possible after a person an employee of any facility described in subsection (c) takes physical custody of an infant under without a court order pursuant to this section, such person shall notify a local law enforcement agency that the person has taken physical custody of an infant pursuant to this section. Upon receipt of such notice a law enforcement officer from such law enforcement agency shall take custody of the infant as an abandoned infant. The law enforcement agency shall deliver the infant to a facility or person designated by the secretary pursuant to K.S.A. 2017 Supp. 38-2232, and amendments thereto.

~~(e)~~(g) Any person, city or county or agency thereof or medical care facility taking physical custody of an infant surrendered pursuant to this section shall perform any act necessary to protect the physical health or safety of the infant, and shall be immune from liability for any injury to the infant that may result therefrom.

(h) (1) A relinquishing parent shall be immune from civil or criminal liability for action taken pursuant to this section only if:

(A) The relinquishing parent voluntarily delivered the infant safely to the physical custody of an employee at a facility described in subsection (c);

(B) the infant was no more than 60 days old when delivered by the relinquishing parent to the physical custody of an employee at a facility described in subsection (c); and

(C) the infant was not abused or neglected by the relinquishing parent prior to such delivery.

(2) The relinquishing parent's voluntary delivery of an infant in accordance with this section shall constitute the parent's implied consent to the adoption of such infant and a voluntary relinquishment of such parent's parental rights.

(i) (1) In any termination of parental rights proceeding initiated after the relinquishment of an infant pursuant to this section, the state shall publish notice pursuant to chapter 60 of the Kansas Statutes Annotated, and amendments thereto, that an infant has been relinquished, including the sex of the infant and the date and location of such relinquishment. Within 30 days after publication of such notice, a non-relinquishing parent seeking to establish parental rights shall notify the court where the termination of parental rights proceeding is filed and state such parent's intentions regarding the infant. The court shall initiate proceedings to establish parentage if no person notifies the court within 30 days. There shall be an examination of the putative father registry to determine whether attempts have previously been made to preserve parental rights to the infant. If such attempts have been made, the state shall make reasonable efforts to provide notice of the abandonment of the infant to such putative father.

(2) If a relinquishing parent of an infant relinquishes custody of the infant in accordance with this section, to preserve the parental rights of the non-relinquishing parent, the non-relinquishing parent shall take the steps necessary to establish parentage within 30 days after the published notice or specific notice provided in paragraph (1).

(3) If a non-relinquishing parent fails to take the steps necessary to establish parentage within the 30-day period specified in paragraph (2), the non-relinquishing parent may have all of such parent's rights terminated with respect to the child.

(4) If a non-relinquishing parent inquires at a facility described in subsection (c) regarding an infant whose custody was relinquished pursuant to this section, such facility shall refer the non-relinquishing parent to the Kansas department for children and families and the court exercising jurisdiction over the child.

~~(f)~~(j) Upon request, all medical records of the infant shall be made available to the Kansas department for children and families and given to the person awarded custody of such infant. The medical facility providing such records shall be immune from liability for such records release.

Sec. 15. K.S.A. 2017 Supp. 39-708c is hereby amended to read as follows: 39-708c. (a) The secretary for children and families shall develop state plans, as provided under the federal social security act, whereby the state cooperates with the federal government in its program of assisting the states financially in furnishing assistance and services to eligible individuals. The secretary shall undertake to cooperate with the federal government on any other federal program providing federal financial assistance and services in the field of social welfare not inconsistent with this act. The secretary is not required to develop a state plan for participation or cooperation in all federal social security act programs or other federal programs that are available. The secretary shall also have the power, but is not required, to develop a state plan in regard to assistance and services in which the federal government does not participate.

(b) The secretary shall have the power and duty to determine the general policies relating to all forms of social welfare which are administered or supervised by the secretary and to adopt the rules and regulations therefor.

(c) The secretary shall hire, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the secretary, to carry out the provisions of this act. The secretary shall advise the governor and the legislature on all social welfare matters covered in this act.

(d) The secretary shall establish and maintain intake offices throughout the state. The secretary may establish and create area offices to coordinate and supervise the administration of the intake offices located within the area. The number and location of intake offices and area offices shall be within the discretion of the secretary. Each intake office shall be open at least 12 hours of each working week on a regularly scheduled basis. The secretary shall supervise all social welfare activities of the intake offices and area offices. The secretary may lease office or business space, but no lease or rental contract shall be for a period to exceed 10 years. A person desiring public assistance, or if the person is incapable or incapacitated, a relative, friend, personal representative or conservator of the person shall make application at the intake office. When it is necessary, employees may take applications elsewhere at any time. The applications shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest and of all income which the applicant may have at the time of the filing of the application and such other information as may be required by the

secretary. When a husband and wife are living together the combined income or resources of both shall be considered in determining the eligibility of either or both for assistance unless otherwise prohibited by law. The form of application, the procedure for the determination of eligibility and the amount and kind of assistance or service shall be determined by the secretary.

(e) The secretary shall provide special inservice training for employees of the secretary and may provide the training as a part of the job or at accredited educational institutions.

(f) The secretary shall establish an adequate system of financial records. The secretary shall make annual reports to the governor and shall make any reports required by federal agencies.

(g) The secretary shall sponsor, operate or supervise community work experience programs whereby recipients of assistance shall work out a part or all of their assistance and conserve work skills and develop new skills. The compensation credited to recipients for the programs shall be based upon an hourly rate equal to or in excess of the federal minimum wage hourly rate. The programs shall be administered by the secretary. In the programs, the secretary shall provide protection to the recipient under the workmen's compensation act or shall provide comparable protection and may enter into cooperative arrangements with other public officials and agencies or with private not-for-profit corporations providing assistance to needy persons in developing, subject to the approval of the secretary, the programs under this section.

(h) The secretary may receive, have custody of, protect, administer, disburse, dispose of and account for federal or private commodities, equipment, supplies and any kind of property, including food stamps or coupons, which are given, granted, loaned or advanced to the state of Kansas for social welfare works, and for any other purposes provided for by federal laws or rules and regulations or by private devise, grant or loan, or from corporations organized to act as federal agencies, and to do all things and acts which are necessary or required to perform the functions and carry out the provisions of federal laws, rules and regulations under which such commodities, equipment, supplies and other property may be given, granted, loaned or advanced to the state of Kansas, and to act as an agent of the federal government when designated as an agent, and do and perform all things and acts that may be required by the federal laws or rules and regulations not inconsistent with the act.

(i) The secretary may assist other departments, agencies and institutions of the state and federal government and of other states under interstate agreements, when so requested, by performing services in conformity with the purpose of this act.

(j) The secretary shall have authority to lease real and personal property whenever the property is not available through the state or a political subdivision of the state, for carrying on the functions of the secretary.

(k) All contracts shall be made in the name of the secretary for children and families and in that name the secretary may sue and be sued on such contracts. The grant of authority under this subsection shall not be construed to be a waiver of any rights retained by the state under the 11th amendment to the United States constitution and shall be subject to and shall not supersede the provisions of any appropriations act of this state.

(l) All moneys and property of any kind whatsoever received from the Kansas emergency relief committee or from any other state department or political subdivision

of the state shall be used by the secretary in the administration and promotion of social welfare in the state of Kansas. The property may be given, loaned or placed at the disposal of any county, city or state agency engaged in the promotion of social welfare.

(m) The secretary shall prepare annually, at the time and in the form directed by the governor, a budget covering the estimated receipts and expenditures of the secretary for the ensuing year.

(n) The secretary shall have authority to make grants of funds, commodities or other needed property to local units of government under rules and regulations adopted by the secretary for the promotion of social welfare in local units of government.

(o) The secretary shall have authority to sell any property in the secretary's possession received from any source whatsoever for which there is no need or use in the administration or the promotion of social welfare in the state of Kansas.

(p) The secretary shall adopt a seal.

(q) The secretary shall initiate or cooperate with other agencies in developing programs for the prevention of blindness, the restoration of eyesight and the vocational rehabilitation of blind persons and shall establish a division of services for the blind. The secretary may initiate or cooperate with other agencies in developing programs for the prevention and rehabilitation of other handicapped persons.

(r) The secretary shall develop a children and youth service program and shall administer or supervise program activities including the care and protection of ~~children who are deprived, defective, wayward, miscreant, delinquent~~ or children in need of care, as defined in K.S.A. 2017 Supp. 38-2202, and amendments thereto. The secretary shall cooperate with the federal government through its appropriate agency or instrumentality in establishing, extending and strengthening such services and undertake other services to children authorized by law. Nothing in this act shall be construed as authorizing any state official, agent or representative, in carrying out any of the provisions of this act, to take charge of any child over the objection of either of the parents of such child or of the person standing in loco parentis to such child except pursuant to a proper court order.

(s) The secretary shall develop plans financed by federal funds or state funds or both for providing medical care for needy persons. The secretary, in developing the plan, may enter into an agreement with an agent or intermediary for the purpose of performing certain functions, including the making of medical payment reviews, determining the amount due the medical vendors from the state in accordance with standards set by the secretary, preparing and certifying to the secretary lists of medical vendors and the amounts due them and other related functions determined by the secretary. The secretary may also provide medical, remedial, preventive or rehabilitative care and services for needy persons by the payment of premiums to the federal social security system for the purchase of supplemental medical insurance benefits as provided by the federal social security act and amendments thereto. Medicaid recipients who were residents of a nursing facility on September 1, 1991, and who subsequently lost eligibility in the period September 1, 1991, through June 30, 1992, due to an increase in income shall be considered to meet the 300% income cap eligibility test.

(t) The secretary shall carry on research and compile statistics relative to the entire social welfare program throughout the state, ~~including all phases of dependency, defectiveness, delinquency and related problems~~; develop plans in cooperation with other public and private agencies for the prevention as well as treatment of conditions

giving rise to social welfare problems.

(u) The secretary may receive grants, gifts, bequests, money or aid of any character whatsoever, for state welfare work. All moneys coming into the hands of the secretary shall be deposited in the state social welfare fund provided for in this act.

(v) The secretary may enter into agreements with other states or the welfare department of other states, in regard to the manner of determining the state of residence in disputed cases, the manner of returning persons to the place of residence and the bearing or sharing of the costs.

(w) The secretary shall perform any other duties and services necessary to carry out the purposes of this act and promote social welfare in the state of Kansas, not inconsistent with the state law.

(x) The secretary shall establish payment schedules for each group of health care providers. Any payment schedules which are a part of the state medicaid plan shall conform to state and federal law. The secretary shall not be required to make any payments under the state medicaid plan which do not meet requirements for state and federal financial participation.

(1) The secretary shall consider budgetary constraints as a factor in establishing payment schedules so long as the result complies with state and federal law.

(2) The secretary shall establish payment schedules for providers of hospital and adult care home services under the medicaid plan that are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards. The secretary shall not be required to establish rates for any such facility that are in excess of the minimum necessary to efficiently and economically meet those standards regardless of any excess costs incurred by any such facility.

(y) The secretary shall maintain a system of centralized payment for all welfare expenditures.

Sec. 16. K.S.A. 39-713c is hereby amended to read as follows: 39-713c. The secretary shall find suitable homes for children who are ~~deprived, wayward, miscreant, delinquent or~~ children in need of care, as defined in K.S.A. 2017 Supp. 38-2202, and amendments thereto, referred to the secretary by the district court, and place and supervise the children in such homes. This shall not prevent the use of licensed private child-placing agencies by the secretary or district court when desired.";

Also on page 16, in line 26, before "K.S.A." by inserting "K.S.A. 39-713c and"; also in line 26, after "Supp." by inserting "38-2202,"; also in line 26, after the fourth comma by inserting "38-2254, 38-2255, 38-2268, 38-2269, 38-2282,"; in line 27, after "2330" by inserting ", 39-708c"; following line 27, by inserting:

"Sec. 18. On and after July 1, 2019, K.S.A. 2015 Supp. 38-2202, as amended by section 23 of chapter 46 of the 2016 session laws of Kansas, and K.S.A. 2017 Supp. 38-2202, as amended by section 8 of this act, are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "the revised Kansas code for care of children; newborn infant protection act; powers and duties of the secretary for children and families"; also in line 2, after "amending" by inserting "K.S.A. 39-713c and"; in line 3, after "Supp." by inserting "38-2202, 38-2202, as amended by section 8 of this act,"; also in line 3, after the fourth comma by inserting

"38-2254, 38-2255, 38-2268, 38-2269, 38-2282,"; also in line 3, after "38-2330" by inserting ", 39-708c"; in line 4, after "sections" by inserting "; also repealing K.S.A. 2015 Supp. 38-2202, as amended by section 23 of chapter 46 of the 2016 session laws of Kansas";

And your committee on conference recommends the adoption of this report.

BLAINE FINCH
BRAD RALPH
JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN
JULIE LYNN
DAVID HALEY

Conferees on part of Senate

Senator Wilborn moved the Senate adopt the Conference Committee Report on **H Sub SB 179**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 199** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 2, in line 42, by striking "(B) and"; also in line 42, after "(C)" by inserting "and (D)";

On page 3, in line 12, after "(B)" by inserting "(i) There shall be a rebuttable presumption that an appellant will suffer an undue hardship pursuant to subparagraph (A) when the:

- (a) Judgment amount exceeds \$2,500,000;
- (b) defendant is a small business; and
- (c) judgment is for a claim arising from activities within the appellant's ordinary course of business.

(ii) For the purposes of this subparagraph, "small business" means a sole proprietorship, partnership, limited liability company, corporation or other business entity, whether for-profit or not-for-profit, that has between two and 50 employees and is not a corporate affiliate or subsidiary of, or owned in whole or in part by, any other business.

(C)";

Also on page 3, in line 15, by striking "paragraph" and inserting "subparagraph"; also

in line 15, by striking "or" and inserting a comma; also in line 15, after "(B)" by inserting "or (C)"; in line 16, by striking the colon; in line 17, by striking "(i)"; in line 19, after "business" by inserting ", or is likely to purposefully dissipate or divert assets outside of the ordinary course of its business,,"; also in line 19, after the second "the" by inserting "primary"; in line 20, by striking ", and" and inserting a period; in line 23, by striking all after "judgment"; by striking all in lines 28 through 31; in line 32, by striking "judgment";

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

And your committee on conference recommends adoption of this report.

BLAINE FINCH

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

Senator Wilborn moved the Senate adopt the Conference Committee Report on **SB 199**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 310** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 7 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 13 and inserting:

"New Section 1. (a) No antique amusement ride, limited-use amusement ride or registered agritourism activity shall be operated in this state unless a valid permit for such ride has been issued by the department. The owner of any such ride shall make application for a permit for such ride to the secretary on such form and in such manner as prescribed by the secretary. The application for a permit shall include, but is not limited to, the following:

(1) The name of the owner and operator of the antique amusement ride, limited-use amusement ride or registered agritourism activity;

(2) the location of the ride, or the location where such ride is stored when not in use;

(3) valid certificate of inspection; and

(4) proof of insurance.

(b) Each applicant shall submit a permit fee of \$50 along with the application.

(c) Upon approval of an application and receipt of the required fee, the secretary shall issue a permit for the antique amusement ride, limited-use amusement ride or registered agritourism activity. Such permit shall be valid for one year from the date of issuance. Any permit fee paid by an applicant shall be returned to the applicant if the application is denied.

(d) In addition to the permit fee required under subsection (b), no antique amusement ride, limited-use amusement ride or registered agritourism activity shall be operated in this state unless the owner of such ride has registered as an antique amusement ride, limited-use amusement ride or registered agritourism activity owner with the department. Registration shall be valid for a period of one year. The owner of an antique amusement ride, limited-use amusement ride or registered agritourism activity shall register with the department in such form and in such manner as prescribed by the secretary and by paying a registration fee of \$50. The fee required under this subsection shall be an annual fee paid by the owner, regardless of the number of rides owned by such owner.

(e) All fees received by the secretary pursuant to this section shall be remitted by the secretary 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 amusement ride safety fund.

Sec. 2. K.S.A. 2017 Supp. 40-4801 is hereby amended to read as follows: 40-4801. As used in K.S.A. 40-4802 and 40-4803, and amendments thereto, the terms "amusement ride," "antique amusement ride," "limited-use amusement ride," "operator," and "owner" and "registered agritourism activity" shall have the same meanings as those terms are defined in K.S.A. 2017 Supp. 44-1601, and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 40-4802 is hereby amended to read as follows: 40-4802. No amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity shall be operated in this state unless at the time of operation the owner has in effect an insurance policy insuring the owner and operator against liability for bodily injury to persons arising out of the operation of the amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity. The insurance policy shall be written by an insurance company doing business in Kansas, or by a surplus lines insurer. Such insurance policy shall:

(a)(1) For an owner or operator of an amusement ride, provide for coverage in an amount not less than \$1,000,000 per occurrence with a \$2,000,000 annual aggregate, except that this requirement shall be satisfied if the owner of such amusement ride is the state or any subdivision of the state and such owner self-insures, or participates in a public entity self-insurance pool in accordance with K.S.A. 75-6111, and amendments thereto; and or

(2) for an owner or operator of an antique amusement ride, limited-use amusement ride or registered agritourism activity, provide for coverage in an amount not less than \$750,000 per occurrence with a \$1,000,000 annual aggregate; and

(b) name as an additional insured any person contracting with the owner for the ~~amusement ride's operation of the amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity.~~

Sec. 4. K.S.A. 2017 Supp. 44-1601 is hereby amended to read as follows: 44-1601. As used in this act:

(a) (1) "Amusement ride" means any mechanical or electrical device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement ~~and shall include all rides and devices included under ASTM international F24 committee standards~~, including, but not be limited to:

(A) Rides commonly known as ferris wheels, carousels, parachute towers, bungee jumping, reverse bungee jumping, tunnels of love, roller coasters, boat rides, water slides, inflatable devices, commercial zip lines, trampoline courts and go-karts;

(B) equipment generally associated with winter activities, such as ski lifts, ski tows, j-bars, t-bars, chair lifts and aerial tramways; and

(C) equipment not originally designed to be used as an amusement ride, such as cranes or other lifting devices, when used as part of an amusement ride.

(2) "Amusement ride" does not include:

(A) Games, concessions and associated structures;

(B) any single passenger coin-operated ride that: (i) Is manually, mechanically or electrically operated; (ii) is customarily placed in a public location; and (iii) does not normally require the supervision or services of an operator;

(C) nonmechanized playground equipment, including, but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides and physical fitness devices; ~~or~~

(D) ~~home-owned antique amusement rides;~~

(E) limited-use amusement rides;

(F) registered agritourism activities;

(G) any ride commonly known as a hayrack ride in which patrons sit in a wagon or cart that is then pulled by horses or a tractor or other motor vehicle;

(H) any ride commonly known as a barrel train, which has a series of handmade cars fashioned from barrels that are connected and pulled by a tractor or other motor vehicle; or

(I) any amusement ride owned by an individual and operated solely within a single county for strictly private use.

(b) "Antique amusement ride" means an amusement ride, as defined in subsection (a)(1), manufactured prior to January 1, 1930.

(c) "Certificate of inspection" means a certificate, signed and dated by a qualified inspector, showing that an amusement ride has satisfactorily passed inspection by such inspector.

~~(d)~~ (d) "Class A amusement ride" means an amusement ride designed for use primarily by individuals aged 12 or less.

~~(e)~~ (e) "Class B amusement ride" means an amusement ride that is not classified as a class A amusement ride.

~~(f)~~ (f) "Department" means the department of labor.

~~(g)~~ (g) "Home-owned Limited-use amusement ride" means an amusement ride, as defined in subsection (a)(1), owned by an individual and operate solely within a single

county for strictly private use and operated by a nonprofit, community-based organization that is operated for less than 20 days, or 160 hours, in a year and is operated at only one location each year.

~~(g)~~(h) "Nondestructive testing" means the development and application of technical methods in accordance with ASTM F747 standards such as radiographic, magnetic particle, ultrasonic, liquid penetrant, electromagnetic, neutron radiographic, acoustic emission, visual and leak testing to:

(1) Examine materials or components in ways that do not impair the future usefulness and serviceability in order to detect, locate, measure and evaluate discontinuities, defects and other imperfections;

(2) assess integrity, properties and composition; and

(3) measure geometrical characters.

~~(h)~~(i) "Operator" means a person actually supervising, or engaged in or directly controlling the operations of an amusement ride.

~~(i)~~(j) "Owner" means a person who owns, leases, controls or manages the operations of an amusement ride and may include the state or any political subdivision of the state.

~~(j)~~(k) "Parent or guardian" means any parent, guardian or custodian responsible for the control, safety, training or education of a minor or an adult or minor with an impairment in need of a guardian or a conservator, or both, as those terms are defined by K.S.A. 59-3051, and amendments thereto.

~~(k)~~(l) (1) "Patron" means any individual who is:

(A) Waiting in the immediate vicinity of an amusement ride to get on the ride;

(B) getting on an amusement ride;

(C) using an amusement ride;

(D) getting off an amusement ride; or

(E) leaving an amusement ride and still in the immediate vicinity of the ride.

(2) "Patron" does not include employees, agents or servants of the owner while engaged in the duties of their employment.

~~(l)~~(m) "Person" means any individual, association, partnership, corporation, limited liability company, government or other entity.

~~(m)~~(n) "Qualified inspector" means a person who:

(1) Is a licensed professional engineer, as defined in K.S.A. 74-7003, and amendments thereto, and has completed at least two years of experience in the amusement ride field, consisting of at least one year of actual inspection of amusement rides under a qualified inspector for a manufacturer, governmental agency, amusement park, carnival or insurance underwriter, and an additional year of practicing any combination of amusement ride inspection, design, fabrication, installation, maintenance, testing, repair or operation;

(2) provides satisfactory evidence of completing a minimum of five years of experience in the amusement ride field, at least two years of which consisted of actual inspection of amusement rides under a qualified inspector for a manufacturer, governmental agency, amusement park, carnival or insurance underwriter, and the remaining experience consisting of any combination of amusement ride inspection, design, fabrication, installation, maintenance, testing, repair or operation; ~~or~~

(3) has received qualified training from a third party, such as attainment of level ~~HI~~ certification from the national association of amusement ride safety officials

(NAARSO), attainment of level—~~H~~ I certification from the amusement industry manufacturers and suppliers international (AIMS), attainment of a qualified inspector certification from the association for challenge course technology (ACCT),—~~Pennsylvania department of agriculture — general qualified inspector status, when applicable,~~ or other similar qualification from another nationally recognized organization; or

(4) for purposes of inspecting inflatable devices that are rented on a regular basis and erected at temporary locations, provides satisfactory evidence of completing a minimum of five years of experience working with inflatable devices and has received qualified training from a third party, such as attainment of an advanced inflatable safety operations certification from the safe inflatable operators training organization or other nationally recognized organization.

(o) "Registered agritourism activity" means an amusement ride, as defined in subsection (a)(1), that is a registered agritourism activity, as defined in K.S.A. 2017 Supp. 32-1432, and amendments thereto.

~~(p)~~(p) "Secretary" means the secretary of labor.

~~(q)~~(q) "Serious injury" means an injury that results in:

(1) Death, dismemberment, significant disfigurement or permanent loss of the use of a body organ, member, function or system;

(2) a compound fracture; or

(3) other injury or illness that requires immediate ~~medical treatment admission and overnight hospitalization, and observation by a licensed physician.~~

~~(r)~~(r) "Sign" means any symbol or language reasonably calculated to communicate information to patrons or their parents or guardians, including placards, prerecorded messages, live public address, stickers, pictures, pictograms, guide books, brochures, videos, verbal information and visual signals.

~~(s)~~(s) "Water slide" means a slide that is at least ~~15~~ 35 feet in height and that uses water to propel the patron through the ride.

Sec. 5. K.S.A. 2017 Supp. 44-1602 is hereby amended to read as follows: 44-1602. (a) No amusement ride shall be operated in this state unless such ride has a valid certificate of inspection. An amusement ride erected in this state shall be inspected by a qualified inspector at least every 12 months.

The certificate of an inspection required by this subsection shall be signed and dated by the inspector and shall be available to any person contracting with the owner for the ~~amusement ride's operation of such amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity.~~ In addition, a visible inspection decal provided by the department or other evidence of inspection shall be posted in plain view on or near the amusement ride, ~~antique amusement ride, limited-use amusement ride or registered agritourism activity~~ in a location where it can easily be seen.

(b) Inspections performed pursuant to this section shall be paid for by the owner of the amusement ride, ~~antique amusement ride, limited-use amusement ride or registered agritourism activity,~~ or in the case of a state agency or political subdivision of the state, such governmental entity shall pay for the inspection.

(c) In addition to the annual inspection required by subsection (a), the operator of an amusement ride, ~~antique amusement ride, limited-use amusement ride or registered agritourism activity~~ shall perform and record daily inspections of the ~~amusement~~ ride.

The daily inspection shall include an inspection of equipment identified for daily inspection in accordance with the applicable codes and the manufacturer's recommendations.

(d) The secretary shall conduct random compliance audits of amusement rides erected both at permanent locations and at temporary locations. A warning citation for violation of this act shall be issued against any owner or operator for a first violation.

(e) The secretary shall develop an inspection checklist, which shall be posted on the department's website.

Sec. 6. K.S.A. 2017 Supp. 44-1603 is hereby amended to read as follows: 44-1603. The owner of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity shall retain at all times current records relating to the construction, repair and maintenance of its operation, including safety, inspection, maintenance records and ride operator training activities for such ride. Such records shall be available to any person contracting with the owner for the ~~amusement ride's~~ operation of such ride, and shall be made available to the department at reasonable times, including during an inspection upon the department's request. Records of daily inspections must be available for inspection at the location where the ride or device is operated. All records must be maintained for a period of three years.

Sec. 7. K.S.A. 2017 Supp. 44-1605 is hereby amended to read as follows: 44-1605. (a) No amusement ride shall be operated in this state unless the operator has satisfactorily completed training that includes, at a minimum:

- (1) Instruction on operating procedures for the ride, the specific duties of the operator, general safety procedures and emergency procedures;
- (2) demonstration of physical operation of the ride; and
- (3) supervised observation of the operator's physical operation of the ride.

(b) No amusement ride shall be operated in this state unless the name of each operator trained to operate the ride and the certificate of each such operator's satisfactory completion of such training, signed and dated by the trainer, is available to any person contracting with the owner for the amusement ride's operation on the premises where the amusement ride is operated, during the hours of operation of the ride.

(c) No inflatable device that is rented on a regular basis and erected at a temporary location shall be operated in this state unless the operator has been trained by a person who has attained a basic inflatable safety operations certification from the safe inflatable operators training organization or other nationally recognized organization.

(d) No slide that uses water to propel the patron through the ride and that is at least 15 feet in height shall be operated in this state unless there is an attendant stationed at such slide to ensure patrons are properly adhering to the safety standards in place.

Sec. 8. K.S.A. 2017 Supp. 44-1606 is hereby amended to read as follows: 44-1606. No amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity shall be operated in this state unless there is posted in plain view on or near the ride, in a location where they can be easily read, all safety instructions for the ride.

Sec. 9. K.S.A. 2017 Supp. 44-1607 is hereby amended to read as follows: 44-1607. (a) Each patron of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity, by participation, accepts the risks inherent in such participation of which an ordinary prudent person is or should be aware.

(b) Each patron of ~~an amusement~~ a ride has a duty to:

- (1) Exercise the judgment and act in the manner of an ordinary prudent person while participating in ~~an amusement~~ a ride;
- (2) obey all instructions and warnings, written or oral, prior to and during participation in ~~an amusement~~ a ride;
- (3) refrain from participation in ~~an amusement~~ a ride while under the influence of alcohol or drugs;
- (4) engage all safety devices that are provided;
- (5) refrain from disconnecting or disabling any safety device except at the express direction of the owner's agent or employee; and
- (6) refrain from extending arms and legs beyond the carrier or seating area except at the express direction of the owner's agent or employee.

(c) Any parent or guardian of a patron shall have a duty to reasonably ensure that the patron complies with all provisions of this act.

Sec. 10. K.S.A. 2017 Supp. 44-1608 is hereby amended to read as follows: 44-1608. Any person contracting with an owner for the ~~amusement ride's~~ operation of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity shall ensure that:

- (a) Inspection certificates required by K.S.A. 2017 Supp. 44-1602, and amendments thereto, are available;
- (b) maintenance and inspection records required by K.S.A. 2017 Supp. 44-1603, and amendments thereto, are available; and
- (c) safety instructions for the ride are posted as required by K.S.A. 2017 Supp. 44-1606, and amendments thereto.

Sec. 11. K.S.A. 2017 Supp. 44-1609 is hereby amended to read as follows: 44-1609. Whenever a serious injury results from the operation of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity:

- (a) Operation of the ride shall immediately be discontinued;
- (b) operation of the ride shall not be resumed until it has been inspected and the qualified inspector has approved resumption of operation; and
- (c) the owner, within 30 days after the injury, shall notify the manufacturer of the ride, if the manufacturer is known and in existence at the time of the injury.

Sec. 12. K.S.A. 2017 Supp. 44-1610 is hereby amended to read as follows: 44-1610. (a) It is a class B misdemeanor for an owner or operator of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity knowingly to operate, or cause or permit to be operated, any amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity without a valid permit issued by the secretary.

(b) A notice of violation may be issued by the department when an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity is found to be out of compliance with the provisions of this act, or any rules or regulations adopted pursuant thereto. The notice of violation may include an order to cease and desist operation of the specific ~~amusement~~ ride until all violations are satisfactorily corrected.

(c) Within 10 business days after a notice of violation has been issued, the person issued such notice may file a written request with the department for an informal conference regarding the notice. If the person issued the notice of violation does not

request an informal conference within this time frame, all provisions of the notice shall become final. If the notice of violation is not resolved within the prescribed time frame, the department may seek judicial enforcement of the notice of violation, or an enforcement order may be issued.

(d) The secretary may impose a fine of not more than \$1,000 for any violation of the provisions of this act, or any rules or regulations adopted pursuant thereto. All fines received by the secretary pursuant to this section shall be remitted by the secretary 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 amusement ride safety fund.

(e) Each day a violation continues shall constitute a separate offense.

(f) The provisions of this section shall be subject to the Kansas administrative procedure act.

~~(g) No prosecution for an offense described in subsection (a) shall be brought prior to January 1, 2018. The provisions of this subsection shall expire on June 30, 2018.~~

Sec. 13. K.S.A. 2017 Supp. 44-1611 is hereby amended to read as follows: 44-1611. The attorney general, or the county or district attorney in a county in which an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity is located or operated, may apply to the district court for an order enjoining operation of any amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity operated in violation of this act.

Sec. 14. K.S.A. 2017 Supp. 44-1612 is hereby amended to read as follows: 44-1612. The governing body of any city or county may establish and enforce safety standards for amusement rides, antique amusement ride, limited-use amusement rides or registered agritourism activities in addition to, but not in conflict with, the standards established by this act.

Sec. 15. K.S.A. 2017 Supp. 44-1613 is hereby amended to read as follows: 44-1613. The provisions of K.S.A. 2017 Supp. 44-1601 through 44-1619, and section 1, and amendments thereto, shall be known as the Kansas amusement ride act.

Sec. 16. K.S.A. 2017 Supp. 44-1614 is hereby amended to read as follows: 44-1614. (a) The secretary of labor shall adopt rules and regulations necessary to implement provisions of the Kansas amusement ride act, K.S.A. 2017 Supp. 44-1601 et seq., and amendments thereto.

(b) (1) On or before January 1, 2018, the secretary shall adopt rules and regulations necessary to implement the amendments made to the Kansas amusement ride act, K.S.A. 2017 Supp. 44-1601 et seq., and amendments thereto, and the amusement ride insurance act, K.S.A. 40-4801 et seq., and amendments thereto, by this act.

(2) The secretary shall adopt rules and regulations specifying nationally recognized organizations that issue certifications or other evidence of qualification to inspect amusement rides, and that require education, experience and training at least equivalent to that required for a level ~~H~~I certification from NAARSO as of July 1, 2017.

(3) All references to the American society for testing and materials (ASTM) standards shall be to those standards ~~adopted~~ developed by the ASTM international F24 committee, as published in ASTM international standards volume 15.07, or any later version adopted by the secretary in rules and regulations.

Sec. 17. K.S.A. 2017 Supp. 44-1616 is hereby amended to read as follows: 44-

1616. (a) No amusement ride shall be operated in this state unless a valid permit for such ride has been issued by the department. The owner of an amusement ride shall make application for a permit for such amusement ride to the secretary on such form and in such manner as prescribed by the secretary. The application for a permit shall include, but is not limited to, the following:

- (1) The name of the owner and operator of the amusement ride;
- (2) the location of the amusement ride, or the location where such ride is stored when not in use;
- (3) valid certificate of inspection;
- (4) proof of insurance; and
- (5) (A) for amusement rides manufactured prior to July 1, 2018, certification that such ride qualifies as service proven, as that term is used in the applicable ASTM international F24 committee standards; and

(B) for amusement rides manufactured on and after July 1, 2018, certification that such ride meets the applicable ASTM international F24 committee standards pertaining to ride maintenance and operation.

(b) Each applicant shall submit a permit fee along with the application in an amount as follows:

- (1) For amusement rides erected at a permanent location, \$75 for a class A amusement ride, and \$100 for a class B amusement ride;
- (2) for amusement rides erected at a temporary location, \$30; and
- (3) for amusement rides owned or operated by a municipality or a nonprofit entity, whether erected at a permanent or temporary location, \$10.

(c) Upon approval of an application and receipt of the required fee, the secretary shall issue a permit for the amusement ride. Such permit shall be valid for one year from the date of issuance. Any permit fee paid by an applicant shall be returned to the applicant if the application is denied.

(d) In addition to the permit fees required under subsection ~~(a)~~ (b), no amusement ride shall be operated in this state unless the owner of such ride has registered as an amusement ride owner with the department. Registration shall be valid for a period of one year. The owner of an amusement ride shall register with the department in such form and in such manner as prescribed by the secretary, and by paying a registration fee as follows:

- (1) For amusement rides erected at a permanent location, \$500;
- (2) for amusement rides erected at a temporary location, \$250; and
- (3) for amusement rides owned by a municipality or nonprofit entity, whether erected at a permanent or temporary location, \$50.

The fee required under this subsection shall be an annual fee paid by the owner, regardless of the number of amusement rides owned by such owner.

(e) All fees received by the secretary pursuant to this section shall be remitted by the secretary 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 amusement ride safety fund.

Sec. 18. K.S.A. 2017 Supp. 44-1617 is hereby amended to read as follows: 44-1617. There is hereby established in the state treasury the amusement ride safety fund, which shall be administered by the department of labor. The amusement ride safety fund

shall consist of those moneys credited to the amusement ride safety fund pursuant to K.S.A. 44-1610, and amendments thereto, and K.S.A. 2017 Supp. 44-1616 and section 1, and amendments thereto. All expenditures from the amusement ride safety fund shall be for the administration and enforcement of the Kansas amusement ride act, and 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, or the secretary's designee.

Sec. 19. K.S.A. 2017 Supp. 44-1618 is hereby amended to read as follows: 44-1618. (a) (1) A patron, or a patron's parent or guardian on a patron's behalf, shall report in writing to the owner any injury sustained on an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity before leaving the premises. Such report shall include:

- (A) The name, address and phone number of the injured person;
 - (B) a full description of the incident, the injuries claimed, any treatment received and the location, date and time of the injury;
 - (C) the cause of the injury, if known; and
 - (D) the names, addresses and phone numbers of any witnesses to the incident.
- (2) If a patron, or a patron's parent or guardian, is unable to file a report because of the severity of the patron's injuries, the patron or the patron's parent or guardian shall file the report as soon as reasonably possible.

(3) The owner shall prominently display signage at the point of admission or ticket sale and at least two other locations in close proximity to the amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity explaining a patron's duty to report injuries sustained on such ~~amusement~~-ride. Such signage shall include instructions on how to contact the owner's representatives if immediate assistance is needed and how to make an injury report.

(4) The failure of a patron, or the patron's parent or guardian, to report an injury under this subsection shall have no effect on the patron's right to commence a civil action.

(b) The owner of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity shall notify the department of any serious injury reported by a patron, or any injury caused by a malfunction or failure of ~~an amusement~~ a ride or caused by an operator or patron error. Such notification shall be submitted to the department within 72 hours of the time that the operator becomes aware of the injury.

(c) If a serious injury occurs, the equipment or conditions that caused the injury shall be preserved for the purpose of an investigation by the department and such ~~amusement~~-ride shall be immediately removed from service ~~until an investigation is completed or deemed unnecessary by the secretary~~. Except as provided in subsection (d), if upon notification, the department shall acknowledge receipt of such notice and determine if an investigation of a serious injury is necessary. If an investigation is not commenced within 24 hours after the department receives notification of such injury, then an investigation shall be deemed unnecessary.

(d) If the serious injury results in the death of a patron, the owner shall notify the department of the injury as soon as possible. Such notification shall be by telephone initially with a written notification sent within 24 hours after the initial notice. If the patron's death is related to a major malfunction of the ~~amusement~~-ride, an investigation

shall be required and the department shall commence such investigation within 24 hours after receiving initial notice of the injury. No part of the ~~amusement~~-ride or the ride itself, shall be moved or repaired without the written approval of the secretary, or the secretary's designee, except that nothing in this subsection shall be construed so as to hinder emergency response personnel from performing their duties, or to prevent the elimination of an obvious safety hazard. The owner shall provide the department with complete access to the ~~amusement~~-ride and all related premises for the purposes of the investigation and shall provide all information related to the cause of the injury to the department.

Sec. 20. K.S.A. 2017 Supp. 44-1619 is hereby amended to read as follows: 44-1619. The provisions of this act shall not be enforced by the secretary prior to the date of publication of the rules and regulations adopted by the secretary pursuant to K.S.A. 2017 Supp. 44-1614(b), and amendments thereto. Prior to taking any action pursuant to K.S.A. 2017 Supp. 44-1610, and amendments thereto, the secretary shall provide the owner or operator of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity a reasonable period of time to comply with the provisions of K.S.A. 2017 Supp. 44-1601 et seq., and amendments thereto, and K.S.A. 40-4801 et seq., and amendments thereto.

Sec. 21. K.S.A. 2017 Supp. 40-4801, 40-4802, 44-1601, 44-1602, 44-1603, 44-1605, 44-1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-1611, 44-1612, 44-1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-1619 are hereby repealed.

Sec. 22. On and after July 1, 2018, section 1 of House Substitute for Senate Bill No. 307 and K.S.A. 2017 Supp. 40-4801, as amended by section 2 of 2018 House Substitute for Senate Bill No. 307, 40-4802, as amended by section 3 of 2018 House Substitute for Senate Bill No. 307, 44-1601, as amended by section 4 of 2018 House Substitute for Senate Bill No. 307, 44-1602, as amended by section 5 of 2018 House Substitute for Senate Bill No. 307, 44-1603, as amended by section 6 of 2018 House Substitute for Senate Bill No. 307, 44-1605, as amended by section 7 of 2018 House Substitute for Senate Bill No. 307, 44-1606, as amended by section 8 of 2018 House Substitute for Senate Bill No. 307, 44-1607, as amended by section 9 of 2018 House Substitute for Senate Bill No. 307, 44-1608, as amended by section 10 of 2018 House Substitute for Senate Bill No. 307, 44-1609, as amended by section 11 of 2018 House Substitute for Senate Bill No. 307, 44-1610, as amended by section 12 of 2018 House Substitute for Senate Bill No. 307, 44-1611, as amended by section 13 of 2018 House Substitute for Senate Bill No. 307, 44-1612, as amended by section 14 of 2018 House Substitute for Senate Bill No. 307, 44-1613, as amended by section 15 of 2018 House Substitute for Senate Bill No. 307, 44-1614, as amended by section 16 of 2018 House Substitute for Senate Bill No. 307, 44-1616, as amended by section 17 of 2018 House Substitute for Senate Bill No. 307, 44-1617, as amended by section 18 of 2018 House Substitute for Senate Bill No. 307, 44-1618, as amended by section 19 of 2018 House Substitute for Senate Bill No. 307, and 44-1619, as amended by section 20 of 2018 House Substitute for Senate Bill No. 307, are hereby repealed.";

Also on page 3, in line 15, by striking "statute book" and inserting "Kansas register"; And by redesignating sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "amusement rides; relating to the Kansas amusement ride act; relating to antique amusement rides, limited-

use amusement rides and registered agritourism activities; amending K.S.A. 2017 Supp. 40-4801, 40-4802, 44-1601, 44-1602, 44-1603, 44-1605, 44-1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-1611, 44-1612, 44-1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-1619 and repealing the existing sections; also repealing section 1 of 2018 House Substitute for Senate Bill No. 307 and K.S.A. 2017 Supp. 40-4801, as amended by section 2 of 2018 House Substitute for Senate Bill No. 307, 40-4802, as amended by section 3 of 2018 House Substitute for Senate Bill No. 307, 44-1601, as amended by section 4 of 2018 House Substitute for Senate Bill No. 307, 44-1602, as amended by section 5 of 2018 House Substitute for Senate Bill No. 307, 44-1603, as amended by section 6 of 2018 House Substitute for Senate Bill No. 307, 44-1605, as amended by section 7 of 2018 House Substitute for Senate Bill No. 307, 44-1606, as amended by section 8 of 2018 House Substitute for Senate Bill No. 307, 44-1607, as amended by section 9 of 2018 House Substitute for Senate Bill No. 307, 44-1608, as amended by section 10 of 2018 House Substitute for Senate Bill No. 307, 44-1609, as amended by section 11 of 2018 House Substitute for Senate Bill No. 307, 44-1610, as amended by section 12 of 2018 House Substitute for Senate Bill No. 307, 44-1611, as amended by section 13 of 2018 House Substitute for Senate Bill No. 307, 44-1612, as amended by section 14 of 2018 House Substitute for Senate Bill No. 307, 44-1613, as amended by section 15 of 2018 House Substitute for Senate Bill No. 307, 44-1614, as amended by section 16 of 2018 House Substitute for Senate Bill No. 307, 44-1616, as amended by section 17 of 2018 House Substitute for Senate Bill No. 307, 44-1617, as amended by section 18 of 2018 House Substitute for Senate Bill No. 307, 44-1618, as amended by section 19 of 2018 House Substitute for Senate Bill No. 307, and 44-1619, as amended by section 20 of 2018 House Substitute for Senate Bill No. 307";

And your committee on conference recommends adoption of this report.

BLAINE FINCH

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN

JULIE LYNN

DAVID HALEY

Conferees on part of Senate

Senator Billinger moved the Senate adopt the Conference Committee Report on **SB 310**.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Nays: Olson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 374** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 374, as follows:

On page 1, following line 9, by inserting:

"WHEREAS, The Legislature intends that the provisions of this act related to comparability of an out-of-jurisdiction offense to a Kansas offense shall be liberally construed to allow comparable offenses, regardless of whether the elements are identical to or narrower than the corresponding Kansas offense, to be included in a person's criminal history; and

WHEREAS, The Legislature intends to promote the inclusion of convictions for such offenses in a person's criminal history, including, but not limited to, any violation of: Wichita municipal ordinance section 11.38.150; Missouri, V.A.M.S. § 577.010 or V.A.M.S. § 577.012; Oklahoma, 47 Okl. St. Ann. § 11-902; Colorado, C.R.S.A. § 42-4-1301(1); and Nebraska, Neb. Rev. St. § 60-6,196.

Now, therefore:"

On page 5, by striking lines 24 through 43;

By striking all on page 6;

On page 7, by striking all in lines 1 through 9; following line 9, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 8-262, as amended by section 3 of 2018 House Bill No. 2439, is hereby amended to read as follows: 8-262. (a) (1) Any person who drives a motor vehicle on any highway of this state at a time when such person's privilege so to do is canceled, suspended or revoked or while such person's privilege to obtain a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, shall be guilty of a class B nonperson misdemeanor on the first conviction and a class A nonperson misdemeanor on the second or subsequent conviction.

(2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, and amendments thereto, to the return of such person's driver's license.

(3) Except as otherwise provided by subsection (a)(4) or (c), every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second conviction shall not be eligible for parole until completion of five days' imprisonment.

(4) Except as otherwise provided by subsection (c), if a person: (A) Is convicted of a violation of this section, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for a violation of K.S.A. 8-2,144 or 8-1567 or ~~K.S.A. 2017 Supp. 8-1025~~, and amendments thereto, or any ordinance of any city or resolution of any county or a law of another state, which ordinance or resolution or law prohibits the acts prohibited by those statutes; and (B) is or has been also convicted of a violation of K.S.A. 8-2,144 or 8-1567 or ~~K.S.A. 2017 Supp. 8-1025~~, and amendments thereto, or any ordinance of any city or resolution of any county or law of another state, which ordinance or resolution or law prohibits the acts prohibited by those statutes, committed while the person's privilege to drive or privilege to obtain a driver's license was so suspended or revoked, the person shall not be eligible for

suspension of sentence, probation or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

(b) The division, upon receiving a record of the conviction of any person under this section, or any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section, upon a charge of driving a vehicle while the license of such person is revoked or suspended, shall extend the period of such suspension or revocation for an additional period of 90 days.

(c) (1) The person found guilty of a class A nonperson misdemeanor on a third or subsequent conviction of this section shall be sentenced to not less than 90 days' imprisonment and fined not less than \$1,500 if such person's privilege to drive a motor vehicle is canceled, suspended or revoked because such person:

(A) Refused to submit and complete any test of blood, breath or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto;

(B) was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;

(C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal, or K.S.A. 2017 Supp. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as defined in K.S.A. 2017 Supp. 21-5405(a)(3) and (a)(5), and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or

(D) was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.

(2) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

(d) For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section.";

On page 11, by striking all in lines 35 through 43;

By striking all on pages 12 through 17;

On page 18, by striking all in lines 1 through 37; following line 37, by inserting:

"Sec. 6. K.S.A. 2017 Supp. 8-2,144, as amended by section 4 of 2018 House Bill No. 2439, is hereby amended to read as follows: 8-2,144. (a) Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this state while:

(1) The alcohol concentration in the person's blood or breath, as shown by any competent evidence, including other competent evidence, as defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.04 or more;

(2) the alcohol concentration in the person's blood or breath, as measured within three hours of the time of driving a commercial motor vehicle, is 0.04 or more; or

(3) committing a violation of K.S.A. 8-1567(a), and amendments thereto, or the ordinance of a city or resolution of a county which prohibits any of the acts prohibited thereunder or is otherwise comparable.

(b) (1) Driving a commercial motor vehicle under the influence is:

(A) On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than \$750 nor more than \$1,000. The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation, suspension or reduction of sentence or parole or other release;

(B) on a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the five days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours; and

(C) on a third or subsequent conviction a nonperson felony. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a

period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours.

(2) In addition, for any conviction pursuant to subsection (b)(1)(C), at the time of the filing of the judgment form or journal entry as required by K.S.A. 22-3426 or K.S.A. 2017 Supp. 21-6711, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The court shall determine whether the offender, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the offender. The risk and needs of the offender shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the aging and disability services department designated treatment provider and the offender. An offender for whom a warrant has been issued by the court alleging a violation of such supervision shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it is found the offender has violated the provisions of this supervision, the court shall determine whether the time from the issuing of the warrant to the date of the court's determination of an alleged violation, or any part of it, shall be counted as time served on supervision. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in jail for the remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof. The term of supervision may be extended at the court's discretion beyond one year, and any violation of the conditions of such extended term of supervision may subject such person to the revocation of supervision and imprisonment in jail of up to the remainder of the original sentence, not the term of the extended supervision.

(3) In addition, prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person 18 years of age or older convicted of a violation of this section, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, who had one or more children under the age of ~~14~~ 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this section, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of K.S.A. 8-1567(a)(4) or (a)(5), and amendments thereto, as incorporated in this section ~~involving drugs~~, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(h) The court shall electronically report every conviction of a violation of this section ~~and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section~~ to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(i) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the

division, upon receiving a report of conviction, shall: (1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto; and (2) suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(j) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this section as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the: (A) Division of vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution. The county or district attorney shall accept such referral and pursue a disposition of such violation, and shall not refer any such violation back to the city attorney.

(l) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance or resolution.

(m) The alternatives set out in ~~subsections (a)(1), (a)(2) and (a)(3)~~ subsection (a) may be pleaded in the alternative, and the state, city or county may, but shall not be required to, elect one or ~~two of the three~~ more of such alternatives prior to submission of the case to the fact finder.

(n) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county ~~which that~~ prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or

subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account: (A) This section; (B) ~~refusing to submit to a test to determine the presence of alcohol or drugs, K.S.A. 2017 Supp. 8-1025, and amendments thereto;~~ (C) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; ~~(D)~~ (C) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 2017 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto; ~~(E)~~ (D) aggravated battery as described in K.S.A. 2017 Supp. 21-5413(b)(3) or (b)(4), and amendments thereto; and ~~(F)~~ (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (n)(2); and (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (n)(1) or (n)(2); and (C) ~~receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (n)(1) or (n)(2) if committed off a military reservation in this state jurisdiction that would constitute an offense that is comparable to the offense described in subsection (n)(1) or (n)(2);~~

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) multiple convictions of any crime described in subsection (n)(1) or (n)(2) arising from the same arrest shall only be counted as one conviction.

(o) For the purposes of determining whether an offense is comparable, the following shall be considered:

(1) The name of the out-of-jurisdiction offense;

(2) the elements of the out-of-jurisdiction offense; and

(3) whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.

(p) For the purpose of this section:

(1) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) "imprisonment" shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) "drug" includes toxic vapors as such term is defined in K.S.A. 2017 Supp. 21-5712, and amendments thereto.

~~(p)~~(q) On and after July 1, 2011, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court 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 credit the entire amount to the community corrections supervision fund established by K.S.A. 2017 Supp. 75-52,113, and amendments thereto.";

On page 19, in line 6, by striking "manner" and inserting "type";
 On page 20, in line 5, by striking all after "of";
 On page 21, in line 12, by striking "an emergency"; by striking all in line 13; in line 14, by striking all before "an";
 On page 27, by striking all in lines 21 through 43;
 On page 28, by striking all in lines 1 through 40; following line 40, by inserting:
 "Sec. 9. K.S.A. 2017 Supp. 8-1013, as amended by section 5 of 2018 House Bill No. 2439, is hereby amended to read as follows: 8-1013. As used in K.S.A. 8-1001 through ~~8-1010, 8-1011, 8-1012, 8-1014, 8-1015, 8-1016, 8-1017 and 8-1018~~, and amendments thereto, ~~and this section~~:

(a) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

(b) (1) "Alcohol or drug-related conviction" means any of the following: (A) Conviction of vehicular battery or aggravated vehicular homicide, prior to their repeal, if the crime is committed while committing a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by that statute, or conviction of a violation of K.S.A. 8-2,144 or 8-1567 ~~or K.S.A. 2017 Supp. 8-1025~~, and amendments thereto, conviction of a violation of aggravated battery as described in K.S.A. 2017 Supp. 21-5413(b)(3) or (b)(4), and amendments thereto, or conviction of a violation of involuntary manslaughter as described in K.S.A. 2017 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto; (B) conviction of a violation of a law of another state which would constitute a crime described in subsection (b)(1)(A) if committed in this state; (C) conviction of a violation of an ordinance of a city in this state or a resolution of a county in this state which would constitute a crime described in subsection (b)(1)(A), whether or not such conviction is in a court of record; or (D) conviction of an act which was committed on a military reservation and which would constitute a violation of K.S.A. 8-2,144 or 8-1567 ~~or K.S.A. 2017 Supp. 8-1025~~, and amendments thereto, or would constitute a crime described in subsection (b)(1)(A) if committed off a military reservation in this state.

(2) For the purpose of determining whether an occurrence is a first, second or subsequent occurrence: (A) "Alcohol or drug-related conviction" also includes entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging commission of a crime described in subsection (b)(1), including a diversion agreement entered into prior to the effective date of this act; and (B) it is irrelevant whether an offense occurred before or after conviction or diversion for a previous offense.

(c) "Division" means the division of vehicles of the department of revenue.

(d) "Ignition interlock device" means a device which uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage.

(e) "Occurrence" means a test refusal, test failure or alcohol or drug-related conviction, or any combination thereof arising from one arrest, including an arrest which occurred prior to the effective date of this act.

(f) "Other competent evidence" includes: (1) Alcohol concentration tests obtained from samples taken three hours or more after the operation or attempted operation of a vehicle; and (2) readings obtained from a partial alcohol concentration test on a breath

testing machine.

(g) "Samples" includes breath supplied directly for testing, which breath is not preserved.

(h) "Test failure" or "fails a test" refers to a person's having results of a test administered pursuant to this act, other than a preliminary screening test, which show an alcohol concentration of 0.08 or greater in the person's blood or breath, and includes failure of any such test on a military reservation.

(i) "Test refusal" or "refuses a test" refers to a person's failure to submit to or complete any test of the person's blood, breath, urine or other bodily substance, other than a preliminary screening test, in accordance with this act, and includes refusal of any such test on a military reservation.

(j) "Law enforcement officer" has the meaning provided by K.S.A. 2017 Supp. 21-5111, and amendments thereto, and includes any person authorized by law to make an arrest on a military reservation for an act which would constitute a violation of K.S.A. 8-1567 ~~or K.S.A. 2017 Supp. 8-1025~~, and amendments thereto, if committed off a military reservation in this state.";

On page 32, following line 10, by inserting:

"Sec. 11. K.S.A. 2017 Supp. 8-1024 is hereby amended to read as follows: 8-1024. No medical care facility, clinical laboratory, medical clinic, other medical institution, person licensed to practice medicine or surgery, person acting under the direction of any such licensed person, licensed physician assistant, registered nurse, licensed practical nurse, medical technician, paramedic, advanced emergency medical technician, phlebotomist, health care provider or person who participates in good faith in the obtaining, withdrawal, collection or testing of blood, breath, urine or other bodily substance at the direction of a law enforcement officer pursuant to K.S.A. 8-1001, and amendments thereto, or as otherwise authorized by law, shall incur any civil, administrative or criminal liability as a result of such participation, regardless of whether or not the patient resisted or objected to the administration of the procedure or test.";

Also on page 32, by striking all in lines 21 through 43;

By striking all on pages 33 through 40;

On page 41, by striking all in lines 1 through 40; following line 40, by inserting:

"Sec. 13. K.S.A. 2017 Supp. 8-1567, as amended by section 7 of 2018 House Bill No. 2439, is hereby amended to read as follows: 8-1567. (a) Driving under the influence is operating or attempting to operate any vehicle within this state while:

(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.08 or more;

(2) the alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is 0.08 or more;

(3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

(b) (1) Driving under the influence is:

(A) On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750 nor more than \$1,000. The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the remainder of the sentence only after such person has served 48 consecutive hours' imprisonment;

(B) on a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the five days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

(C) on a third conviction a class A, nonperson misdemeanor, except as provided in subsection (b)(1)(D). The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring

device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours;

(D) on a third conviction a nonperson felony if the person has a prior conviction which occurred within the preceding 10 years, not including any period of incarceration. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours; and

(E) on a fourth or subsequent conviction a nonperson felony. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 72 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 72 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 72 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours.

(2) The court may order that the term of imprisonment imposed pursuant to

subsection (b)(1)(D) or (b)(1)(E) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 2017 Supp. 21-6804, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person's discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.

(3) In addition, for any conviction pursuant to subsection (b)(1)(C), (b)(1)(D) or (b)(1)(E), at the time of the filing of the judgment form or journal entry as required by K.S.A. 22-3426 or K.S.A. 2017 Supp. 21-6711, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The court shall determine whether the offender, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the offender. The risk and needs of the offender shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the Kansas department for aging and disability services designated treatment provider and the offender. An offender for whom a warrant has been issued by the court alleging a violation of this supervision shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it is found the offender has violated the provisions of this supervision, the court shall determine whether the time from the issuing of the warrant to the date of the court's determination of an alleged violation, or any part of it, shall be counted as time served on supervision. Any violation of the conditions of such

supervision may subject such person to revocation of supervision and imprisonment in jail for the remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof. The term of supervision may be extended at the court's discretion beyond one year, and any violation of the conditions of such extended term of supervision may subject such person to the revocation of supervision and imprisonment in jail of up to the remainder of the original sentence, not the term of the extended supervision.

(4) In addition, prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person 18 years of age or older convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of ~~14~~ 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of ~~this section involving drugs subsection (a)(4) or (a)(5)~~, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division including any finding regarding the alcohol concentration in the offender's blood or breath. Prior

to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(i) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of this section, or a violation of an ordinance of any city or resolution of any county ~~which that~~ prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account: (A) ~~Refusing to submit to a test to determine the presence of alcohol or drugs, K.S.A. 2017 Supp. 8-1025, and amendments thereto;~~ (B) Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto; ~~(C) (B)~~ operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; ~~(D) (C)~~ involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 2017 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto; ~~(E) (D)~~ aggravated battery as described in K.S.A. 2017 Supp. 21-5413(b)(3) or (b)(4), and amendments thereto; and ~~(F) (E)~~ aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging ~~a violation of a crime an offense~~ described in subsection (i)(2); and (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another ~~state which would constitute a crime described in subsection (i)(1) or (i)(2);~~ and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (i)(1) or (i)(2) if committed off a military reservation in this state jurisdiction that would constitute an offense that is comparable to the offense described in subsection (i)(1) or (i)(2);

(4) multiple convictions of any crime described in subsection (i)(1) or (i)(2) arising from the same arrest shall only be counted as one conviction;

(5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, or an ordinance which prohibits the acts of this section, and amendments thereto, only once during the person's lifetime.

(j) For the purposes of determining whether an offense is comparable, the following shall be considered:

(1) The name of the out-of-jurisdiction offense;

(2) the elements of the out-of-jurisdiction offense; and
(3) whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.

(k) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

~~(k)(l)~~ (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) On and after July 1, 2007, and retroactive for ordinance violations committed on or after July 1, 2006, an ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.

(4) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

~~(h)(m)~~ (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

(A) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution.

~~(m)(n)~~ No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.

~~(n)(o)~~ The alternatives set out in ~~subsections (a)(1), (a)(2) and (a)(3)~~ subsection (a) may be pleaded in the alternative, and the state, city or county may, but shall not be required to, ~~may~~ elect one or two of the three more of such alternatives prior to

submission of the case to the fact finder.

~~(p)~~(p) As used in this section: (1) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) "imprisonment" shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) "drug" includes toxic vapors as such term is defined in K.S.A. 2017 Supp. 21-5712, and amendments thereto.

~~(p)~~(q) (1) The amount of the increase in fines as specified in this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of remittance of the increase provided in this act, the state treasurer shall deposit the entire amount in the state treasury and the state treasurer shall credit 50% to the community alcoholism and intoxication programs fund and 50% to the department of corrections alcohol and drug abuse treatment fund, which is hereby created in the state treasury.

(2) On and after July 1, 2011, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court 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 credit the entire amount to the community corrections supervision fund established by K.S.A. 2017 Supp. 75-52,113, and amendments thereto.";

On page 81, by striking all in lines 13 through 43;

By striking all on pages 82 and 83;

On page 84, by striking all in line 1; following line 1, by inserting:

"Sec. 26. K.S.A. 2017 Supp. 21-6811, as amended by section 1 of 2018 House Bill No. 2567, is hereby amended to read as follows: 21-6811. In addition to the provisions of K.S.A. 2017 Supp. 21-6810, and amendments thereto, the following shall apply in determining an offender's criminal history classification as contained in the presumptive sentencing guidelines grids:

(a) Every three prior adult convictions or juvenile adjudications of class A and class B person misdemeanors in the offender's criminal history, or any combination thereof, shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes. Every three prior adult convictions or juvenile adjudications of assault as defined in K.S.A. 21-3408, prior to its repeal, or K.S.A. 2017 Supp. 21-5412(a), and amendments thereto, occurring within a period commencing three years prior to the date of conviction for the current crime of conviction shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes.

(b) A conviction of criminal possession of a firearm as defined in K.S.A. 21-4204(a)(1) or (a)(5), prior to its repeal, criminal use of weapons as defined in K.S.A. 2017 Supp. 21-6301(a)(10) or (a)(11), and amendments thereto, or unlawful possession of a firearm as in effect on June 30, 2005, and as defined in K.S.A. 21-4218, prior to its repeal, will be scored as a select class B nonperson misdemeanor conviction or adjudication and shall not be scored as a person misdemeanor for criminal history purposes.

(c) (1) If the current crime of conviction was committed before July 1, 1996, and is

for K.S.A. 21-3404(b), as in effect on June 30, 1996, involuntary manslaughter in the commission of driving under the influence, then, each prior adult conviction or juvenile adjudication for K.S.A. 8-1567, and amendments thereto, shall count as one person felony for criminal history purposes.

(2) If the current crime of conviction was committed on or after July 1, 1996, and is for a violation of K.S.A. 2017 Supp. 21-5405(a)(3), and amendments thereto, each prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for: (A) Any act described in K.S.A. 8-2,144 or 8-1567 ~~or K.S.A. 2017 Supp. 8-1025~~, and amendments thereto; or (B) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 ~~or K.S.A. 2017 Supp. 8-1025~~, and amendments thereto, shall count as one person felony for criminal history purposes.

(3) If the current crime of conviction is for a violation of K.S.A. 2017 Supp. 21-5413(b)(3), and amendments thereto:

(A) The first prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one nonperson felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567 ~~or K.S.A. 2017 Supp. 8-1025~~, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 ~~or K.S.A. 2017 Supp. 8-1025~~, and amendments thereto; and

(B) each second or subsequent prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one person felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567 ~~or K.S.A. 2017 Supp. 8-1025~~, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 ~~or K.S.A. 2017 Supp. 8-1025~~, and amendments thereto.

(d) Prior burglary adult convictions and juvenile adjudications will be scored for criminal history purposes as follows:

(1) As a prior person felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(a), prior to its repeal, or K.S.A. 2017 Supp. 21-5807(a)(1), and amendments thereto.

(2) As a prior nonperson felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(b) or (c), prior to its repeal, or K.S.A. 2017 Supp. 21-5807(a)(2) or (a)(3), and amendments thereto.

The facts required to classify prior burglary adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(e) (1) Out-of-state convictions and juvenile adjudications shall be used in classifying the offender's criminal history.

(2) An out-of-state crime will be classified as either a felony or a misdemeanor according to the convicting jurisdiction.

(A) If a crime is a felony in the convicting jurisdiction, it will be counted as a felony in Kansas.

(B) If a crime is a misdemeanor in the convicting jurisdiction, the state of Kansas shall refer to the comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed to classify the out-of-state crime as a class A, B or C misdemeanor. If the comparable offense in the state of Kansas is a

felony, the out-of-state crime shall be classified as a class A misdemeanor. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall not be used in classifying the offender's criminal history.

(C) If a crime is not classified as either a felony or a misdemeanor in the convicting jurisdiction, the state of Kansas shall refer to the comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed to classify the out-of-state crime as either a felony or a misdemeanor. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall not be used in classifying the offender's criminal history.

(3) The state of Kansas shall classify the crime as person or nonperson. In designating a crime as person or nonperson, comparable offenses under the Kansas criminal code in effect on the date the current crime of conviction was committed shall be referred to. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall be classified as a nonperson crime.

(4) Convictions or adjudications occurring within the federal system, other state systems, the District of Columbia, foreign, tribal or military courts are considered out-of-state convictions or adjudications.

(5) The facts required to classify out-of-state adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(f) Except as provided in K.S.A. 21-4710(d)(4), (d)(5) and (d)(6), prior to its repeal, or K.S.A. 2017 Supp. 21-6810(d)(3)(B), (d)(3)(C), (d)(3)(D), (d)(4) and (d)(5), and amendments thereto, juvenile adjudications will be applied in the same manner as adult convictions. Out-of-state juvenile adjudications will be treated as juvenile adjudications in Kansas.

(g) A prior felony conviction of an attempt, a conspiracy or a solicitation as provided in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, to commit a crime shall be treated as a person or nonperson crime in accordance with the designation assigned to the underlying crime.

(h) Drug crimes are designated as nonperson crimes for criminal history scoring.

(i) If the current crime of conviction is for a violation of K.S.A. 8-1602(b)(3) through (b)(5), and amendments thereto, each of the following prior convictions for offenses committed on or after July 1, 2011, shall count as a person felony for criminal history purposes: K.S.A. 8-235, 8-262, 8-287, 8-291, 8-1566, 8-1567, 8-1568, 8-1602, 8-1605 and 40-3104, and amendments thereto, and K.S.A. 2017 Supp. 21-5405(a)(3) and 21-5406, and amendments thereto, or a violation of a city ordinance or law of another state which would also constitute a violation of such sections.

(j) The amendments made to this section by chapter 5 of the 2015 Session Laws of Kansas are procedural in nature and shall be construed and applied retroactively.";

On page 103, in line 15, following "8-262" by inserting ", as amended by section 3 of 2018 House Bill No. 2439"; in line 16, after "2,144" by inserting ", as amended by section 4 of 2018 House Bill No. 2439"; also in line 16, following "8-1013" by inserting ", as amended by section 5 of 2018 House Bill No. 2439"; also in line 16, before "8-1025" by inserting "8-1024,"; also in line 16, following "8-1567" by inserting ", as

amended by section 7 of 2018 House Bill No. 2439"; in line 18, following "21-6811" by inserting ", as amended by section 1 of 2018 House Bill No. 2567";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, following "8-262" by inserting ", as amended by section 3 of 2018 House Bill No. 2439"; in line 4, after "2,144" by inserting ", as amended by section 4 of 2018 House Bill No. 2439"; also in line 4, following "8-1013" by inserting ", as amended by section 5 of 2018 House Bill No. 2439"; also in line 4, after "8-1014," by inserting "8-1024,;" also in line 4, following "8-1567" by inserting ", as amended by section 7 of 2018 House Bill No. 2439"; in line 6, following "21-6811" by inserting ", as amended by section 1 of 2018 House Bill No. 2567";

And your committee on conference recommends the adoption of this report.

BLAINE FINCH

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

Senator Wilborn moved the Senate adopt the Conference Committee Report on **H Sub SB 374**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2067** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34;

By striking all on page 2;

On page 3, by striking all in lines 1 through 22; following line 22, by inserting:

"Section 1. K.S.A. 2017 Supp. 75-655 is hereby amended to read as follows: 75-655. (a) Any ABLE savings accounts established pursuant to the provisions of this act shall be opened by a designated beneficiary or a conservator or guardian of a designated beneficiary who lacks capacity to enter into a contract and each beneficiary may have only one account. The treasurer may establish a nonrefundable application fee. An application for such account shall be in the form prescribed by the treasurer and contain the:

- (1) Name, address and social security number of the account owner;
- (2) name, address and social security number of the designated beneficiary, if the account owner is the beneficiary's conservator or guardian;
- (3) certification relating to no excess contributions; and
- (4) additional information as the treasurer may require.

(b) Any person may make contributions to an ABLE savings account after the account is opened, subject to the limitations imposed by section 529A of the federal internal revenue code of 1986, as amended, or any rules and regulations promulgated by the secretary pursuant to this act.

(c) Contributions to ABLE savings accounts only may be made in cash. The treasurer or program manager shall reject or promptly withdraw contributions:

- (1) In excess of the limits established pursuant to subsection (b); or
- (2) the total contributions if the:

(A) Value of the account is equal to or greater than the account maximum established by the treasurer. Such account maximum must be equal to the account maximum for postsecondary education savings accounts established pursuant to K.S.A. 75-640 et seq., and amendments thereto; or

(B) designated beneficiary is not an eligible individual in the current calendar year.

(d) (1) An account owner may:

(A) Change the designated beneficiary of an account to an individual who is a member of the family of the prior designated beneficiary in accordance with procedures established by the treasurer; and

(B) transfer all or a portion of an account to another ABLE savings account, the designated beneficiary of which is a member of the family as defined in section 529A of the federal internal revenue code of 1986, as amended.

(2) No account owner may use an interest in an account as security for a loan. Any pledge of an interest in an account shall be of no force and effect.

(e) (1) If there is any distribution from an account to any individual or for the benefit of any individual during a calendar year, such distribution shall be reported to the federal internal revenue service and each account owner, the designated beneficiary or the distributee to the extent required by state or federal law.

(2) Statements shall be provided to each account owner at least four times each year within 30 days after the end of the three-month period to which a statement relates. The statement shall identify the contributions made during the preceding three-month period, the total contributions made to the account through the end of the period, the value of the account at the end of such period, distributions made during such period and any other information that the treasurer shall require to be reported to the account owner.

(3) Statements and information relating to accounts shall be prepared and filed to the extent required by this act and any other state or federal law.

(f) (1) The program shall provide separate accounting for each designated beneficiary. An annual fee may be imposed upon the account owner for the maintenance of an account.

(2) Moneys in an ABLE savings account:

~~(A) shall be exempt from attachment, execution or garnishment as provided by K.S.A. 60-2308, and amendments thereto; and~~

~~(B) may be claimed by the Kansas medicaid plan only after the death of the~~

designated beneficiary subject to limitations imposed by the secretary.

(g) Except as otherwise provided by federal law, the proceeds from an account may be transferred upon the death of a designated beneficiary to: (1) The estate of a designated beneficiary; or (2) an account for another eligible individual specified by the designated beneficiary or the estate of the designated beneficiary. The state of Kansas, or any agency or instrumentality thereof, shall not seek payment under section 529A of the internal revenue code of 1986, as amended, from the account, or its proceeds, for benefits provided to a designated beneficiary, unless otherwise required by section 1917(b) of the federal social security act, 42 U.S.C. § 1396p(b).

Sec. 2. K.S.A. 2017 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. 2017 Supp. 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. 2017 Supp. 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 K.S.A. 79-32,117(c)(xv), and amendments thereto, 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. 2017 Supp. 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. 2017 Supp. 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. 2017 Supp. 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. 2017 Supp. 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. 2017 Supp. 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. 2017 Supp. 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. 2017 Supp. 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. 2017 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2017 Supp. 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. 2017 Supp. 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. 2017 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(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. § 280 C. 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. § 280 C.

(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. 2017 Supp. 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, ~~2006~~ 2017, the cumulative amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary ~~which 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 at an institution of postsecondary education; 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. 2017

Supp. 75-643 and 75-652, and amendments thereto, and the provisions of such ~~section~~ 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, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, 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 for all taxable years beginning after December 31, 2007, 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.

(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.

(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.

(f) No taxpayer shall be assessed penalties and interest from the underpayment of taxes due to changes to this section that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.

Sec. 3. K.S.A. 2017 Supp. 75-655 and 79-32,117 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "savings programs; relating to beneficiaries of ABLE accounts, transfers, qualified higher education expenses; income taxation, deduction for contributions; amending K.S.A. 2017 Supp. 75-655 and 79-32,117 and repealing the existing sections";

And your committee on conference recommends adoption of this report.

CARYN TYSON
 DAN KERSCHEN
 TOM HOLLAND

Conferees on part of Senate

STEVEN JOHNSON
 TOM PHILLIPS
 TOM SAWYER

Conferees on part of House

Senator Tyson moved the Senate adopt the Conference Committee Report on **HB 2067**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2194** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 7 through 34;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 32 and inserting:

"Section 1. K.S.A. 2017 Supp. 74-8702 is hereby amended to read as follows: 74-8702. As used in the Kansas lottery act, unless the context otherwise requires:

(a) "Ancillary lottery gaming facility operations" means additional non-lottery facility game products and services not owned and operated by the state which may be included in the overall development associated with the lottery gaming facility. Such operations may include, but are not limited to, restaurants, hotels, motels, museums or entertainment facilities.

(b) "Commission" means the Kansas lottery commission.

(c) "Electronic gaming machine" means any electronic, electromechanical, video or computerized device, contrivance or machine authorized by the Kansas lottery which, upon insertion of cash, tokens, electronic cards or any consideration, is available to play, operate or simulate the play of a game authorized by the Kansas lottery pursuant to the Kansas expanded lottery act, including, but not limited to, bingo, poker, blackjack, keno and slot machines, and which may deliver or entitle the player operating the machine to receive cash, tokens, merchandise or credits that may be redeemed for cash. Electronic gaming machines may use bill validators and may be single-position reel-type, single or multi-game video and single-position multi-game video electronic game, including, but not limited to, poker, blackjack and slot machines.

Electronic gaming machines shall be directly linked to a central computer at a location determined by the executive director for purposes of security, monitoring and auditing.

(d) "Executive director" means the executive director of the Kansas lottery.

(e) "Gaming equipment" means any electric, electronic, computerized or electromechanical machine, mechanism, supply or device or any other equipment, which is: (1) Unique to the Kansas lottery and used pursuant to the Kansas lottery act; and (2) integral to the operation of an electronic gaming machine or lottery facility game; and (3) affects the results of an electronic gaming machine or lottery facility game by determining win or loss.

(f) "Gaming zone" means: (1) The northeast Kansas gaming zone, which consists of Wyandotte county; (2) the southeast Kansas gaming zone, which consists of Crawford and Cherokee counties; (3) the south central Kansas gaming zone, which consists of Sedgwick and Sumner counties; and (4) the southwest Kansas gaming zone, which consists of Ford county.

(g) "Gray machine" means any mechanical, electro-mechanical or electronic device, capable of being used for gambling, that is: (1) Not authorized by the Kansas lottery; (2) not linked to a lottery central computer system; (3) available to the public for play; or (4) capable of simulating a game played on an electronic gaming machine or any similar gambling game authorized pursuant to the Kansas expanded lottery act.

(h) (1) "Instant bingo vending machine" means a machine or electronic device that is purchased or leased by a licensee, as defined by K.S.A. 2017 Supp. 75-5173, and amendments thereto, from a distributor who has been issued a distributor registration certificate pursuant to K.S.A. 2017 Supp. 75-5184, and amendments thereto, or leased from the Kansas lottery in fulfillment of the Kansas lottery's obligations under an agreement between the Kansas lottery and a licensee entered into pursuant to section 8, and amendments thereto, and the sole purpose of which is to:

(A) Dispense a printed physical instant bingo ticket after a purchaser inserts cash or other form of consideration into the machine; and

(B) allow purchasers to manually check the winning status of the instant bingo ticket.

(2) "Instant bingo vending machine" shall not:

(A) Provide a visual or audio representation of a bingo card or an electronic gaming machine;

(B) visually or functionally have the same characteristics of an electronic instant bingo game or an electronic gaming machine;

(C) automatically determine or display the winning status of any dispensed instant bingo ticket;

(D) extend or arrange credit for the purchase of an instant bingo ticket;

(E) dispense any winnings;

(F) dispense any prize;

(G) dispense any evidence of a prize other than an instant bingo ticket;

(H) provide free instant bingo tickets or any other item that can be redeemed for cash; or

(I) dispense any other form of a prize to a purchaser.

All physical instant bingo tickets dispensed by an instant bingo vending machine shall be purchased by a licensee, as defined by K.S.A. 2017 Supp. 75-5173, and amendments thereto, from a registered distributor.

No more than two instant bingo vending machines may be located on the premises of each licensee location.

~~(h)~~(i) "Kansas lottery" means the state agency created by this act to operate a lottery or lotteries pursuant to this act.

~~(i)~~(j) "Lottery" or "state lottery" means the lottery or lotteries operated pursuant to this act.

~~(j)~~(k) "Lottery facility games" means any electronic gaming machines and any other games which, as of January 1, 2007, are authorized to be conducted or operated at a tribal gaming facility, as defined in K.S.A. 74-9802, and amendments thereto, located within the boundaries of this state.

~~(k)~~(l) "Lottery gaming enterprise" means an entertainment enterprise which includes a lottery gaming facility authorized pursuant to the Kansas expanded lottery act and ancillary lottery gaming facility operations that have a coordinated business or marketing strategy. A lottery gaming enterprise shall be designed to attract to its lottery gaming facility consumers who reside outside the immediate area of such enterprise.

~~(l)~~(m) "Lottery gaming facility" means that portion of a building used for the purposes of operating, managing and maintaining lottery facility games.

~~(m)~~(n) "Lottery gaming facility expenses" means normal business expenses, as defined in the lottery gaming facility management contract, associated with the ownership and operation of a lottery gaming facility.

~~(n)~~(o) "Lottery gaming facility management contract" means a contract, subcontract or collateral agreement between the state and a lottery gaming facility manager for the management of a lottery gaming facility, the business of which is owned and operated by the Kansas lottery, negotiated and signed by the executive director on behalf of the state.

~~(o)~~(p) "Lottery gaming facility manager" means a corporation, limited liability company, resident Kansas American Indian tribe or other business entity authorized to construct and manage, or manage alone, pursuant to a lottery gaming facility management contract with the Kansas lottery, and on behalf of the state, a lottery gaming enterprise and lottery gaming facility.

~~(p)~~(q) "Lottery gaming facility revenues" means the total revenues from lottery facility games at a lottery gaming facility after all related prizes are paid.

~~(q)~~(r) (1) "Lottery machine" means any machine or device that allows a ~~player~~ purchaser to insert cash or other form of consideration and may deliver as the result of an element of chance, regardless of the skill required by the ~~player~~ purchaser, a prize or evidence of a prize, including, but not limited to:

(A) Any machine or device in which the prize or evidence of a prize is determined by both chance and the ~~player's~~ purchaser's or ~~players'~~ purchasers' skill, including, but not limited to, any machine or device on which a lottery game or lottery games, such as poker or blackjack, are played; or

(B) any machine or device in which the prize or evidence of a prize is determined only by chance, including, but not limited to, any slot machine or bingo machine; ~~or~~

~~(C) any lottery ticket vending machine, such as a keno ticket vending machine, pull tab vending machine or an instant bingo vending machine.~~

(2) "Lottery machine" shall not mean:

(A) Any food vending machine defined by K.S.A. 36-501, and amendments thereto;

(B) any nonprescription drug machine authorized under K.S.A. 65-650, and amendments thereto;

(C) any machine which dispenses only bottled or canned soft drinks, chewing gum, nuts or candies;

(D) any machine excluded from the definition of gambling devices under ~~subsection (d) of~~ K.S.A. 21-4302(d), prior to its repeal, or K.S.A. 2017 Supp. 21-6403, and amendments thereto; ~~or~~

(E) any electronic gaming machine or lottery facility game operated in accordance with the provisions of the Kansas expanded lottery act;

~~(F) any lottery ticket vending machine; or~~

~~(G) any instant bingo vending machine.~~

~~(s)~~ "Lottery retailer" means any person with whom the Kansas lottery has contracted to sell lottery tickets or shares, or both, to the public.

~~(t)~~ (1) "Lottery ticket vending machine" means a machine or similar electronic device owned or leased by the Kansas lottery, the sole purposes of which are to:

(A) Dispense a printed physical ticket, such as a lottery ticket, a keno ticket, a pull tab ticket or a coupon, the coupon of which must be redeemed through something other than a lottery ticket vending machine, after a purchaser inserts cash or other form of consideration into the machine;

(B) allow purchasers to manually check the winning status of a Kansas lottery ticket; and

(C) display advertising, promotions and other information pertaining to the Kansas lottery.

(2) "Lottery ticket vending machine" shall not:

(A) Provide a visual or audio representation of an electronic gaming machine;

(B) visually or functionally have the same characteristics of an electronic gaming machine;

(C) automatically determine or display the winning status of any dispensed ticket;

(D) extend or arrange credit for the purchase of a ticket;

(E) dispense any winnings;

(F) dispense any prize;

(G) dispense any evidence of a prize other than the lottery ticket, keno ticket, pull tab ticket or any free Kansas lottery ticket received as a result of the purchase of another Kansas lottery ticket;

(H) provide free games or any other item that can be redeemed for cash; or

(I) dispense any other form of a prize to a purchaser.

No more than two lottery ticket vending machines may be located at each Kansas lottery retailer selling location.

Lottery ticket vending machines may only dispense the printed physical lottery ticket, keno ticket or pull tab ticket, including any free Kansas lottery ticket received as a result of the purchase of another Kansas lottery ticket, and change from a purchase to the purchaser. Any winnings from a lottery ticket vending machine shall be redeemed only for cash or check by a lottery retailer or by cash, check or other prize from the office of the Kansas lottery.

(u) (1) "Major procurement" means any gaming product or service, including, but not limited to, facilities, advertising and promotional services, annuity contracts, prize payment agreements, consulting services, equipment, tickets and other products and

services unique to the Kansas lottery, but not including materials, supplies, equipment and services common to the ordinary operations of state agencies.

(2) "Major procurement" shall not mean any product, service or other matter covered by or addressed in the Kansas expanded lottery act or a lottery gaming facility management contract or racetrack gaming facility management contract executed pursuant to the Kansas expanded lottery act.

~~(t)~~(v) "Net electronic gaming machine income" means all cash or other consideration utilized to play an electronic gaming machine operated at a racetrack gaming facility, less all cash or other consideration paid out to winning players as prizes.

~~(t)~~(w) "Organization licensee" has the meaning provided by K.S.A. 74-8802, and amendments thereto.

~~(v)~~(x) "Parimutuel licensee" means a facility owner licensee or facility manager licensee under the Kansas parimutuel racing act.

~~(w)~~(y) "Parimutuel licensee location" means a racetrack facility, as defined in K.S.A. 74-8802, and amendments thereto, owned or managed by the parimutuel licensee. A parimutuel licensee location may include any existing structure at such racetrack facility or any structure that may be constructed on real estate where such racetrack facility is located.

~~(x)~~(z) "Person" means any natural person, association, limited liability company, corporation or partnership.

~~(y)~~(aa) "Prize" means any prize paid directly by the Kansas lottery pursuant to the Kansas lottery act or the Kansas expanded lottery act or any rules and regulations adopted pursuant to either act.

~~(z)~~(bb) "Progressive electronic game" means a game played on an electronic gaming machine for which the payoff increases uniformly as the game is played and for which the jackpot, determined by application of a formula to the income of independent, local or interlinked electronic gaming machines, may be won.

~~(aa)~~(cc) "Racetrack gaming facility" means that portion of a parimutuel licensee location where electronic gaming machines are operated, managed and maintained.

~~(bb)~~(dd) "Racetrack gaming facility management contract" means an agreement between the Kansas lottery and a racetrack gaming facility manager, negotiated and signed by the executive director on behalf of the state, for placement of electronic gaming machines owned and operated by the state at a racetrack gaming facility.

~~(cc)~~(ee) "Racetrack gaming facility manager" means a parimutuel licensee specifically certified by the Kansas lottery to become a certified racetrack gaming facility manager and offer electronic gaming machines for play at the racetrack gaming facility.

~~(dd)~~(ff) "Returned ticket" means any ticket which was transferred to a lottery retailer, which was not sold by the lottery retailer and which was returned to the Kansas lottery for refund by issuance of a credit or otherwise.

~~(ee)~~(gg) "Share" means any intangible manifestation authorized by the Kansas lottery to prove participation in a lottery game, except as provided by the Kansas expanded lottery act.

~~(ff)~~(hh) "Ticket" means any tangible evidence issued by the Kansas lottery to prove participation in a lottery game other than a lottery facility game.

~~(gg)~~(ii) "Token" means a representative of value, of metal or other material, which

is not legal tender, redeemable for cash only by the issuing lottery gaming facility manager or racetrack gaming facility manager and which is issued and sold by a lottery gaming facility manager or racetrack gaming facility manager for the sole purpose of playing an electronic gaming machine or lottery facility game.

~~(hh)~~(jj) "Vendor" means any person who has entered into a major procurement contract with the Kansas lottery.

~~(ii)~~(kk) "Video lottery machine" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game authorized by the commission, including, but not limited to, bingo, poker, black jack and keno, and which uses a video display and microprocessors and in which, by chance, the player may receive free games or credits that can be redeemed for cash.

Sec. 2. K.S.A. 2017 Supp. 74-8711 is hereby amended to read as follows: 74-8711.

(a) There is hereby established in the state treasury the lottery operating fund.

(b) Except as provided by K.S.A. 2017 Supp. 74-8724 and the Kansas expanded lottery act, and amendments thereto, the executive director shall remit all moneys collected from the sale of lottery tickets and shares and any other moneys received by or on behalf of the Kansas lottery 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 lottery operating fund. Moneys credited to the fund shall be expended or transferred only as provided by this act. Expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person designated by the executive director.

(c) Moneys in the lottery operating fund shall be used for:

(1) The payment of expenses of the lottery, which shall include all costs incurred in the operation and administration of the Kansas lottery; all costs resulting from contracts entered into for the purchase or lease of goods and services needed for operation of the lottery, including but not limited to supplies, materials, tickets, independent studies and surveys, data transmission, advertising, printing, promotion, incentives, public relations, communications and distribution of tickets and shares; and reimbursement of costs of facilities and services provided by other state agencies;

(2) the payment of compensation to lottery retailers;

(3) transfers of moneys to the lottery prize payment fund pursuant to K.S.A. 74-8712, and amendments thereto;

(4) transfers to the state general fund pursuant to K.S.A. 74-8713, and amendments thereto;

(5) transfers to the community crisis stabilization centers fund and clubhouse model program fund of the Kansas department for aging and disability services pursuant to subsection (e);

(6) transfers to the state gaming revenues fund pursuant to subsection (d) and as otherwise provided by law; and

~~(6)~~(7) transfers to the county reappraisal fund as prescribed by law.

(d) The director of accounts and reports shall transfer moneys in the lottery operating fund to the state gaming revenues fund created by K.S.A. 79-4801, and amendments thereto, on or before the 15th day of each month in an amount certified monthly by the executive director and determined as follows, whichever is greater:

(1) An amount equal to the moneys in the lottery operating fund in excess of those needed for the purposes described in subsections (c)(1) through ~~(e)(4)~~ (c)(5); or

(2) except for pull-tab lottery tickets and shares, an amount equal to not less than 30% of total monthly revenues from the sales of lottery tickets and shares less estimated returned tickets. In the case of pull-tab lottery tickets and shares, an amount equal to not less than 20% of the total monthly revenues from the sales of pull-tab lottery tickets and shares less estimated returned tickets.

(e) (1) Subject to the limitations set forth in paragraph (2), commencing in fiscal year 2019, on or before the 10th day of each month, the director of the lottery shall certify to the director of accounts and reports all net profits from the sale of lottery tickets and shares via lottery ticket vending machines. Of such certified amount, the director of accounts and reports shall transfer 75% from the lottery operating fund to the community crisis stabilization centers fund of the Kansas department for aging and disability services and 25% from the lottery operating fund to the clubhouse model program fund of the Kansas department for aging and disability services.

(2) Moneys transferred pursuant to paragraph (1) shall not exceed in the aggregate \$4,000,000 in fiscal year 2019, and shall not exceed in the aggregate \$8,000,000 in fiscal year 2020 and each fiscal year thereafter.

Sec. 3. K.S.A. 74-8719 is hereby amended to read as follows: 74-8719. (a) It is unlawful for any person to purchase a lottery ticket or share, or to share in the lottery winnings of a person, knowing that such person is:

(1) The executive director, a member of the commission or an employee of the Kansas lottery;

(2) an officer or employee of a vendor contracting with the Kansas lottery to supply gaming equipment or tickets to the Kansas lottery for use in the operation of any lottery conducted pursuant to this act;

(3) a spouse, child, stepchild, brother, stepbrother, sister, stepsister, parent or stepparent of a person described by subsection (a)(1) or (2); or

(4) a person who resides in the same household as any person described by subsection (a)(1) or (2).

(b) (1) Violation of subsection (a) is a class A nonperson misdemeanor upon conviction for a first offense.

(2) Violation of subsection (a) is a severity level 9, nonperson felony upon conviction for a second or subsequent offense.

(c) Notwithstanding subsection (a), the executive director may authorize in writing any employee of the Kansas lottery and any employee of a lottery vendor to purchase a lottery ticket for the purposes of verifying the proper operation of the state lottery with respect to security, systems operation and lottery retailer contract compliance. Any prize awarded as a result of such ticket purchase shall become the property of the Kansas lottery and be added to the prize pools of subsequent lottery games.

(d) Certain classes of persons who, because of the unique nature of the supplies or services they provide for use directly in the operation of a lottery pursuant to this act, may be prohibited, in accordance with rules and regulations adopted by the commission, from participating in any lottery in which such supplies or services are used.

(e) Nothing in this section shall prohibit lottery retailers or their employees from purchasing lottery tickets and shares or from being paid a prize of a winning ticket or

share.

(f) Each person who purchases a lottery ticket or share thereby agrees to be bound by rules and regulations adopted by the commission and by the provisions of this act.

(g) Any lottery ticket or share purchased by a person under 18 years of age shall be null and void and may not be claimed for a prize.

Sec. 4. K.S.A. 2017 Supp. 75-6202 is hereby amended to read as follows: 75-6202. As used in this act article 62 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto:

(a) "Debtor" means any person who:

(1) Owes a debt to the state of Kansas or any state agency or any municipality;

(2) owes support to an individual, or an agency of another state, who is receiving assistance in collecting that support under K.S.A. 39-756 or K.S.A. 2017 Supp. 20-378, and amendments thereto, or under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended; or

(3) owes a debt to a foreign state agency.

(b) "Debt" means:

(1) Any liquidated sum due and owing to the state of Kansas, or any state agency, municipality or foreign state agency which has accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum. A debt shall not include special assessments except when the owner of the property assessed petitioned for the improvement and any successor in interest of such owner of property;

(2) any amount of support due and owing an individual, or an agency of another state, who is receiving assistance in collecting that support under K.S.A. 39-756 or K.S.A. 2017 Supp. 20-378, and amendments thereto, or under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, which amount shall be considered a debt due and owing the district court trustee or the Kansas department for children and families for the purposes of this act; or

(3) any assessment of court costs, fines, fees, moneys expended by the state in providing counsel and other defense services to indigent defendants or other charges which a district court judgment has ordered to be paid to the court and which remain unpaid in whole or in part, and includes any interest or penalties on such unpaid amounts as provided for in the judgment or by law. Such amount also includes the cost of collection when the collection services of a contracting agent are utilized.

(c) "Refund" means any amount of income tax refund due to any person as a result of an overpayment of tax, and for this purpose, a refund due to a husband and wife resulting from a joint return shall be considered to be separately owned by each individual in the proportion of each such spouse's contribution to income, as the term "contribution to income" is defined by rules and regulations of the secretary of revenue.

(d) "Net proceeds collected" means gross proceeds collected through final setoff against a debtor's earnings, refund or other payment due from the state or any state agency minus any collection assistance fee charged by the director of accounts and reports of the department of administration.

(e) "State agency" means any state office, officer, department, board, commission, institution, bureau, agency or authority or any division or unit thereof and any judicial district of this state or the clerk or clerks thereof. "State agency" also shall include any:

(1) District court utilizing collection services pursuant to K.S.A. 75-719, and

amendments thereto, to collect debts owed to such court; and (2) contracting agent, as defined in K.S.A. 75-719, and amendments thereto, with which a district court contracts to collect debts owed to such court. Such contracting agent may directly establish a debt setoff account with the director for the sole purpose of collecting debts owed to courts.

(f) "Person" means an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, corporation, other entity or a governmental agency, unit or subdivision.

(g) "Director" means the director of accounts and reports of the department of administration.

(h) "Municipality" means any municipality as defined by K.S.A. 75-1117, and amendments thereto, or any community mental health center organized pursuant to the provisions of K.S.A. 19-4001 et seq., and amendments thereto, and licensed pursuant to K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto, or any mental health clinic organized pursuant to the provisions of K.S.A. 65-211 et seq., and amendments thereto, and licensed pursuant to K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto.

(i) "Payor agency" means any state agency which holds money for, or owes money to, a debtor.

(j) "Foreign state or foreign state agency" means the states of Colorado, Missouri, Nebraska or Oklahoma or any agency of such states which has entered into a reciprocal agreement pursuant to K.S.A. 75-6215, and amendments thereto.

(k) "Facility owner licensee" shall have the same meaning as the term is defined in K.S.A. 74-8802, and amendments thereto.

(l) "Racetrack gaming facility manager" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto.

(m) "Lottery gaming facility manager" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto.

(n) "Prize" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto, and any winnings from parimutuel wagering as provided by the Kansas parimutuel racing act, K.S.A. 74-8801 et seq., and amendments thereto.

Sec. 5. K.S.A. 2017 Supp. 75-6204 is hereby amended to read as follows: 75-6204.

(a) Subject to the limitations provided in this act, if a debtor fails to pay a debt or fails to pay to the state of Kansas or any state agency, foreign state agency, municipality or the federal department of the treasury an amount owed, the director may setoff such amount and a reasonable collection assistance fee determined in accordance with K.S.A. 75-6210, and amendments thereto, against any money held for, or any money owed to, such debtor by the state ~~or,~~ any state agency or lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee.

(b) The director may enter into an agreement with a municipality for participation in the setoff program for the purpose of assisting in the collection of a debt ~~as defined by K.S.A. 75-6202, and amendments thereto.~~ The director shall include in any such agreement a provision requiring the municipality to certify that the municipality has made at least three attempts to collect a debt prior to submitting such debt to setoff pursuant to this act.

(c) The director shall enter into an agreement with a lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee for participation in the setoff program for the purpose of assisting in the collection of a debt. The director

shall include in any such agreement a provision agreeing to defend, indemnify and hold harmless a lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee with regard to all claims, demands, suits, actions, damages, judgments, costs, charges and expenses, including attorney fees, that may be brought or asserted against a lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee and that arise from the performance of an agreement to facilitate the collection of debts by a lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee.

(d) (1) Except as provided in subsection (c)(2), the director shall add the cost of collection and the debt for a total amount subject to setoff against a debtor.

(2) Any debts due and owing to an individual, the state of Kansas or an agency of another state that are being enforced by the Kansas department for children and families under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, shall not have the cost of collection added to the debt owed and subject to setoff. Such cost of collection shall be paid by the Kansas department for children and families.

New Sec. 6. (a) Prior to any lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee paying on behalf of the state any moneys requiring the completion of an internal revenue service form W-2G, the lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee shall cause the person winning the prize to be matched against the state debtor files maintained by the director of accounts and reports as prescribed under K.S.A. 75-6201 et seq., and amendments thereto. If such person is listed in the state debtor files, the prize shall be withheld by the lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee to the extent of such person's debt as set forth in the state debtor files.

(b) The lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee shall not be subject to any civil, criminal or administrative liability for any actions taken pursuant to this section, unless such actions are intentional, malicious or wanton by such lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee or employees or agents thereof. The state shall indemnify the lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee for any and all expenses, losses, damages and attorney fees that arise directly or indirectly from the performance of activities related to this section. For the purposes of the fair debt collection practices act, and any other federal or state law, the lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee shall have all of the protections of the state under the Kansas tort claims act, K.S.A. 75-6101 et seq., and amendments thereto. The sole remedy at law for persons who claim prizes were wrongfully withheld pursuant to this section shall be to submit an appeal to the department of administration pursuant to K.S.A. 75-6201 et seq., and amendments thereto.

(c) Moneys withheld, based on the state debtor files, shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. The state treasurer shall deposit the entire amount in the state treasury and credit it to the department of administration's setoff clearing fund.

(d) Nothing in this section shall apply to Native American tribal gaming facilities.

(e) This section shall be part of and supplemental to the state debt setoff program.

New Sec. 7. (a) The community crisis stabilization centers fund is hereby created in the state treasury and shall be administered by the Kansas department for aging and disability services. The community crisis stabilization centers fund shall consist of those moneys credited to the community crisis stabilization centers fund pursuant to K.S.A. 74-8711(e), and amendments thereto. All expenditures from the community crisis stabilization centers fund shall be for community crisis stabilization centers operated through community mental health centers, and 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 for aging and disability services.

(b) The clubhouse model program fund is hereby created in the state treasury and shall be administered by the Kansas department for aging and disability services. The clubhouse model program fund shall consist of those moneys credited to the clubhouse model program fund pursuant to K.S.A. 74-8711(e), and amendments thereto. All expenditures from the clubhouse model program fund shall be for certified clubhouse model programs, and 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 for aging and disability services.

New Sec. 8. (a) The executive director of the Kansas lottery is authorized to enter into agreements with any nonprofit organization licensed under K.S.A. 2017 Supp. 75-5171 et seq., and amendments thereto, for the operation of instant bingo vending machines, as defined in K.S.A. 74-8702, and amendments thereto, to be located on the premises of such nonprofit organization, provided, that not more than two instant bingo vending machines may be located on the premises of such nonprofit organization. Such agreements shall provide for the remittance of the gross receipts from the sale of instant bingo tickets via any instant bingo vending machine to the nonprofit organization.

(b) All sales of instant bingo tickets via an instant bingo vending machine operated pursuant to an agreement shall be considered sales by the nonprofit organization, and all proceeds from such sales shall be remitted to the nonprofit organization.

Sec. 9. K.S.A. 2017 Supp. 74-8723 is hereby amended to read as follows: 74-8723. (a) The Kansas lottery and the office of executive director of the Kansas lottery, established by K.S.A. 74-8703, and amendments thereto, and the Kansas lottery commission, created by K.S.A. 74-8709, and amendments thereto, shall be and hereby are abolished on July 1, ~~2022~~ 2037.

(b) This section shall be part of and supplemental to the Kansas lottery act.

Sec. 10. K.S.A. 2017 Supp. 75-5173 is hereby amended to read as follows: 75-5173. As used in this act:

(a) "Act" means the Kansas charitable gaming act.

(b) "Administrator" means the administrator of charitable gaming designated by the secretary pursuant to K.S.A. 2017 Supp. 75-5186, and amendments thereto.

(c) "Bingo" or "games of bingo" means the games of call bingo and instant bingo.

(d) "Bingo face" or "face" means a piece of paper which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free." No two bingo faces in the same game shall be identical. Faces shall be disposable and shall not be reused after the game in which a player has used such face.

(e) "Call bingo" means a game in which: (1) Each player pays a charge; (2) a prize

or prizes are awarded to the winner or winners; (3) each player receives one or more cards or faces; and (4) each player covers the squares on each card or face as the operator of such game announces a number, letter or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically from a receptacle in which have been placed objects bearing numbers, letters or combinations of numbers and letters corresponding to the system used for designating the squares. The winner of each game is the player or players first covering properly a predetermined and announced pattern of squares upon the card or face being used by such player or players.

"Call bingo" shall include any regular, special, mini and progressive game of bingo.

(f) "Charitable gaming" means bingo, including call bingo, and instant bingo and charitable raffles.

(g) "Charitable raffle" means a raffle conducted by a nonprofit religious, charitable, fraternal, educational or veterans' organization.

(h) "Department" means the department of revenue.

(i) "Director" means the director of taxation.

(j) "Distributor" means any person or entity that sells or distributes instant bingo tickets, bingo cards or bingo faces.

(k) "Electronic gaming device" means a device that, as a result of the insertion of a coin or other object, operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, it may eject something of value.

(l) "Instant bingo" means a game: (1) In which each player pays a charge; (2) in which a prize or prizes are awarded to the winner or winners; (3) in which each player receives one or more disposable pull-tab or break-open tickets which accord a player an opportunity to win something of value by opening or detaching the paper covering from the back of the ticket to reveal a set of numbers, letters, symbols or configurations, or any combination thereof; ~~(4) which that is conducted by a licensee under this act; (5) the conduct of which must be in the presence of the players that may be dispensed by an instant bingo vending machine; and (6) which that does not utilize any dice, normal playing cards, instant ticket with a removable latex covering or slot machines.~~

Winners of instant bingo shall be determined either: (1) By a combination of letters, numbers or symbols determined and posted prior to the sale of instant bingo tickets; (2) by matching a letter, number or symbol under a tab of an instant bingo ticket with the winning letter, number or symbol in a designated call game of bingo during the same session; or (3) by matching a letter, number or symbol under a tab of an instant bingo ticket with one or more letters, numbers or symbols announced in, or as a continuation of, a designated call game of bingo during the same session.

~~"Instant bingo" shall not include any game utilizing electronically generated or computer-generated tickets.~~

(m) "Instant bingo vending machine" means the same as that term is defined in K.S.A. 74-8702, and amendments thereto.

~~(n)~~(n) "Lessor" means the owner, co-owner, lessor or sublessor of premises upon which a licensee is permitted to manage, operate or conduct games of bingo.

~~(o)~~(o) "Licensee" means any nonprofit organization holding a license to manage, operate or conduct games of bingo or charitable raffles pursuant to K.S.A. 2017 Supp. 75-5171 through 75-5188, and amendments thereto. A license shall be required for each

affiliated organization of any state or national nonprofit religious, charitable, fraternal, educational or veteran's organization.

~~(p)~~ "Mini bingo" means a game of call bingo in which the prizes awarded are not less than 50% of the gross receipts derived from the sale of cards or faces for participation in the game.

~~(q)~~ "Net proceeds" means the gross receipts received by the licensee from charges imposed on players for participation in games of bingo or raffles and any admission fees or charges less amounts actually paid as prizes in games of bingo or raffles and any tax payable by the licensee.

~~(r)~~ "Nonprofit religious organization" means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship, and religious observances, or a society of individuals united for religious purposes at a definite place and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a weekly basis and has been determined by the administrator to be organized and created as a bona fide religious organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) or section 501(d) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit religious organization by the administrator.

~~(s)~~ "Nonprofit charitable organization" means any organization which is organized and operated for:

(1) The relief of poverty, distress, or other condition of public concern within this state;

(2) financially supporting the activities of a charitable organization as defined in paragraph (1); or

(3) conferring direct benefits on the community at large; and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization and has been determined by the administrator to be organized and operated as a bona fide charitable organization and which has been exempted from the payment of federal income taxes as provided by sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6) and 501(c)(7) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit charitable organization by the administrator.

~~(t)~~ "Nonprofit fraternal organization" means any organization within this state which exists for the common benefit, brotherhood, or other interests of its members and is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a fraternal, civic or service purpose within this state and has been determined by the administrator to be organized and operated as a bona fide fraternal organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(8) or section 501(c)(10) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit fraternal organization by the administrator.

~~(u)~~ "Nonprofit educational organization" means any public or private elementary or secondary school or institution of higher education which has been determined by the administrator to be organized and operated as a bona fide educational organization and

which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit educational organization by the administrator.

~~(u)~~(v) "Nonprofit veterans' organization" means any organization within this state or any branch, lodge or chapter of a national or state organization within this state, the membership of which consists exclusively of individuals who qualify for membership because they were or are members of the armed services or forces of the United States, or an auxiliary unit or society of such a nonprofit veterans' organization, the membership of which consists exclusively of individuals who were or are members of the armed services or forces of the United States, or are cadets, or are spouses, widows or widowers of individuals who were or are members of the armed services or forces of the United States, and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and has been determined by the administrator to be organized and operated as a bona fide veterans' organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(4) or 501(c)(19) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit veterans' organization by the administrator.

~~(w)~~(w) "Person" means any natural person, corporation, partnership, trust or association.

~~(x)~~(x) "Premises" means any room, hall, building, enclosure or outdoor area used for the management, operation or conduct of a game of bingo by a licensee.

~~(y)~~(y) "Progressive bingo" means a game of call bingo in which either the established prize amount or number of bingo balls or objects called, or both, may be increased from one session to the next scheduled session if no player completes the required pattern within the specified number of bingo balls or objects drawn. The player's opportunity to win shall increase as the prize amount increases.

~~(z)~~(z) "Raffle" means a game of chance in which each participant buys a ticket or tickets from a nonprofit organization with each ticket providing an equal chance to win a prize and the winner being determined by a random drawing.

~~(aa)~~(aa) "Reusable bingo card" means a reusable card which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free." No two cards in the same game shall be identical.

~~(bb)~~(bb) "Secretary" means the secretary of revenue or the secretary's designee.

~~(cc)~~(cc) "Session" means a day on which a licensee conducts games of bingo.

New Sec. 11. (a) Any person listed in subsections (b)(1), (2) or (3) may engage or direct a person under 18 years of age to violate the provisions of the Kansas lottery act in order to develop a program or system that determines and encourages compliance with the provisions of such act prohibiting sales of lottery tickets to persons under the age of 18 via lottery ticket vending machines.

(b) No person shall engage or direct a person under 18 years of age to violate any provision of the Kansas lottery act for purposes of determining compliance with the provisions of such act unless such person is:

(1) An officer having authority to enforce the provisions of the Kansas lottery act;

(2) an authorized representative of the attorney general, a county attorney or district attorney; or

(3) a lottery retailer, or such retailer's designee, pursuant to a self-compliance program designed to increase compliance with the provisions of the Kansas lottery act and approved by the executive director.

(c) The provisions of this section shall be part of and supplemental to the Kansas lottery act.

Sec. 12. K.S.A. 74-8719 and K.S.A. 2017 Supp. 74-8702, 74-8711, 74-8723, 75-5173, 75-6202 and 75-6204 are hereby repealed.";

Also on page 8, in line 34, by striking "statute book" and inserting "Kansas register";
And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "gaming; relating to lottery ticket vending machines and revenues derived therefrom; relating to instant bingo vending machines; concerning certain debt setoff agreements; amending K.S.A. 74-8719 and K.S.A. 2017 Supp. 74-8702, 74-8711, 74-8723, 75-5173, 75-6202 and 75-6204 and repealing the existing sections";

And your committee on conference recommends adoption of this report.

BUD ESTES

ROB OLSON

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

RONALD HIGHLAND

RONALD ELLIS

LOUIS RUIZ

Conferees on part of House

Senator Estes moved the Senate adopt the Conference Committee Report on **Sub HB 2194**.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 1; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle, Wilborn.

Nays: Alley, Baumgardner, Masterson, Pilcher-Cook, Pyle, Tyson.

Present and Passing: Suellentrop.

The Conference Committee Report was adopted.

MESSAGE FROM THE HOUSE

The House announced the appointment of Representatives Highland, Humphries and Ruiz as conferees on **SB 284**.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2280**.
 The House adopts the Conference Committee report on **HB 2458**.
 The House adopts the Conference Committee report on **HB 2479**.
 The House adopts the Conference Committee report on **HB 2579**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Longbine in the chair.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1795—

A RESOLUTION congratulating and commending the members
 of the Shawnee Heights High School cheer squad for winning the
 Class 5A championship in the inaugural Game Day Spirit Showcase Competition.

WHEREAS, The Kansas State High School Activities Association hosted the inaugural Game Day Spirit Showcase Competition on November 18, 2017, at the Kansas Expocentre; and

WHEREAS, More than 1,400 athletes on 83 teams competed in the three competition areas of dance, crowd leading and fight song; and

WHEREAS, The Varsity Spirit "Game Day" format was chosen by the activities association as a way to exemplify what cheerleading represents; and

WHEREAS, In preparing for the showcase, cheer squads focused on improving their sideline skills, safety techniques and leadership abilities; and

WHEREAS, The Shawnee Heights cheer squad won first place in the Class 5A division; and

WHEREAS, The Shawnee Heights team was represented at the competition by squad captains Brooke Petefish, Rachel Etzel and Teresa Osterhaus, and squad members KayLee Nottestad, Amber Michaud, Kortney Michel, Carson Root, Isabella Owens, Hayley Hollenbeck, Aubree Chavez, Ehlee Buckholtz, Abbey McGinley, Maddie Rice, Kaitlin Thomas, Keyon Dowing, Jenna Karnowski, Ali Crawford, Camryn Bermudez-Kimmel, Kailey Ward, Victoria Holden, Savanna Good, Emily Seuell, Latriece Wynne, Carlyn Thornton, Hannah Arensdorf, Hailey Buckley, Tyriq Collins, Shannon Byrne, Reagan Emerson and Fayth Boucher; and

WHEREAS, The Shawnee Heights team was coached by Head Coach Morgan Whitney and Assistant Coach Tiffany Sloan: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the Shawnee Heights High School cheer squad for winning the Class 5A championship in the inaugural Game Day Spirit Showcase Competition; and

Be it further resolved: That the Secretary of the Senate shall send 36 enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1795** was adopted unanimously.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2111, HB 2488.**

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2111** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 7 through 34;

By striking all on page 2;

On page 3, by striking all in lines 1 through 39; following line 39, by inserting:

"Section 1. K.S.A. 2017 Supp. 79-3602 is hereby amended to read as follows: 79-3602. Except as otherwise provided, as used in the Kansas retailers' sales tax act:

(a) "Agent" means a person appointed by a seller to represent the seller before the member states.

(b) "Agreement" means the multistate agreement entitled the streamlined sales and use tax agreement approved by the streamlined sales tax implementing states at Chicago, Illinois on November 12, 2002.

(c) "Alcoholic beverages" means beverages that are suitable for human consumption and contain 0.05% or more of alcohol by volume.

(d) "Certified automated system (CAS)" means software certified under the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction.

(e) "Certified service provider (CSP)" means an agent certified under the agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(f) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(g) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(h) "Delivered electronically" means delivered to the purchaser by means other than tangible storage media.

(i) "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating and packing. Delivery charges shall not include charges for delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(j) "Direct mail" means printed material delivered or distributed by United States mail or other delivery services to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. Direct mail includes tangible personal property

supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. Direct mail does not include multiple items of printed material delivered to a single address.

(k) "Director" means the state director of taxation.

(l) "Educational institution" means any nonprofit school, college and university that offers education at a level above the 12th grade, and conducts regular classes and courses of study required for accreditation by, or membership in, the higher learning commission, the state board of education, or that otherwise qualify as an "educational institution," as defined by K.S.A. 74-50,103, and amendments thereto. Such phrase shall include: (1) A group of educational institutions that operates exclusively for an educational purpose; (2) nonprofit endowment associations and foundations organized and operated exclusively to receive, hold, invest and administer moneys and property as a permanent fund for the support and sole benefit of an educational institution; (3) nonprofit trusts, foundations and other entities organized and operated principally to hold and own receipts from intercollegiate sporting events and to disburse such receipts, as well as grants and gifts, in the interest of collegiate and intercollegiate athletic programs for the support and sole benefit of an educational institution; and (4) nonprofit trusts, foundations and other entities organized and operated for the primary purpose of encouraging, fostering and conducting scholarly investigations and industrial and other types of research for the support and sole benefit of an educational institution.

(m) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(n) "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include alcoholic beverages or tobacco.

(o) "Gross receipts" means the total selling price or the amount received as defined in this act, in money, credits, property or other consideration valued in money from sales at retail within this state; and embraced within the provisions of this act. The taxpayer, may take credit in the report of gross receipts for: (1) An amount equal to the selling price of property returned by the purchaser when the full sale price thereof, including the tax collected, is refunded in cash or by credit; and (2) an amount equal to the allowance given for the trade-in of property.

(p) "Ingredient or component part" means tangible personal property which is necessary or essential to, and which is actually used in and becomes an integral and material part of tangible personal property or services produced, manufactured or compounded for sale by the producer, manufacturer or compounder in its regular course of business. The following items of tangible personal property are hereby declared to be ingredients or component parts, but the listing of such property shall not be deemed to be exclusive nor shall such listing be construed to be a restriction upon, or an indication of, the type or types of property to be included within the definition of "ingredient or component part" as herein set forth:

(1) Containers, labels and shipping cases used in the distribution of property produced, manufactured or compounded for sale which are not to be returned to the producer, manufacturer or compounder for reuse.

(2) Containers, labels, shipping cases, paper bags, drinking straws, paper plates, paper cups, twine and wrapping paper used in the distribution and sale of property

taxable under the provisions of this act by wholesalers and retailers and which is not to be returned to such wholesaler or retailer for reuse.

(3) Seeds and seedlings for the production of plants and plant products produced for resale.

(4) Paper and ink used in the publication of newspapers.

(5) Fertilizer used in the production of plants and plant products produced for resale.

(6) Feed for animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber, fur, or the production of offspring for use for any such purpose or purposes.

(q) "Isolated or occasional sale" means the nonrecurring sale of tangible personal property, or services taxable hereunder by a person not engaged at the time of such sale in the business of selling such property or services. Any religious organization which makes a nonrecurring sale of tangible personal property acquired for the purpose of resale shall be deemed to be not engaged at the time of such sale in the business of selling such property. Such term shall include: (1) Any sale by a bank, savings and loan institution, credit union or any finance company licensed under the provisions of the Kansas uniform consumer credit code of tangible personal property which has been repossessed by any such entity; and (2) any sale of tangible personal property made by an auctioneer or agent on behalf of not more than two principals or households if such sale is nonrecurring and any such principal or household is not engaged at the time of such sale in the business of selling tangible personal property.

(r) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.

(1) Lease or rental does not include: (A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(B) a transfer or possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of \$100 or 1% of the total required payments; or

(C) providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subsection, an operator must do more than maintain, inspect or set-up the tangible personal property.

(2) Lease or rental does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. § 7701(h)(1).

(3) This definition shall be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the internal revenue code, the uniform commercial code, K.S.A. 84-1-101 et seq., and amendments thereto, or other provisions of federal, state or local law.

(4) This definition will be applied only prospectively from the effective date of this

act and will have no retroactive impact on existing leases or rentals.

(s) "Load and leave" means delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

(t) "Member state" means a state that has entered in the agreement, pursuant to provisions of article VIII of the agreement.

(u) "Model 1 seller" means a seller that has selected a CSP as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(v) "Model 2 seller" means a seller that has selected a CAS to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

(w) "Model 3 seller" means a seller that has sales in at least five member states, has total annual sales revenue of at least \$500,000,000, has a proprietary system that calculates the amount of tax due each jurisdiction and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subsection a seller includes an affiliated group of sellers using the same proprietary system.

(x) "Municipal corporation" means any city incorporated under the laws of Kansas.

(y) "Nonprofit blood bank" means any nonprofit place, organization, institution or establishment that is operated wholly or in part for the purpose of obtaining, storing, processing, preparing for transfusing, furnishing, donating or distributing human blood or parts or fractions of single blood units or products derived from single blood units, whether or not any remuneration is paid therefor, or whether such procedures are done for direct therapeutic use or for storage for future use of such products.

(z) "Persons" means any individual, firm, copartnership, joint adventure, association, corporation, estate or trust, receiver or trustee, or any group or combination acting as a unit, and the plural as well as the singular number; and shall specifically mean any city or other political subdivision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

(aa) "Political subdivision" means any municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or which certifies a levy to a municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term also shall include any public building commission, housing, airport, port, metropolitan transit or similar authority established pursuant to law and the horsethief reservoir benefit district established pursuant to K.S.A. 82a-2201, and amendments thereto.

(bb) "Prescription" means an order, formula or recipe issued in any form of oral, written, electronic or other means of transmission by a duly licensed practitioner authorized by the laws of this state.

(cc) "Prewritten computer software" means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. Where a person modifies or enhances computer software of which the person

is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software, except that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.

(dd) "Property which is consumed" means tangible personal property which is essential or necessary to and which is used in the actual process of and consumed, depleted or dissipated within one year in: (1) The production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property; (2) the providing of services; (3) the irrigation of crops, for sale in the regular course of business; or (4) the storage or processing of grain by a public grain warehouse or other grain storage facility, and which is not reusable for such purpose. The following is a listing of tangible personal property, included by way of illustration but not of limitation, which qualifies as property which is consumed:

(A) Insecticides, herbicides, germicides, pesticides, fungicides, fumigants, antibiotics, biologicals, pharmaceuticals, vitamins and chemicals for use in commercial or agricultural production, processing or storage of fruit, vegetables, feeds, seeds, grains, animals or animal products whether fed, injected, applied, combined with or otherwise used;

(B) electricity, gas and water; and

(C) petroleum products, lubricants, chemicals, solvents, reagents and catalysts.

(ee) "Purchase price" applies to the measure subject to use tax and has the same meaning as sales price.

(ff) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(gg) "Quasi-municipal corporation" means any county, township, school district, drainage district or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

(hh) "Registered under this agreement" means registration by a seller with the member states under the central registration system provided in article IV of the agreement.

(ii) "Retailer" means a seller regularly engaged in the business of selling, leasing or renting tangible personal property at retail or furnishing electrical energy, gas, water, services or entertainment, and selling only to the user or consumer and not for resale.

(jj) "Retail sale" or "sale at retail" means any sale, lease or rental for any purpose other than for resale, sublease or subrent.

(kk) "Sale" or "sales" means the exchange of tangible personal property, as well as the sale thereof for money, and every transaction, conditional or otherwise, for a consideration, constituting a sale, including the sale or furnishing of electrical energy, gas, water, services or entertainment taxable under the terms of this act and including, except as provided in the following provision, the sale of the use of tangible personal property by way of a lease, license to use or the rental thereof regardless of the method by which the title, possession or right to use the tangible personal property is transferred. The term "sale" or "sales" shall not mean the sale of the use of any tangible

personal property used as a dwelling by way of a lease or rental thereof for a term of more than 28 consecutive days.

(ll) (1) "Sales or selling price" applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property and services, for which personal property or services are sold, leased or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

(A) The seller's cost of the property sold;

(B) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller and any other expense of the seller;

(C) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

(D) delivery charges; and

(E) installation charges.

(2) "Sales or selling price" includes consideration received by the seller from third parties if:

(A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(B) the seller has an obligation to pass the price reduction or discount through to the purchaser;

(C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(D) one of the following criteria is met:

(i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) the purchaser identifies to the seller that the purchaser is a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group; or

(iii) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

(3) "Sales or selling price" shall not include:

(A) Discounts, including cash, term or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

(B) interest, financing and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser;

(C) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;

(D) the amount equal to the allowance given for the trade-in of property, if separately stated on the invoice, billing or similar document given to the purchaser; and

(E) commencing on July 1, ~~2006~~ 2018, and ending on June 30, ~~2009~~ 2021, cash rebates granted by a manufacturer to a purchaser or lessee of a new motor vehicle if paid directly to the retailer as a result of the original sale.

(mm) "Seller" means a person making sales, leases or rentals of personal property or services.

(nn) "Service" means those services described in and taxed under the provisions of K.S.A. 79-3603, and amendments thereto.

(oo) "Sourcing rules" means the rules set forth in K.S.A. 2017 Supp. 79-3670 through 79-3673, K.S.A. 12-191 and 12-191a, and amendments thereto, which shall apply to identify and determine the state and local taxing jurisdiction sales or use taxes to pay, or collect and remit on a particular retail sale.

(pp) "Tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam and prewritten computer software.

(qq) "Taxpayer" means any person obligated to account to the director for taxes collected under the terms of this act.

(rr) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco or any other item that contains tobacco.

(ss) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.

(tt) "Over-the-counter drug" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The over-the-counter drug label includes: (1) A drug facts panel; or (2) a statement of the active ingredients with a list of those ingredients contained in the compound, substance or preparation. Over-the-counter drugs do not include grooming and hygiene products such as soaps, cleaning solutions, shampoo, toothpaste, antiperspirants and sun tan lotions and screens.

(uu) "Ancillary services" means services that are associated with or incidental to the provision of telecommunications services, including, but not limited to, detailed telecommunications billing, directory assistance, vertical service and voice mail services.

(vv) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.

(ww) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(xx) "Directory assistance" means an ancillary service of providing telephone number information or address information, or both.

(yy) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

(zz) "Voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(aaa) "Telecommunications service" means the electronic transmission, conveyance

or routing of voice, data, audio, video or any other information or signals to a point, or between or among points. The term telecommunications service includes such transmission, conveyance or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmissions, conveyance or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the federal communications commission as enhanced or value added. Telecommunications service does not include:

(1) Data processing and information services that allow data to be generated, acquired, stored, processed or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

(2) installation or maintenance of wiring or equipment on a customer's premises;

(3) tangible personal property;

(4) advertising, including, but not limited to, directory advertising;

(5) billing and collection services provided to third parties;

(6) internet access service;

(7) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. § 20.3;

(8) ancillary services; or

(9) digital products delivered electronically, including, but not limited to, software, music, video, reading materials or ring tones.

(bbb) "800 service" means a telecommunications service that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name 800, 855, 866, 877 and 888 toll-free calling, and any subsequent numbers designated by the federal communications commission.

(ccc) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. 900 service does not include the charge for collection services provided by the seller of the telecommunications services to the subscriber, or service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name 900 service, and any subsequent numbers designated by the federal communications commission.

(ddd) "Value-added non-voice data service" means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code or protocol of the information or data primarily for a purpose other than transmission, conveyance or routing.

(eee) "International" means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. United States includes the District of Columbia or a U.S. territory or possession.

(fff) "Interstate" means a telecommunications service that originates in one United States state, or a United States territory or possession, and terminates in a different United States state or a United States territory or possession.

(ggg) "Intrastate" means a telecommunications service that originates in one United States state or a United States territory or possession, and terminates in the same United States state or a United States territory or possession.

Sec. 2. K.S.A. 2017 Supp. 79-3602 is hereby repealed."

Also on page 3, in line 41, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 1 by striking all after "concerning"; by striking all in line 2; in line 3 by striking all before the semicolon and inserting "sales taxation; relating to certain cash rebates on sales or leases of new motor vehicles"; also in line 3 by striking "74-4959" and inserting "2017 Supp. 79-3602";

And your committee on conference recommends adoption of this report.

CARYN TYSON

DAN KERSCHEN

TOM HOLLAND

Conferees on part of Senate

STEVEN JOHNSON

TOM PHILLIPS

TOM SAWYER

Conferees on part of House

Senator Tyson moved the Senate adopt the Conference Committee Report on **HB 2111**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Bowers, Longbine.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2488** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 23; following line 23 by inserting:

"Section 1. (a) Unlawful acts involving an automated sales suppression device is knowingly selling, purchasing, installing, transferring, manufacturing, creating, designing, updating, repairing, using or possessing an automated sales suppression device, zipper or phantom-ware.

(b) Unlawful acts involving an automated sales suppression device is a severity level 7, nonperson felony.

(c) In addition to any other criminal penalties provided by law, any person

convicted of unlawful acts involving an automated sales suppression device may be liable for all taxes, interest and penalties due the state as a result of such unlawful acts.

(d) As used in this section:

(1) "Automated sales suppression device" or "zapper" means a computer software program, carried on a memory stick or removable compact disc, accessed through an internet link or accessed through any other means that falsifies the electronic records of electronic cash registers and other point-of-sale systems, including, but not limited to, transaction data and transaction reports;

(2) "electronic cash register" means a device that keeps a register or supporting documents through the means of an electronic device or computer system designed to record transaction data in any manner;

(3) "phantom-ware" means a hidden, pre-installed or installed at a later time programming option embedded in the operating system of an electronic cash register or hardwired into the electronic cash register that can be used to create a virtual second till or may eliminate or manipulate transaction records that may or may not be preserved in digital formats to represent the true or manipulated record of transactions in the electronic cash register;

(4) "transaction data" includes, but is not limited to:

(A) Items purchased by a customer;

(B) the price for each item;

(C) a taxability determination for each item;

(D) a segregated tax amount for each of the taxed items;

(E) the amount of cash or credit tendered;

(F) the net amount returned to the customer in change;

(G) the date and time of the purchase;

(H) the name, address and identification number of the vendor; and

(I) the receipt or invoice number of the transaction; and

(5) "transaction report" means a report including, but not limited to, the sales, taxes collected, media totals and discount voids at an electronic cash register that is printed on cash register tape at the end of a day or shift, or a report documenting every action at an electronic cash register that is stored electronically.

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

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking "section" and inserting "crimes, punishment and criminal procedure; creating the crime of unlawful acts involving an automated sales suppression device; sales and use tax";

And your committee on conference recommends adoption of this report.

CARYN TYSON

DAN KERSCHEN

TOM HOLLAND

Conferees on part of Senate

STEVEN JOHNSON

TOM PHILLIPS

TOM SAWYER

Conferees on part of House

Senator Tyson moved the Senate adopt the Conference Committee Report on **HB 2488**.

On roll call, the vote was: Yeas 22; Nays 0; Present and Passing 18; Absent or Not Voting 0.

Yeas: Berger, Bowers, Denning, Doll, Estes, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Petersen, Rogers, Skubal, Suellentrop, Sykes, Taylor.

Present and Passing: Alley, Baumgardner, Billinger, Bollier, Faust-Goudeau, Hilderbrand, Longbine, Lynn, Masterson, McGinn, Olson, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Tyson, Wagle, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2228** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

CARYN TYSON

DAN KERSCHEN

TOM HOLLAND

Conferees on part of Senate

STEVEN JOHNSON

TOM PHILLIPS

TOM SAWYER

Conferees on part of House

On motion of Senator Tyson the Senate adopted the conference committee report on **S Sub HB 2228**, and requested a new conference be appointed.

The Vice President appointed Senators Tyson, Kerschen and Holland as a second Conference Committee on the part of the Senate on **S Sub HB 2228**.

On motion of Senator Denning, the Senate recessed until 4:00 p.m.

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGE FROM THE HOUSE

The House adopts the conference committee report to agree to disagree on **SB 284** and appoints Representatives Highland, Humphries and Carmichael as second conferees on the part of the House.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 284**, **HB 2438**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 284** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends adoption of this report.

RONALD HIGHLAND
SUSAN HUMPHRIES
Conferees on part of House

RICHARD WILBORN
JULIA LYNN
Conferees on part of Senate

On motion of Senator Denning the Senate adopted the conference committee report on **SB 284**, and requested a new conference be appointed.

The President appointed Senators Wilborn, Lynn and Haley as a second Conference Committee on the part of the Senate on **SB 284**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub SB 391**.

The House adopts the conference committee report to agree to disagree on **S Sub HB 2228** and appoints Representatives Johnson, Phillips and Sawyer as second conferees on the part of the House.

The House adopts the Conference Committee report on **H Sub SB 109**.

The House adopts the Conference Committee report on **HB 2067**.

The House adopts the Conference Committee report on **Sub HB 2194**.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 391**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 391** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 391, as follows:

On page 1, by striking all in lines 10 through 36;

On page 2, by striking all in lines 1 through 15; following line 15, by inserting

"(1) The chairperson of the house committee on transportation;

(2) the chairperson of the house committee on transportation and public safety

budget;

- (3) the ranking minority member of the house committee on transportation;
- (4) one member of the house of representatives to be appointed by the speaker of the house of representatives;
- (5) the chairperson of the house committee on appropriations, or such chairperson's designee from the house committee on appropriations;
- (6) one member of the house of representatives to be appointed by the minority leader of the house of representatives;
- (7) the chairperson of the senate committee on transportation;
- (8) the chairperson of the senate committee on ways and means subcommittee on transportation;
- (9) the ranking minority member of the senate committee on transportation;
- (10) one member of the senate to be appointed by the president of the senate;
- (11) the chairperson of the senate committee on ways and means, or such chairperson's designee from the senate committee on ways and means;
- (12) one member of the senate to be appointed by the minority leader of the senate;
- (13) two city representatives to be appointed by the Kansas league of municipalities, including one who resides in a city with a population greater than 25,000 people and one who resides in a city with a population less than or equal to 25,000 people;
- (14) two county commissioners to be appointed by the Kansas association of counties, including one who resides in a county with a population greater than 40,000 people and one who resides in a county with a population less than or equal to 40,000 people;
- (15) four Kansas residents to be appointed by the speaker of the house of representatives;
- (16) two Kansas residents to be appointed by the minority leader of the house of representatives;
- (17) four Kansas residents to be appointed by the president of the senate;
- (18) two Kansas residents to be appointed by the minority leader of the senate;
- (19) three Kansas residents to be appointed by Kansas economic lifelines; and";

Also on page 2, in line 28, by striking "Except for appointments under subsection (a) (20) and (21),"; in line 30, before the colon by inserting ". Not more than two members may be affiliated from each of the following stakeholder organizations. Two members appointed by the speaker of the house of representatives pursuant to subsection (a)(15) and two members appointed by the president of the senate pursuant to subsection (a) (17) are not required to be affiliated with one of the following stakeholder organizations"; by striking all in line 31; in line 34, by striking all after "producers"; following line 35, by inserting:

"(4) the Kansas ready mix association;";

On page 3, by striking all in lines 6 through 9; following line 9, by inserting

"(16) the Kansas grain and feed association;

(17) the Kansas economic development alliance; or";

Also on page 3, in line 30, by striking all after "(e)"; by striking all in lines 31 and 32; in line 33, by striking "subsection."; in line 34, by striking "additional"; in line 35, by striking all after the period; by striking all in lines 36 through 41; in line 42, by striking "subsection (c).";

On page 4, in line 1, by striking all after the period; by striking all in lines 2 through 43;

On page 5, by striking all in lines 1 through 4; following line 10, by inserting:

"(3) the co-chairpersons shall schedule and organize meetings whose purpose is to solicit local input on existing uncompleted projects and future projects in each highway and metropolitan district. The meetings shall be open meetings and such meetings shall be held at least eight times, including at least one meeting in each department of transportation district and the Wichita and Kansas city metropolitan areas;"

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

And your committee on conference recommends adoption of this report.

RICHARD PROEHL
SHANNON FRANCIS
ADAM LUSKER, SR.

Conferees on part of House

CAROLYN MCGINN
RICK BILLINGER
LAURA KELLY

Conferees on part of Senate

Senator McGinn moved the Senate adopt the Conference Committee Report on **H Sub SB 391**.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Pilcher-Cook.

Absent or Not Voting: Sykes.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2438** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 7 through 36;

On page 2, by striking all in lines 1 through 35 and inserting:

"Section 1. On and after July 1, 2018, K.S.A. 2017 Supp. 12-5377, as amended by section 1 of 2018 House Bill No. 2435, is hereby amended to read as follows: 12-5377.

(a) The receipts and disbursements of the LCPA shall be audited yearly by a licensed municipal accountant or certified public accountant.

(b) The LCPA may require an audit of any provider's books and records concerning

the collection and remittance of fees pursuant to this act. The cost of any such audit shall be paid from the 911 state grant fund.

(c) (1) On or before December 31, 2018, and at least once every five years thereafter, the division of post audit shall conduct an audit of the 911 system to determine: ~~(1) (A)~~ Whether the moneys received by PSAPs pursuant to this act are being used appropriately; ~~(2) (B)~~ whether the amount of moneys collected pursuant to this act is adequate; and ~~(3) (C)~~ the status of 911 service implementation. The auditor to conduct such audit shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing audits pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, ~~the 911 state grant fund shall reimburse~~ the division of post audit shall be reimbursed from the 911 state grant fund for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the LCPA, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(d) On or before December 31, 2018, the division of post audit shall conduct an audit of the budget and expenditures of the 911 coordinating council. In conducting such audit, the division shall examine: (A) The annual expenses and financial needs, including personnel, of the council; (B) the total annual operating expenses of the council that are included in the 2.5% cap on expenditures pursuant to K.S.A. 2017 Supp. 12-5364(i), and amendments thereto; (C) the current and projected contractual expenses of the council; (D) the expenditures and distribution of moneys from the 911 state grant fund by the council; and (E) whether the moneys expended by the council are being used pursuant to this act. The auditor, to conduct such audit, shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing the audit pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the division of post audit shall be reimbursed from the 911 state grant fund for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(e) The legislature shall review this act at the regular 2014 legislative session and at the regular legislative session every five years thereafter.

Sec. 2. K.S.A. 2017 Supp. 12-5377, as amended by section 40 of 2018 Senate Bill No. 260, is hereby repealed.";

Also on page 2, in line 36, before "K.S.A" by inserting "On and after July 1, 2018,"; also in line 36, by striking "75-7209" and inserting "12-5377, as amended by section 1 of 2018 House Bill No. 2435,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all following "concerning"; by striking all in line 2; in line 3, by striking all before the semicolon and inserting "the 911 coordinating council, certain audits"; also in line 3, by striking "75-7209" and inserting "12-5377, as amended by section 1 of 2018 House Bill No. 2435,"; in line 4, following "section" by inserting "; also repealing K.S.A. 2017 Supp. 12-5377, as amended by

section 40 of 2018 Senate Bill No. 260";

And your committee on conference recommends adoption of this report.

BUD ESTES

ROB OLSON

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

RONALD HIGHLAND

SUSAN HUMPHRIES

LOUIS RUIZ

Conferees on part of House

Senator Estes moved the Senate adopt the Conference Committee Report on **HB 2438**.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Pilcher-Cook.

Absent or Not Voting: Sykes.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 109** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 17 through 36;

By striking all on pages 2 through 564;

On page 565, preceding line 1, by inserting:

"Section 1. (a) For the fiscal years ending June 30, 2018, and June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall be known and may be cited as the omnibus appropriation act of 2018 and shall constitute the omnibus reconciliation spending limit bill for the 2018 regular session of the legislature for purposes of K.S.A. 75-6702(a), and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of

K.S.A. 46-155, and amendments thereto.

Sec. 2. (a) The department of corrections is hereby authorized and directed to pay the following amounts from the Hutchinson correctional facility – facilities operations account of the state general fund for property lost to the following claimant:

Earl Harris #47043
 P.O. Box 311
 El Dorado, KS 67042.....\$86.90

(b) The department of corrections is hereby authorized and directed to pay the following amounts from the El Dorado correctional facility – facilities operations account of the state general fund for property lost to the following claimants:

Donald C. Young #74516
 P.O. Box 1568
 Hutchinson, KS 67504.....\$54.59

(c) The department of corrections is hereby authorized and directed to pay the following amounts from the Lansing correctional facility – facilities operations account of the state general fund for property lost to the following claimants:

Alphonso Briscoe #66034
 P.O. Box 2
 Lansing, KS 66043\$78.13

Joseph Jones #59134
 P.O. Box 2
 Lansing, KS 66043\$17.61

Sec. 3. There is hereby appropriated from the state general fund, as reimbursement for legal costs incurred for sexually violent predator proceedings, the following amount to the following claimants:

County Commissioners of Ellis County, KS
 c/o Donna Maskus, County Clerk
 Ellis County
 P.O. Box 720
 Hays, KS 67601\$2,404.80
 Johnson County District Court
 c/o Andre Tyler, Court Administrator
 100 Kansas Ave.
 Olathe, KS 66061\$9,199.16

Sec. 4. The department of revenue is hereby authorized and directed to pay the following amounts from the motor-vehicle fuel tax refund fund, for claims not filed within the statutory filing period prescribed in K.S.A. 79-3458, and amendments thereto, to the following claimants:

Kenneth R. Criss
 877 E. Highway K-31
 Melvern, KS 66510\$344.30

Louis E. Davis
 27600 Spring Valley Rd.
 Louisburg, KS 66053\$33.00

DHS Customs & Border Protect
 6650 Telecom Dr. Ste #100
 Indianapolis, IN 46278\$228.83

Rick D. Gibson 28468 L Rd. Circleville, KS 66416	\$106.44
Graham County Highway Dept. P.O. Box 218 Hill City, KS 67642	\$1,581.14
Hesston College P.O. Box 3000 Hesston, KS 67062	\$47.88
J&G Inc. 10200 E. Road 170 Scott City, KS 67871	\$109.32
James D. Jones 25761 Limit Rd. Winchester, KS 66097	\$105.00
Larry D. Kehres 516 Road R Olpe, KS 66865	\$411.70
Marvin Kisner 2739 S. County Line Rd. Bison, KS 67520	\$200.45
August Lance Larson 3144 Highway 159 Nortonville, KS 66060	\$55.80
Pennys Concrete Inc. 23400 W. 82nd St. Shawnee Mission, KS 66227	\$27,172.55
Riverside Township 5355 S. Woodlawn Blvd. Derby, KS 67037	\$103.10
Robert F. Robben 4402 S 151 st W Wichita, KS 67227	\$812.45
John R. Strobel 31464 N. Highway 59 Garnett, KS 66032	\$241.92
U.S.D. 205 Bluestem 625 S. Mill Rd. Leon, KS 67074	\$638.71
U.S.D. 251 North Lyon County P.O. Box 527 Americus, KS 66835	\$730.85
U.S.D. 284 Chase County P.O. Box 569 Cottonwood Falls, KS 66845	\$378.00

Wichita Airport Authority 2173 S. Air Cargo Rd. Wichita, KS 67209	\$18,148.23
Wildcat Concrete Serv Inc. P.O. Box 750075 Topeka, KS 66675	\$128.22
Robert Winderlin 993 Highway 4 Scott City, KS 67871	\$196.56
Stephen Zeller 404 East 150 th Rd. Overbrook, KS 66524	\$87.96
<p>Sec. 5. Fort Hays state university is hereby authorized and directed to pay the following amount from its operating expenditures (including official hospitality) account for reimbursement of medical expenses for personal injury:</p>	
Kristie A. Cash 1133 Parallel Street Atchison, KS 66002	\$8,780
<p>Sec. 6. The department of health and environment is hereby authorized and directed to pay the following amount from its operating expenditures account for partial reimbursement of expenses related to efforts to become licensed as a home health agency:</p>	
Shoemaker Home Care, LLC c/o Elwood Shoemaker 400 Poyntz Ave. Manhattan, KS 66502	\$18,107.34
<p>Sec. 7. The department of corrections is hereby authorized and directed to pay the following amount from its operating expenditures account for personal injury caused by corrections staff:</p>	
Deandre Green 1445 N. Broadview Wichita, KS 67208	\$10,000
<p>Sec. 8. The adjutant general is hereby authorized and directed to pay the following amounts from its operating expenditures account for damage to personal property:</p>	
Alan Weis Contracting 241 Cole Street Lindsborg, KS 67456	\$1,962.25
Snodgrass & Sons Construction Co., Inc. c/o Aaron Snodgrass 2700 George Washington Blvd. Wichita, KS 67210	\$8,605.00
<p>Sec. 9. The Kansas highway patrol is hereby authorized and directed to pay the following amount from the Kansas highway patrol operations fund for moneys improperly seized to the following claimant:</p>	
Barbara Reese 1201 N.E. Lime Street Topeka, KS 66616.....	\$11,833.60

Sec. 10. Emporia state university is hereby authorized and directed to pay the following amount from its operating expenditures (including official hospitality) account for reimbursement of personal property damage:

Martin Griffey

14493 S. Shadow

Olathe, KS 66061.....\$1,257.31

Sec. 11. (a) Except as otherwise provided by this act, the director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections to the claimants or their legal representatives or duly authorized agents, as provided by law.

(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 4, as motor-vehicle fuel tax refunds or as transactions between state agencies as provided by sections 2 through 10 of this act, a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding their respective claims.

Sec. 12.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby decreased from \$188,489 to \$150,398.

Sec. 13.

KANSAS BOARD OF BARBERING

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby decreased from \$188,212 to \$151,157.

Sec. 14.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the cosmetology fee fund (149-00-2706-0100) of the Kansas state board of cosmetology is hereby increased from \$1,016,509 to \$1,023,423.

Sec. 15.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the cosmetology fee fund (149-00-2706-0100) of the Kansas state board of cosmetology is hereby increased from \$1,019,564 to \$1,041,172.

Sec. 16.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

(a) On the effective date of this act, the expenditure limitation established for the

fiscal year ending June 30, 2018, by section 19(a) of chapter 104 of the 2017 Session Laws of Kansas on the hearing instrument board fee fund (266-00-2712-9900) of the Kansas board of examiners in fitting and dispensing of hearing instruments is hereby increased from \$27,043 to \$32,284.

Sec. 17.

BOARD OF NURSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 20(a) of chapter 104 of the 2017 Session Laws of Kansas on the board of nursing fee fund (482-00-2716-0200) of the board of nursing is hereby increased from \$2,541,423 to \$2,577,129.

Sec. 18.

BOARD OF NURSING

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 20(a) of chapter 104 of the 2017 Session Laws of Kansas on the board of nursing fee fund (482-00-2716-0200) of the board of nursing is hereby increased from \$2,594,467 to \$2,722,173.

Sec. 19.

BOARD OF EXAMINERS IN OPTOMETRY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 21(a) of chapter 104 of the 2017 Session Laws of Kansas on the optometry fee fund (488-00-2717-0100) of the board of examiners in optometry is hereby increased from \$161,360 to \$163,708.

Sec. 20.

STATE BOARD OF PHARMACY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 22(a) of chapter 104 of the 2017 Session Laws of Kansas on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby increased from \$1,435,882 to \$1,561,016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Harold Rogers prescription fund (531-00-3188-3110).....No limit

Sec. 21.

STATE BOARD OF PHARMACY

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 22(a) of chapter 104 of the 2017 Session Laws of Kansas on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby increased from \$1,468,285 to \$1,608,919.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Harold Rogers prescription fund (531-00-3188-3110).....No limit

Sec. 22.

REAL ESTATE APPRAISAL BOARD

(a) There is appropriated for the above agency from the following special revenue

fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Special litigation reserve fund.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2018, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2018, the executive director of the real estate appraisal board, with the approval of the director of the budget, may transfer moneys from the appraiser fee fund (543-00-2732-0100) of the real estate appraisal board to the special litigation reserve fund of the real estate appraisal board: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2018, shall not exceed \$20,000: *Provided further*, That the executive director of the real estate appraisal board shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 23.

REAL ESTATE APPRAISAL BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Special litigation reserve fund.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2019, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2019, the executive director of the real estate appraisal board, with the approval of the director of the budget, may transfer moneys from the appraiser fee fund (543-00-2732-0100) of the real estate appraisal board to the special litigation reserve fund of the real estate appraisal board: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2019, shall not exceed \$20,000: *Provided further*, That the executive director of the real estate appraisal

board shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(c) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the appraiser fee fund (543-00-2732-0100) of the real estate appraisal board is hereby increased from \$162,342 to \$324,684.

(d) On July 1, 2018, the director of accounts and reports shall transfer all moneys in the appraisal management companies fee fund (543-00-2138-2138) of the real estate appraisal board to the appraiser fee fund (543-00-2732-0100) of the real estate appraisal board. On July 1, 2018, all liabilities of the appraisal management companies fee fund are hereby transferred to and imposed on the appraiser fee fund and the appraisal management companies fee fund is hereby abolished.

(e) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the appraisal management companies fee fund (543-00-2138-2138) of the real estate appraisal board is hereby decreased from \$162,342 to \$0.

Sec. 24.

KANSAS REAL ESTATE COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the real estate fee fund (549-00-2721-0100) of the Kansas real estate commission is hereby decreased from \$1,188,512 to \$1,059,696.

Sec. 25.

KANSAS REAL ESTATE COMMISSION

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the real estate fee fund (549-00-2721-0100) of the Kansas real estate commission is hereby decreased from \$1,154,124 to \$1,025,124.

Sec. 26.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 25(a) of chapter 104 of the 2017 Session Laws of Kansas on the technical professions fee fund (663-00-2729-0100) of the state board of technical professions is hereby increased from \$714,864 to \$720,165.

Sec. 27.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 25(a) of chapter 104 of the 2017 Session Laws of Kansas on the technical professions fee fund (663-00-2729-0100) of the state board of technical professions is hereby increased from \$754,388 to \$759,689.

Sec. 28.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 26(a) of chapter 104 of the 2017 Session Laws of Kansas on the veterinary examiners fee fund (700-00-2727-1100) of the state

board of veterinary examiners is hereby decreased from \$348,480 to \$348,034.

Sec. 29.

STATE BOARD OF VETERINARY EXAMINERS

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 26(a) of chapter 104 of the 2017 Session Laws of Kansas on the veterinary examiners fee fund (700-00-2727-1100) of the state board of veterinary examiners is hereby decreased from \$356,987 to \$356,957.

Sec. 30.

GOVERNMENTAL ETHICS COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the governmental ethics commission fee fund (247-00-2188-2000) of the governmental ethics commission is hereby decreased from \$256,966 to \$243,762.

Sec. 31.

GOVERNMENTAL ETHICS COMMISSION

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the governmental ethics commission fee fund (247-00-2188-2000) of the governmental ethics commission is hereby decreased from \$268,027 to \$267,660.

Sec. 32.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Legislative.research
department – operations (425-00-1000-0103)\$3,084

(b) On the effective date of this act, of the \$537,812 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 28(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the legislative coordinating council – operations account (422-00-1000-0100), the sum of \$321 is hereby lapsed.

Sec. 33.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Legislative.coordinating
council – operations (422-00-1000-0100)\$12,273

Legislative.research
department – operations (425-00-1000-0103)\$7,854

Office of revisor of statutes – operations (579-00-1000-0103)\$456,480

Sec. 34.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operations (including official hospitality) (428-00-1000-0103)\$400,000
Jordan-legislative claim (428-00-1000-0530).....\$11,604

Sec. 35.

LEGISLATURE

(a) Any unencumbered balance in the legislative information system account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Sec. 36.

DIVISION OF POST AUDIT

(a) On the effective date of this act, of the \$2,467,048 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 33(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the operations account (including legislative post audit committee) (540-00-1000-0100), the sum of \$192,909 is hereby lapsed.

Sec. 37.

GOVERNOR'S DEPARTMENT

(a) On July 1, 2018, the provisions of section 36(e) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(b) On July 1, 2018, the provisions of section 36(f) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 38.

ATTORNEY GENERAL

(a) On the effective date of this act, of the \$5,216,867 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 37(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the operating expenditures account (082-00-1000-0103), the sum of \$4,000 is hereby lapsed.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$250,000 from the court cost fund (082-00-2012-2000) to the state general fund.

Sec. 39.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Abuse, neglect and exploitation unit (082-00-1000-0500)\$200,000

(b) On July 1, 2018, the provisions of section 38(g) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(c) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,750,000 from the court cost fund (082-00-2012-2000) to the state general fund.

(d) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$600,000 from the state general fund to the medicaid fraud prosecution revolving fund (082-00-2641-2280).

(e) Notwithstanding the provisions of K.S.A. 2017 Supp. 75-7c05, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the attorney general from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature,

expenditures shall be made by the above agency from such moneys to fix, charge and collect a nonrefundable fee for the purpose of obtaining a concealed carry handgun license of \$112, if the applicant has not previously been issued a statewide license or if the applicant's license has permanently expired, which fee shall be in the form of two cashier's checks, personal checks or money orders of \$32.50 payable to the sheriff of the county where the applicant resides and \$79.50 payable to the attorney general; *Provided further:* That no expenditures shall be made from the state general fund or from any special revenue fund or funds for fiscal year 2019 to increase the license renewal fee of \$25 as set in K.S.A. 2017 Supp. 75-7c08, and amendments thereto.

(f) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State medicaid fraud forfeiture fundNo limit
Sec. 40.

STATE TREASURER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the state treasurer operating fund (670-00-2374-2300) of the office of the state treasurer is hereby decreased from \$1,702,107 to \$1,682,516: *Provided,* That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, during fiscal year 2018, the state treasurer is hereby authorized and directed to credit the first \$1,682,516 received and deposited in the state treasury to the state treasurer operating fund: *Provided further,* That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2018 shall be credited as prescribed under the unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto: *And provided further,* That all moneys credited to the state treasurer operating fund during fiscal year 2018 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed to administer the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, that are not otherwise reimbursed under any other provision of law.

Sec. 41.

STATE TREASURER

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the state treasurer operating fund (670-00-2374-2300) of the office of the state treasurer is hereby decreased from \$1,718,838 to \$1,680,844: *Provided,* That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, during fiscal year 2019, the state treasurer is hereby authorized and directed to credit the first \$1,680,844 received and deposited in the state treasury to

the state treasurer operating fund: *Provided further*, That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2019 shall be credited as prescribed under the unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto: *And provided further*, That all moneys credited to the state treasurer operating fund during fiscal year 2019 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed to administer the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, that are not otherwise reimbursed under any other provision of law.

Sec. 42.

INSURANCE DEPARTMENT

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the securities act fee fund (331-00-2162-0100) of the insurance department is hereby decreased from \$3,148,377 to \$2,879,523.

Sec. 43.

INSURANCE DEPARTMENT

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the securities act fee fund (331-00-2162-0100) of the insurance department is hereby decreased from \$3,030,872 to \$2,924,049.

(b) On July 1, 2018, the amount of \$2,062,500 authorized by section 44(c) of chapter 104 of the 2017 Session Laws of Kansas to be transferred by the director of accounts and reports from the insurance department service regulation fund (331-00-2270-2400) of the insurance department to the state general fund on July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, is hereby decreased to \$62,500.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Captive.insurance.regulatory.and supervision fundNo limit

(d) On July 1, 2018, the director of accounts and reports shall transfer all moneys in the commissioner's travel reimbursement fund (331-00-9090-9200) to the insurance department service regulation fund (331-00-2270-2400). On July 1, 2018, all liabilities of the commissioner's travel reimbursement fund are hereby transferred to and imposed on the insurance department service regulation fund and the commissioner's travel reimbursement fund is hereby abolished.

Sec. 44.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Legal services for prisoners (328-00-1000-0500)\$25,000
Capital defense operations (328-00-1000-0800)\$180,000
Assigned counsel expenditures (328-00-1000-0700)\$37,436

(b) In addition to the other purposes for which expenditures may be made by the

state board of indigents' defense services from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 as authorized by section 52 of chapter 104 of the 2017 Session Laws of Kansas, this act or other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 to classify public defenders based on the level of cases such public defenders are assigned.

Sec. 45.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Legal services for prisoners (328-00-1000-0500)	\$25,000
Capital defense operations (328-00-1000-0800)	\$180,000
Assigned counsel expenditures (328-00-1000-0700)	\$689,335

(b) In addition to the other purposes for which expenditures may be made by the state board of indigents' defense services from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 as authorized by section 53 of chapter 104 of the 2017 Session Laws of Kansas, this act or other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 to classify public defenders based on the level of cases such public defenders are assigned.

Sec. 46.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Judiciary operations (677-00-1000-0103)	\$200,000
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(b) During the fiscal year ending June 30, 2019, the justices of the supreme court, judges of the court of appeals, district court judges and district magistrate judges shall receive a 2.0% salary increase, including associated employer contributions.

Sec. 47.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On July 1, 2018, notwithstanding the provisions of K.S.A. 38-2102, and amendments thereto, the amount prescribed by K.S.A. 38-2102(d)(4), and amendments thereto, to be transferred on July 1, 2018, by the director of accounts and reports from the Kansas endowment for youth fund to the children's initiatives fund is hereby increased to \$58,646,551.

(b) On July 1, 2018, the provisions of section 57(d) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(c) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$82,000,000 from the state general fund to the Kansas public employees retirement fund (365-00-7002-7000) of the Kansas public employees retirement system for payment, in full or in part, of reduced employer contributions from participating employers under K.S.A. 74-4931, and amendments thereto, in prior fiscal years.

(d) For the fiscal years ending June 30, 2018, and June 30, 2019, the director of the

budget, in consultation with the director of legislative research, shall certify, at the end of each such fiscal year, the amount of actual tax receipt revenues to the state general fund that is in excess of, or is less than, the amount of estimated tax receipt revenues to the state general fund pursuant to the most recent joint estimate of revenue under K.S.A. 75-6701, and amendments thereto, for such fiscal year, and shall transmit such certification to the director of accounts and reports: *Provided*, That upon receipt of such certification, or as soon thereafter as moneys are available, during each such fiscal year, the director of accounts and reports shall transfer such certified excess amount, not to exceed \$56,000,000 in each such fiscal year, from the state general fund to the Kansas public employees retirement fund (365-00-7002-7000) of the Kansas public employees retirement system for payment, in full or in part, of reduced employer contributions from participating employers under K.S.A. 74-4931, and amendments thereto, in prior fiscal years: *Provided, however*, That, if the amount of actual tax receipt revenues to the state general fund is less than the amount of estimated tax receipt revenues to the state general fund, then no transfers shall be made pursuant to this subsection.

Sec. 48.

KANSAS HUMAN RIGHTS COMMISSION

(a) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the annual banquet fund (058-00-2611-1400) of the Kansas human rights commission to the education and training fund (058-00-2282-2000) of the Kansas human rights commission. On the effective date of this act, all liabilities of the annual banquet fund are hereby transferred to and imposed on the education and training fund and the annual banquet fund is hereby abolished.

Sec. 49.

KANSAS HUMAN RIGHTS COMMISSION

(a) On July 1, 2018, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2019, by section 59(a) of chapter 104 of the 2017 Session Laws of Kansas on the operating expenditures account (058-00-1000-0103) of the state general fund of the Kansas human rights commission is hereby increased from \$200 to \$500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Database conversion fundNo limit

Sec. 50.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Long-term care ombudsman (173-00-1000-0580)\$43,837
Clyde mill and elevator demolition\$300,000

(b) On the effective date of this act, of the \$245,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 65(j) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the SIBF – state building insurance account (173-00-8100-8920), the sum of \$97,432 is hereby lapsed.

(c) On the effective date of this act, of the \$265,000 appropriated for the above

agency for the fiscal year ending June 30, 2018, by section 65(k) of chapter 104 of the 2017 Session Laws of Kansas from the correctional institutions building fund in the CIBF – state building insurance account (173-00-8600-8930), the sum of \$141,081 is hereby lapsed.

(d) On the effective date of this act, the provisions of section 65(m) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(e) (1) (A) On the effective date of this act, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection: *Provided*, That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than \$1,184,054. The certification by the state board of regents shall specify the amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account in the state general fund by the director of accounts and reports pursuant to this subsection. At the same time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.

(B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board of regents to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.

(C) In accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection, the appropriation for fiscal year 2018 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children's initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2018, by chapter 104 of the 2017 Session Laws of Kansas or by this or other appropriation act of the 2018 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection.

(2) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection, the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the state agencies for fiscal year 2018.

(3) (A) Prior to June 30, 2018, after receipt of each certification by the director of the budget pursuant to this subsection, the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, by an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to this subsection in accordance with such certifications.

(B) Prior to June 30, 2018, the director of accounts and reports shall transfer the

balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: *Provided, however*; That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer's receivables for the state general fund.

(C) Prior to June 30, 2018, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection during fiscal year 2018.

(D) On June 30, 2018, the director of accounts and reports shall record a credit to the state treasurer's receivables for the state general fund and shall record a corresponding debit to the state general fund in the amount of the outstanding receivable created to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2028.

(E) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection and all reductions and adjustments made thereto pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state general fund by the state treasurer in accordance with the notice thereof.

(4) As used in this subsection, "regents agency" means the state board of regents, Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, the university of Kansas, the university of Kansas medical center and Wichita state university.

(5) The provisions of this subsection shall not apply to:

(A) Any money held in trust in a trust fund or held in trust in any other special revenue fund or funds of any regents agency;

(B) any moneys received from any agency or authority of the federal government or from any other federal source, other than any such federal moneys that are credited to or may be received and credited to special revenue funds of a regents agency and that are determined by the state board of regents to be federal moneys that may be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection;

(C) any account of the Kansas educational building fund or the state institutions building fund; or

(D) any fund of any regents agency in the state treasury, as determined by the director of the budget, that would experience financial or administrative difficulties as a result of executing the provisions of this subsection, including, but not limited to, cash-flow problems, the inability to meet ordinary expenditure obligations, or any conflicts with prevailing contracts, compacts or other provisions of law.

(6) Each amount transferred from any special revenue fund of any regents agency to the state general fund pursuant to this subsection is transferred to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the regents agency involved by other state agencies that receive appropriations from

the state general fund to provide such services.

(f) During fiscal year 2018, any unencumbered balance from the state general fund in the judicial center rehabilitation and repair account (173-00-1000-8540) in excess of \$100 as of the effective date of this act, and any unencumbered balance in the capitol complex repair and rehabilitation account (173-00-1000-8170) in excess of \$100 as of the effective date of this act, are hereby reappropriated to the above agency in the rehabilitation and repair for state facilities account (173-00-1000-8500) of the state general fund for fiscal year 2018: *Provided*, That during fiscal year 2018, expenditures from the rehabilitation and repair for state facilities account shall be made on a priority basis for the rehabilitation and repair of the judicial center.

(g) On the effective date of this act, of the \$4,644,292 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 65(a) of chapter 104 of the 2017 Session Laws of Kansas from the operating expenditures account (173-00-1000-0200), the sum of \$35,193 is hereby lapsed.

(h) (1) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the secretary of administration, from moneys appropriated from the state general fund or any special revenue fund or funds for the department of administration for fiscal year 2018 by chapter 104 of the 2017 Session Laws of Kansas, this act or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the secretary of administration from the state general fund or from any special revenue fund or funds for fiscal year 2018, for the secretary, on behalf of the state of Kansas, to convey by quitclaim deed all of the rights, title and interest of the state of Kansas in the following real estate located in Cloud county, Kansas, to the City of Clyde, Kansas, subject to the provisions of this section: 0 Borton Ave, Clyde, Kansas, commonly known as the Clyde mill and elevator.

(2) The quitclaim deed shall be executed by the secretary of administration for and on behalf of the state of Kansas in a form approved by the attorney general.

(3) In the event that the secretary of administration determines that the legal description of any parcel of real estate described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description, but the deed conveying the property shall be subject to the approval of the attorney general.

Sec. 51.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (173-00-1000-0200)	\$197,083
Long-term care ombudsman (173-00-1000-0580)	\$39,695
Rehabilitation and repair for state facilities account (173-00-1000-8500).....	\$2,049,614

Provided, That during fiscal year 2019, expenditures shall be made on a priority basis for the rehabilitation and repair of the judicial center.

(b) On July 1, 2018, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state economic development initiatives fund and shall record a corresponding credit to the state economic development initiatives fund in an amount certified by the director of the budget that shall be equal to 75% of the amount estimated by the director of the budget to be transferred and credited to the state

economic development initiatives fund during the fiscal year ending June 30, 2019, except that such amount shall be proportionally adjusted during fiscal year 2019 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2019. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2019 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection and section 66(h)(2) and (h)(3) of chapter 104 of the 2017 Session Laws of Kansas. On July 1, 2018, the provisions of section 66(h)(1) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(c) On July 1, 2018, the provisions of section 66(n) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(d) (1) (A) Prior to August 15, 2018, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection: *Provided*, That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than \$1,184,054. The certification by the state board of regents shall specify the amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account in the state general fund by the director of accounts and reports pursuant to this subsection. At the same time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.

(B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board of regents to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.

(C) On August 15, 2018, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection, the appropriation for fiscal year 2019 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children's initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2019, by chapter 104 of the 2017 Session Laws of Kansas or by this or other appropriation act of the 2018 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection.

(2) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection, the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the state agencies for fiscal year 2019.

(3) (A) On or before September 1, 2018, after receipt of each certification by the

director of the budget pursuant to this subsection, the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, by an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to this subsection in accordance with such certifications.

(B) On September 1, 2018, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: *Provided, however,* That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer's receivables for the state general fund.

(C) On September 1, 2018, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection during fiscal year 2019.

(D) On June 30, 2019, the director of accounts and reports shall record a credit to the state treasurer's receivables for the state general fund and shall record a corresponding debit to the state general fund in the amount of the outstanding receivable created to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2028.

(E) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection and all reductions and adjustments made thereto pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state general fund by the state treasurer in accordance with the notice thereof.

(4) As used in this subsection, "regents agency" means the state board of regents, Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, the university of Kansas, the university of Kansas medical center and Wichita state university.

(5) The provisions of this subsection shall not apply to:

(A) Any money held in trust in a trust fund or held in trust in any other special revenue fund or funds of any regents agency;

(B) any moneys received from any agency or authority of the federal government or from any other federal source, other than any such federal moneys that are credited to or may be received and credited to special revenue funds of a regents agency and that are determined by the state board of regents to be federal moneys that may be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection;

(C) any account of the Kansas educational building fund or the state institutions building fund; or

(D) any fund of any regents agency in the state treasury, as determined by the director of the budget, that would experience financial or administrative difficulties as a result of executing the provisions of this subsection, including, but not limited to, cash-flow problems, the inability to meet ordinary expenditure obligations, or any conflicts

with prevailing contracts, compacts or other provisions of law.

(6) Each amount transferred from any special revenue fund of any regents agency to the state general fund pursuant to this subsection is transferred to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the regents agency involved by other state agencies that receive appropriations from the state general fund to provide such services.

(e) On July 1, 2018, the \$73,861 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 180 of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the judicial center rehabilitation and repair account (173-00-1000-8540) is hereby lapsed.

(f) On July 1, 2018, the \$1,975,753 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 180 of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the capitol complex repair and rehabilitation account (173-00-1000-8170) is hereby lapsed.

(g) On July 1, 2018, of the \$4,699,654 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 66(a) of chapter 104 of the 2017 Session Laws of Kansas from the operating expenditures account (173-00-1000-0200), the sum of \$2,917 is hereby lapsed.

(h) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Dwight D. Eisenhower statue fund.....No limit
Sec. 52.

OFFICE OF INFORMATION TECHNOLOGY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Information technology modernization\$4,067,889
Office 365 cloud email services\$826,378

Sec. 53.

OFFICE OF INFORMATION TECHNOLOGY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Information technology modernization\$5,382,852

Provided, That any unencumbered balance in the information technology modernization account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: *Provided further*; That expenditures shall be made from the information technology modernization account during fiscal year 2019 by the above agency to appear before the senate committee on ways and means and the house of representatives committee on appropriations during the 2019 regular legislative session and report on the measures the above agency has undertaken, or plans to undertake during fiscal year 2020, to maximize efficiencies concerning information technology modernization, including, but not limited to: Identifying savings in personnel expenditures; savings to the state general fund and any special revenue fund or funds for each state agency; and processes and duties that are transferring from other state agencies to the above agency: *And provided further*; That during fiscal year 2019, the

above agency shall submit a written report to the legislative research department concerning such maximized efficiencies.

Office 365 cloud email services\$826,378

Provided, That any unencumbered balance in the office 365 cloud email services account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Sec. 54.

STATE BOARD OF TAX APPEALS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the BOTA filing fee fund (562-00-2240-2240) of the state board of tax appeals is hereby increased from \$1,057,264 to \$1,059,123.

Sec. 55.

STATE BOARD OF TAX APPEALS

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the BOTA filing fee fund (562-00-2240-2240) of the state board of tax appeals is hereby increased from \$1,073,475 to \$1,077,192.

Sec. 56.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (565-00-1000-0303)\$439,669

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the division of vehicles operating fund (565-00-2089-2020) of the department of revenue is hereby increased from \$46,491,890 to \$48,685,210.

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,632,968 from the state highway fund (276-00-4100-4100) of the department of transportation to the division of vehicles operating fund (565-00-2089-2020) of the department of revenue.

Sec. 57.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (565-00-1000-0303)\$224,000

(b) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the division of vehicles operating fund (565-00-2089-2020) of the department of revenue is hereby increased from \$46,545,716 to \$48,268,528.

(c) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the MSA compliance fund (565-00-2274-2274) of the department of revenue is hereby increased from \$1,333,220 to no limit.

(d) On July 1, 2018, the amount of \$11,513,742 authorized by section 75(c) of chapter 104 of the 2017 Session Laws of Kansas to be transferred by the director of

accounts and reports from the state highway fund (276-00-4100-4100) of the department of transportation to the division of vehicles operating fund (565-00-2089-2020) of the department of revenue on July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, is hereby increased to \$12,171,984.

(e) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Alcoholic beverage control modernization fund	No limit
Native American veterans' income tax refund fund	No limit

Sec. 58.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, of the \$7,976,452 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 82(b) of chapter 104 of the 2017 Session Laws of Kansas from the state economic development initiatives fund in the operating grant (including official hospitality) account (300-00-1900-1110), the sum of \$926,154 is hereby lapsed.

(b) On the effective date of this act, of the \$1,622,939 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 82(b) of chapter 104 of the 2017 Session Laws of Kansas from the state economic development initiatives fund in the rural opportunity zones program account (300-00-1900-1150), the sum of \$665,156 is hereby lapsed.

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$930,000 from the state economic development initiatives fund (300-00-1900-1100) to the state general fund.

(d) On the effective date of this act, of the \$2,800,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 82(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the KBA grant commitments account (300-00-1000-0800), the sum of \$2,088,238 is hereby lapsed.

(e) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2018, the following:

Global trade services	\$125,000
Kansas international trade show assistance program	\$50,000

Sec. 59.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2019, the following:

Registered apprenticeship program.....	\$740,000
Older Kansans employment program (300-00-1900-1140)	\$260,000
Innovation growth program	\$65,643
Kansas international trade show assistance program	\$127,000
Global trade services	\$250,000

(b) On July 1, 2018, of the \$2,053,457 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 83(b) of chapter 104 of the 2017 Session Laws of Kansas from the state economic development initiatives fund in the rural opportunity zones program account (300-00-1900-1150), the sum of \$805,000 is hereby lapsed.

(c) On July 1, 2018, of the \$7,553,313 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 83(b) of chapter 104 of the 2017 Session Laws of Kansas from the state economic development initiatives fund in the operating grant (including official hospitality) account (300-00-1900-1110), the sum of \$202,000 is hereby lapsed.

(d) On July 1, 2018, the amount of \$19,200,000 authorized by section 83(g) of chapter 104 of the 2017 Session Laws of Kansas to be transferred by the director of accounts and reports from the state economic development initiatives fund (300-00-1900-1100) of the department of commerce to the state general fund is hereby decreased to \$18,700,000.

Sec. 60.

DEPARTMENT OF LABOR

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 86(b) of chapter 104 of the 2017 Session Laws of Kansas on the workmen's compensation fee fund (296-00-2124-2220) of the department of labor is hereby increased from \$14,681,786 to \$15,072,758.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 187(d) of chapter 104 of the 2017 Session Laws of Kansas on the workmen's compensation fee fund (296-00-2124-2220) of the department of labor for such capital improvement purposes is hereby increased from \$780,000 to \$1,165,000.

Sec. 61.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Amusement ride safety (296-00-1000-0513)\$249,511

(b) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 87(b) of chapter 104 of the 2017 Session Laws of Kansas on the workmen's compensation fee fund (296-00-2124-2220) of the department of labor is hereby increased from \$12,812,732 to \$15,149,481.

(c) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 188(d) of chapter 104 of the 2017 Session Laws of Kansas on the workmen's compensation fee fund (296-00-2124-2220) of the department of labor for such capital improvement purposes is hereby increased from \$265,000 to \$870,000.

Sec. 62.

KANSAS COMMISSION ON VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures – administration (649-00-1000-0103)\$2,175

Operating expenditures – veteran services (694-00-1000-0203)\$10,809

Operating expenditures-Kansas.soldiers' home (694-00-1000-0403)\$17,641

Operating expenditures–state.veterans cemeteries (694-00-1000-0703)\$8,646

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2018, the following:

WaKeeney hail storm damage\$136,881

Provided, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, or any other statute, expenditures may be made from the WaKeeney hail storm damage account during fiscal year 2018 for capital improvements at the state veterans cemetery in WaKeeney.

(c) On the effective date of this act, of the \$812,050 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 190(b) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the veterans' home rehabilitation and repair projects account (694-00-8100-8250), the sum of \$64,800 is hereby lapsed.

Sec. 63.

KANSAS COMMISSION ON VETERANS AFFAIRS OFFICE

(a) On July 1, 2018, of the \$637,900 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 191(b) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the soldiers' home rehabilitation and repair projects account (694-00-8100-7100), the sum of \$22,727 is hereby lapsed.

(b) On July 1, 2018, of the \$812,050 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 191(b) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the veterans' home rehabilitation and repair projects account (694-00-8100-8250), the sum of \$40,670 is hereby lapsed.

(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2019, the following:

Waste disposal\$125,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, or any other statute, expenditures may be made from the waste disposal account during fiscal year 2019 for the purchase of a waste disposal vehicle.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans benefit lottery game fund\$1,200,000

Provided, That expenditures from the veterans benefit lottery game fund shall be in an amount equal to 50% for operating expenditures and capital improvements of the above agency, or for the use and benefit of the Kansas veterans' home, the Kansas soldiers' home and the state veterans cemetery system; and 50% for the veterans enhanced service delivery program.

(e) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the lottery operating fund (450-00-5123-5100) pursuant to K.S.A. 74-8711, and amendments thereto, on July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,200,000 from the lottery operating fund of the Kansas lottery to the veterans benefit lottery game fund of the Kansas commission on veterans affairs office.

(f) On July 1, 2018, the provisions of section 78(c) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(g) On July 1, 2018, the \$105,685 appropriated for the above agency for the fiscal

year ending June 30, 2019, by section 90(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the scratch lotto – Kansas veterans' home account (694-00-1000-0300), is hereby lapsed.

(h) On July 1, 2018, the \$459,354 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 90(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the scratch lotto – veterans services account (694-00-1000-0330), is hereby lapsed.

(i) On July 1, 2018, the \$137,270 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 90(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the scratch lotto – Kansas soldiers' home account (694-00-1000-0310), is hereby lapsed.

(j) On July 1, 2018, the \$216,399 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 90(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the scratch lotto – veterans cemeteries account (694-00-1000-0340), is hereby lapsed.

Sec. 64.

KANSAS COMMISSION ON VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans benefit lottery game fund\$1,260,000

Provided, That expenditures from the veterans benefit lottery game fund shall be in an amount equal to 50% for operating expenditures and capital improvements of the above agency, or for the use and benefit of the Kansas veterans' home, the Kansas soldiers' home and the state veterans cemetery system; and 50% for the veterans enhanced service delivery program.

(b) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,260,000 from the lottery operating fund (450-00-5123-5100) of the Kansas lottery to the veterans benefit lottery game fund of the Kansas commission on veterans affairs office.

Sec. 65.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures.(including.official.hospitality)

– health (264-00-1000-0270)\$18,100

Infants and toddlers program (264-00-1000-0570)\$1,000,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

CDC multipurpose grant federal fund (264-00-3243-3243)No limit

Kansas.newborn.screening.information.system.maintenance

and enhancement federal fund (264-00-3612-3612)No limit

Lifting.young.families.toward.excellence federal fund (264-00-3627-3627).....	No limit
Campus.sexual.assault.prevention.grant federal fund.....	No limit
Child.care.criminal.background.and fingerprint fund.....	No limit

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating.expenditures.(including.official.hospitality) health (264-00-1000-0270)	\$401,556
Infants and toddlers program (264-00-1000-0570)	\$1,000,000

Provided, That any unencumbered balance in the infant and toddlers program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(b) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2019, the following:

Healthy start (264-00-2000-2105).....	\$33,066
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(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

CDC multipurpose grant federal fund (264-00-3243-3243)	No limit
Kansas newborn screening information system maintenance.and enhancement federal fund (264-00-3612-3612).....	No limit
Lifting young families toward excellence federal fund (264-00-3627-3627)	No limit
Campus sexual assault prevention grant – federal fund	No limit
Child care criminal background and fingerprint fund	No limit

DEPARTMENT OF HEALTH AND
ENVIRONMENT – DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Other medical assistance (264-00-1000-3026)	\$64,740,052
Wichita center for graduate medical education	\$3,000,000

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 94(b) of chapter 104 of the 2017 Session Laws of Kansas on the preventive health care program fund (264-00-2556-2550) of the department of health and environment – division of health care finance is hereby decreased from \$1,640,046 to \$491,161.

(c) On the effective date of this act, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2018, by section 94(b) of chapter 104 of the 2017 Session Laws of Kansas on the

cafeteria benefits fund (264-00-7720-9002) of the department of health and environment – division of health care finance is hereby decreased from \$3,844,401 to \$2,492,845.

(d) On the effective date of this act, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2018, by section 94(b) of chapter 104 of the 2017 Session Laws of Kansas on the dependent care assistance program fund (264-00-7740-8700) of the department of health and environment – division of health care finance is hereby decreased from \$3,981,219 to \$622,302.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 94(b) of chapter 104 of the 2017 Session Laws of Kansas on the medical programs fee fund (264-00-2395-0110) of the department of health and environment – division of health care finance is hereby increased from \$95,498,999 to \$106,998,999.

(f) (1) During the fiscal year ending June 30, 2018, notwithstanding the provisions of K.S.A. 2017 Supp. 65-6217 and 65-6218, and amendments thereto, or any other statute to the contrary, the director of accounts and reports shall transfer \$11,500,000 from the health care access improvement fund (264-00-2443-2215) of the department of health and environment – division of health care finance to the medical programs fee fund (264-00-2395-0110) of the department of health and environment – division of health care finance: *Provided, however;* That any such transfer shall be subject to the provisions of paragraph (2).

(2) During the fiscal year ending June 30, 2018, no moneys shall be transferred from the health care access improvement fund (264-00-2443-2215) of the department of health and environment – division of health care finance to any other account or fund unless and until the department of health and environment – division of health care finance implements a process to fully disclose and reconcile the balance and use of moneys in the health care access improvement fund and from the hospital provider assessment imposed pursuant to K.S.A. 2017 Supp. 65-6208, and amendments thereto, including revenue, expenditures, running balance of such fund, any deficits and write-offs: *Provided,* That any such process shall be approved by the health care access improvement panel established by K.S.A. 2017 Supp. 65-6218, and amendments thereto, prior to any such transfer: *Provided further;* That, if a 4% increase to the medicaid reimbursement rate for hospitals is not passed by the 2018 legislature and enacted into law, then no moneys shall be transferred from the health care access improvement fund to any other account or fund during fiscal year 2018: *And provided further;* That the department of health and environment – division of health care finance shall advise and consult with the health care access improvement panel and the Kansas hospital association to develop such process: *And provided further;* That the department of health and environment – division of health care finance shall execute non-disclosure agreements with the Kansas hospital association and other persons as determined to be necessary by the department of health and environment – division of health care finance to implement this subsection: *And provided further;* That the department of health and environment – division of health care finance shall share information with a third party agreed upon by the department of health and environment – division of health care finance and the Kansas hospital association, if sharing such information would not violate any state or federal statute, United States centers for medicare and medicaid

services regulations or the department of health and environment – division of health care finance's contractual obligations with managed care organizations and would not diminish the state's ability to negotiate competitive contract rates with managed care organizations, create competitive harm between managed care organizations or disclose trade secrets of the state's actuary that could provide an economic benefit to an entity by using the actuary's investment in the rate modeling process, subject to any applicable non-disclosure agreement entered into to prevent any such disclosure.

(g) On the effective date of this act, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2018, by section 94(b) of chapter 104 of the 2017 Session Laws of Kansas on the health benefits administrations clearing fund – remit admin service org (264-00-7746-7746) of the department of health and environment – division of health care finance is hereby increased from \$9,050,000 to \$12,157,000.

(h) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys to modify the manner in which state medicaid services under the Kansas medical assistance program were provided on January 1, 2018, by implementing: Any provision of K.S.A. 2017 Supp. 39-709h and 39-709i, and amendments thereto; any policy that expands access to behavioral health services or services delivered through telehealth technology services, if such policy does not impose any new eligibility requirements or limitations to receive state medicaid services that were not in effect on January 1, 2018; and any other action approved by express prior authorization by an act or appropriation act of the legislature.

(i) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue funds or funds for fiscal year 2018 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys to implement, and require any managed care organization providing state medicaid services under the Kansas medical assistance program to implement, a policy to provide at least a 60-day admission for individuals requiring inpatient treatment in a psychiatric residential treatment facility, as determined by a managed care organization providing state medicaid services under the Kansas medical assistance program, without imposing any prior authorization requirements to receive such admission or treatment.

Sec. 68.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Other medical assistance (264-00-1000-3026).....\$162,197,716

Provided, That expenditures shall be made from the other medical assistance account during fiscal year 2019 in an amount not to exceed \$556,000 for medicaid

reimbursement to emergency medical services providers: *Provided, however,* That during fiscal years 2018 and 2019, if any new eligibility requirements or limitations are imposed by any state agency to receive state medicaid services under the Kansas medical assistance program, then on the effective date of such imposition, the amounts appropriated for the department of health and environment – division of health care for the fiscal year ending June 30, 2019, by section 95(a) of chapter 104 of the 2017 Session Laws of Kansas and this act from the state general fund in the other medical assistance account are hereby lapsed.

Wichita center for graduate medical education	\$2,950,000
Graduate medical education	\$1,300,000
Health policy operating expenditures (264-00-1000-0010)	\$302,600
Evidence based juvenile programs	\$6,000,000

(b) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 95(b) of chapter 104 of the 2017 Session Laws of Kansas on the preventive health care program fund (264-00-2556-2550) of the department of health and environment – division of health care finance is hereby decreased from \$1,649,246 to \$494,649.

(c) On July 1, 2018, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2019, by section 95(b) of chapter 104 of the 2017 Session Laws of Kansas on the cafeteria benefits fund (264-00-7720-9002) of the department of health and environment – division of health care finance is hereby decreased from \$3,843,557 to \$2,533,492.

(d) On July 1, 2018, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2019, by section 95(b) of chapter 104 of the 2017 Session Laws of Kansas on the dependent care assistance program fund (264-00-7740-8700) of the department of health and environment – division of health care finance is hereby decreased from \$3,987,115 to \$625,012.

(e) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys to increase medicaid reimbursement rates for hospitals by 4%: *Provided,* That such rate increase shall be reflected in the hospital medicaid fee schedule.

(f) During the fiscal year ending June 30, 2019, no moneys shall be transferred from the health care access improvement fund (264-00-2443-2215) of the department of health and environment – division of health care finance to any other account or fund unless and until the department of health and environment – division of health care finance implements a process to fully disclose and reconcile the balance and use of moneys in the health care access improvement fund and from the hospital provider assessment imposed pursuant to K.S.A. 2017 Supp. 65-6208, and amendments thereto, including revenue, expenditures, running balance of such fund, any deficits and write-offs: *Provided,* That any such process shall be approved by the health care access improvement panel established by K.S.A. 2017 Supp. 65-6218, and amendments thereto, prior to any such transfer: *Provided further,* That the department of health and

environment – division of health care finance shall advise and consult with the health care access improvement panel and the Kansas hospital association to develop such process: *And provided further*, That the department of health and environment – division of health care finance shall execute non-disclosure agreements with the Kansas hospital association and other persons as determined to be necessary by the department of health and environment – division of health care finance to implement this subsection: *And provided further*, That the department of health and environment – division of health care finance shall share information with a third party agreed upon by the department of health and environment – division of health care finance and the Kansas hospital association, if sharing such information would not violate any state or federal statute, United States centers for medicare and medicaid services regulations or the department of health and environment – division of health care finance's contractual obligations with managed care organizations and would not diminish the state's ability to negotiate competitive contract rates with managed care organizations, create competitive harm between managed care organizations or disclose trade secrets of the state's actuary that could provide an economic benefit to an entity by using the actuary's investment in the rate modeling process, subject to any applicable non-disclosure agreement entered into to prevent any such disclosure: *And provided further*, That, if a 4% increase to the medicaid reimbursement rate for hospitals is not passed by the 2018 legislature and enacted into law, then no moneys shall be transferred from the health care access improvement fund to any other account or fund during fiscal year 2019.

(g) On July 1, 2018, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2019, by section 95(b) of chapter 104 of the 2017 Session Laws of Kansas on the health benefits administrations clearing fund – remit admin service org (264-00-7746-7746) of the department of health and environment – division of health care finance is hereby increased from \$9,050,000 to \$11,005,000.

(h) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys in an amount not to exceed \$2,500,000 from the state general fund, plus any matching federal moneys, to reinstate a program implementing state medicaid services for health homes pursuant to 42 U.S.C. § 1396w-4: *Provided*, That participation in such program shall be on an opt-in basis and not on the basis of automatic enrollment: *Provided further*, That participation in such program shall be open to youth and adults: *And provided further*, That participation in the program shall be structured to ensure that individuals with a behavioral health diagnosis or chronic physical health condition are served: *And provided further*, That the above agency shall not allow any managed care organization providing the above services under the Kansas medical assistance program to claim an administrative claiming rate higher than 10% to provide such services.

(i) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue funds or funds for fiscal year 2019 by chapter 104 of the 2017

Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys to implement, and require any managed care organization providing state medicaid services under the Kansas medical assistance program to implement, a policy to provide at least a 60-day admission for individuals requiring inpatient treatment in a psychiatric residential treatment facility, as determined by a managed care organization providing state medicaid services under the Kansas medical assistance program, without imposing any prior authorization requirements to receive such admission or treatment.

(j) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or in any special revenue fund or funds by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys in an amount not to exceed \$350,000 of state moneys, plus any associated federal matching moneys, to provide coverage and reimburse any participating healthcare provider under the Kansas medical assistance program for tobacco cessation treatments for any state medicaid recipient, including: Any United States food and drug administration-approved medication prescribed as a tobacco cessation treatment; and individual, group or telephone counseling for tobacco cessation, as defined by the United States centers for medicare and medicaid services for purposes of medicaid reimbursement: *Provided*, That the above agency and any managed care organization administering state medicaid services shall not impose any prior authorization requirements upon any treatments prescribed or ordered for tobacco cessation purposes by a participating healthcare provider: *Provided, however*; That a recipient of state medicaid services shall not be limited in the number of covered tobacco cessation attempts for counseling treatments, whether on an annual, lifetime or other basis, but shall be limited to four covered tobacco cessation attempts per year for medication treatment: *And provided, however*; That the above agency shall implement and administer this subsection in accordance with federal law and requirements imposed by the United States centers for medicare and medicaid services: *Provided further*; That the above agency shall submit to the United States centers for medicare and medicaid services any approval request necessary to implement this subsection.

Sec. 69.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now and hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

EPA multi-purpose grant fund (264-00-3103-3630)No limit

Sec. 70.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official
hospitality) (264-00-1000-0300)\$175,000

(b) There is appropriated for the above agency from the special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now and hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

EPA multi-purpose grant fund (264-00-3103-3630)No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, for the state water plan project or projects specified, the following:

Watershed restoration and protection plan (264-00-1800-1808)\$175,000

Milford and Marion reservoirs harmful algae bloom pilot\$450,000

Sec. 71.

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, 2018, the following:

Larned state hospital – sexual predator
treatment program (410-00-1000-0200)\$2,519,398

Osawatomie state hospital–operating
expenditures (494-00-1000-0100)\$2,904,176

RSI crisis center base services.....\$3,576,100

Comcare crisis center base services\$1,300,000

Valeo crisis center base services\$500,000

Salina crisis center base services\$85,000

(b) On the effective date of this act, of the \$616,064,457 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 99(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the LTC – medicaid assistance – NF account (039-00-1000-0520), the sum of \$29,798,009 is hereby lapsed.

(c) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the LTC – medicaid assistance – NF account (039-00-1000-0520) of the Kansas department for aging and disability services for fiscal year 2018 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys, notwithstanding the provisions of K.S.A. 2017 Supp. 75-5958, and amendments thereto, or any other statute to the contrary, and subject to appropriations, to provide rate increases for nursing facilities.

(d) On the effective date of this act, of the \$36,137,277 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 99(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the Larned state hospital – operating expenditures account (410-00-1000-0103), the sum of \$3,744,086 is hereby lapsed.

(e) On the effective date of this act, of the \$33,180,993 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 99(a) of chapter 104 of the 2017 Session Laws of Kansas from the community mental health centers supplemental funding account (039-00-1000-3001), the sum of \$1,885,000 is hereby lapsed.

(f) On the effective date of this act, of the \$17,257,484 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 99(a) of chapter 104 of the 2017 Session Laws of Kansas from the community aid account (039-00-1000-3004), the sum of \$3,576,100 is hereby lapsed.

(g) On the effective date of this act, of the \$3,849,532 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 185(a) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the debt service – new state security hospital account (039-00-8100-8320), the sum of \$303 is hereby lapsed.

(h) On the effective date of this act, of the \$2,583,200 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 185(a) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the debt service – state hospitals rehabilitation and repair account (039-00-8100-8325), the sum of \$116,590 is hereby lapsed.

(i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 99(b) of chapter 104 of the 2017 Session Laws of Kansas on the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability service is hereby decreased from no limit to \$6,822,437.

(j) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 99(b) of chapter 104 of the 2017 Session Laws of Kansas on the Kansas neurological institute fee fund (363-00-2059-2000) of the Kansas department for aging and disability services is hereby increased from \$1,744,846 to \$1,902,791.

(k) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 99(b) of chapter 104 of the 2017 Session Laws of Kansas on the Larned state hospital fee fund (410-00-2073-2100) of the Kansas department for aging and disability services is hereby increased from \$3,444,194 to \$3,556,862.

(l) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 99(b) of chapter 104 of the 2017 Session Laws of Kansas on the Osawatomi state hospital fee fund (494-00-2079-4200) of the Kansas department for aging and disability services is hereby decreased from \$1,589,186 to \$875,690.

(m) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 99(b) of chapter 104 of the 2017 Session Laws of Kansas on the Osawatomi state hospital certified care fund (494-00-2079-4201) of the Kansas department for aging and disability services is hereby decreased from \$2,398,316 to \$0.

(n) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 99(b) of chapter 104 of the 2017 Session Laws of Kansas on the Parsons state hospital and training center fee fund (507-00-2082-2200) of the Kansas department for aging and disability services is hereby decreased from \$1,372,386 to \$1,155,304.

(o) On the effective date of this act, of the \$185,248 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 185(a) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the Kansas

neurological institute – energy conservation improvement debt service account (363-00-8100-8000), the sum of \$1,262 is hereby lapsed.

(p) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2018, the following:

Parsons state hospital and training center–energy conservation improvement debt service (507-00-8100-8330)\$16,531

(q) There is hereby appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Opioid abuse treatment & prevention federal fund (039-00-3023-3024)No limit

(r) On the effective date of this act, any unencumbered balance in the Larned state hospital – SPTP reintegration program account (410-00-1000-0400) in excess of \$100 for the fiscal year ending June 30, 2018, is hereby transferred to the Larned state hospital – sexual predator treatment program account (410-00-1000-0200) for fiscal year 2018.

(s) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made from the general fees fund (039-00-2524-2500) for fiscal year 2018 by the above agency by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such fund to pay rainbow services incorporated in an amount not to exceed \$1,200,000.

Sec. 72.

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, 2019, the following:

Nursing facilities regulation (039-00-1000-0710)\$85,168
Nursing facilities regulation – title XIX (039-00-1000-0712)\$155,854

Larned state hospital – sexual predator treatment program (410-00-1000-0200).....\$6,272,028

Osawatomic state hospital operating expenditures (494-00-1000-0100)\$12,321,514

RSI crisis center base services\$3,576,100

Comcare crisis center base s.....\$1,300,000

Valeo crisis center base services\$500,000

Salina crisis center base services\$85,000

Parsons state hospital operating expenditures (507-00-1000-0100)\$559,765

Program grants – nutrition – state match (039-00-1000-0280)\$200,000

Clubhouse model rehabilitation services\$500,000

Provided, however; That, if 2018 House Bill No. 2517, or any other legislation that requires the director of accounts and reports to transfer moneys from the lottery operating fund to the clubhouse model program fund, is passed by the legislature during the 2018 regular session of the legislature and enacted into law, then the \$500,000 appropriated by this section from the state general fund in the clubhouse model rehabilitation services account is hereby lapsed.

(b) On July 1, 2018, of the \$651,956,862 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the LTC – medicaid assistance – NF account (039-00-1000-0520), the sum of \$20,138,196 is hereby lapsed.

(c) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the LTC – medicaid assistance – NF account (039-00-1000-0520) of the Kansas department for aging and disability services for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys, notwithstanding the provisions of K.S.A. 2017 Supp. 75-5958, and amendments thereto, or any other statute to the contrary, and subject to appropriations, to provide rate increases for nursing facilities.

(d) On July 1, 2018, of the \$36,478,239 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104 of the 2017 Sessions Laws of Kansas from the state general fund in the Larned state hospital – operating expenditures account (494-00-1000-0103), the sum of \$251,246 is hereby lapsed.

(e) On July 1, 2018, of the \$35,880,993 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104 of the 2017 Sessions Laws of Kansas from the community mental health centers supplemental funding account (039-00-1000-3001), the sum of \$1,768,800 is hereby lapsed.

(f) On July 1, 2018, of the \$17,257,484 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104 of the 2017 Sessions Laws of Kansas from the community aid account (039-00-1000-3004), the sum of \$3,576,100 is hereby lapsed.

(g) On July 1, 2018, of the \$3,845,751 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 186(a) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the debt service – new state security hospital account (039-00-8100-8320), the sum of \$1 is hereby lapsed.

(h) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 100(b) of chapter 104 of the 2017 Session Laws of Kansas on the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services is hereby decreased from no limit to \$6,825,996.

(i) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 100(b) of chapter 104 of the 2017 Session Laws of Kansas on the Kansas neurological institute fee fund (363-00-2059-2000) of the Kansas department for aging and disability services is hereby decreased from \$1,746,245 to \$1,741,119.

(j) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 100(b) of chapter 104 of the 2017 Session Laws of Kansas on the Larned state hospital fee fund (410-00-2073-2100) of the Kansas department for aging and disability services is hereby decreased from \$3,946,302 to \$3,946,301.

(k) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 100(b) of chapter 104 of the 2017 Session Laws of Kansas on the Osawatomie state hospital fee fund (494-00-2079-4200) of the Kansas department for aging and disability services is hereby decreased from \$1,469,674 to

\$840,706.

(l) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 100(b) of chapter 104 of the 2017 Session Laws of Kansas on the Osawatomic state hospital certified care fund (494-00-2079-4201) of the Kansas department for aging and disability services is hereby increased from \$2,220,000 to \$2,638,131.

(m) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 100(b) of chapter 104 of the 2017 Session Laws of Kansas on the Parsons state hospital and training center fee fund (507-00-2082-2200) of the Kansas department for aging and disability services is hereby decreased from \$1,372,386 to \$1,049,582.

(n) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2019, the following:

Parsons state hospital and training center – energy conservation

improvement debt service (507-00-8100-8330)\$9,367

(o) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Opioid.abuse.treatment.&.prevention

federal fund (039-00-3023-3024)No limit

Health occupations credentialing fee fundNo limit

(p) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys to ensure that no crisis center shall receive an amount of moneys from the above agency that is less than the amount that such crisis center received in fiscal year 2018.

(q) On July 1, 2018, the \$1,888,206 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the Larned state hospital – SPTP reintegration program account (410-00-1000-0400), is hereby lapsed.

(r) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from the state general fund or any special revenue fund or funds for fiscal year 2019 for the Kansas department for aging and disability services as authorized by section 100 of chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the Kansas department for aging and disability services for fiscal year 2019 to develop a long-term plan to eliminate the waiting list for the home and community based services waiver: *Provided*, That the Kansas department for aging and disability services shall include such long-term plan in its revised budget estimate submission during the fall of 2018.

(s) On July 1, 2018, the \$673,756 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104 of the 2017 Session Laws

of Kansas from the state general fund in the health occupational credentialing account (039-00-1000-0800) is hereby lapsed.

(t) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys, not to exceed \$50,000, to continue the mental health task force established by section 99(r) of chapter 104 of the 2017 Session Laws of Kansas: *Provided*, That in addition to the members appointed to the task force pursuant to section 99(r) of chapter 104 of the 2017 Session Laws of Kansas, the task force shall consist of two additional members, one to be appointed by the Kansas hospital association and one to be appointed by the Kansas association for the medically underserved: *Provided further*, That such task force shall study the following topics: The Kansas mental health delivery system, including a prioritization of, or the creation of, a strategic plan addressing the recommendations of the report filed on January 8, 2018; ascertaining the total number of psychiatric beds needed to most effectively deliver mental health services and the location where such services would be best provided in Kansas, working in conjunction with the entity that facilitated the task force's activities in fiscal year 2018; and any other matters relating to mental health services as such task force deems appropriate: *And provided further*, That such task force shall submit a report on the task force's findings to the senate standing committees on ways and means and public health and welfare and the house of representatives standing committees on appropriations and health and human services on or before January 14, 2019.

(u) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made from the general fees fund (039-00-2524-2500) for fiscal year 2019 by the above agency by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such fund to provide for emergency crisis housing and associated living expenses for: (1) Individuals who were served by the RSI crisis center in an amount not to exceed \$200,000; (2) individuals who were served by the comcare crisis center in an amount not to exceed \$200,000; and (3) individuals who were served by the valeo crisis center in an amount not to exceed \$200,000: *Provided, however*, that the secretary of the above agency shall submit a written report on the use of such expenditures to the house of representatives committee on appropriations and the senate committee on ways and means on or before January 14, 2019.

(v) On July 1, 2018, of the \$17,642,543 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the state operations account (039-00-1000-0801), the sum of \$131,503 is hereby lapsed.

(w) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or in any special revenue fund or funds as authorized by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above

agency from such moneys to submit a report to the legislature, the senate committee on ways and means and the house of representatives committee on appropriations during the 2019 regular session of the legislature detailing the above agency's progress to submit to the United States centers for medicare and medicaid services a state medicaid plan amendment that would allow the state to receive federal matching moneys for supported behavioral health housing services projects.

Sec. 73.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

State operations (including official hospitality) (629-00-1000-0013)\$3,103,170

Provided, That on or before June 30, 2018, the director of the budget shall certify the amount expended for the protective investigator position to assist with locating missing foster children in fiscal year 2018 for salary and wages, including associated fringe benefits, and travel expenses, communications and supplies: *Provided further*, That on June 30, 2018, of the amount appropriated for the fiscal year ending June 30, 2018, by this section from the state general fund in the state operations (including official hospitality) account, any amount of the \$31,146 budgeted for such position that is not expended as part of such certified amount is hereby lapsed: *And provided further*, That if the director of the budget makes any certification under this proviso, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Youth services aid and assistance (629-00-1000-7020)\$15,060,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Project maintenance reserve fund (629-00-2214-0150).....No limit

Sec. 74.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

State operations (including official hospitality) (629-00-1000-0013)\$4,756,919

Youth services aid and assistance (629-00-1000-7020).....\$23,420,965

(b) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2019, the following:

Family preservation (629-00-2000-2413)\$80,745

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Project maintenance reserve fund (629-00-2214-0150)No limit

(d) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas department for children and

families from moneys appropriated from the temporary assistance to needy families federal fund (629-00-3323-0530) of the Kansas department for children and families for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys in an amount not to exceed \$1,000,000 to make direct payments to boys and girls club, YMCA and municipal parks and recreation agency programs: *Provided*, That 50% of such moneys shall be expended for the operation and administration of such programs that help youth explore a broad range of career areas; match youth skill and interest to career areas; support youth in preparing for employment; teach youth the negative consequences of using substances such as drugs, alcohol and tobacco; and help youth build skills for eating a healthy diet, exercising, accessing quality healthcare or developing positive relationships: *Provided further*, That 50% of such moneys shall be expended for the payment of fees for participation in after-school programs by children in foster care in the state of Kansas: *Provided, however*, That such payments shall only be made to the extent allowed under federal law.

(e) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the temporary assistance to needy families federal fund (629-00-3323-0530) of the Kansas department for children and families for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys in an amount not to exceed \$5,750,000 to make payments to the jobs for America's graduates organization for programs that: Help students who are at risk of failing in school; provide an avenue for academic achievement; and assist students in earning credentials: *Provided, however*, That such expenditures shall only be made to the extent allowed under federal law.

Sec. 75.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

KPERS – employer contributions (652-00-1000-0100)	\$2,140,000
KPERS.–employer contributions USDs (652-00-1000-0110)	\$9,813,000
State foundation aid (652-00-1000-0820)	\$10,968,783
Incentive for technical education (652-00-1000-0130)	\$55,000

(b) On the effective date of this act, of the \$480,920,922 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 1(a) of chapter 95 of the 2017 Session Laws of Kansas from the state general fund in the supplemental state aid account (652-00-1000-0840), the sum of \$26,420,922 is hereby lapsed.

Sec. 76.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Juvenile transitional crisis center pilot project	\$300,000
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Provided, That expenditures from the juvenile transitional crisis center pilot project account shall be used by the above agency during fiscal year 2019 to develop a regional crisis center pilot project at the Beloit special education cooperative founded on

research and evidence-based practices designed to meet the unique social and emotional needs of students identified as at-risk or with disabilities: *Provided further*, That such project shall provide individualized programming to attain such student's high school diploma and job skills while working through the social skills program: *And provided further*, That the commissioner of education shall provide an update to the legislature on or before the first day of the 2019 regular legislative session on the implementation of the pilot project developed by this proviso.

State foundation aid (652-00-1000-0820)	\$75,612,255
KPERS – employer contributions – USDs (652-00-1000-0110)	\$32,147,000
KPERS – employer contributions (652-00-1000-0100)	\$5,632,000
Special education services aid (652-00-1000-0700)	\$10,000,000
Career and technical education transportation	\$650,000
Teach for America pilot program	\$520,000
Education super highway	\$300,000
Incentive for technical education (652-00-1000-0130)	\$750,000
Operating expenditures (including official hospitality) (652-00-1000-0053)	\$300,000

Provided, That, in addition to other positions within the department of education as prescribed by law, expenditures shall be made from the operating expenditures (including official hospitality) account to employ two additional employees to review and evaluate school safety and security plans and provide technical assistance to school districts on such plans.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

School safety and security grant fund	\$5,000,000
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Provided, That all moneys in the school safety and security grant fund expended for fiscal year 2019 shall be matched by the receiving school district on a \$1 for \$1 basis from other moneys of the district: *Provided further*, That all expenditures from the school safety and security grant fund shall be used for the disbursement of grant moneys for school safety and security improvements as approved by the state board of education under this section.

(c) On July 1, 2018, the director of accounts and reports shall transfer \$5,000,000 from the state general fund to the school safety and security grant fund of the department of education.

(d) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for such agency as authorized by chapter 95 or 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys for the state board of education to develop and adopt statewide standards for making all public schools and attendance centers operated by school districts in this state safe and secure: *Provided*, That in developing such standards, the state board of education: (1) Shall consult with the office of the adjutant general, the Kansas bureau of investigation, the department of health and environment, the state fire marshal and any other state agencies as deemed

necessary by the state board of education; and (2) may consult with any local agencies and school boards as deemed necessary by the state board of education: *Provided further*, That the standards developed by the state board of education under this subsection shall include, but are not limited to: (1) The infrastructure of school buildings and attendance centers operated by school districts in this state, including secured entrances, windows and other facets of the structural integrity of such buildings; (2) security technology to be utilized in such buildings, including, but not limited to, intrusion detection systems and security cameras; (3) communications systems, including, but not limited to, systems for interoperability between the school district and law enforcement agencies; and (4) any other systems or facilities the state board of education deems necessary for the safety and security of such buildings: *And provided further*, That the state board of education shall notify all school districts of the standards adopted under this subsection on or before January 1, 2019: *And provided further*, That the state board of education shall also provide notice of the adopted standards to those state agencies set forth in this subsection and any other state agencies the state board of education consulted with in developing such standards: *And provided further*, That to the extent such standards contain emergency or security information or procedures, the state board of education shall maintain the confidentiality of such standards when sending notices pursuant to this subsection.

(e) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for such agency as authorized by chapter 95 or 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys for the state board of education to develop and adopt statewide standards for school safety and security plans to be adopted by each school district: *Provided*, That in developing such standards, the state board of education: (1) Shall consult with the office of the adjutant general, the Kansas bureau of investigation, the department of health and environment, the state fire marshal and any other state agencies as deemed necessary by the state board of education; and (2) may consult with any local agencies and school boards as deemed necessary by the state board of education: *Provided further*, That the standards developed by the state board of education under this subsection shall include, but are not limited to: (1) Evaluation of the infrastructure of school buildings and attendance centers for compliance with standards adopted under subsection (d); (2) training of school district employees on school safety and security policies and procedures and conducting student drills on emergency situations; (3) procedures for making notifications to individuals located outside of the school building during emergency situations and maintaining communication with law enforcement agencies and other necessary individuals; (4) procedures for securing school buildings during an emergency situation; (5) procedures for emergency evacuation of school buildings, including evacuation routes and sites; (6) procedures for recovery after an emergency situation ceases; (7) coordination and incorporation of school safety and security plans with existing school district emergency response plans; (8) distribution of school safety and security plans to local law enforcement agencies and emergency management agencies; (9) procedures for ensuring there is accountability for adopting and implementing the school safety and security plan in accordance with this subsection and

the standards adopted by the state board of education; and (10) any other policies and procedures the state board of education deems necessary for school safety and security plans: *And provided further*; That in developing standards for school safety and security plans under this subsection, the state board of education shall identify roles and responsibilities for implementing school safety and security plans at the school district and school building level: *And provided further*; That the state board of education also shall identify the role of local law enforcement agencies and local emergency management agencies when partnering with school districts in the development and implementation of school safety and security plans: *And provided further*; That the state board of education may consider and utilize any materials, documentation or videos that are available through the United States department of homeland security in developing standards under this subsection: *And provided further*; That the state board of education shall notify all school districts of the standards adopted under this subsection on or before January 1, 2019: *And provided further*; That the state board of education shall also provide notice of the adopted standards to those state agencies set forth in this subsection and any other state agencies the state board of education consulted with in developing such standards: *And provided further*; That to the extent such standards contain emergency or security information or procedures, the state board of education shall maintain the confidentiality of such standards when sending notices pursuant to this subsection.

(f) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for such agency as authorized by chapter 95 or 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys to require each school district to adopt a comprehensive school safety and security plan based on the statewide standards adopted by the state board of education under subsections (d) and (e): *Provided*, That prior to the adoption of a school safety and security plan, each school district shall consult with one or more local law enforcement agencies and local emergency management agencies to review and evaluate: (1) Existing infrastructure of school buildings and attendance centers operated by such school district; and (2) current school district safety and security policies and procedures: *Provided further*; That the local law enforcement agencies and emergency management agencies may provide guidance on improving a school district's building infrastructure or safety and security polices and procedures: *And provided further*; That the review and evaluation, and any guidance provided as a result thereof, shall be done in accordance with the standards adopted by the state board of education under subsections (d) and (e): *And provided further*; That upon adoption of a school safety and security plan, the superintendent of the school district shall send a copy of such plan to each local law enforcement agency and emergency management agency the school district consulted with, and shall send a copy to the state board of education: *And provided further*; That each school district may submit an application to the state board of education for a grant of school safety and security improvement moneys: *And provided further*; That such application shall be submitted in such form and manner as prescribed by the state board of education, and shall include the current school district safety and security policies and procedures and a description of the school safety and security improvements the school district

determines to be necessary: *And provided further*, That school safety and security improvements shall be determined based on the standards adopted by the state board of education under subsections (d) and (e): *And provided further*, That the state board of education shall review all applications and approve or deny such applications based on whether the applicant school district has demonstrated the necessity of school safety and security improvements: *And provided further*, That as part of its review of an application, the state board of education may conduct a hearing and provide the applicant school district an opportunity to present testimony as to the necessity of such school safety and security improvements: *And provided further*, That if the state board of education approves an application, it shall determine the amount of moneys to be disbursed to the applicant school district from the school safety and security grant fund: *And provided further*, That if the state board of education denies an application, then, within 15 days of such denial, the state board of education shall send written notice of such denial to the superintendent of such school district: *And provided further*, That all administrative proceedings pursuant to this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act: *And provided further*, That any action by the state board of education pursuant to this subsection shall be subject to review in accordance with the Kansas judicial review act.

(g) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for such agency as authorized by chapter 95 or 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys for school districts to provide firearm safety education programs for the purposes of promoting the safety and protection of students and emphasizing how students should respond when encountering a firearm: *Provided*, That the state board of education shall establish curriculum guidelines for a standardized firearm safety education program: *Provided further*, That such guidelines shall include, but not be limited to, accident prevention and: (1) For students enrolled in kindergarten and grades one through five, shall be based on the eddie eagle gunsafe program offered by the national rifle association or any other evidence-based program or any successor program; (2) for students enrolled in grades six, seven and eight, shall be based on the eddie eagle gunsafe program offered by the national rifle association or any successor program, the hunter education in our schools program offered by the Kansas department of wildlife, parks and tourism or any successor program, or any other evidence-based program or any successor program; and (3) for students enrolled in grades nine through 12, shall be based on the hunter education in our schools program offered by the Kansas department of wildlife, parks and tourism or any successor program, or any other evidence-based program or any successor program: *And provided further*, That if a board of education of a school district elects to provide firearm safety education, such instruction shall be in accordance with the accident prevention guidelines and guidelines established in paragraphs (1), (2) and (3).

(h) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2019, the following:

CIF grants (652-00-2000-2408)	\$2,343,930
Quality initiative infants and toddlers (652-00-2000-2420)	\$69,534

Early childhood block grant autism diagnosis (652-00-2000-2422)	\$6,953
Communities aligned in early development and education.....	\$1,000,000
Pre-K pilot (652-00-2000-2535)	\$4,200,000
Parent education program (652-00-2000-2510)	\$1,000,000

Provided, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant.

(i) On July 1, 2018, during the fiscal year ending June 30, 2019, any expenditures from the parent education program account (652-00-2000-2510) of the children's initiatives fund by section 2(c) of chapter 95 of the 2017 Session Laws of Kansas for each grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant, and on July 1, 2018, the provisions of section 2(c) of chapter 95 of the 2017 Session Laws of Kansas that provide for such match to be in an amount that is equal to not less than 65% of the grant are hereby declared to be null and void and shall have no force and effect.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state foundation aid account (652-00-1000-0820) of the state general fund for fiscal year 2019 for such state agency as authorized by chapter 95 of the 2017 Session Laws of Kansas, 2018 Substitute for Senate Bill No. 423, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by such agency from moneys appropriated from the state foundation aid account of the state general fund for fiscal year 2019 for the commissioner of education to allow three-year old preschool-aged at-risk students to participate in the program if such students meet the following requirements: (1) Are under the age of eligibility for attendance at kindergarten; (2) have been selected by the state board of education in accordance with guidelines governing the selection of students for participation in head start programs; (3) do not replace four-year old preschool-aged at-risk students; and (4) only fill available openings in such programs.

(k) On July 1, 2018, the amount of \$24,150,000 authorized by section 2(b) of chapter 95 of the 2017 Session Laws of Kansas to be transferred by the director of accounts and reports from the state highway fund (276-00-4100-4100) of the department of transportation to the general state aid transportation weighting – state highway fund (652-00-2222-2222) of the department of education on July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, is hereby decreased to \$11,250,000.

(l) The director of accounts and reports shall not make the transfer of \$2,500,000 from the state highway fund of the department of transportation to the special education transportation weighting – state highway fund (652-00-2223-2223) of the department of education that was authorized to be made on July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, by section 2(b) of chapter 95 of the 2017 Session Laws of Kansas and, on July 1, 2018, the provisions of section 2(b) of chapter 95 of the 2017 Session Laws of Kansas that provide for such transfers are hereby declared to be null and void and shall have no force and effect.

(m) The director of accounts and reports shall not make the transfer of \$650,000 from the state highway fund of the department of transportation to the career and technical education transportation – state highway fund (652-00-2139-2139) of the

department of education that was authorized to be made on July 1, 2018, by section 2(b) of chapter 95 of the 2017 Session Laws of Kansas and, on July 1, 2018, the provisions of section 2(b) of chapter 95 of the 2017 Session Laws of Kansas that provide for such transfer is hereby declared to be null and void and shall have no force and effect.

(n) On July 1, 2018, of the \$486,109,284 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 2(a) of chapter 95 of the 2017 Session Laws of Kansas from the state general fund in the supplemental state aid account (652-00-1000-0840), the sum of \$8,186,284 is hereby lapsed.

(o) On July 1, 2018, the provisions of section 1(b) of 2018 Substitute for Senate Bill No. 423 are hereby declared to be null and void and shall have no force and effect.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund in the mental health intervention team pilot program account for fiscal year 2019 as authorized by section 1(a) of 2018 Substitute for Senate Bill No. 423, this act or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated from the state general fund in the mental health intervention team pilot program account for fiscal year 2019 for the commissioner of education to review and approve the memorandums of understanding that have been executed between the participating school districts and community mental health centers to implement the mental health intervention team pilot program: *Provided*, That upon approval, moneys in such account shall be expended to provide treatment and services for students under the mental health intervention team pilot program who are uninsured or underinsured: *Provided, however*, That the aggregate of such expenditures for treatment and services provided pursuant to this subsection shall not exceed \$1,541,050.

Sec. 77.

STATE HISTORICAL SOCIETY

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 116(b) of chapter 104 of the 2017 Session Laws of Kansas on expenditures from the heritage trust fund (288-00-7379-7600) of the state historical society for state operations is hereby increased from \$56,244 to \$57,476.

Sec. 78.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including	
official hospitality) (246-00-1000-0013)	\$618,799
Master's-level nursing capacity (246-00-1000-0100)	\$77
Kansas wetlands education center at Cheyenne	
bottoms (246-00-1000-0200).....	\$4,927
Kansas academy of math and	
science (246-00-1000-0300)	\$13,751

Sec. 79.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall

not exceed the following:

Electrical distribution system project fund (367-00-8001-8318)	No limit
Salina project fund (367-00-2062-2000)	No limit

Sec. 80.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (367-00-1000-0003).....	\$1,790,142
Midwest institute for comparative stem cell biology (367-00-1000-0170)	\$2,443
Global food systems (367-00-1000-0190)	\$18,817
Kansas state university polytechnic campus (367-00-1000-0150)	\$116,415

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Electrical distribution system project fund (367-00-2520-2080)	No limit
Salina project fund (367-00-2062-2000)	No limit

Sec. 81.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS
AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Cooperative extension service (including official hospitality) (369-00-1000-1020)	\$321,171
Agricultural experiment stations (including Official hospitality) (369-00-1000-1030).....	\$524,335

Sec. 82.

KANSAS STATE UNIVERSITY
VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (368-00-1000-5003)	\$189,662
Operating enhancement (368-00-1000-5023)	\$94,407

Sec. 83.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Abigail Morse hall and the residential life residence
 project fund (379-00-5650-5120)No limit
 Sec. 84.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Department of nursing\$535,000
 Operating expenditures (including. Official
 hospitality) (379-00-1000-0083)\$530,635
 Reading recovery program (379-00-1000-0100)\$3,585
 Nat'l Board Cert/Future Teacher
 Academy (379-00-1000-0200)\$2,185

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Abigail Morse hall and the residential life residence
 project fund (379-00-5650-5120)No limit
 Sec. 85.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official
 hospitality) (385-00-1000-0063)\$609,586
 School of construction (385-00-1000-0200)\$13,142
 Polymer science program (385-00-1000-0300).....\$17,553
 Sec. 86.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Geological survey (682-00-1000-0170)\$8,198

(b) On the effective date of this act, of the \$122,379,585 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 129(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account (682-00-1000-0023), the sum of \$8,198 is hereby lapsed.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

2017A – refunding fundNo limit
 Sec. 87.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official
 hospitality) (682-00-1000-0023)\$2,448,065

Umbilical cord matrix project (682-00-1000-0370)\$2,462
 Geological survey (682-00-1000-0170)\$122,207

(b) On July 1, 2018, of the \$123,932,492 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 130(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account (682-00-1000-0023), the sum of \$8,198 is hereby lapsed.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Earth, energy and environment center
 project fund (682-00-2545-2080)No limit
 2017A – refunding fundNo limit
 Corbin hall fund (682-00-5142-5050)No limit
 Sec. 88.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$970,000 from the rural health bridging psychiatry fund (683-00-2218-2218) to the psychiatry medical loan repayment fund (683-00-7233-7233).

Sec. 89.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official
 hospitality) (683-00-1000-0503)\$2,009,373
 Medical scholarships and
 loans (683-00-1000-0600)\$84,618
 Midwest stem cell therapy
 center (683-00-1000-0800)\$14,482
 Rural health bridging (683-00-1000-1010)\$2,639

(b) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$970,000 from the rural health bridging psychiatry fund (683-00-2218-2218) to the psychiatry medical loan repayment fund (683-00-7233-7233).

Sec. 90.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking garage project fund (715-00-5148-5000)No limit
 2016J – refunding fund.....No limit

Sec. 91.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (715-00-1000-0003)	\$1,206,107
Technology transfer facility (715-00-1000-0005)	\$37,634
Aviation infrastructure (715-00-1000-0010)	\$1,765,231
Aviation research (715-00-1000-0015)	\$5,094,084

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking garage project fund (715-00-5148-5000)	No limit
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Sec. 92.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Tuition for technical education (561-00-1000-0120)	\$7,300,000
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Sec. 93.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (561-00-1000-0103)	\$112,095
Midwest higher education commission (561-00-1000-0250)	\$2,383
State scholarship program (561-00-1000-4300)	\$53,731
Kansas work-study program (561-00-1000-2000)	\$31,361
ROTC service scholarships (561-00-1000-4600)	\$6,272
Military service scholarships (561-00-1000-1310)	\$25,089
Teachers scholarship program (561-00-1000-0800)	\$250,890
Nursing student scholarship program (561-00-1000-4100)	\$125,445
Municipal university operating grant (561-00-1000-1010)	\$223,943
Adult basic education (561-00-1000-0900)	\$36,555
Postsecondary tiered. Technical education state aid (561-00-1000-0760).....	\$1,327,860
Non-tiered course credit hour grant (561-00-1000-0550)	\$1,740,458
Technology equipment at community colleges and Washburn university (561-00-1000-0500)	\$9,997
Vocational education capital outlay aid (561-00-1000-0310)	\$1,796
Tuition waivers (561-00-1000-1650)	\$12,545
Nurse educator grant program (561-00-1000-4120)	\$43,906
Nursing faculty and supplies grant program (561-00-1000-4130)	\$44,839
Postsecondary technical education authority (561-00-1000-0750)	\$499
Tuition for technical education (561-00-1000-0120)	\$8,300,000
National guard education assistance (561-00-1000-1300)	\$1,814,565

(b) If the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2019, by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, in the postsecondary tiered technical education state aid account (561-00-1000-0760) is \$58,300,000 or

greater, then the difference between the amount of moneys appropriated for the fiscal year 2019 and \$58,300,000 shall be distributed based on each eligible institution's calculated gap, according to the postsecondary tiered technical education state aid act, K.S.A. 2017 Supp. 71-1801 through 71-1810, and amendments thereto, as determined by the state board of regents: *Provided*, That if the amount of moneys appropriated for the above agency for fiscal year 2019 is less than \$58,300,000, then each eligible institution shall receive an amount of moneys proportionally adjusted to equal the amount of moneys such eligible institution received in fiscal year 2016: *And provided further*; That on July 1, 2018, the provisions of the proviso to the appropriation of moneys in the postsecondary tiered technical education state aid account of the state board of regents in section 136(a) of chapter 104 of the 2017 Session Laws of Kansas is hereby declared to be null and void and shall have no force and effect.

(c) Notwithstanding the provisions of K.S.A. 2017 Supp. 74-32,182, and amendments thereto, on July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$535,000 from the private and out-of-state postsecondary educational institution fee fund (561-00-2614-2610) of the above agency to the state general fund.

Sec. 94.

DEPARTMENT OF CORRECTIONS

(a) On the effective date of this act, of the \$3,997,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 214(c) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the debt service – Topeka complex and Larned juvenile correctional facility account (521-00-8100-8119) the sum of \$170 is hereby lapsed.

Sec. 95.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (521-00-1000-0603)	\$276,024
Topeka correctional facility – facilities	
operations (660-00-1000-0303)	\$774,351
Hutchinson correctional facility – facilities	
operations (313-00-1000-0303)	\$1,463,428
Lansing correctional facility – facilities	
operations (400-00-1000-0303)	\$1,579,404
Ellsworth correctional facility – facilities	
operations (177-00-1000-0303)	\$616,036
Winfield correctional facility – facilities	
operations (712-00-1000-0303)	\$561,234
Norton correctional facility – facilities	
operations (581-00-1000-0303).....	\$742,893
El Dorado correctional facility – facilities	
operations (195-00-1000-0303)	\$1,899,076
Larned correctional mental health facility – facilities	
operations (408-00-1000-0303)	\$586,194
Kansas juvenile correctional complex – facilities	
operations (352-00-1000-0303)	\$533,007

(b) On July 1, 2018, of the \$8,000,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 139(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the evidence based juvenile program account (521-00-1000-0050) the sum of \$6,000,000 is hereby lapsed.

Sec. 96.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (034-00-1000-0053)\$9,984

Provided, That on or before June 30, 2018, the director of the budget shall certify that the above agency hired to fill a national bio and agro-defense facility planner position during fiscal year 2018: *Provided, however*, That if the above agency did not hire to fill such position during fiscal year 2018, the director of the budget shall certify the amount budgeted for such unfilled position: *Provided further*, That on June 30, 2018, of the amount appropriated for the fiscal year ending June 30, 2018, by this section from the state general fund in the operating expenditures account, an amount equal to such certified amount is hereby lapsed: *And provided further*, That if the director of the budget makes any certification under this proviso, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Disaster relief (034-00-1000-0200)\$1,663,979

Sec. 97.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (034-00-1000-0053)\$20,277

Disaster relief (034-00-1000-0200)\$2,446,318

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas national guard counter drug state forfeiture fundNo limit

Sec. 98.

STATE FIRE MARSHAL

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the fire marshal fee fund (234-00-2330-2000) is hereby increased from \$5,067,836 to \$5,287,336.

(b) On July 1, 2018, the amount of \$1,000,000 authorized by section 143(b) of the 2017 Session Laws of Kansas to be transferred by the director of accounts and reports from the fire marshal fee fund (234-00-2330-2000) of the state fire marshal to the state general fund on July 1, 2018, and January 1, 2019, is hereby decreased to \$500,000.

(c) Notwithstanding the provisions of K.S.A. 31-133, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2019, as authorized by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above

agency from such moneys appropriated from any special revenue fund or funds for fiscal year 2019 to require administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to conduct at least 16 emergency preparedness drills during the school year at some time during school hours, aside from the regular dismissal at the close of the day's session, and to prescribe the manner in which such emergency preparedness drills are to be conducted: *Provided*, That such emergency preparedness drills shall include at least: (1) Four fire drills; (2) three tornado drills conducted pursuant to the tornado procedures established by administrators of public and private schools and educational institutions, except community colleges, colleges and universities and subject to approval by the state fire marshal; and (3) nine crisis drills that shall include, but not be limited to, intruder response drills and lockdown drills.

Sec. 99.

KANSAS HIGHWAY PATROL

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol is hereby increased from \$52,236,578 to \$52,332,772.60.

(b) On the effective date of this act, the amount of \$12,998,317.75 authorized by section 144(d) of chapter 104 of the 2017 Session Laws of Kansas to be transferred by the director of accounts and reports from the state highway fund of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol on April 1, 2018, is hereby increased to \$13,010,151.35.

(c) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$250,000 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol for the purpose of acquiring a use-of-force training simulator for the Kansas highway patrol training academy.

Sec. 100.

KANSAS HIGHWAY PATROL

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol is hereby decreased from \$52,597,147 to \$52,353,840.

(b) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol for the fiscal year ending June 30, 2019, by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to purchase the land and improvements comprising the troop B headquarters located in Shawnee county, Kansas:

Provided, That such capital improvement project is hereby approved for the Kansas highway patrol for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the Kansas highway patrol may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *And provided further*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$3,220,266 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the Kansas highway patrol operations fund: *And provided further*, That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *Provided, however*, That no such expenditures shall be made and no such bonds shall be issued unless and until the Kansas highway patrol has first advised and consulted on such capital improvement project with the joint committee on state building construction.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2019, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – troop B\$300,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the Kansas highway patrol operations fund for fiscal year 2019.

(d) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$300,000 from the state highway fund of the department of transportation to the debt service – troop B account of the Kansas highway patrol operations fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2019 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2019 for support and maintenance of the Kansas highway patrol.

Sec. 101.

ATTORNEY GENERAL – KANSAS
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, for the capital improvement project or projects specified, the following:

Internet crimes against children fund\$250,000
Sec. 102.

ATTORNEY GENERAL – KANSAS
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (083-00-1000-0083)\$1,645,188

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, for the capital improvement project or projects specified, the following:

Internet crimes against children fund\$250,000
Sec. 103.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the Kansas commission on peace officers' standards and training fund (529-00-2583-2580) of the Kansas commission on peace officers' standards and training is hereby increased from \$605,176 to \$634,068.

Sec. 104.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the Kansas commission on peace officers' standards and training fund (529-00-2583-2580) of the Kansas commission on peace officers' standards and training is hereby increased from \$635,318 to \$667,505.

Sec. 105.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2018, for the water plan project or projects specified, the following:

Riparian and wetland program (046-00-1800-1260)\$281,312

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Alternative crop research act licensing fee fundNo limit
Sec. 106.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (046-00-1000-0053)\$167,868

Animal traceability pilot study\$250,000

(b) On July 1, 2018, of the \$1,050,980 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 155(f) of chapter 104 of the 2017 Session Laws of Kansas from the state economic development initiatives fund in the agricultural

marketing program account (046-00-1900-1110), the sum of \$62,334 is hereby lapsed.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Alternative crop research act licensing fee fundNo limit

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, for the state water plan project or projects specified, the following:

Streambank stabilization projects (046-00-1800-1290)\$500,000

Provided, That any unencumbered balance in the streambank stabilization account (709-00-1800-1265) of the Kansas water office in excess of \$100 as of June 30, 2018, is hereby reappropriated to the streambank stabilization projects account of the above agency for fiscal year 2019.

Irrigation technology\$100,000

Crop research – hemp\$100,000

Crop research – sorghum\$150,000

Sec. 107.

STATE FAIR BOARD

(a) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds of the above agency for the fiscal year ending June 30, 2019, by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to renovate the bison arena on the state fairgrounds: *Provided*, That such capital improvement project is hereby approved for the state fair board for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the state fair board may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *And provided further*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$1,700,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state fair capital improvements fund (373-00-2533-2500): *And provided further*, That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *Provided, however*, That if 2018 Senate Bill No. 415, or any other legislation that authorizes the crediting of state sales

tax revenues from the sale of tangible personal property at retail while on the Kansas state fairgrounds to the state fair capital improvements fund is not passed by the legislature during the 2018 regular session and enacted into law, then on July 1, 2018, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect.

Sec. 108.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2018, for the state water plan project or projects specified, the following:

Milford lake watershed regional conservation partnership program	\$200,000
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Sec. 109.

KANSAS WATER OFFICE

(a) During the fiscal year ending June 30, 2019, the director of the Kansas water office shall certify to the director of accounts and reports the amount of moneys expended by the Kansas department of agriculture from the state general fund that is attributable to administration of the state water plan storage act (K.S.A. 82a-1301 et seq., and amendments thereto) or the water assurance program act (K.S.A. 82a-1330 et seq., and amendments thereto): *Provided*, That upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the water marketing fund (709-00-2255-2100) of the Kansas water office to the state general fund: *Provided further*, That the director of the Kansas water office shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(b) On July 1, 2018, the amount of \$419,474 authorized by section 159(i) of chapter 104 of the 2017 Session Laws of Kansas to be transferred by the director of accounts and reports from the water marketing fund (709-00-2255-2100) of the Kansas water office to the state general fund on July 1, 2018, is hereby decreased to \$411,074.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, for the state water plan project or projects specified, the following:

Milford lake watershed regional conservation partnership program	\$200,000
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Provided, That any unencumbered balance in the Milford lake watershed regional conservation partnership program account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Best management practices implementation	\$900,000
Water vision education	\$100,000

Reservoir bathymetric surveys and biological research (709-00-1800-1275)	\$100,000
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Provided, That any unencumbered balance in the reservoir bathymetric surveys and biological research account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Streambank stabilization effectiveness research	\$100,000
Harmful algae bloom research	\$100,000
Water technology farms	\$75,000

Water resource planner\$100,000

Provided, That notwithstanding the provisions of K.S.A. 82a-951, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, expenditures may be made from the water resource planner account of the state water plan fund by the above agency for salaries and wages, and associated fringe benefits, for a water resource planner.

Kansas river alluvial aquifer observation

well network (709-00-1800-1270)\$50,000

Provided, That any unencumbered balance in the Kansas river alluvial aquifer observation well network account in excess of \$100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Equus Beds aquifer chloride plume pilot\$50,000

Sec. 110.

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the wildlife fee fund (710-00-2300-2880) of the Kansas department of wildlife, parks and tourism is hereby increased from \$30,346,754 to \$32,231,161.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the parks fee fund (710-00-2122-2050) of the Kansas department of wildlife, parks and tourism is hereby increased from \$9,026,919 to \$9,959,340.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the boating fee fund (710-00-2245-2800) of the Kansas department of wildlife, parks and tourism is hereby increased from \$1,118,974 to \$1,126,942.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the department access roads fund (710-00-2178-2761) of the Kansas department of wildlife, parks and tourism is hereby increased from \$1,634,413 to \$1,652,261.

(e) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2018, from which expenditures may be made for salaries and wages, as authorized by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from any special revenue fund or funds for fiscal year 2018, from which expenditures may be made for salaries and wages, for progression within the existing pay structure for natural resource officers of the Kansas department of wildlife, parks and tourism: *Provided, however*; That notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, the secretary of wildlife, parks and tourism shall not require such officer to transfer into the unclassified service in order to

progress within the existing pay structure pursuant to this subsection.

(f) Notwithstanding the provisions of K.S.A. 2017 Supp. 32-9,100, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the Kansas department of wildlife, parks and tourism from moneys appropriated from the wildlife fee fund (710-00-2300-2880) of the Kansas department of wildlife, parks and tourism for the fiscal year ending June 30, 2018, by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys during fiscal year 2018 to issue senior lifetime hunting and fishing licenses to Kansas resident disabled veterans who are 65 years of age or older: *Provided*, That such licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism: *Provided further*, That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions and have a disability certified by the Kansas commission on veterans affairs office as being service related and such service-connected disability is equal to or greater than 30%.

Sec. 111.

KANSAS DEPARTMENT OF
WILDLIFE, PARKS AND TOURISM

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the wildlife fee fund (710-00-2300-2880) of the Kansas department of wildlife, parks and tourism is hereby increased from \$30,187,879 to \$33,894,060.

(b) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the parks fee fund (710-00-2122-2050) of the Kansas department of wildlife, parks and tourism is hereby increased from \$9,098,199 to \$9,969,845.

(c) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the boating fee fund (710-00-2245-2800) of the Kansas department of wildlife, parks and tourism is hereby increased from \$1,107,541 to \$1,168,599.

(d) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the department access road fund (710-00-2178-2761) of the Kansas department of wildlife, parks and tourism is hereby increased from \$1,636,652 to \$1,654,683.

(e) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2019, from which expenditures may be made for salaries and wages, as authorized by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from any special revenue fund or funds for fiscal year 2019, from which

expenditures may be made for salaries and wages, for progression within the existing pay structure for natural resource officers of the Kansas department of wildlife, parks and tourism: *Provided, however*; That notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, the secretary of wildlife, parks and tourism shall not require such officer to transfer into the unclassified service in order to progress within the existing pay structure pursuant to this subsection.

(f) Notwithstanding the provisions of K.S.A. 2017 Supp. 32-9,100, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the Kansas department of wildlife, parks and tourism from moneys appropriated from the wildlife fee fund (710-00-2300-2880) of the Kansas department of wildlife, parks and tourism for the fiscal year ending June 30, 2019, by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys during fiscal year 2019 to issue senior lifetime hunting and fishing licenses to Kansas resident disabled veterans who are 65 years of age or older: *Provided*, That such licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism: *Provided further*; That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions and have a disability certified by the Kansas commission on veterans affairs office as being service related and such service-connected disability is equal to or greater than 30%.

Sec. 112.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, notwithstanding the provisions of K.S.A. 68-2320, and amendments thereto, or any other statute, regarding the \$400,000,000 limitation on the issuance of bonds pursuant to section 163(j) and 164(j) of chapter 104 of the 2017 Session Laws of Kansas for fiscal year 2018 and fiscal year 2019, any remaining authority to issue bonds pursuant to section 163(j) and 164(j) of chapter 104 of the 2017 Session Laws of Kansas for fiscal year 2018 and fiscal year 2019 shall be limited to \$200,000,000 of the net proceeds of the bonds issued pursuant to such sections and not the principal amount of the bond issuance.

(b) Notwithstanding the provisions of K.S.A. 2017 Supp. 68-2314b, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from any special revenue fund or funds for fiscal year 2018 and fiscal year 2019 for such state agency as authorized by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by such agency from moneys appropriated from any special revenue fund or funds for fiscal year 2018 and fiscal year 2019 for the secretary of transportation to review the 23 transportation works for Kansas projects that have been delayed: *Provided*, That the secretary shall meet with the local government officials concerning such delayed projects to confirm such project continues to be such local government's priority project: *Provided further*; That upon confirming the 23 transportation works for Kansas projects, the secretary shall implement the construction, improvement and reconstruction of such transportation works for Kansas projects in the most cost effective manner to maximize savings: *And provided further*; That the secretary shall

provide an update to the legislature on or before the first day of the 2019 regular legislative session on the implementation of the transportation works for Kansas projects required by this subsection.

Sec. 113.

STATE FINANCE COUNCIL

(a) On the effective date of this act, of the \$12,200,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 177(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the state employee pay increase fund account, the sum of \$264,875 is hereby lapsed.

Sec. 114.

STATE FINANCE COUNCIL

(a) On July 1, 2018, of the \$12,200,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 178(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the state employee pay increase fund account, the sum of \$264,875 is hereby lapsed.

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

State employee pay increase\$14,900,000

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state general fund of the salary increase, including associated employer contributions, during fiscal year 2019: *Provided further*, That expenditures in the state employee pay increase account shall be made for the purpose of paying the proportionate share of the cost to the state general fund of the salary increase, including associated employer contributions, to the judicial branch, during fiscal year 2019.

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2019, the following:

State employee pay increase\$134,802

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state economic development initiatives fund of the salary increase, including associated employer contributions, during fiscal year 2019.

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, the following:

State employee pay increase\$30,210

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state water plan fund of the salary increase, including associated employer contributions, during fiscal year 2019.

(e) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2019, the following:

State employee pay increase\$3,787

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the children's initiatives fund of the salary increase, including associated employer contributions, during fiscal year 2019.

(f) Upon recommendation of the director of the budget, 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, is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts and increase the transfers between special revenue funds as necessary to pay the salary increases under this section for the fiscal year ending June 30, 2019. The director of accounts and reports is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts and increase the transfers between special revenue funds in accordance with such approval for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases and other amounts specified for the fiscal year ending June 30, 2019.

(g) The director of the budget shall prepare a budget estimate based upon the most recent payroll information for the salary increases and other amounts specified, and all amendments and revisions of such estimate, and the director of the budget shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the director of legislative research.

(h) A benefits-eligible state employee, who has been continuously employed since July 1, 2017, shall be eligible for a salary increase under this subsection based on only one of the following:

(1) A single step for employees in the classified service and the equivalent amount for employees in the unclassified service, including associated employer contributions, under this section, if such state employee received an increase in salary pursuant to: (A) Section 177(f)(2) of chapter 104 of the 2017 Session Laws of Kansas; or (B) any executive branch initiative to provide a salary adjustment for individuals not included in the salary increase pursuant to section 177 of chapter 104 of the 2017 Session Laws of Kansas;

(2) two steps for employees in the classified service and the equivalent amount for employees in the unclassified service, including associated employer contributions, under this section, if such state employee did not receive an increase in salary pursuant to: (A) Section 177(f)(1) or (2) of chapter 104 of the 2017 Session Laws of Kansas; or (B) any executive branch initiative to provide a salary adjustment for individuals not included in the salary increase pursuant to section 177 of chapter 104 of the 2017 Session Laws of Kansas; or

(3) two steps for department of corrections employees assigned to the job classifications listed in executive directive no. 17-482.

(i) (1) Notwithstanding the provisions of K.S.A. 46-137a and 46-137b, and amendments thereto, or any other statute, the provisions of subsection (h) shall not apply to the compensation or bi-weekly allowance paid to each member of the legislature.

(2) Notwithstanding the provisions of K.S.A. 75-3111a, and amendments thereto, or any other statute, the provisions of subsection (h) shall not apply to state officers elected on a statewide basis.

(3) Notwithstanding the provisions of K.S.A. 75-31201, and amendments thereto, or any other statute, the provisions of subsection (h) shall not apply to justices of the supreme court, judges of the court of appeals, district court judges and district magistrate judges.

(4) The provisions of subsection (h) shall not apply to:

(A) Employees assigned to a trooper or officer classification of the Kansas highway patrol.

(B) Teachers and licensed personnel and employees at the Kansas state school for the deaf or the Kansas state school for the blind.

(C) Employees of the Kansas bureau of investigation who were included in the recruitment and retention plan of the Kansas bureau of investigation.

(D) Employees of the judicial branch and any employee whose pay is linked as provided by law to the pay of employees in the judicial branch.

(E) Employees of the board of regents and regents institutions.

(F) Employees authorized to receive a salary increase for fiscal year 2019 in another section of this act.

Sec. 115. (a) Notwithstanding the provisions of sections 198(b), 199(b), 200(b), 201(b), 202(b), 203(b), 204(b), 205(b), 206(c), 207(c), 208(b), 209(b), 210(b), 211(b), 252(a)(2) and 252(b)(2) of chapter 104 of the 2017 Session Laws of Kansas, during the fiscal year ending June 30, 2018, and during the fiscal year ending June 30, 2019, any regents agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects and improvements to classroom projects for institutions of higher education accounts of the Kansas educational building fund of any regents agency of moneys transferred to such account by the state board of regents, including any unencumbered balance in any account of the Kansas educational building fund of any regents agency.

(b) The provisions of sections 198(b), 199(b), 200(b), 201(b), 202(b), 203(b), 204(b), 205(b), 206(c), 207(c), 208(b), 209(b), 210(b), 211(b), 252(a)(2) and 252(b)(2) of chapter 104 of the 2017 Session Laws of Kansas that limit expenditures of unencumbered balances in such accounts during the fiscal year ending June 30, 2018, and during the fiscal year ending June 30, 2019, are hereby declared to be null and void and shall have no force and effect.

(c) As used in this section, "regents agency" means Fort Hays state university, Kansas state university, Emporia state university, Pittsburg state university, the university of Kansas, the university of Kansas medical center and Wichita state university.

Sec. 116. (a) For the fiscal years ending June 30, 2020, June 30, 2021, and June 30, 2022, the director of the budget, in consultation with the director of legislative research, shall certify, at the end of each such fiscal year, the amount of actual tax receipt revenues to the state general fund that is in excess of, or is less than, the amount of estimated tax receipt revenues to the state general fund pursuant to the most recent joint estimate of revenue under K.S.A. 75-6701, and amendments thereto, for such fiscal year, and shall transmit such certification to the director of accounts and reports.

(b) Upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer such certified excess amount from the state general fund as follows:

(1) For the fiscal years ending June 30, 2020, and June 30, 2021:

(A) 50% to the budget stabilization fund established by K.S.A. 2017 Supp. 75-6706, and amendments thereto; and

(B) 50% to the pooled money investment portfolio pursuant to K.S.A. 75-4209(m) (2) and (m)(4), and amendments thereto, to pay in full or in part the amounts to be transferred. Any moneys transferred to the pooled money investment portfolio pursuant

to this section shall be credited to the final payment to be made in fiscal year 2024, and each next preceding fiscal year thereafter as moneys are available; and

(2) for the fiscal year ending June 30, 2022:

(A) 50% to the budget stabilization fund; and

(B) 50% to the Kansas public employees retirement fund to be applied to the payment, in full or in part, of the unfunded actuarial pension liability as directed by the Kansas public employees retirement system.

(c) If the amount of actual tax receipt revenues to the state general fund is less than the amount of estimated tax receipt revenues to the state general fund, then no transfers shall be made pursuant to this section.

Sec. 117. During the fiscal years ending June 30, 2018, June 30, 2019, and June 30, 2020, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services and the department of health and environment – division of health care finance from moneys appropriated from the state general fund or in any special revenue fund or funds by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the Kansas department for aging and disability services and the department of health and environment – division of health care finance from such moneys to include the following individuals as eligible for services under the traumatic brain injury home and community-based services waiver under the Kansas medical assistance program: (1) Individuals with a documented brain injury acquired from a cause not already covered under the traumatic brain injury waiver, including, but not limited to, stroke, brain trauma, infection of the brain, brain tumor, anoxia or other cause; and (2) individuals of any age who would otherwise qualify for services under the traumatic brain injury waiver but for the individual's age: *Provided*, That financial eligibility requirements for children under the age of 18 years to receive such waiver services shall be the same as financial eligibility requirements for children under the age of 18 years to receive services under the serious emotional disturbance waiver: *Provided, however*, That the Kansas department for aging and disability services and the department of health and environment – division of health care finance shall implement and administer this section in accordance with federal law and requirements imposed by the United States centers for medicare and medicaid services: *Provided further*, That the Kansas department for aging and disability services and the department of health and environment – division of health care finance shall submit to the United States centers for medicare and medicaid services any approval request necessary to implement this section.

Sec. 118. During the fiscal years ending June 30, 2018, and June 30, 2019, notwithstanding any other provision of law to the contrary, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 or 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature to submit or maintain to the United States centers for medicare and medicaid services any request to administer or provide state medicaid services under the Kansas medical assistance program using a capitated managed care delivery system in any manner that is substantially different than the manner in which state medicaid services under the Kansas medical assistance program were provided on January 1, 2018, including, but not limited to, imposing any new eligibility requirements or limitations to receive such

services, without express prior authorization by an act or appropriation act of the legislature: *Provided*, That no state agency shall enter into any contract for the administration and provision of state medicaid services using a capitated managed care delivery system in violation of this section without express prior authorization by an act or appropriation act of the legislature: *Provided further*, That the department of health and environment, the Kansas department for aging and disability services and the department of administration shall negotiate for contracts to administer state medicaid services using a capitated managed care delivery system that comply with this section, including altering the request for proposal identified by the department of administration as bid event 0005464, opened on October 27, 2017, and closed on January 5, 2018, limited to persons who have submitted a bid in response to bid event 0005464: *And provided further*, That any such contract shall be for a term of three years commencing on the termination date of contracts for the administration and provision of state medicaid services under the Kansas medical assistance program using a capitated managed care delivery system that were in effect on January 1, 2018, may include two one-year options to renew such contract at the discretion of the department of health and environment and shall not impose any new eligibility requirements or limitations to receive such services that were not in effect on January 1, 2018: *And provided further*, That the department of health and environment and the Kansas department for aging and disability services shall submit to the United States centers for medicare and medicaid services a request to extend for three years any waiver that was in effect on January 1, 2018, authorizing the state of Kansas to administer state medicaid services under the Kansas medical assistance program using a capitated managed care delivery system in accordance with this section: *Provided, however*, That the department of health and environment and the Kansas department for aging and disability services may modify the manner in which state medicaid services were provided on January 1, 2018, by implementing: Any provision of K.S.A. 2017 Supp. 39-709h and 39-709i, and amendments thereto; any policy that expands access to behavioral health services or services delivered through telehealth technology services, if such policy does not impose any new eligibility requirements or limitations to receive state medicaid services that were not in effect on January 1, 2018; and any other action approved by express prior authorization by an act or appropriation act of the legislature: *And provided, however*, That the department of health and environment may negotiate with the United States centers for medicare and medicaid services for the implementation of work requirements to receive state medicaid services, including submitting a waiver request to the United States centers for medicare and medicaid services, but shall not implement such requirements, even if approved by the United States centers for medicare and medicaid services, without prior express authorization by an act or appropriation act of the legislature and shall submit a report of such negotiations to the legislature during the 2019 regular session of the legislature.

Sec. 119. (a) During the fiscal years ending June 30, 2018, and June 30, 2019, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 or 2019 as authorized by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature to create, enter into or enforce any nondisclosure agreement or any agreement governing post-employment benefits or other matters pertaining to the resignation or termination of an employee or the employee's post-

employment activities entered into by the employee regarding claims of sexual abuse or sexual harassment during the term of employment: *Provided*, That the employer shall not impose any damages, penalties or loss of benefits against the employee for, or otherwise prohibit, communications by the employee regarding alleged sexual abuse or sexual harassment committed against the employee by another employee or officer of the employer, or an employee or officer of any other party to the agreement or by any other person, whether a party or not to the agreement, who is covered by the terms of the agreement.

(b) For purposes of this section:

(1) "Employee" means any appointed or elected officer or an employee of any state agency; and

(2) "communication" means verbal or written communications with any other person or persons regarding the alleged sexual abuse or sexual harassment.

Sec. 120. During the fiscal years ending June 30, 2018, and June 30, 2019, no state agency named in chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2018 and 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature for the purposes of settling claims of sexual harassment made against a state officer, as defined in K.S.A. 25-1118, and amendments thereto, or for the purposes of requesting a non-disclosure agreement as part of a settlement agreement resulting from a claim of sexual harassment made against a state officer when such state officer is the person accused of sexual harassment: *Provided, however*; That no such agency shall expend any such moneys for the purpose of preventing a claimant from requesting a non-disclosure agreement.

Sec. 121. During the fiscal years ending June 30, 2018, and June 30, 2019, no state agency named in chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2018 and 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature to conduct research using tissue from any aborted fetus or to conduct any destructive embryonic research.

Sec. 122. (a) Any unencumbered balance in excess of \$100 as of June 30, 2018, which was appropriated in fiscal year 2018, in each of the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects and improvements to classroom projects for institutions of higher education accounts of the Kansas educational building fund of each regents agency is hereby reappropriated for fiscal year 2019.

(b) Any unencumbered balance in excess of \$100 as of June 30, 2019, which was appropriated in fiscal year 2018, in each of the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects and improvements to classroom projects for institutions of higher education accounts of the Kansas educational building fund of each regents agency is hereby reappropriated for fiscal year 2020.

(c) Any unencumbered balance in excess of \$100 as of June 30, 2020, which was

appropriated in fiscal year 2018, in each of the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects and improvements to classroom projects for institutions of higher education accounts of the Kansas educational building fund of each regents agency is hereby reappropriated for fiscal year 2021.

(d) Any unencumbered balance in excess of \$100 as of June 30, 2019, which was appropriated in fiscal year 2019, in each of the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects and improvements to classroom projects for institutions of higher education accounts of the Kansas educational building fund of each regents agency is hereby reappropriated for fiscal year 2020.

(e) Any unencumbered balance in excess of \$100 as of June 30, 2020, which was appropriated in fiscal year 2019, in each of the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects and improvements to classroom projects for institutions of higher education accounts of the Kansas educational building fund of each regents agency is hereby reappropriated for fiscal year 2021.

(f) Any unencumbered balance in excess of \$100 as of June 30, 2021, which was appropriated in fiscal year 2019, in each of the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects and improvements to classroom projects for institutions of higher education accounts of the Kansas educational building fund of each regents agency is hereby reappropriated for fiscal year 2022.

(g) As used in this section, "regents agency" means Fort Hays state university, Kansas state university, Emporia state university, Pittsburg state university, the university of Kansas, the university of Kansas medical center and Wichita state university.

Sec. 123. Notwithstanding any other statute, during the fiscal year ending June 30, 2018, and June 30, 2019, in addition to the other purposes for which expenditures may be made from the state general fund or any special revenue fund or funds for fiscal year 2018 and fiscal year 2019 by the university of Kansas, Kansas state university, Emporia state university, Pittsburg state university, Fort Hays state university and Wichita state university by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by such universities from the state general fund or any special revenue fund or funds to conduct any meeting of such universities or any groups or committees thereof to discuss the allocation of student activities fees in accordance with the Kansas open meetings act, K.S.A. 75-4317 et seq., and amendments thereto.

Sec. 124. K.S.A. 2017 Supp. 75-2263 is hereby amended to read as follows: 75-2263. (a) Subject to the provisions of subsection (j), the board of trustees is responsible for the management and investment of that portion of state moneys available for investment by the pooled money investment board that is certified by the state treasurer to the board of trustees as being equivalent to the aggregate net amount received for unclaimed property and shall discharge the board's duties with respect to such moneys solely in the interests of the state general fund and shall invest and reinvest such moneys and acquire, retain, manage, including the exercise of any voting rights and disposal of investments of such moneys within the limitations and according to the

powers, duties and purposes as prescribed by this section.

(b) Moneys specified in subsection (a) shall be invested and reinvested to achieve the investment objective which is preservation of such moneys and accordingly providing that the moneys are as productive as possible, subject to the standards set forth in this section. No such moneys shall be invested or reinvested if the sole or primary investment objective is for economic development or social purposes or objectives.

(c) In investing and reinvesting moneys specified in subsection (a) and in acquiring, retaining, managing and disposing of investments of the moneys, the board of trustees shall exercise the judgment, care, skill, prudence and diligence under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the moneys so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar moneys, considering the probable income as well as the probable safety of their capital.

(d) In the discharge of such management and investment responsibilities the board of trustees may contract for the services of one or more professional investment advisors or other consultants in the management and investment of such moneys and otherwise in the performance of the duties of the board of trustees under this section.

(e) The board of trustees shall require that each person contracted with under subsection (d) to provide services shall obtain commercial insurance which provides for errors and omissions coverage for such person in an amount to be specified by the board of trustees. The amount of such coverage specified by the board of trustees shall be at least the greater of \$500,000 or 1% of the funds entrusted to such person up to a maximum of \$10,000,000. The board of trustees shall require a person contracted with under subsection (d) to provide services to give a fidelity bond in a penal sum as may be fixed by law or, if not so fixed, as may be fixed by the board of trustees, with corporate surety authorized to do business in this state. Such persons contracted with the board of trustees pursuant to subsection (d) and any persons contracted with such persons to perform the functions specified in subsection (b) shall be deemed to be fiduciary agents of the board of trustees in the performance of contractual obligations.

(f) (1) Subject to the objective set forth in subsection (b) and the standards set forth in subsection (c), the board of trustees shall formulate and adopt policies and objectives for the investment and reinvestment of such moneys and the acquisition, retention, management and disposition of investments of the moneys. Such policies and objectives shall be in writing and shall include:

- (A) Specific asset allocation standards and objectives;
- (B) establishment of criteria for evaluating the risk versus the potential return on a particular investment; and
- (C) a requirement that all investment advisors, and any managers or others with similar duties and responsibilities as investment advisors, shall immediately report all instances of default on investments to the board of trustees and provide such board of trustees with recommendations and options, including, but not limited to, curing the default or withdrawal from the investment.

(2) The board of trustees shall review such policies and objectives, make changes

considered necessary or desirable and readopt such policies and objectives on an annual basis.

(g) Except as provided in subsection (d) and this subsection, the custody of such moneys shall remain in the custody of the state treasurer, except that the board of trustees may arrange for the custody of such moneys as it considers advisable with one or more member banks or trust companies of the federal reserve system or with one or more banks in the state of Kansas, or both, to be held in safekeeping by the banks or trust companies for the collection of the principal and interest or other income or of the proceeds of sale. All such moneys shall be considered moneys in the state treasury for purposes of K.S.A. 75-6704, and amendments thereto.

(h) All interest or other income of the investments of the moneys invested under this section, after payment of any management fees, shall be deposited in the state treasury to the credit of the state general fund.

(i) Subject to the provisions of subsection (j), the state treasurer shall certify to the board of trustees a portion of state moneys available for investment by the pooled money investment board that is equivalent to the aggregate net amount received for unclaimed property. The state treasurer shall transfer the amount certified to the board of trustees. During fiscal years 2018 and 2019, the state treasurer shall not certify or transfer any state moneys available for investment pursuant to this subsection.

(j) (1) During fiscal year 2017, the board of trustees shall liquidate all investments and reinvestments of state moneys certified by the state treasurer to the board of trustees pursuant to subsection (a).

(2) Upon receiving any such amounts from any such liquidation, the state treasurer shall remit the entire amount 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 and credit any earnings from the liquidation to the state general fund and credit the principal that had been invested and reinvested to the pooled money investment portfolio.

(k) As used in this section:

(1) "Board of trustees" means the board of trustees of the Kansas public employees retirement system established by K.S.A. 74-4905, and amendments thereto.

(2) "Fiduciary" means a person who, with respect to the moneys invested under this section, is a person who:

(A) Exercises any discretionary authority with respect to administration of the moneys;

(B) exercises any authority to invest or manage such moneys or has any authority or responsibility to do so;

(C) provides investment advice for a fee or other direct or indirect compensation with respect to such moneys or has any authority or responsibility to do so;

(D) provides actuarial, accounting, auditing, consulting, legal or other professional services for a fee or other direct or indirect compensation with respect to such moneys or has any authority or responsibility to do so; or

(E) is a member of the board of trustees or of the staff of the board of trustees.

Sec. 125. K.S.A. 2017 Supp. 75-4209 is hereby amended to read as follows: 75-4209. (a) The director of investments may invest and reinvest state moneys eligible for investment which are not invested in accordance with K.S.A. 75-4237, and amendments thereto, in the following investments:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of the United States sponsored enterprises which under federal law may be accepted as security for public funds, on and after the effective date of this act moneys available for investment under this subsection shall not be invested in mortgage-backed securities of such enterprises and of the government national mortgage association, except that any such mortgage-backed securities held prior to the effective date of this act may be held to maturity;

(2) repurchase agreements with a bank or a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government sponsored enterprises which under federal law may be accepted as security for public funds;

(3) commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm; and

(4) corporate bonds which have received one of the two highest ratings by a nationally recognized investment rating firm.

(b) When moneys are available for deposit or investments, the director of investments may invest in SKILL act projects and bonds pursuant to K.S.A. 74-8920, and amendments thereto, and in state agency bonds and bond projects.

(c) When moneys are available for deposits or investments, the director of investments may invest in preferred stock of Kansas venture capital, inc., under terms and conditions prescribed by K.S.A. 74-8203, and amendments thereto, but such investments shall not in the aggregate exceed a total amount of \$10,000,000.

(d) When moneys are available for deposits or investments, the director of investments may invest in loans pursuant to legislative mandates, except that not more than the greater of 10% or \$140,000,000 of the state moneys shall be invested. The provisions of this subsection shall not apply to the provisions of subsection (m).

(e) Interest on investment accounts in banks is to be paid at maturity, but not less than annually.

(f) Investments made by the director of investments under the provisions of this section shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(g) Investments under subsection (a) or (b) or under K.S.A. 75-4237, and amendments thereto, shall be for a period not to exceed four years, except that linked deposits authorized under the provisions of K.S.A. 2-3703 through 2-3707, and amendments thereto, shall not exceed a period of 10 years; agricultural production loan deposits authorized under the provisions of K.S.A. 2017 Supp. 75-4268 through 75-4274, and amendments thereto, shall not exceed a period of eight years and housing loan deposits authorized under K.S.A. 2017 Supp. 75-4276 through 75-4282, and amendments thereto, shall not exceed a period of five years or 20 years, as applicable pursuant to K.S.A. 2017 Supp. 75-4279, and amendments thereto.

(h) Investments in securities under subsection (a)(1) shall be limited to securities

which do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.

(i) The director of investments shall not invest state moneys eligible for investment under subsection (a), in the municipal investment pool fund, created under K.S.A. 12-1677a, and amendments thereto.

(j) The director of investments shall not invest moneys in the pooled money investment portfolio in derivatives. As used in this subsection, "derivatives" means a financial contract whose value depends on the value of an underlying asset or index of asset values.

(k) Moneys and investments in the pooled money investment portfolio shall be invested and reinvested by the director of investments in accordance with investment policies developed, approved, published and updated on an annual basis by the board. Such investment policies shall include at a minimum guidelines which identify credit standards, eligible instruments, allowable maturity ranges, methods for valuing the portfolio, calculating earnings and yields and limits on portfolio concentration for each type of investment. Any changes in such investment policies shall be approved by the pooled money investment board. Such investment policies may specify the contents of reports, methods of crediting funds and accounts and other operating procedures.

(l) The board shall adopt rules and regulations to establish an overall percentage limitation on the investment of moneys in investments authorized under subsection (a) (3), and within such authorized investment, the board shall establish a percentage limitation on the investment in any single business entity.

(m) (1) During the fiscal year ending June 30, 2017, the director of the budget shall estimate on or before June 27, 2017, the amount of the unencumbered ending balance in the state general fund for fiscal year 2017. If the amount of such unencumbered ending balance in the state general fund is less than \$50,000,000, the director of the budget shall certify the difference between \$50,000,000, and the amount of such unencumbered ending balance to the pooled money investment board. Upon the liquidation of all investments and reinvestments of state moneys pursuant to K.S.A. 2017 Supp. 75-2263(j), and amendments thereto, and upon receipt of such certification by the director of the budget, during the fiscal year ending June 30, 2017, the pooled money investment board shall authorize the director of accounts and reports to transfer an amount equal to the amount certified by the director of the budget pursuant to this subsection from the pooled money investment portfolio to the state general fund. Upon receipt of such authorization, the director of accounts and reports shall make such transfer. The chairperson of the pooled money investment board shall transmit a copy of such authorization to the director of legislative research and the director of the budget.

(2) On or before June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, the director of accounts and reports shall transfer an amount equal to $\frac{1}{6}$ of the amount transferred pursuant to subsection (m)(1) from the state general fund to the pooled money investment portfolio. Any transfer made pursuant to this subsection shall be reduced by the amount of moneys credited to any fiscal year payment pursuant to section 116, and amendments thereto.

(3) During the fiscal year ending June 30, 2018, after any transfer made pursuant to subsection (m)(1), the pooled money investment board shall authorize the director of accounts and reports to transfer the remaining amount of all investments and

reinvestments of state moneys liquidated pursuant to K.S.A. 2017 Supp. 75-2263(j), and amendments thereto, from the pooled money investment portfolio to the state general fund. Upon receipt of such authorization, the director of accounts and reports shall make such transfer. The chairperson of the pooled money investment board shall transmit a copy of such authorization to the director of legislative research and the director of the budget.

(4) On or before June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, the director of accounts and reports shall transfer an amount equal to $\frac{1}{6}$ of the amount transferred pursuant to subsection (m)(3) from the state general fund to the pooled money investment portfolio. Any transfer made pursuant to this subsection shall be reduced by the amount of moneys credited to any fiscal year payment pursuant to section 116, and amendments thereto.

Sec. 126. K.S.A. 2017 Supp. 75-6706 is hereby amended to read as follows: 75-6706. (a) On July 1, 2017, the budget stabilization fund is hereby established in the state treasury.

(b) On or before the 10th day of each month commencing July 1, 2017, the director of accounts and reports shall transfer from the state general fund to the budget stabilization fund interest earnings based on:

(1) The average daily balance of moneys in the budget stabilization fund, for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(c) On and after July 1, 2017, no moneys in the budget stabilization fund shall be expended pursuant to this subsection unless the expenditure either has been approved by an appropriation or other act of the legislature or has been 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. 75-3711(c), and amendments thereto.

(d) (1) The legislative budget committee shall study and review the policy concerning the balance of, transfers to and expenditures from the budget stabilization fund. The legislative budget committee study and review shall include, but not be limited to, the following:

(A) Risk-based budget stabilization fund practices utilized in other states.

(B) The appropriate number of years to review the state general fund:

(i) Revenue variances from projections; and

(ii) expenditure variances from budgets.

(C) The entity to certify the amount necessary in the budget stabilization fund to maintain the appropriate risk-based balance.

(D) Plan to fund the budget stabilization fund.

(E) Process and circumstances to reach the appropriate risk-based balance, including the amount of risk that is acceptable.

(F) Circumstances under which expenditures may be made from the fund.

(2) The legislative budget committee may make recommendations and introduce legislation as it deems necessary to implement such recommendations.

(e) On or before August 15, ~~2019~~ 2021, the director of the budget, in consultation with the director of legislative research, shall certify the amount of the unencumbered ending balance in the state general fund for fiscal year ~~2019~~ 2021. Such ending balance

shall not include the transfers made pursuant to section 116, and amendments thereto. Upon making such certification, the director of the budget shall authorize the director of accounts and reports to transfer 10% of such ending balance from the state general fund to the budget stabilization fund.

Sec. 127. K.S.A. 2017 Supp. 79-4804 is hereby amended to read as follows: 79-4804. (a) After the transfer of moneys pursuant to K.S.A. 2017 Supp. 79-4806, and amendments thereto, an amount equal to 85% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than $\frac{1}{2}$ of such money shall be distributed equally among the congressional districts of the state. Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund which are created by this section.

(b) There is hereby created the Kansas capital formation account in the state economic development initiatives fund. All moneys credited to the Kansas capital formation account shall be used to provide, encourage and implement capital development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded through state educational institutions under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds which shall be used for economic development activities in Kansas, including, but not limited to, continuing appropriations or demand transfers for programs and projects which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the director of investments may invest and reinvest moneys credited to the state economic development initiatives fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in the pooled money investment portfolio. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development endowment account of the state economic development initiatives fund may be invested in government

guaranteed loans and debentures as provided by law in addition to the investments authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) Except as provided further, in each fiscal year, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto. In state fiscal year 2019, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 that in the aggregate equal \$500,000 from the state economic development initiatives fund to the state water plan fund. No moneys shall be transferred from the state economic development initiatives fund to the state water plan fund on such dates during state fiscal year 2018, ~~state fiscal year 2019~~, and state fiscal year 2020. No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance, which meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

Sec. 128. K.S.A. 2017 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. During each fiscal year, the director of accounts and reports shall transfer \$6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, one-half of such amount to be transferred on July 15 and one-half to be transferred on January 15, except that during the fiscal year ending June 30, 2018, the transfer shall not exceed ~~\$1,200,000~~ \$1,400,000. On the effective date of this act, the director of accounts and reports shall transfer \$200,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto. During the fiscal year ending June 30, 2019, the transfer shall not exceed \$2,750,000. No moneys shall be transferred from the state general fund to the state water plan fund during the ~~fiscal years year ending June 30, 2019, and~~ June 30, 2020.

Sec. 129. Severability. If any provision or clause of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 130. Appeals to exceed expenditure limitations. (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

Sec. 131. If any fund or account name described by words and the numerical accounting code that follows such fund or account name do not match, it shall be conclusively presumed that the legislature intended that the fund or account name

described by words is the correct fund or account name, and such fund or account name described by words shall control over a contradictory or incorrect numerical accounting code.

Sec. 132. K.S.A. 2017 Supp. 75-2263, 75-4209, 75-6706, 79-4804 and 82a-953a are hereby repealed.";

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 14 and inserting "making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2017 Supp. 75-2263, 75-4209, 75-6706, 79-4804 and 82a-953a and repealing the existing sections.";

And your committee on conference recommends adoption of this report.

TROY WAYMASTER

RICHARD PROEHL

KATHY WOLFE MOORE

Conferees on part of House

CAROLYN MCGINN

RICK BILLINGER

LAURA KELLY

Conferees on part of Senate

Senator McGinn moved the Senate adopt the Conference Committee Report on **H Sub SB 109**.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wagle.

Nays: Alley, Baumgardner, Estes, Fitzgerald, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wilborn.

The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Longbine in the chair.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2228** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 5, following line 24, by inserting:

"(xxvi) For all taxable years commencing after December 31, 2016, the amount of any deduction claimed under section 965(c) of the federal internal revenue code of 1986, in determining federal adjusted gross income.

(xxvii) For all taxable years commencing after December 31, 2017, the amount of any deduction claimed under section 250 of the federal internal revenue code of 1986, in determining federal adjusted gross income.

(xxviii) For tax year 2018, the amount deducted by reason of a carry forward of disallowed business interest pursuant to section 163(j) of the federal internal revenue code of 1986 as in effect on January 1, 2018.";

On page 9, in line 27, by striking "80%" and inserting "100%"; in line 28, after the first "income" by inserting "as used in determining federal adjusted gross income"; in line 29, by striking "after" and inserting "before"; in line 30, by striking all after the period; by striking all in lines 31 and 32; in line 33, by striking "all taxable years beginning after December 31, 2017, 80%" and inserting "tax year 2018, 100%"; in line 35, by striking "250(b)(1)" and inserting "951A"; in line 36, by striking "after" and inserting "before"; in line 37, by striking "(b)(3)"; following line 37, by inserting:

"(xxvii) For tax year 2018, 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.";

On page 10, by striking all in lines 8 through 36;

On page 11, in line 25, by striking "years" and inserting "year"; in line 26, before "the" by inserting "and ending before January 1, 2019,"; in line 32, by striking "100%" and inserting "75%"; in line 34, by striking "100%" and inserting "75%"; in line 36, by striking "100%" and inserting "75%";

On page 12, following line 19, by inserting:

"(4) For the tax years commencing on and after January 1, 2019, the Kansas itemized deduction of an individual means the following deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section: (A) 100% of charitable contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 100% of expenses for medical care allowable as deductions in section 213 of the federal internal revenue code; (C) 100% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (D) 100% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.";

Also on page 12, in line 31, after "section" by inserting "; provided, however, that in determination of such federal taxable income for tax year 2018, section 118 of the federal internal revenue code of 1986 will be applied as in effect on December 21, 2017";

On page 13, in line 12, after the stricken material by inserting "and"; in line 13, by striking all after "deduction"; by striking all in lines 14 through 18; also in line 19, by striking all before the period;

On page 14, in line 1, after "(v)" by inserting "notwithstanding any provisions in K.S.A. 79-32,117(c)(xxv) and (xxvi), and amendments thereto,"; in line 3, after "income" by inserting "; and

(vi) for tax year 2018, the amount disallowed as a deduction pursuant to section 162(r) of the federal internal revenue code of 1986 as in effect on January 1, 2018";

Also on page 14, in line 24, by striking "2011" and inserting "2017"; in line 39, after "the" by inserting "sum of the"; in line 40, after "(k)" by inserting "and the amount of expensing deduction being claimed for such property pursuant to section 179"; in line 41, by striking all after the second comma; by striking all in line 42; in line 43, by striking all before "multiplied";

On page 15, in line 8, by striking all after the period; by striking all in lines 9 through 12;

On page 17, in line 19, by striking "and" and inserting a comma; in line 20, after "2016" by inserting "and 2017"; by striking all in lines 28 through 36 and inserting "(3) For tax year 2018, and all tax years thereafter, the deduction allowed by this section shall be available to all taxpayers subject to the income tax imposed pursuant to K.S.A. 79-32,110, and amendments thereto, or the privilege tax imposed upon any national banking association, state bank, savings bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and used only to determine such taxpayer's income or privilege tax liability.";

Also on page 17, in line 37, by striking all after "For"; in line 38, by striking all before the second comma and inserting "tax years 2018 and 2019";

On page 18, in line 8, by striking "\$350,000" and inserting "\$250,000";

On page 20, in line 18, by striking "2011" and inserting "2017"; in line 22, by striking the first semicolon and inserting a colon; also in line 22, by striking all after "zone"; in line 23, by striking all before "on"; also in line 23, after "2011" by inserting "; or (B) Cowley, Crawford or Seward county on or after July 1, 2018"; in line 26, by striking the second "or" and inserting a comma; also in line 26, after "Crawford" by inserting "or Seward"; in line 29, by striking the second "or" and inserting a comma; also in line 29, after "Crawford" by inserting "or Seward"; in line 31, by striking the second "or" and inserting a comma; in line 32, after "Crawford" by inserting "or Seward"; in line 36, by striking the second "or" and inserting a comma; in line 37, after "Crawford" by inserting "or Seward";

On page 21, following line 7, by inserting:

"Sec. 9. K.S.A. 2017 Supp. 12-187 is hereby amended to read as follows: 12-187.

(a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of

one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Thomas, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is

hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of ad valorem tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by 0.75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(F) The result of the election held on December 1, 2009, on the question submitted by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(G) The result of the election held on April 7, 2015, on the question submitted by the board of county commissioners of Bourbon county for the purpose of increasing its retailers' sales tax by 0.4% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of K.S.A. 68-2314(b)(5), and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of

such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to subsection (a)(2) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include, but not be limited to, the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(7)(A) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(B) The board of county commissioners of Dickinson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway

construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) (A) The board of county commissioners of Cowley, Crawford, Russell and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% in the case of Crawford, Russell and Woodson county and at a rate of up to 0.25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this ~~paragraph subparagraph~~ shall expire after five years from the date such tax is first collected.

(B) The board of county commissioners of Russell county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purposes of conservation, access and management of open space; preservation of cultural heritage; and economic development projects and activities.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

~~(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected. The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% which such tax shall take effect after the expiration of the tax imposed~~

~~pursuant to this paragraph prior to the effective date of this act~~, and pledging the revenue received therefrom for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. Such tax shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected.

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held

thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.

(22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.

(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(26) The board of county commissioners of Pottawatomie county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, or public infrastructure improvements, or both, to

the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project or projects.

(27) The board of county commissioners of Kingman county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of constructing and furnishing a law enforcement center and jail facility and the costs of roadway and bridge improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire not later than 20 years from the date such tax is first collected.

(28) The board of county commissioners of Edwards county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.375% and pledging the revenue therefrom for the purpose of financing the costs of economic development initiatives to the electors at an election called and held thereon.

(29) The board of county commissioners of Rooks county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue therefrom for the purpose of financing the costs of constructing or remodeling and furnishing a jail facility to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized in financing such project or projects.

(30) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility, detention facility or other county administrative facility, specifically including mental health and for the operation thereof.

(31) The board of county commissioners of Bourbon county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1%, in increments of 0.05%, and pledging the revenue received therefrom for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements to the electors at an election called and held thereon.

(32) The board of county commissioners of Marion county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and the construction of public infrastructure improvements, including buildings, to the electors at an election called and held thereon.

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the

membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of 0.5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 10. K.S.A. 2017 Supp. 12-189 is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in increments of 0.05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special purposes which shall be determined by the governing body of the city. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount not to exceed 1% and shall be fixed in increments of 0.25%, and which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county

commissioners of Cherokee, Crawford, Ford, Saline, Seward, ~~Thomas~~ or Wyandotte county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5%; the board of county commissioners of Atchison or Thomas county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at up to 2%;

(b) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(3), and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of K.S.A. 12-187(b)(4), and amendments thereto, may fix such rate at 0.25%;

(d) the board of county commissioners of any county for the purposes of K.S.A. 12-187(b)(5), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus 0.25%, 0.5%, 0.75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of K.S.A. 12-187(b)(8), and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of Crawford or Russell county for the purposes of K.S.A. 12-187(b)(9), and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of K.S.A. 12-187(b)(10), and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of K.S.A. 12-187(b)(11) and (b)(30), and amendments thereto, may fix such rate at 1.75%;

(j) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(13), and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of K.S.A. 12-187(b)(3)(C), and amendments thereto, may fix such rate at 2%;

(l) the board of county commissioners of Neosho county, for the purposes of K.S.A. 12-187(b)(14), and amendments thereto, may fix such rate at 1.0% or 1.5%;

(m) the board of county commissioners of Saline county, for the purposes of K.S.A. 12-187(b)(15), and amendments thereto, may fix such rate at up to 1.5%;

(n) the board of county commissioners of Harvey county, for the purposes of K.S.A. 12-187(b)(16), and amendments thereto, may fix such rate at 2.0%;

(o) the board of county commissioners of Atchison county, for the purpose of K.S.A. 12-187(b)(17), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county

commissioners of Atchison county on the effective date of this act plus 0.25%;

(p) the board of county commissioners of Wabaunsee county, for the purpose of K.S.A. 12-187(b)(18), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus 0.5%;

(q) the board of county commissioners of Jefferson county, for the purpose of K.S.A. 12-187(b)(19) and (25), and amendments thereto, may fix such rate at 2.25%;

(r) the board of county commissioners of Riley county, for the purpose of K.S.A. 12-187(b)(20), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;

(s) the board of county commissioners of Johnson county for the purposes of K.S.A. 12-187(b)(21), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus 0.25%;

(t) the board of county commissioners of Wilson county for the purposes of K.S.A. 12-187(b)(22), and amendments thereto, may fix such rate at up to 2%;

(u) the board of county commissioners of Butler county for the purposes of K.S.A. 12-187(b)(23), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;

(v) the board of county commissioners of Barton county, for the purposes of K.S.A. 12-187(b)(24), and amendments thereto, may fix such rate at up to 1.5%;

(w) the board of county commissioners of Lyon county, for the purposes of K.S.A. 12-187(b)(3)(D), and amendments thereto, may fix such rate at 1.5%;

(x) the board of county commissioners of Rawlins county, for the purposes of K.S.A. 12-187(b)(3)(E), and amendments thereto, may fix such rate at 1.75%;

(y) the board of county commissioners of Chautauqua county, for the purposes of K.S.A. 12-187(b)(3)(F), and amendments thereto, may fix such rate at 2.0%;

(z) the board of county commissioners of Pottawatomie county, for the purposes of K.S.A. 12-187(b)(26), and amendments thereto, may fix such rate at up to 1.5%;

(aa) the board of county commissioners of Kingman county, for the purposes of K.S.A. 12-187(b)(27), and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75%, or 1%;

(bb) the board of county commissioners of Edwards county, for the purposes of K.S.A. 12-187(b)(28), and amendments thereto, may fix such rate at 1.375%;

(cc) the board of county commissioners of Rooks county, for the purposes of K.S.A. 12-187(b)(29), and amendments thereto, may fix such rate at up to 1.5%;

(dd) the board of county commissioners of Bourbon county, for the purposes of K.S.A. 12-187(b)(3)(G) and (b)(31), and amendments thereto, may fix such rate at up to 2.0%; and

(ee) the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(32), and amendments thereto, may fix such rate at 2.5%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise

specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected by the director of taxation pursuant to the authority granted in K.S.A. 12-187(b)(22), and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax which exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 11. K.S.A. 2017 Supp. 79-2925c is hereby amended to read as follows: 79-2925c. (a) (1) On and after January 1, 2017, the governing body of any city or county shall not approve any appropriation or budget which provides for funding by property tax revenues in an amount exceeding that of the next preceding year as adjusted to reflect the average changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding five calendar years, which shall not be less than zero, unless the city or county approves the appropriation or budget with the adoption of a resolution and such resolution has been submitted to and approved by a majority of the qualified electors of the city or county voting at an election called and held thereon, except as otherwise provided.

(2) The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto, and may be:

(A) Held at the next regularly scheduled election to be held in August or November;

(B) may be a mail ballot election, conducted in accordance with K.S.A. 25-431 et seq., and amendments thereto; or

(C) may be a special election called by the city or county. Nothing in this subsection shall prevent any city or county from holding more than one election in any year. The city or county requesting the election shall be responsible for paying all costs associated with conducting the election.

(b) A resolution by the governing body of a city or county otherwise required by the provisions of this section shall not be required to be approved by an election required by subsection (a) under the following circumstances:

(1) Increased property tax revenues that, in the current year, are produced and attributable to the taxation of:

(A) The construction of any new structures or improvements or the remodeling or renovation of any existing structures or improvements on real property, which shall not include any ordinary maintenance or repair of any existing structures or improvements on the property;

(B) increased personal property valuation;

(C) real property located within added jurisdictional territory;

(D) real property which has changed in use;

(E) expiration of any abatement of property from property tax; or

(F) expiration of a tax increment financing district, rural housing incentive district, neighborhood revitalization area or any other similar property tax rebate or redirection program.

(2) Increased property tax revenues that will be spent on:

(A) Bond, temporary notes, no fund warrants, state infrastructure loans and interest payments not exceeding the amount of ad valorem property taxes levied in support of such payments, and payments made to a public building commission and lease payments but only to the extent such payments were obligations that existed prior to July 1, 2016;

(B) payment of special assessments not exceeding the amount of ad valorem property taxes levied in support of such payments;

(C) court judgments or settlements of legal actions against the city or county and legal costs directly related to such judgments or settlements;

(D) expenditures of city or county funds that are specifically mandated by federal

or state law with such mandates becoming effective on or after July 1, 2015, and loss of funds from federal sources after January 1, 2017, where the city or county is contractually obligated to provide a service;

(E) expenses relating to a federal, state or local disaster or federal, state or local emergency, including, but not limited to, a financial emergency, declared by a federal or state official. The board of county commissioners may request the governor to declare such disaster or emergency; or

(F) increased costs above the consumer price index for law enforcement, fire protection or emergency medical services.

(3) Any increased property tax revenues generated for law enforcement, fire protection or emergency medical services shall be expended exclusively for these purposes but shall not be used for the construction or remodeling of buildings.

(4) The property tax revenues levied by the city or county have declined:

(A) In one or more of the next preceding three calendar years and the increase in the amount of funding for the budget or appropriation from revenue produced from property taxes does not exceed the average amount of funding from such revenue of the next preceding three calendar years, adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year; or

(B) the increase in the amount of ad valorem tax to be levied is less than the change in the consumer price index plus the loss of assessed property valuation that has occurred as the result of legislative action, judicial action or a ruling by the board of tax appeals.

(5) Whenever a city or county is required by law to levy taxes for the financing of the budget of any political or governmental subdivision of this state that is not authorized by law to levy taxes on its own behalf, and the governing body of such city or county is not authorized or empowered to modify or reduce the amount of taxes levied therefore, the tax levies of the political or governmental subdivision shall not be included in or considered in computing the aggregate limitation upon the property tax levies of the city or county.

(6) Any tax levy increase as a result of another taxing entity being dissolved and all powers, responsibilities, duties and liabilities of the entity have been transferred to the city or county to carry on the function and responsibilities of the dissolved taxing entity, so long as the levy increase does not exceed the levy of the dissolved taxing entity.

Sec. 12. K.S.A. 2017 Supp. 79-3401 is hereby amended to read as follows: 79-3401. This act, and amendments thereto, shall be known and may be cited as the "motor-fuel tax law," and as so constituted is hereinafter referred to as "this act." The following words, terms and phrases, when used in this act, shall have the meanings ascribed to them in this section, except in those instances clearly indicating a different meaning:

(a) "Aviation fuel" means motor fuels for use as fuel for aircraft;

(b) "agricultural ethyl alcohol" means a motor-vehicle fuel component with a purity of at least 99%, exclusive of any added denaturants, denatured in conformity with one of the methods approved by the United States department of the treasury, bureau of alcohol, tobacco and firearms, and distilled in the United States of America from grain produced in the United States of America;

(c) "bulk plant" means a motor fuels storage facility, other than a terminal, that is

primarily used to redistribute motor fuels;

(d) "dealer" means any person engaged in the retail sale of motor-vehicle fuels or special fuels;

(e) "director" means the director of taxation, a duly authorized deputy, agent or representative;

(f) "distributor" means any person, who:

(1) Imports or causes to be imported from any other state or territory of the United States motor-vehicle fuels or special fuels for such person's own use in the state of Kansas, or for sale and delivery therein, after the same shall have come to rest or storage therein, whether or not in the original package, receptacle or container; or

(2) imports or causes to be imported, from a foreign country, motor-vehicle fuels or special fuels for such person's own use in the state of Kansas, or for sale and delivery therein, after the same shall have come to rest or storage, whether or not in the original package, receptacle or container;

(3) purchases or receives motor-vehicle fuels or special fuels in the original package, receptacle or container in the state of Kansas for such person's own use therein, or for sale and delivery therein, from any person who has imported the same from any other state or territory of the United States, or any other nation, in case such motor-vehicle fuels or special fuels have not, prior to such purchase or receipt, come to rest or storage in the state of Kansas; or

(4) received and, in any manner, uses, sells or delivers motor-vehicle fuels or special fuels in the state of Kansas on which the tax provided for in this act has not been previously paid;

(g) "exporter" means any person who exports or causes to be exported motor vehicle fuels or special fuels from Kansas to any other state or territory of the United States or to a foreign country, for such person's own use or for sale or delivery therein, whether or not in the original package, receptacle or container;

(h) "importer" means any person who imports or causes to be imported motor-vehicle fuels or special fuels from any other state or territory of the United States or from a foreign country, for such person's own use in the state of Kansas or for sale or delivery therein, whether or not in the original package, receptacle or container;

(i) "liquid fuels" or "motor fuels" means any inflammable liquid by whatever name such liquid shall be known or sold, which is used, or practically or commercially usable, either alone or when mixed or combined in an internal-combustion engine for the generation of power;

(j) "manufacturer" or "refiner" means any person who or which produces, refines, prepares, blends, distills, manufactures or compounds motor-vehicle fuels or special fuels in the state of Kansas for such person's own use therein, or for sale or delivery therein. The term "manufacturer" shall not include any person who or which mechanically separates liquids from natural gas at production facilities or gathering system pipelines on the lease. No person who produces, refines, prepares, blends, distills, manufactures, or compounds motor-vehicle fuels or special fuels shall be required to render a distributor's (manufacturer's) report as to any particular lot or lots of motor-vehicle fuels or special fuels until such motor-vehicle fuels or special fuels have been loaded at a refinery or other place of production into tank cars, or placed in any tank at such refinery or other place of production from which any withdrawals are made direct into tanks, tank wagons or other types of transportation equipment, containers or

facilities;

(k) "motor vehicle" means a motor vehicle as defined by K.S.A. 8-126, and amendments thereto, and which is required to be registered pursuant to K.S.A. 8-126 et seq., and amendments thereto;

(l) "motor-vehicle fuels" means gasoline, casinghead gasoline, natural gasoline, drip gasoline, aviation gasoline, gasohol, gasoline-oxygenate blend and any other spark-ignition motor fuel as defined by the 1995 United States department of commerce, national institute of standards and technology handbook 130 issued December of 1994, and as may subsequently be defined in rules and regulations which the director may adopt pursuant to K.S.A. 79-3419, and amendments thereto;

(m) "oil inspector" means the director of taxation, a duly authorized deputy, agent or representative;

(n) "person" means every natural person, association, partnership, limited partnership, limited liability company or corporation. When used in any statute, prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to firms and associations means the partners or members thereof and, as applied to corporations, the corporation and the officers thereof;

(o) "public highways" means and includes every way or place, of whatever nature, generally open to the use of the public as a matter of right, for the purposes of vehicular travel and notwithstanding that the same shall have been temporarily closed for the purpose of construction, reconstruction or repair;

(p) "received" means motor-vehicle fuel or special fuel produced, refined, prepared, distilled, manufactured, blended or compounded at any refinery or other place, in the state of Kansas by any person, or imported into this state from any other state, territory, or foreign country by pipeline or connecting pipeline at a pipeline terminal or pipeline tank farm for storage, shall be deemed to be "received" by such person thereat when the same shall have been loaded at such refinery, pipeline terminal, pipeline tank farm or other place, into tank cars, tank trucks or other container, or placed in any tank from which any withdrawals are made direct into tank cars, tank trucks or other types of transportation equipment, containers or facilities;

(q) "retailer" means a person that engages in the business of selling or distributing motor fuels to the end user;

(r) "school bus" means every bus, as defined by K.S.A. 8-1406, and amendments thereto, which is: (1) Privately owned and contracted for, leased or hired by a school district or nonpublic school for the transportation of pupils, students or school personnel to or from school or to or from school-related functions or activities; or (2) owned and operated by a school district or nonpublic school which is registered under the provisions of K.S.A. 8-126 et seq., and amendments thereto, used for the transportation of pupils, students or school personnel to or from school or to or from school-related functions or activities;

(s) "special fuels" means all combustible liquids suitable for the generation of power for the propulsion of motor vehicles including, but not limited to, diesel fuel, ~~alcohol~~ and such fuels not defined under the motor-vehicle fuels definition, hereinafter referred to as motor-vehicle fuel;

(t) "terminal" means a fuel storage and distribution facility that is supplied by motor vehicle, pipeline or marine vessel, and from which motor fuels may be removed at a rack. "Terminal" does not include any facility at which motor fuel blend stocks and

additives are used in the manufacture of products other than motor fuels and from which no motor fuels are removed;

(u) "terminal operator" means the person who by ownership or contractual agreement is charged with the responsibility for, or physical control over, and operation of a terminal;

(v) "transporter" means a person who has been issued a liquid-fuels carrier's license pursuant to K.S.A. 55-506 et seq., and amendments thereto; and

(w) "E85 fuels" means an alternative fuel that is a blend of denatured ethanol and hydrocarbon that typically contains 85% ethanol by volume, but at a minimum must contain 70% ethanol by volume, and complies with ASTM specification D5798-99.

Sec. 13. K.S.A. 2017 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes and electronic cigarettes as defined by K.S.A. 79-3301, and amendments thereto, including consumable material for such electronic cigarettes, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public

or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued,

the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of K.S.A. 79-3603(o), and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the

performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by K.S.A. 74-5807(c), and amendments thereto, and repair and replacement parts therefor, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) "Mobility enhancing equipment" means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer; and (2) "prosthetic device" means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;

(s) except as provided in K.S.A. 2017 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq., and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq., or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term "farm machinery and equipment or aquaculture machinery and equipment" shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto. "Farm machinery and equipment" includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. "Precision farming equipment" includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify

in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;

(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b, Second through Sixth. As used in this paragraph, "severing" shall have the meaning ascribed thereto by K.S.A. 79-4216(k), and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418, and amendments thereto;

(aa) all sales of materials and services applied to equipment which is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and which is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) "Mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto; and (2) "sales of used

mobile homes or manufactured homes" means sales other than the original retail sale thereof;

(cc) all sales of tangible personal property or services purchased prior to January 1, 2012, except as otherwise provided, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business which meets the requirements established in K.S.A. 74-50,115, and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business which meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. As used in this subsection, "business" and "retail business" have the meanings respectively ascribed thereto by K.S.A. 74-50,114, and amendments thereto. Project exemption certificates that have been previously issued under this subsection by the department of revenue pursuant to K.S.A. 74-50,115, and amendments thereto, but not including K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012, and have not expired will be effective for the term of the project or two years from the effective date of the certificate, whichever occurs earlier. Project exemption certificates that are submitted to the department of revenue prior to January 1, 2012, and are found to qualify will be issued a project exemption certificate that will be effective for a two-year period or for the term of the project, whichever occurs earlier;

(dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;

(ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas;

(ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, "mobile homes"

and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto;

(gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;

(hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, "durable medical equipment" means equipment including repair and replacement parts for such equipment, which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based facility for people with intellectual disability or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b, and amendments thereto, and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based facility for people with intellectual disability or mental health center located in Riverton, Cherokee County, Kansas, which would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment which are used in this state as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and

(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) "Integrated production operation" means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging

operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;

(B) "production line" means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;

(C) "manufacturing or processing plant or facility" means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;

(D) "manufacturing or processing business" means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish, or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood, or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed, or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;

(E) "repair and replacement parts and accessories" means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as

belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) "primary" or "primarily" mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;

(C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) to guide, control or direct the movement of property undergoing manufacturing or processing;

(E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer's integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;

(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer's production operation; or, if purchased or delivered from off-site, from the point where the substance enters the site of the plant or facility to that manufacturer's production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the production process;

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing

business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; (E) a manufacturing or processing business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E); (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at other times, the primary use of the machinery or equipment shall determine

whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such

purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's disease and related disorders association, inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion

of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase

materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(yy) all sales of tangible personal property and services purchased by a parent-teacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;

(zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station which is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;

(aaa) all sales of tangible personal property and services purchased by a religious organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase

materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center

which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt is not operational for five years succeeding the allowance of such exemption, the total amount of sales tax which would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access thereto;

(fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and

equipment; and all sales of repair and replacement parts for such machinery and equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where storage or distribution operations are conducted that are separate and apart from the business' retail operations, if any, and which do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas academy of science which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education materials;

(hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations which distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for the collection and storage of such food products for any such organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so

incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west

Sedgwick county-sunrise rotary club and sunrise charitable fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor

thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible personal property and services purchased by an organization which would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the general public, and all sales of any such property by or on behalf of any such county law library;

(sss) all sales of tangible personal property and services purchased by catholic charities or youthville, hereinafter referred to as charitable family providers, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of charitable family providers for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for charitable family providers for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by charitable family providers. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for charitable family providers. When charitable family providers contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to charitable family providers a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor

thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ttt) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum which has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city which has been designated as a qualified hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seq., and amendments thereto, and which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(uuu) all sales of tangible personal property and services purchased by Kansas children's service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for

the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for KCSL. When KCSL contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by jazz in the woods, inc., a Kansas corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing jazz in the woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac education foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's

designee;

(yyy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to

section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization's annual fundraising event which purpose is to provide health care services for uninsured workers;

(cccc) all sales of tangible personal property or services purchased by or on behalf of wayside waifs, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing such organization's annual fundraiser, an event whose purpose is to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children and efforts to reduce animal over-population and animal welfare services, and all sales of any such property, including entry or participation fees or charges, by or on behalf of such organization for such purpose;

(dddd) all sales of tangible personal property or services purchased by or on behalf of goodwill industries or Easter seals of Kansas, inc., both of which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education, training and employment opportunities for people with disabilities and other barriers to employment;

(eeee) all sales of tangible personal property or services purchased by or on behalf of all American beef battalion, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services;

(ffff) all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or intellectual disability, or both, and all sales of any such property by or on behalf of sheltered living, inc., for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling homes and facilities for sheltered living, inc., for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc., contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon

completion of the project the contractor shall furnish to sheltered living, inc., a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc., shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(iiii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children's home for any such purpose which would be exempt from taxation under the provisions of this section

if purchased directly by Wichita children's home. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for Wichita children's home. When Wichita children's home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to Wichita children's home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(jjjj) all sales of tangible personal property or services purchased by or on behalf of the beacon, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need;

(kkkk) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community;
and

(llll) all sales of tangible personal property and services purchased by Gove county healthcare endowment foundation, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of constructing and equipping an airport in Quinter, Kansas, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing and equipping an airport in

Quinter, Kansas, for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing or equipping of facilities for such organization. When such organization shall contract for the purpose of constructing or equipping an airport in Quinter, Kansas, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation no later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. The provisions of this subsection shall expire and have no effect on and after July 1, 2019;

(mmmm) all sales of gold and silver coins; and palladium, platinum, gold or silver bullion. For the purposes of this subsection, "bullion" means bars, ingots, or commemorative medallions of gold, silver, platinum, palladium, or a combination thereof, for which the value of the metal depends on its content and not the form; and

(nnnn) all sales of tangible personal property and services purchased by midland care connection, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing healthcare services to persons in the community.";

Also on page 21, in line 8, after "Supp." by inserting "12-187, 12-189, 79-2925c,"; also in line 8, by striking ", 79-32,119"; in line 9, by striking "and" and inserting a comma; also in line 9, after "79-32,267" by inserting ", 79-3401 and 79-3606";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "income"; also in line 1, by striking "deductions" and inserting "income tax"; in line 2, by striking "standard deduction,"; also in line 2, by striking the semicolon and inserting a comma; in line 4, by striking "; credits"; also in line 4, by striking the second semicolon; in line 5, by striking "credits,"

and inserting "credit, credit for"; in line 7, by striking "qualifications, procedures and limitations; credits," and inserting "credit for"; in line 8, by striking "Cowley and Crawford" and inserting "certain"; also in line 8, after the semicolon by inserting "sales and compensating use tax, countywide retailers' sales tax, rates for certain counties, ballot authority, exemptions for sales of certain coins or bullion and purchases by midland care connection, inc.; property tax, cities and counties, approval of budgets with increased property tax revenues, election requirements; motor-fuel tax law, definitions, special fuels;"; also in line 8, after "Supp." by inserting "12-187, 12-189, 79-2925c,"; in line 9, by striking ", 79-32,119"; in line 9, by striking "and" and inserting a comma; in line 10, after "32,267" by inserting ", 79-3401 and 79-3606";

And your committee on conference recommends adoption of this report.

CARYN TYSON

DAN KERSCHEN

Conferees on part of Senate

STEVEN JOHNSON

TOM PHILLIPS

Conferees on part of House

Senator Tyson moved the Senate adopt the Conference Committee Report on **S Sub HB 2228**.

On roll call, the vote was: Yeas 21; Nays 19; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Billinger, Bowers, Denning, Estes, Fitzgerald, Goddard, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Berger, Bollier, Doll, Faust-Goudeau, Francisco, Givens, Hardy, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: Thank you Mr Vice President. I am fully supportive of decoupling from the federal tax code. However it appears that this conference committee report goes far beyond decoupling. Again, I understand the need to decouple from the federal tax law, but until accurate information on the impact of these changes can measured, it seems to be something that would be better delayed until reliable data is in place. I strongly recommend that action be deferred until January when better data is available. Therefore I vote in opposition to the conference committee report.—ED

BERGER

Senators Bollier, Doll, Francisco, Givens, Haley, Hawk, Holland, Kelly, McGinn, Pettey, Sykes and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **S Sub HB 2228**.

Mr. Vice President: Last year we took two steps forward by overriding the failed Brownback tax plan. We started putting Kansas back on track to fiscal health. Tonight, we take 3 steps backward. While there are parts to this bill I could support, I can't support a multimillion dollar hit to our budget. I don't know how anyone can convince themselves this benefits low income or even middle income Kansans. We don't have to

do this in the dead of night. Actually, this can wait until our next session or at least until we know the true impact of the Federal tax change or whether Kansas farms and businesses are harmed in an escalating tariff war. Last year we heard we couldn't polish a lump of excrement. It can't be polished this year either.—LYNN ROGERS

Senators Bollier, Francisco, Holland, Kelly, Pettey and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **S Sub HB 2228**.

Mr. Vice President: I vote "no" on **S Sub HB 2228**. There have been dramatic changes in our tax policy over the past six years. Those abrupt changes have caused an instability in our budget and crippled our ability to effectively plan and fund essential services. We have barely gotten Kansas back on her feet and this bill seeks to make major changes to our tax policy yet again. It's time to take a breath. Kansas taxpayers deserve the certainty that can only come from a well thought out plan. This ping-pong tax policy is not good for the Kansas economy, our local businesses or our families. There is no reason that a study commission couldn't carefully look at this issue and have a bill ready to go early next session to fix these issues. Additionally, there are provisions in this bill that never had a public hearing. This bill simply doesn't measure up to the standard of transparency we hold ourselves to in this chamber or the standard Kansans deserve.—VICKI SCHMIDT

Senators Bollier, Francisco, Hardy, Holland, Kelly, Pettey, Sykes and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator V. Schmidt on **S Sub HB 2228**.

MESSAGE FROM THE HOUSE

The House announced the appointment of Representatives Johnson, Phillips and Sawyer as conferees on **S Sub HB 2186**.

The House adopts the Conference Committee report on **HB 2438**.

The House adopts the Conference Committee report on **SB 284**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Longbine in the chair.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 284** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34;

On page 2, by striking all in lines 1 through 37; following line 37, by inserting:

"New Section 1. (a) The provisions of this section shall be known and may be cited as the adoption protection act.

(b) Notwithstanding any other provision of state law, and to the extent allowed by federal law, no child placement agency shall be required to perform, assist, counsel, recommend, consent to, refer or otherwise participate in any placement of a child for

foster care or adoption when the proposed placement of such child would violate such agency's sincerely held religious beliefs.

(c) No child placement agency shall be denied a license, permit or other authorization, or the renewal thereof, or have any such license, permit or other authorization revoked or suspended by any state agency, or any political subdivision of the state solely because of the agency's objection to performing, assisting, counseling, recommending, consenting to, referring or otherwise participating in a placement that violates such agency's sincerely held religious beliefs.

(d) No child placement agency, solely because of such agency's objection to performing, assisting, counseling, recommending, consenting to, referring or otherwise participating in a placement that violates such agency's sincerely held religious beliefs, shall be denied:

(1) Participation in any program operated by the department for children and families in which child placement agencies are allowed to participate; or

(2) reimbursement for performing foster care placement or adoption services on behalf of an entity that has a contract with the department for children and families as a case management contractor.

(e) Refusal of a child placement agency to perform, assist, counsel, recommend, consent to, refer or otherwise participate in any placement that would violate such agency's sincerely held religious beliefs shall not form the basis for the imposition of a civil fine or other adverse administrative action or any claim or cause of action under any state or local law.

(f) A child placement agency's sincerely held religious beliefs shall be described in such agency's organizing documents, its written policies or such other written document approved by the governing body of such agency.

(g) As used in this section, the term "child placement agency" means a business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care, and who is licensed under K.S.A. 65-501 et seq., and amendments thereto.

(h) The provisions of this section shall not apply to any entity while such entity has a contract with the department for children and families as a case management contractor.

Sec. 2. K.S.A. 59-2112 is hereby amended to read as follows: 59-2112. As used in K.S.A. 59-2111 through 59-2143, and amendments thereto:

(a) "Adult adoption" means the adoption of an individual who has attained the age of majority;

(b) "agency adoption" means the adoption of a minor child where an agency has the authority to consent to the adoption;

(c) "independent adoption" means the adoption of a minor child where the child's parent or parents, legal guardian or nonagency person in loco parentis has the authority to consent to the adoption, but does not include a stepparent adoption;

(d) "stepparent adoption" means the adoption of a minor child by the spouse of a parent with the consent of that parent;

(e) "residence of a child" and "place where a child resides" means:

(1) The residence of the child's mother if the child's parents are not married;

(2) the residence of the child's father, if the father has custody and the child's parents are not married;

~~(3) the residence of the child's father if the child's parents are married; or
 (4) the residence of the child's mother if the child's parents are married, but the child's mother has established a separate, legal residence and the child resides with the mother the residence of any parent;~~

(f) "agency" means any public or private entity organized pursuant to Kansas law, or organized pursuant to the laws of the jurisdiction where located, having for its purpose the care and maintenance of children, being authorized to place children for adoption, consent to the adoption and to stand in loco parentis to such children until they are adopted or reach majority; ~~and~~

(g) "person in loco parentis" means an individual or organization vested with the right to consent to the adoption of a child pursuant to relinquishment or an order or judgment by a district court of competent jurisdiction;

(h) "party in interest" means:

(1) A parent whose parental rights have not been terminated;

(2) a prospective adoptive parent;

(3) an adoptive parent;

(4) a legal guardian of a child;

(5) an agency having authority to consent to the adoption of a child;

(6) the child sought to be adopted, if over 14 years of age and of sound intellect; or

(7) an adult adoptee; and

(i) "professional" means any person who receives payment or compensation, but not solely reimbursement for expenses, for providing services related to the placement of children for adoption.

Sec. 3. K.S.A. 59-2113 is hereby amended to read as follows: 59-2113. Any adult, ~~or husband and wife married adult couple~~ jointly, may adopt any minor or adult as their child in the manner provided in K.S.A. 59-2111 through 59-2143, and amendments thereto, except that one spouse cannot do so without the consent of the other.

Sec. 4. K.S.A. 59-2114 is hereby amended to read as follows: 59-2114. (a) Consent shall be in writing and shall be acknowledged before a judge of a court of record or before an officer authorized by law to take acknowledgments. If consent is acknowledged before a judge of a court of record, it shall be the duty of the court to advise inform the consenting person of the legal consequences of the consent. A consent is final when executed, unless the consenting party, prior to final decree of adoption, alleges and proves by clear and convincing evidence that the consent was not freely and voluntarily given. The burden of proving the consent was not freely and voluntarily given shall rest with the consenting party.

(b) Consent in all cases shall have been executed not more than six months prior to the date the petition for adoption is filed.

Sec. 5. K.S.A. 59-2116 is hereby amended to read as follows: 59-2116. (a) A consent or relinquishment may not be given by the mother or accepted until 12 hours after the birth of a child. Any consent or relinquishment given by the mother before 12 hours after the birth of a child is voidable, prior to the final decree of adoption.

(b) A consent or relinquishment may be given by any father or possible father any time after the birth of a child. A consent may be given by any father or possible father before the birth of the child only if he has the advice of independent legal counsel as to the consequences of the consent prior to its execution. The attorney providing independent legal advice shall be present at the execution of the consent.

Sec. 6. K.S.A. 59-2117 is hereby amended to read as follows: 59-2117. (a) A consent or relinquishment, or document that is the functional equivalent of a Kansas consent or relinquishment, is valid if executed and acknowledged outside of this state, or in a foreign country either in accordance with the law of this state or in accordance with the law of the place where executed, ~~is valid.~~

~~(b) Where a consent or relinquishment is signed in a foreign country, the execution of the consent or relinquishment shall be acknowledged or affirmed in accordance with the law and procedure of the foreign country.~~

~~(c)~~(b) If the person signing a consent or relinquishment is in the military service of the United States, the execution of the consent or relinquishment may be acknowledged before a commissioned officer and the signature of the officer shall be verified or acknowledged before a notary public or by such other procedure as is then in effect for such division or branch of the armed forces.

Sec. 7. K.S.A. 59-2120 is hereby amended to read as follows: 59-2120. Interstate placements of children shall comply with the procedures contained in the interstate compact on placement of children as set forth in K.S.A. 38-1202, and amendments thereto. Any professional providing services related to the placement of children for adoption who fails to comply with the provisions of the interstate compact for the placement of children is guilty of a class C nonperson misdemeanor. ~~For the purposes of this section, "professional" means any person who receives payment or compensation for providing services related to the placement of children for adoption.~~

Sec. 8. K.S.A. 59-2121 is hereby amended to read as follows: 59-2121. (a) Except as otherwise authorized by law, no person shall request, receive, give or offer to give any consideration in connection with an adoption, or a placement for adoption, other than:

(1) Reasonable fees for legal and other professional services rendered in connection with the placement or adoption not to exceed customary fees for similar services by professionals of equivalent experience and reputation where the services are performed; ~~except that fees for legal and other professional services as provided in this section performed outside the state shall not exceed customary fees for similar services when performed in the state of Kansas;~~

(2) reasonable fees ~~in the state of Kansas~~ of a licensed child-placing agency;

(3) actual and necessary expenses, ~~based on expenses in the state of Kansas,~~ incident to placement or to the adoption proceeding;

(4) actual medical expenses of the mother attributable to pregnancy and birth;

(5) actual medical expenses of the child; and

(6) reasonable living expenses of the mother which are incurred during or as a result of the pregnancy.

(b) In an action for adoption, a detailed accounting of all consideration given, or to be given, and all disbursements made, or to be made, in connection with the adoption and the placement for adoption shall accompany the petition for adoption. Upon review of the accounting, the court shall disapprove any such consideration which the court determines to be unreasonable or in violation of this section and, to the extent necessary to comply with the provisions of this section, shall order reimbursement of any consideration already given in violation of this section.

(c) Knowingly and intentionally receiving or accepting clearly excessive fees or expenses in violation of subsection (a) shall be a severity level 9, nonperson felony.

Knowingly failing to list all consideration or disbursements as required by subsection (b) shall be a class B nonperson misdemeanor.

Sec. 9. K.S.A. 2017 Supp. 59-2122 is hereby amended to read as follows: 59-2122.

(a) Except as provided in subsections (b) and (c), the files and records of the court in adoption proceedings shall not be open to inspection or copy by persons other than the following:

(1) The parties in interest and their attorneys, party filing for adoption or termination and that party's attorney;

(2) an adoptee who has reached the age of majority;

(3) representatives of the Kansas department for children and families, and the commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto, except upon an order of the court expressly permitting the same. As used in this section, "parties in interest" shall not include genetic parents once a decree of adoption is entered;

(4) the disciplinary administrator; and

(5) the commission on judicial qualifications.

(b) Prior to the final decree of adoption, any party in interest may request access to the files and records of an adoption proceeding. After notice and a hearing, and upon a written finding of good cause, the court may order that some or all of the files and records of an adoption proceeding be open to inspection or copy by the moving party.

(c) After the final decree of adoption, the court may permit access to some or all of the files and records of an adoption proceeding for good cause shown.

(d) The Kansas department for children and families may contact the adoptive parents of the minor child or the adopted adult at the request of the birth or genetic parents in the event of a health or medical need. The Kansas department for children and families may contact the adopted adult at the request of the birth or genetic parents for any reason. Identifying information shall not be shared with the birth or genetic parents without the permission of the adoptive parents of the minor child ~~or~~ the adopted adult or the legal guardian of the adopted adult. The Kansas department for children and families may contact the birth or genetic parents at the request of the adoptive parents of the minor child ~~or~~ the adopted adult or the legal guardian of the adopted adult in the event of a health or medical need. The Kansas department for children and families may contact the birth or genetic parents at the request of the adopted adult for any reason.

Sec. 10. K.S.A. 2017 Supp. 59-2123 is hereby amended to read as follows: 59-2123. (a) Except as otherwise provided in this section:

(1) Any person who advertises that such person will provide adoption-related services or adopt, find an adoptive home for a child or otherwise place a child for adoption shall state in such advertisement whether or not such person is licensed and if licensed, under what authority such license is issued and in what profession;

(2) no person shall offer to adopt, find a home for or otherwise place a child as an inducement to a woman to come to such person's maternity center during pregnancy or after delivery; and

(3) no person shall offer to adopt, find a home for or otherwise place a child as an inducement to any parent, guardian or custodian of a child to place such child in such person's home, institution or establishment.

(b) The provisions of subsection (a)(1) shall not apply to the Kansas department for

children and families or to an individual seeking to adopt a child. The provisions of subsection (a)(3) shall not apply to the Kansas department for children and families, an individual seeking to adopt a child, an agency or an attorney.

(c) As used in this section:

(1) "Advertise" means to communicate by newspaper, radio, television, handbills, placards or other print, broadcast, telephone directory or electronic medium.

(2) "Person" means an individual, firm, partnership, corporation, joint venture or other association or entity.

(3) "Maternity center" means the same as provided in K.S.A. ~~65-502~~ 65-503, and amendments thereto.

(d) Any person who violates the provisions of this section shall be guilty of an unclassified misdemeanor and shall be fined not more than \$1,000 for each violation.

Sec. 11. K.S.A. 59-2124 is hereby amended to read as follows: 59-2124. (a) Any parent or parents or person in loco parentis may relinquish a child to an agency, and if the agency accepts the relinquishment in writing, the agency shall stand in loco parentis to the child and shall have and possess over the child all rights of a parent or legal guardian, including the power to place the child for adoption and give consent thereto.

(b) All relinquishments to an agency under K.S.A. 59-2111 through 59-2143, and amendments thereto, shall be deemed sufficient if in substantial compliance with the form for relinquishment set forth by the judicial council, and shall be executed by: (1) Both parents of the child; (2) one parent, if the other parent is deceased or the other parent's relinquishment is found unnecessary under K.S.A. 59-2136, and amendments thereto; or (3) a person in loco parentis.

(c) The relinquishment shall be in writing and shall be acknowledged before a judge of a court of record or before an officer authorized by law to take acknowledgments. If the relinquishment is acknowledged before a judge of a court of record, it shall be the duty of the court to ~~advise~~ inform the relinquishing person of the legal consequences of the relinquishment.

(d) A relinquishment shall be final when executed, unless the relinquishing party, prior to the entry of a final order terminating parental rights, alleges and proves by clear and convincing evidence that the relinquishment was not freely and voluntarily given. The burden of proving that the relinquishment was not freely and voluntarily given shall rest with the relinquishing party.

(e) Except as otherwise provided, in all cases where a parent or person in loco parentis has relinquished a child to ~~the an~~ agency pursuant to K.S.A. 59-2111 through 59-2143, and amendments thereto, all the rights of the parent or person in loco parentis shall be terminated, ~~including the right to receive notice in a subsequent adoption proceeding involving the child.~~ If a parent has relinquished a child to the agency pursuant to K.S.A. 59-2111 through 59-2143, and amendments thereto, ~~based on a belief that the child's other parent would relinquish the child to the agency, and such~~ the other parent does not relinquish such child to the agency and the other parent's rights are not terminated by a final court order, the rights of ~~such~~ the parent who has relinquished a child to the agency shall not be terminated. ~~Upon such relinquishment, all the rights of birth parents to such child, including their right to inherit from or through such child, shall cease and the full rights of the parent are restored.~~

~~(e)(f)~~ (f) A parent's relinquishment of a child shall not terminate the right of the child to inherit from or through such parent.

Sec. 12. K.S.A. 59-2126 is hereby amended to read as follows: 59-2126. (a) Except as provided in subsection (f), in an independent adoption, venue shall be in the county in which the petitioner resides or in the county in which the child to be adopted resides.

(b) Except as provided in subsection (f), in an agency adoption, venue shall be in the county:

(1) ~~In the county~~ In which the petitioner resides;
 (2) ~~in the county~~ in which the child to be adopted resided prior to receipt of custody by the agency; or

(3) where the principal place of business for the child placing agency is located.

(c) Except as provided in subsection (f), in a stepparent adoption, venue shall be in the county in which the petitioner resides or where the child resides.

(d) If the petitioner resides upon or is stationed at a United States military post or reservation within this state, and the child to be adopted is then residing with the petitioner, venue may be in the district court of the county in which the post or reservation is located, or in the district court of any county located immediately adjacent to such county.

(e) Where the residence of the child, as defined in K.S.A. 59-2112, and amendments thereto, serves as the basis for venue, a sworn affidavit shall be filed with the petition setting forth the factual basis for the child's residency.

(f) In all adoptions, venue may be established in any county in Kansas, if all parties in interest agree in writing to venue in that county.

Sec. 13. K.S.A. 59-2127 is hereby amended to read as follows: 59-2127. ~~(a) A court of this state may not exercise jurisdiction over a proceeding for adoption of a minor if at the time the petition for adoption is filed a proceeding concerning the custody or adoption of the minor is pending in a court of another state exercising jurisdiction substantially in conformity with the uniform child custody jurisdiction act, or the uniform child custody jurisdiction and enforcement act, or this act unless the proceeding is stayed by the court of the other state.~~

~~(b) If a court of another state has issued a decree or order concerning the custody of a minor who may be the subject of a proceeding for adoption in this state, a court of this state may not exercise jurisdiction over a proceeding for adoption of the minor unless:~~

~~(1) The court of this state finds that the court of the state which issued the decree or order:~~

~~(A) Does not have continuing jurisdiction to modify the decree or order under jurisdictional prerequisites substantially in accordance with the uniform child custody jurisdiction act, or the uniform child custody jurisdiction and enforcement act, or has declined to assume jurisdiction to modify the decree or order, or~~

~~(B) does not have jurisdiction over a proceeding for adoption substantially in conformity with subsection (a)(1) through (4) or has declined to assume jurisdiction proceeding for adoption; and~~

~~(2) the court of this state has jurisdiction over the proceeding.~~

~~(c) Before determining whether or not to exercise its jurisdiction the court may communicate with a court of another state and exchange information pertinent to the assumption of jurisdiction by either court with a view to assuring that jurisdiction will be exercised by such court of another state and that a forum will be available to the parties.~~

~~(d) If the court determines not to exercise its jurisdiction, it may dismiss the~~

~~proceedings, or it may stay the proceedings upon condition that an adoption proceeding be promptly commenced in another named state or upon any other conditions which may be just and proper. Jurisdiction over proceedings under the Kansas adoption and relinquishment act including a proceeding to terminate parental rights pursuant to K.S.A. 59-2136, and amendments thereto, is governed by the uniform child custody jurisdiction and enforcement act, K.S.A. 23-37,101 through 23-37,405, and amendments thereto, except that in adoption proceedings, the notice provisions of K.S.A. 59-2133 and 59-2136, and amendments thereto, shall control.~~

Sec. 14. K.S.A. 59-2128 is hereby amended to read as follows: 59-2128. (a) A petition for adoption shall be filed by the person desiring to adopt the child, and shall state the following information, if reasonably ascertainable, under oath:

- (1) The name, residence and address of the petitioner;
- (2) the suitability of the petitioner to assume the relationship;
- (3) the name of the child, the date, time and place of the child's birth, and the present address or whereabouts of the child;
- (4) the places where the child has lived during the last five years;
- (5) the names and present addresses of the persons with whom the child has lived during that period;
- (6) whether the party has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number, and the date of the child-custody determination, if any;
- (7) whether the party knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding;
- (8) whether the party knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons;
- (9) whether one or both parents are living and the name, date of birth, residence and address of those living, so far as known to the petitioner;
- (10) the facts relied upon as eliminating the necessity for the consent or relinquishment, if the consent or relinquishment of either or both parents is not obtained;
- (11) whether the interstate compact on placement of children, K.S.A. 38-1201 et seq., and amendments thereto, and the Indian child welfare act, 25 U.S.C. § 1901 et seq., have been or will be complied with prior to the hearing.

(b) If the information required by subsection (a) is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

(c) If the declaration as to any of the items described in subsection (a)(6) through (a)(9) is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

(d) The petitioner has a continuing duty to inform the court of any proceeding in

this or any other state that could affect the current proceeding.

(e) A petition filed in a step parent adoption shall not require a statement in compliance with the interstate compact on placement of children.

(f) The written consents to adoption required by K.S.A. 59-2129, and amendments thereto, or any relinquishment pursuant to K.S.A. 59-2124, and amendments thereto, the background information required by K.S.A. 59-2130, and amendments thereto, the accounting required by K.S.A. 59-2121, and amendments thereto, and any affidavit required by K.S.A. 59-2126, and amendments thereto, shall be filed with the petition for adoption.

Sec. 15. K.S.A. 2017 Supp. 59-2130 is hereby amended to read as follows: 59-2130. (a) The following information shall be filed with the petition in an independent or agency adoption:

(1) A complete written genetic, medical and social history of the child and the parents;

(2) the names, dates of birth, addresses, telephone numbers, and social security numbers of each of the child's parents, if known;

(3) ~~any hospital records pertaining to the child or a properly executed authorization for release of those~~ any hospital records pertaining to the child; and

(4) the child's birth verification, which shall include the date, time and place of birth and the name of the attending physician.

(b) The genetic, medical and social history required by this section shall be in conformity with the rules and regulations adopted by the secretary for children and families and on forms provided by the secretary.

(c) If any information required to be filed under this section is not available, an affidavit explaining the reasons why it is not available shall be filed with the petition for adoption.

(d) The secretary for children and families shall adopt rules and regulations establishing procedures for updating a child's genetic, medical and social history if new information becomes known at a later date. The agency or person conducting the investigation under K.S.A. 59-2132, and amendments thereto, shall advise in writing each of the child's biological parents, if known, of those procedures.

(e) Any employee or agent of the Kansas department for children and families, a child-placing agency or a district court who intentionally destroys any information required to be filed under this section is guilty of a class C nonperson misdemeanor.

Sec. 16. K.S.A. 2017 Supp. 59-2132 is hereby amended to read as follows: 59-2132. (a) Except as provided in subsection (h), in independent and agency adoptions, the court shall require the petitioner to obtain an assessment of the advisability of the adoption by a court approved:

(1) (A) Licensed social worker, licensed specialist social worker, licensed specialist clinical social worker, licensed masters social worker, licensed baccalaureate social worker or licensed associate social worker licensed by the behavioral sciences regulatory board;

(B) licensed clinical marriage and family therapist as defined in K.S.A. 65-6402, and amendments thereto;

(C) licensed marriage and family therapist as defined in K.S.A. 65-6402, and amendments thereto;

(D) licensed clinical professional counselor as defined in K.S.A. 65-5802, and

amendments thereto;

(E) licensed professional counselor as defined in K.S.A. 65-5802, and amendments thereto;

(F) licensed psychologist as defined in K.S.A. 65-6319, and amendments thereto;

(G) licensed masters level psychologist as defined in K.S.A. 74-5362, and amendments thereto;

(H) licensed clinical psychotherapist as defined in K.S.A. 74-5363, and amendments thereto; or

(I) a licensed child-placing agency.

(2) Any person performing an assessment pursuant to this subsection shall:

(A) Possess a minimum of two years experience in adoption services or be supervised by a person with such experience; or

(B) if licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders in independent practice, possess a minimum of one year of experience in adoption services or be supervised by a person with such experience.

(b) The petitioner shall file with the court, ~~not less than 10 days~~ before the hearing on the petition; a report of the assessment and, if necessary, confirmation or clarification of the information filed under K.S.A. 59-2130, and amendments thereto.

(c) If there is no one authorized pursuant to this section available to make the assessment and report to the court, the court may use the Kansas department for children and families for that purpose.

(d) The costs of making the assessment and report may be assessed as court costs in the case as provided in article 20 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(e) In making the assessment, the person authorized pursuant to this section or Kansas department for children and families is authorized to observe the child in the petitioner's home, verify financial information of the petitioner, shall clear the name of the petitioner with the child abuse and neglect registry through the Kansas department for children and families and, when appropriate, with a similar registry in another state or nation, shall determine whether the petitioner has been convicted of a felony for any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6422, and amendments thereto, or, within the last five years been convicted of a felony violation of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, and, when appropriate, any similar conviction in another jurisdiction, and to contact the agency or individuals consenting to the adoption and confirm and, if necessary, clarify any genetic and medical history filed with the petition. This information shall be made a part of the report to the court. The report to the court by any person authorized pursuant to this section to perform this assessment shall include the results of the investigation of the petitioner, the petitioner's home and the ability of the petitioner to care for the child.

(f) In the case of a nonresident who is filing a petition to adopt a child in Kansas, the assessment and report required by this section must be completed in the petitioner's state of residence by a person authorized in that state to conduct such assessments. ~~Such~~

~~report shall be filed with the court not less than 10 days before the hearing on the petition.~~

(g) The assessment and report required by this section shall comply with any applicable rules and regulations of the department of health and environment and shall have been completed not more than one year prior to the filing of the petition for adoption.

(h) The assessment and report required by this section may be waived by the court upon:

- (1) Review of a petition requesting such waiver by a relative of the child; or
- (2) the court's own motion.

Sec. 17. K.S.A. 2017 Supp. 59-2133 is hereby amended to read as follows: 59-2133. (a) Upon filing the petition, the court shall fix the time and place for the hearing. The time fixed for the hearing may be any time not more than 60 days from the date the petition is filed. The time fixed for the hearing may be extended by the court for good cause.

(b) In independent and stepparent adoptions, notice of the hearing on the petition shall be given to the parents or ~~presumed possible~~ parents at least 10 calendar days before the hearing, unless waived by the party entitled to notice or unless parental rights have been previously terminated, and ~~any other persons as the court may direct, to any person who has physical custody of the child~~, unless waived by the ~~party person~~ party person entitled to notice. Notice also shall be given in an independent adoption to a legal guardian of the child or ~~individual in loco parentis~~, unless waived by the party entitled to notice.

(c) In an agency adoption, notice of the hearing on the petition shall be given to the consenting agency, ~~the parents or possible parents, any relinquishing party and any person who has physical custody of the child at least 10 calendar days before the hearing~~, unless waived by the ~~party person~~ party person entitled to notice.

(d) Notice of the hearing shall be by personal service, certified mail return receipt requested or in any other manner the court may direct. Notice given pursuant to this section shall not include a copy of the petition.

Sec. 18. K.S.A. 59-2134 is hereby amended to read as follows: 59-2134. (a) Upon the hearing of the petition, the court shall consider the assessment and all evidence, including evidence relating to determination of whether or not the court should exercise its jurisdiction ~~as provided in K.S.A. 59-2127~~, offered by any ~~interested party in interest~~. If the adoption is granted, the court shall ~~make enter~~ enter a final decree of adoption, which terminates parental rights if not previously terminated.

(b) If the adoption is denied, the court shall enter appropriate orders. Such orders may include an order giving temporary custody of the child to another person or agency for a period not to exceed 30 days pending termination of the instant case or a new case being filed.

(c) The costs of the adoption proceedings shall be paid by the petitioner or as assessed by the court.

Sec. 19. K.S.A. 2017 Supp. 59-2136 is hereby amended to read as follows: 59-2136. (a) The provisions of this section shall apply where a relinquishment or consent to an adoption has not been obtained from a parent and K.S.A. 59-2124 and 59-2129, and amendments thereto, state that the necessity of a parent's relinquishment or consent can be determined under this section.

(b) Insofar as practicable, the provisions of this section applicable to the father also shall apply to the mother and those applicable to the mother also shall apply to the father.

(c) ~~In stepparent adoptions under subsection (d), the court may appoint an attorney to represent any father who is unknown or whose whereabouts are unknown. In all other cases,~~The court shall appoint an attorney to represent any father who is unknown or whose whereabouts are unknown. If no person is identified as the father or a possible father, or if the father's whereabouts are unknown, the court shall order publication notice of the hearing in such manner as the court deems appropriate.

~~(d) In a stepparent adoption, if a mother consents to the adoption of a child who has a presumed father under subsection (a)(1), (2) or (3) of K.S.A. 2017 Supp. 23-2208, and amendments thereto, or who has a father as to whom the child is a legitimate child under prior law of this state or under the law of another jurisdiction, the consent of such father must be given to the adoption unless such father has failed or refused to assume the duties of a parent for two consecutive years next preceding the filing of the petition for adoption or is incapable of giving such consent. In determining whether a father's consent is required under this subsection, the court may disregard incidental visitations, contacts, communications or contributions. In determining whether the father has failed or refused to assume the duties of a parent for two consecutive years next preceding the filing of the petition for adoption, there shall be a rebuttable presumption that if the father, after having knowledge of the child's birth, has knowingly failed to provide a substantial portion of the child support as required by judicial decree, when financially able to do so, for a period of two years next preceding the filing of the petition for adoption, then such father has failed or refused to assume the duties of a parent. The court may consider the best interests of the child and the fitness of the noneconsenting parent in determining whether a stepparent adoption should be granted.~~

~~(e) Except as provided in subsection (d), if a mother desires to relinquish or consents to the adoption of such mother's child, a petition shall be filed in the district court to terminate the parental rights of the father, unless the father's relationship to the child has been previously terminated or determined not to exist by a court. The petition may be filed by the mother, the petitioner for adoption, the person or agency having custody of the child or the agency to which the child has been or is to be relinquished. Where appropriate, the request to terminate parental rights may be contained in a petition for adoption.~~

~~(d) (1) A petition to terminate parental rights may be filed as part of a petition for adoption or as an independent action. If the request to terminate parental rights is not filed in connection with as part of an adoption proceeding, venue shall be in the county in which the child, the mother or the presumed or alleged father or a parent resides or is found.~~

~~(2) The petition may be filed by a parent, the petitioner for adoption, the person or agency having legal custody of the child, or the agency to which the child has been relinquished.~~

~~(3) Absent a finding of good cause by a court with jurisdiction under this act, a proceeding to terminate parental rights shall have precedence over any proceeding involving custody of the child under the Kansas family law code, K.S.A. 23-2101 et seq., and amendments thereto, or the protection from abuse act, K.S.A. 60-3101 et seq., and amendments thereto, until a final order is entered on the termination issues or until~~

further orders of the court.

(c) In an effort to identify the father, the court shall determine by deposition, affidavit or hearing, the following:

(1) Whether there is a presumed father under K.S.A. 2017 Supp. 23-2208, and amendments thereto;

(2) whether there is a father whose relationship to the child has been determined by a court;

(3) whether there is a father as to whom the child is a legitimate child under prior law of this state or under the law of another jurisdiction;

(4) whether the mother was cohabitating with a man at the time of conception or birth of the child;

(5) whether the mother has received support payments or promises of support with respect to the child or in connection with such mother's pregnancy; and

(6) whether any ~~man~~ person has formally or informally acknowledged or declared such ~~man's person's~~ possible paternity parentage of the child.

If the father is identified to the satisfaction of the court, or if more than one man is identified as a possible father, each shall be given notice of the proceeding in accordance with subsection (f).

(f) Notice of the proceeding shall be given to every person identified as the father or a possible father by personal service, certified mail return receipt requested or in any other manner the court may direct. Notice shall be given at least 10 calendar days before the hearing, unless waived by the person entitled to notice. Proof of notice or waiver of notice shall be filed with the court before the petition or request is heard.

(g)(1) If, after the inquiry, the court is unable to identify the father or any possible father and no person has appeared claiming to be the father and claiming custodial rights, the court shall enter an order terminating the unknown father's parental rights with reference to the child without ~~regard to~~ consideration of subsection (h).

(2) If any person identified as the father or possible father of the child fails to appear or, if appearing, fails to claim custodial rights, such person's parental rights with reference to the child shall be terminated without ~~regard to~~ consideration of subsection (h).

(h) (1) When a father or alleged father appears and ~~asserts claims~~ parental rights, the court shall determine parentage, if necessary pursuant to the Kansas parentage act, K.S.A. 2017 Supp. 23-2201 et seq., and amendments thereto. If a father desires but is financially unable to employ an attorney, the court shall appoint an attorney for the father. Thereafter, the court may order that parental rights be terminated and find the consent or relinquishment unnecessary, upon a finding by clear and convincing evidence, of any of the following:

(A) The father abandoned or neglected the child after having knowledge of the child's birth;

(B) the father is unfit as a parent or incapable of giving consent;

(C) the father has made no reasonable efforts to support or communicate with the child after having knowledge of the child's birth;

(D) the father, after having knowledge of the pregnancy, failed without reasonable cause to provide support for the mother during the six months prior to the child's birth;

(E) the father abandoned the mother after having knowledge of the pregnancy;

(F) the birth of the child was the result of rape of the mother; or

(G) the father has failed or refused to assume the duties of a parent for two consecutive years ~~next immediately~~ preceding the filing of the petition.

(2) In making a finding whether parental rights shall be terminated under this subsection, the court ~~may~~:

(A) ~~Consider and weigh the best interest of the child; and~~ Shall consider all of the relevant surrounding circumstances; and

(B) may disregard incidental visitations, contacts, communications or contributions.

(3) In determining whether the father has failed or refused to assume the duties of a parent for two consecutive years ~~next immediately~~ preceding the filing of the petition for adoption, there shall be a rebuttable presumption that if the father, after having knowledge of the child's birth, has knowingly failed to provide a substantial portion of the child support as required by judicial decree, when financially able to do so, for a period of two years ~~next immediately~~ preceding the filing of the petition for adoption, then such father has failed or refused to assume the duties of a parent.

(4) For the purposes of this subsection, "support" means monetary or non-monetary assistance that is reflected in specific and significant acts and sustained over the applicable period.

(i) A termination of parental rights under this section shall not terminate the right of the child to inherit from or through the parent. Upon such termination, all the rights of birth parents to such child, including their right to inherit from or through such child, shall cease.

Sec. 20. K.S.A. 59-2138 is hereby amended to read as follows: 59-2138. (a) A court of this state has jurisdiction over a proceeding for the adoption of an adult if the petitioner or the adult to be adopted resides in this state.

(b) Venue shall be in the county in which the petitioner or the adult to be adopted resides. Venue may be established in any county in Kansas if all parties in interest agree in writing to venue in that county.

Sec. 21. K.S.A. 59-2141 is hereby amended to read as follows: 59-2141. (a) The court, by order, shall fix a time and place for hearing for adult adoption. The hearing may be with or without notice as the court shall direct and the court may hear the petition forthwith.

(b) The court may order that notice of the hearing be given to the parents of the adult subject of the adoption and shall require notice, unless waived, to any consenting party.

Sec. 22. K.S.A. 59-2143 is hereby amended to read as follows: 59-2143. ~~The form forms~~ for consent and, relinquishment and waiver of notice of hearing to be utilized under the Kansas adoption and relinquishment act shall be set forth by the judicial council.

Sec. 23. K.S.A. 59-2112, 59-2113, 59-2114, 59-2116, 59-2117, 59-2120, 59-2121, 59-2124, 59-2126, 59-2127, 59-2128, 59-2134, 59-2138, 59-2141 and 59-2143 and K.S.A. 2017 Supp. 59-2122, 59-2123, 59-2130, 59-2132, 59-2133 and 59-2136 are hereby repealed.";

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 "amending" and inserting "children and minors; creating the adoption protection act; relating to the placement of children for foster care or adoption; Kansas

adoption and relinquishment act;"; after "amending" by inserting "K.S.A. 59-2112, 59-2113, 59-2114, 59-2116, 59-2117, 59-2120, 59-2121, 59-2124, 59-2126, 59-2127, 59-2128, 59-2134, 59-2138, 59-2141 and 59-2143 and"; also in line 2, by striking "9-512 and 9-513" and inserting "59-2122, 59-2123, 59-2130, 59-2132, 59-2133 and 59-2136";

And your committee on conference recommends adoption of this report.

RONALD HIGHLAND

SUSAN HUMPHRIES

Conferees on part of House

RICHARD WILBORN

JULIA LYNN

Conferees on part of Senate

Senator Wilborn moved the Senate adopt the Conference Committee Report on **SB 284**.

On roll call, the vote was: Yeas 24; Nays 15; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Fitzgerald, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor.

Present and Passing: Givens.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: To frame support of this bill as one who is promulgating discrimination could not be further from the truth. Support of this bill should be reflective of concern for adoption opportunities for a young woman who is at a critical stage of her life. Giving one's child up for adoption is certainly one of the most difficult decisions a mother can make. To not have access to adoption services or to have these services restricted makes that decision untenable. Conversely, it is incumbent for a faith based agency to facilitate the choice of the mother. If they are not able to provide the service it is vital for the faith based agency to provide referrals to an appropriate agency. This debate has politicized and unfortunately monetized something that is personal. Those who are a part of this emotional issue would be well served to consider what is best for the mother and child and to broaden access not constrict it. I would hope that my voice is a voice for the mother. I would hope that my voice is for the child. It is my hope that the entities in these discussions can restrict the political polarization and think of what is important in the lives of the mother and child.—ED BERGER

Senators Goddard, Hardy, Hilderbrand and Petersen request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **SB 284**

Mr. Vice President: My track record of nondiscrimination and embracing and supporting diverse communities throughout my service in the classroom and at the Legislature has been strong and unflinching - my goal here was to make it easier, not more difficult, for people in my district to adopt. This is especially important in Western Kansas, where adoption opportunities have been historically limited by the lack of

services. It was in no way an attempt to discriminate against any individuals or groups.
—JOHN DOLL

Mr. Vice President: Today, we say we are placing the need of children as a priority. We want to protect them. These children are in need of care. Parental rights have been severed. They are in a difficult place. However, this bill creates preferential treatment for agencies, rather than preferential care for children. In the process, we lose sight of our goal. **SB 284** allows Kansas taxpayers hard-earned monies, entrusted to us, to be used by groups without the expectation that they follow state law. This actually limits the number of foster placements, for we are disqualifying families already approved by the state to take children. This effectively increases the time children are in foster care. In an effort to allow more businesses to receive state funding, we legislators, who are not experts in the field, are altering the path of current safe and stable placements for children. There are many who object to this law: the Kansas Bar Association, the Kansas Association of Social Workers, many of our constituents, businesses in and out of our state, and faith-leaders, including the nuns that pointed out the teaching of the Pope to me this week. His recent teaching of March 19, is worth contemplating. In discussing our ideologies, he states, "Some Catholics consider (many issues like this) a secondary issue compared to the "grave" bioethical questions. That a politician looking for votes might say such a thing is understandable, but not a Christian, for whom the only proper attitude is to stand in the shoes of those brothers and sisters of ours who risk their lives to offer a future to their children . . . At stake is the dignity of a human life, which is always sacred and demand love for each person . . . Equally sacred . . . are the lives of the poor, those already born, the destitute, the abandoned and the underprivileged, the vulnerable infirm and elderly. . . the victims of human trafficking, new forms of slavery and every form of rejection. We cannot uphold an ideal of holiness that would ignore injustice. If we trust the Pope's guidance, we cannot in good faith, choose to embrace one group of people and reject another. For these reasons added to thoughts expressed previously, I vote no on **SB 284**—LYNN ROGERS

Senators Faust-Goudeau, Francisco and Haley request the record to show they concur with the "Explanation of Vote" offered by Senator Rogers on **SB 284**.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Friday, May 4, 2018.

Journal of the Senate

SIXTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 4, 2018, 10:00 a.m.

As provided by **SCR 1615**, the Sine Die Session of the regular 2018 Kansas Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, You brought us to the end of another session. You've helped us through the good and through the not so good. You've been in every caucus, every committee meeting, every debate and every vote.

Even when we're not mindful of Your presence, You are mindful of ours. And You've guided us with Your watchful Eye. Your invisible hedge of protection has been a fence around us. I'm reminded of the words of Moses, in Deuteronomy 4:7: "No other nation, no matter how great, has a god who is so near when they need him as the LORD our God is to us."

You answer whenever we call. And even before we call, You've already answered. Now, Lord, like Enoch, in Genesis 5:24, we look forward to walking home with You. In Jesus' Name, I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

MESSAGE FROM THE HOUSE

The House adopts the conference committee report to agree to disagree and appoints Representatives Johnson, Phillips and Sawyer as second conferees on **SB 296**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 296** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends adoption of this report.

STEVE JOHNSON

TOM PHILLIPS

TOM SAWYER

Conferees on part of House

CARYN TYSON

DAN KERSCHEN

TOM HOLLAND

Conferees on part of Senate

On motion of Senator Tyson the Senate adopted the conference committee report on **SB 296**, and requested a new conference be appointed.

The President appointed Senators Tyson, Kerschen and Holland as a second Conference Committee on the part of the Senate on **SB 296**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGES FROM THE GOVERNOR

SB 419 approved on May 4, 2018.

REPORT ON ENROLLED BILLS

SB 217, SB 261, SB 282, SB 288, SB 335, SB 348, SB 375 reported correctly enrolled, properly signed and presented to the Governor on May 4, 2018.

SR 1791, SR 1792, SR 1793, SR 1794, SR 1795 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 4, 2018.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the Veto Session of the 2018 Kansas Senate:

Senator Bowers: celebrating Leila Rhoads' 100th Birthday, celebrating Donald and Jeanette Barrett's 70th Wedding Anniversary;

Senator Hardy: celebrating Helen Smith's 100th Birthday, celebrating Harriet Maxine Banninger-Slick's 100th Birthday;

Senator Hawk: recognizing Jack and Donna Vanier for their contributions to Kansas State University and the State of Kansas;

Senator Kerschen: congratulating the Garden Plain High School Girls Basketball Team on winning the 2018 3A State Championship;

Senator Lynn: congratulating Evan Mayo on achieving the rank of Eagle Scout;

Senator Schmidt: recognizing Sydney Irene Wilson for her athletic and academic achievements;

Senator Haley and Senator Skubal: recognizing Elliott Threatt on his many contributions to his community and the State of Kansas; and

Senator Hilderbrand and Senator Tyson: recognizing Harvey Dean for his service and commitment to K-12 education and the State of Kansas.

As provided by **SCR 1615**, Senator Denning moved the Senate adjourn Sine Die. The motion prevailed.

President Wagle thereupon announced: "By virtue of the authority vested in me as the president of the Senate, I now declare the 2018 Session of the Kansas Senate adjourned Sine Die."

MESSAGES FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2488**.

The House adopts the Conference Committee report on **SB 449**.

The House adopts the Conference Committee report on **SB 296**.

The House not adopts the Conference Committee report on **S Sub HB 2228**.

The House adopts the Conference Committee reports on **HB 2111**.

The following bills and concurrent resolutions are hereby transmitted to the Senate with final disposition:

Senate bills that died on the House Calendar: **SB 146, SB 343, SB 433**.

Senate bills that died in House Committees: **SB 18, SB 25, SB 28, SB 48; H Sub SB 52; SB 62, SB 67; Sub SB 69; SB 75, SB 87, SB 88, SB 92, SB 93, SB 94, SB 114, SB 117, SB 130, SB 135, SB 136, SB 137, SB 138, SB 144, SB 181, SB 186; Sub SB 189, Sub SB 198; SB 221, SB 247, SB 255, SB 265; Sub SB 269, Sub SB 285; SB 292, SB 301, SB 303, SB 309, SB 312, SB 313, SB 314, SB 352, SB 353, SB 367, SB 418, SB 422, SB 429, SB 430**.

Senate concurrent resolutions that died in House Committee: **SCR 1612**.

REPORT ON ENROLLED BILLS

SB 281, SB 310, SB 328, H Sub SB 336, SB 461 reported correctly enrolled, properly signed and presented to the Governor on May 7, 2018.

SB 180, SB 199, SB 260, SB 266, SB 284; H Sub SB 391; SB 415 reported correctly enrolled, properly signed and presented to the Governor on May 8, 2018.

H Sub SB 109 reported correctly enrolled, properly signed and presented to the Governor on May 9, 2018.

H Sub SB 179 and **H Sub SB 374** reported correctly enrolled, properly signed and presented to the Governor on May 11, 2018.

MESSAGES FROM THE GOVERNOR

SB 61 approved on May 7, 2018.

SB 217, SB 261; Sub SB 272, H Sub SB 307; SB 310, SB 328, SB 331, SB 335, SB 348, SB 375 approved on May 8, 2018.

SB 180, SB 260, SB 266, SB 336 approved May 10, 2018.

H Sub SB 56 approved May 11, 2018.

SB 179, SB 199, SB 282, SB 288; H Sub SB 374; SB 461 approved May 14, 2018.

SB 281; H Sub SB 391; SB 415 approved May 16, 2018.

SB 284 approved May 18, 2018.

MESSAGE FROM THE GOVERNOR

The following message with the Governor's objections to **H Sub SB 109**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2017

Supp. 75-2263, 75-4209, 75-6706, 79-4804 and 82a-953a and repealing the existing sections, was received.

**MESSAGE FROM THE GOVERNOR
REGARDING HOUSE SUBSTITUTE FOR SENATE BILL 109**

Pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return House Substitute for Senate Bill 109 with my signature approving the bill, except for the items enumerated below.

Kansas Highway Patrol—Claim

Section 9 is vetoed in its entirety.

This provision would require the highway patrol to pay \$11,833.60 to an individual for the repayment of cash funds alleged to have been improperly seized and turned over to a federal agency in 1995. Adherence to the rule of law requires that such matters be properly adjudicated in the courts. The individual in question here could have sought recovery against the proper parties in the proper forums, but either failed to do so or did not do so successfully. Furthermore, the criminal history of this individual, which includes multiple felony convictions for burglary and theft, as well as drug trafficking, casts doubt upon the veracity and soundness of the claim. It would be bad precedent, and bad policy, to make this payment in this manner, especially with bill language that accuses law enforcement officers of an improper act without the benefit of due process.

Insurance Department—Insurance Department Service Regulation Fund

Section 43(b) is vetoed in its entirety.

The 2018 Legislature reduced the transfer from the Insurance Department Service Regulation Fund to the State General Fund by \$8.0 million in FY 2019. This transfer was part of the budget approved by the 2017 Legislature. I veto this transfer reduction.

**Board of Indigents' Defense Services—Legal Services for
Prisoners, Inc. Health Insurance**

Section 44(a) and Section 45(a) legal services for prisoners are line item vetoed.

The Legislature appropriated \$25,000 from the State General Fund in both FY 2018 and FY 2019 for legal services for prisoners. Legal Services for Prisoners, Inc. is a non-profit corporation that provides legal assistance to indigent inmates of Kansas correctional institutions. The two employees of the corporation are private contractors and not state employees. Therefore, the state has no oversight over the corporation's health insurance plan design or selection. I therefore veto the line items that provide this funding in the bill.

Department of Commerce—Global Trade Services

Section 58(e) Global Trade Services line-item is vetoed.

The 2018 Legislature overspent resources in the Economic Development Initiatives Fund (EDIF) by \$309,802 in FY 2019, which will require reductions to balance the EDIF budget. Global Trade Services is currently funded with the Department of Commerce's EDIF Operating Grant. The Legislature created a separate line item of \$125,000 to provide enhanced funding for this program in FY 2018. However, the enhanced funding is not needed to fully fund and operate this program for the last few months of the fiscal year. Because EDIF resources are being overspent, this item is vetoed. Funding for this program will continue from the EDIF Operating Grant in FY 2018.

Department of Commerce—Kansas International Trade Show Assistance

Section 58(e) and Section 59(a) Kansas International Trade Show Assistance line-items are vetoed.

The 2018 Legislature overspent resources in the EDIF by \$309,802 in FY 2019, which will require reductions to balance the EDIF budget. Kansas International Trade Show Assistance is currently funded with the Department of Commerce's EDIF Operating Grant in both FY 2018 and FY 2019 and the Legislature created separate line items of \$50,000 in FY 2018 and \$127,000 in FY 2019 to fund this program. Because EDIF resources are being overspent, these items are vetoed. Funding for this program will continue from the EDIF Operating Grant in both FY 2018 and FY 2019. The Legislature added additional funding for this program in FY 2019; however, the enhanced funding is not needed to fully fund and operate this program.

Department of Commerce—Innovation Growth Program

Section 59(a) Innovation Growth Program line-item is vetoed.

The 2018 Legislature overspent resources in the EDIF by \$309,802 in FY 2019, which will require reductions to balance the EDIF budget. The Legislature created a new line item of \$65,643 in FY 2019 for the Innovation Growth Program. The Department of Commerce previously operated this program; however, funding was eliminated in FY 2016. Because EDIF resources are being overspent, this item is vetoed.

Department of Health and Environment—PRTF 60 Day Admission Policy

Section 67(i) & 68(i) are vetoed in their entirety.

The Mental Health Parity Act prohibits states from imposing conditions or limits on mental health services that are not imposed on physical health services. Instead, medical necessity should be determined and if a mental health service is deemed necessary, the state is required to cover it. In October 2015, the Department for Aging and Disability Services discontinued its policy of requiring mental health screenings prior to admission to inpatient psychiatric beds at community hospitals and residential treatment facilities. The screenings were discontinued in response to the potential loss of federal funding as outlined in the Mental Health Parity Act. This administration is working on Psychiatric Residential Treatment Facility (PRTF) issues and is aware of concerns with length of stays at PRTFs. The administration will continue to work with the Kansas Department of Health and Environment, the Kansas Department for Aging and Disability Services and the Mental Health Task Force to resolve any issues. While the cost may be justified by the benefits to be obtained from the screenings, approving this provision could additionally jeopardize substantial federal funding of inpatient Medicaid services. I therefore veto these sections of the bill.

Department of Health and Environment—KanCare Funding

The portion of Section 68(a) that reads as follows is line item vetoed:

Provided, however, That during fiscal years 2018 and 2019, if any new eligibility requirements or limitations are imposed by any state agency to receive state medicaid services under the Kansas medical assistance program, then on the effective date of such imposition, the amounts appropriated for the department of health and environment – division of health care for the fiscal year ending June 30, 2019, by section 95(a) of chapter 104 of the 2017 Session Laws of Kansas and this act from the state general fund in the other medical assistance account are hereby lapsed.

Section 118 of this bill addresses the Legislature's concerns with potential changes to the KanCare Program; this proviso is not necessary.

Department for Children and Families—Jobs for America's Graduates-Kansas

Section 74(e) is vetoed in its entirety.

Jobs for America's Graduates-Kansas (JAG-K) is a program that targets children at-risk of failing in school by offering in-class instruction, mentoring, leadership development and job and postsecondary placement to participants. JAG-K is funded entirely with funding received from the Federal Government through the Temporary Assistance for Needy Families Block Grant; no state funds are used for the program. The Temporary Assistance for Needy Families Fund has a history of having no expenditure limitation placed upon it and there is no recent history of placing an expenditures limitation upon the JAG-K Program. This section would place an expenditure limitation totaling \$5.8 million upon the JAG-K Program in FY 2019. Limiting funding for the JAG-K Program could prevent the agency from providing assistance to at-risk children that would otherwise qualify to participate in the program; therefore, I veto this section to allow the agency flexibility to assist more at-risk children if given the opportunity.

Kansas Highway Patrol—Troop B Building

Sections 100 (b), 100 (c) and 100(d) are vetoed in their entirety.

The Kansas Highway Patrol currently leases the land and improvements comprising the Troop B headquarters located in Shawnee County. Lease payments have been made from a Federal Forfeiture revenue stream. While there is a concern that this funding resource may be discontinued in the future, funds are available presently to cover lease payments. The option to purchase could be reviewed at such time Federal Forfeiture funds are no longer sufficient to cover lease obligations. Continuing with a lease arrangement that provides maintenance is desirable over purchasing and adding the responsibility of ongoing maintenance. In addition, this veto prevents an increase in the state's outstanding debt. The funds used for debt service of the bonds to purchase the facility were to be financed from the State Highway Fund. As a result of this veto, the State Highway Fund will have an additional \$300,000 for highway projects.

Dated: May 15, 2018

JEFF COLYER, *Governor*

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

□

SHORT TITLE AND HISTORY
OF
SENATE BILLS
AND
SENATE RESOLUTIONS

(SJ & HJ Nos. refer to 2017 and 2018 Senate and House Journals)
(2481)

TITLE AND HISTORY OF SENATE BILLS
CARRIED OVER FROM 2017 SESSION

- S 1** Bill by Legislative Post Audit Committee
Eliminating the reporting requirements for law enforcement agencies concerning civil asset seizures and forfeitures.
01/09/2017 Senate—Prefiled for Introduction on Monday, December 05, 2016—SJ 27
01/09/2017 Senate—Introduced—SJ 27
01/10/2017 Senate—Referred to Committee on Judiciary—SJ 31
05/04/2018 Senate—Died in Committee
- S 2** Bill by Legislative Post Audit Committee
Exempting the division of legislative post audit from the monumental building surcharge.
01/09/2017 Senate—Prefiled for Introduction on Monday, December 05, 2016—SJ 27
01/09/2017 Senate—Introduced—SJ 27
01/10/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 31
05/04/2018 Senate—Died in Committee
- S 3** Bill by Legislative Post Audit Committee
Kansas standard asset seizure and forfeiture act; restriction on county or district attorney.
01/09/2017 Senate—Prefiled for Introduction on Monday, December 05, 2016—SJ 27
01/09/2017 Senate—Introduced—SJ 27
01/10/2017 Senate—Referred to Committee on Judiciary—SJ 31
05/04/2018 Senate—Died in Committee
- S 4** Bill by Legislative Post Audit Committee
Clarifying and limiting discretion for expenditure of proceeds from civil forfeiture.
01/09/2017 Senate—Prefiled for Introduction on Monday, December 05, 2016—SJ 27
01/09/2017 Senate—Introduced—SJ 27
01/10/2017 Senate—Referred to Committee on Judiciary—SJ 31
05/04/2018 Senate—Died in Committee
- S 5** Bill by Senator Faust-Goudeau
Making certain individuals eligible for restricted driving privileges.
01/09/2017 Senate—Prefiled for Introduction on Tuesday, December 06, 2016—SJ 27
01/09/2017 Senate—Introduced—SJ 27
01/10/2017 Senate—Referred to Committee on Transportation—SJ 31
01/11/2017 Senate—Hearing: Thursday, January 19, 2017, 08:30 AM Room 546-S
01/31/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 111
03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Transportation—SJ 298
05/04/2018 Senate—Died in Committee
- S 6** Bill by Senator Faust-Goudeau

Standardized law enforcement procedure to assess possession of firearms by an individual during routine stop.

01/09/2017 Senate—Prefiled for Introduction on Thursday, January 05, 2017—SJ 27

01/09/2017 Senate—Introduced—SJ 27

01/10/2017 Senate—Referred to Committee on Judiciary—SJ 31

02/06/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 131

03/16/2017 Senate—Hearing: Tuesday, March 21, 2017, 10:30 AM Room 144-S

05/04/2018 Senate—Died in Committee

S 7 Bill by Senator Faust-Goudeau

Enacting the Kansas reinvestment act.

01/09/2017 Senate—Prefiled for Introduction on Friday, January 06, 2017—SJ 27

01/09/2017 Senate—Introduced—SJ 27

01/10/2017 Senate—Referred to Committee on Commerce—SJ 31

05/04/2018 Senate—Died in Committee

S 9 Bill by Senator Hensley

Governmental ethics: two-year restriction on lobbying by former elected and appointed state officials.

01/09/2017 Senate—Prefiled for Introduction on Friday, January 06, 2017—SJ 28

01/09/2017 Senate—Introduced—SJ 28

01/10/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 31

05/04/2018 Senate—Died in Committee

S 10 Bill by Judiciary

Prohibiting filing of certain liens or claims against real or personal property and providing for criminal penalties.

01/10/2017 Senate—Introduced—SJ 30

01/11/2017 Senate—Hearing: Thursday, January 19, 2017, 10:30 AM Room 346-S

01/11/2017 Senate—Referred to Committee on Judiciary—SJ 37

02/10/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 151

02/23/2017 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 211

03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 214

01/11/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Judiciary—SJ 1484

05/04/2018 Senate—Died in Committee

S 11 Bill by Ethics, Elections and Local Government

Vacancy elections; United States representative to congress.

01/10/2017 Senate—Introduced—SJ 30

01/10/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 31

05/04/2018 Senate—Died in Committee

S 12 Bill by Judiciary

Amending residency restrictions for persons on transitional or conditional release under the Kansas sexually violent predator act.

01/11/2017 Senate—Introduced—SJ 37

01/12/2017 Senate—Referred to Committee on Judiciary—SJ 40

- 01/17/2017 Senate—Hearing: Thursday, January 26, 2017, 10:30 AM Room 346-S
 02/15/2018 Senate—Committee Report recommending bill be passed as amended
 by Committee on Judiciary—SJ 1595
 03/01/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on
 Judiciary—SJ 1657
 05/04/2018 Senate—Died in Committee
- S 18** Bill by Financial Institutions and Insurance
Amending the Kansas mortgage business act.
 01/12/2017 Senate—Introduced—SJ 39
 01/13/2017 Senate—Referred to Committee on Financial Institutions and Insurance
 —SJ 42
 01/18/2017 Senate—Hearing: Thursday, January 26, 2017, 09:30 AM Room 546-S
 02/02/2017 Senate—Committee Report recommending bill be passed by Committee
 on Financial Institutions and Insurance—SJ 124
 02/07/2017 Senate—Committee of the Whole - Be passed—SJ 140
 02/08/2017 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 145
 02/09/2017 House—Received and Introduced—HJ 210
 02/10/2017 House—Referred to Committee on Financial Institutions and Pensions
 —HJ 218
 02/21/2017 House—Hearing: Wednesday, March 08, 2017, 09:00 AM Room 281-N
 05/04/2018 House—Died in House Committee
- S 24** Bill by Agriculture and Natural Resources
Designating the channel catfish as the state fish of Kansas.
 01/12/2017 Senate—Introduced—SJ 40
 01/13/2017 Senate—Referred to Committee on Agriculture and Natural Resources
 —SJ 42
 05/04/2018 Senate—Died in Committee
- S 25** Bill by Agriculture and Natural Resources
**Removing the requirement for a public hearing to set cabin fees owned or
 operated by the department of wildlife, parks and tourism.**
 01/12/2017 Senate—Introduced—SJ 40
 01/13/2017 Senate—Referred to Committee on Agriculture and Natural Resources
 —SJ 42
 01/17/2017 Senate—Hearing: Thursday, January 19, 2017, 08:30 AM Room 159-S
 02/01/2017 Senate—Committee Report recommending bill be passed by Committee
 on Agriculture and Natural Resources—SJ 116
 02/21/2017 Senate—Committee of the Whole - Be passed as amended—SJ 185
 02/22/2017 Senate—Final Action - Passed as amended; Yea: 26 Nay: 14—SJ 192
 02/22/2017 House—Received and Introduced
 02/23/2017 House—Referred to Committee on Agriculture—HJ 336
 03/08/2017 House—Withdrawn from Committee on Agriculture; Referred to
 Committee on Commerce, Labor and Economic Development—HJ 369
 03/08/2017 House—Hearing: Thursday, March 16, 2017, 01:30 PM Room 112-N
 05/04/2018 House—Died in House Committee
- S 27** Bill by Ways and Means
**Substitute for SB 27 by Committee on Ways and Means - Appropriation
 revisions for FY 2017, 2018 and FY 2019 for various state agencies.**
 01/12/2017 Senate—Introduced—SJ 40
 01/13/2017 Senate—Referred to Committee on Ways and Means—SJ 42

- 01/30/2017 Senate—Hearing and possible action: Wednesday, February 01, 2017, 10:30 AM Room 548-S
- 02/01/2017 Senate—Hearing and possible action: Wednesday, February 01, 2017, 10:30 AM Room 548-S
- 02/07/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Ways and Means—SJ 141
- 02/23/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Ways and Means—SJ 212
- 05/04/2018 Senate—Died in Committee
- S 28** Bill by Assessment and Taxation
Amending dates when certain reports due to department of revenue.
 01/13/2017 Senate—Introduced—SJ 42
 01/17/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 44
 01/18/2017 Senate—Hearing: Thursday, January 19, 2017, 09:30 AM Room 548-S
 01/26/2017 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Assessment and Taxation—SJ 77
 01/31/2017 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 110
 02/01/2017 Senate—Committee of the Whole - Be passed—SJ 116
 02/02/2017 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 122
 02/03/2017 House—Received and Introduced—HJ 177
 02/06/2017 House—Referred to Committee on Taxation—HJ 185
 02/10/2017 House—Hearing: Monday, February 13, 2017, 03:30 PM Room 346-S
 05/04/2018 House—Died in House Committee
- S 29** Bill by Assessment and Taxation
Allowing property tax exemption of certain federal property and property acquired by a land bank without an order of the board of tax appeals.
 01/13/2017 Senate—Introduced—SJ 42
 01/17/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 44
 01/18/2017 Senate—Hearing: Wednesday, January 18, 2017, 09:30 AM Room 548-S
 02/08/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 146
 05/04/2018 Senate—Died on General Orders
- S 31** Bill by Ethics, Elections and Local Government
Rehabilitation of abandoned property by cities.
 01/17/2017 Senate—Introduced—SJ 43
 01/18/2017 Senate—Hearing: Thursday, January 26, 2017, 09:30 AM Room 159-S
 01/18/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 53
 01/26/2017 Senate—Hearing continuation: Thursday, February 02, 2017, 09:30 AM Room 142-S
 02/16/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics, Elections and Local Government—SJ 170
 02/23/2017 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 211
 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 214
 03/22/2017 Senate—Committee of the Whole - Motion by Senator Olson to rerefer to Committee on Ethics, Elections and Local Government passed—SJ 303

- 05/04/2018 Senate—Died in Committee
S 33 Bill by Public Health and Welfare
Amending membership on the KanCare oversight committee.
 01/17/2017 Senate—Introduced—SJ 43
 01/18/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 53
 01/31/2017 Senate—Hearing: Thursday, January 19, 2017, 9:30 AM Room 118-N
 01/26/2017 Senate—Committee Report recommending bill be passed as amended
 by Committee on Public Health and Welfare—SJ 77
 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Public
 Health and Welfare—SJ 298
- 05/04/2018 Senate—Died in Committee
S 34 Bill by Assessment and Taxation
**Concerning states eligible for foreign state debt setoff agreements and
 expanding the states eligible to any state or territory that has entered
 into a reciprocal agreement.**
 01/18/2017 Senate—Introduced—SJ 52
 01/19/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 57
 01/25/2017 Senate—Hearing: Thursday, February 02, 2017, 09:30 AM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 37** Bill by Ethics, Elections and Local Government
Elections; voting procedures where proof of citizenship not provided.
 01/18/2017 Senate—Introduced—SJ 53
 01/19/2017 Senate—Referred to Committee on Ethics, Elections and Local
 Government—SJ 57
 02/01/2017 Senate—Hearing: Tuesday, February 07, 2017, 09:30 AM Room 142-S
 05/04/2018 Senate—Died in Committee
- S 38** Bill by Ways and Means
Establishing the KanCare bridge to a healthy Kansas program.
 01/18/2017 Senate—Introduced—SJ 53
 01/19/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 57
 02/12/2018 Senate—Hearing: Wednesday, February 14, 2018, 09:30 AM Room
 152-S
 02/19/2018 Senate—Committee Report recommending bill be passed as amended
 by Committee on Public Health and Welfare—SJ 1603
 05/04/2018 Senate—Died on General Orders
- S 39** Bill by Assessment and Taxation
**Permitted use of tax information in certain tax actions and proceedings; tax
 liens upon personal property; tax warrants; time for returns and
 payment of tax; liability for persons responsible for collection of sales
 or compensating tax.**
 01/18/2017 Senate—Introduced—SJ 53
 01/19/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 57
 01/25/2017 Senate—Hearing: Thursday, February 02, 2017, 09:30 AM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 41** Bill by Judiciary
**Creating the crimes of assault of a public transportation employee and battery
 against a public transportation employee.**
 01/19/2017 Senate—Introduced—SJ 56
 01/20/2017 Senate—Referred to Committee on Judiciary—SJ 59

- 01/25/2017 Senate—Hearing: Wednesday, February 01, 2017, 10:30 AM Room 346-S
- 02/01/2017 Senate—Hearing: Wednesday, February 01, 2017, 10:30 AM Room 346-S
- 02/15/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 163
- 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Judiciary—SJ 298
- 05/04/2018 Senate—Died in Committee
- S 44** Bill by Ways and Means
Including volunteer members of regional search and rescue teams within workers compensation coverage under the state workers compensation self-insurance fund.
- 01/19/2017 Senate—Introduced—SJ 57
- 01/20/2017 Senate—Referred to Committee on Commerce—SJ 59
- 05/04/2018 Senate—Died in Committee
- S 45** Bill by Transportation
Designating a portion of United States highway No. 40 as John Carlin highway.
- 01/20/2017 Senate—Introduced—SJ 58
- 01/23/2017 Senate—Referred to Committee on Transportation—SJ 62
- 01/25/2017 Senate—Hearing: Thursday, February 02, 2017, 08:30 AM Room 546-S
- 02/16/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 170
- 02/23/2017 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 211
- 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 214
- 05/04/2018 Senate—Died on General Orders
- S 48** Bill by Agriculture and Natural Resources
Remedies for the impairment of a valid water right or permit to divert and use water.
- 01/20/2017 Senate—Introduced—SJ 58
- 01/23/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 62
- 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 08:30 AM Room 159-S
- 02/13/2017 Senate—Hearing: Wednesday, February 15, 2017, 08:30 AM Room 159-S
- 02/21/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 189
- 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 197
- 02/23/2017 Senate—Final Action - Passed as amended; Yea: 37 Nay: 3—SJ 203
- 02/23/2017 House—Received and Introduced—HJ 349
- 03/06/2017 House—Referred to Committee on Water and Environment—HJ 360
- 03/07/2017 House—Withdrawn from Committee on Water and Environment; Referred to Committee on Agriculture—HJ 363
- 03/08/2017 House—Hearing: Tuesday, March 14, 2017, 03:30 PM Room 582-N
- 03/23/2017 House—Withdrawn from Committee on Agriculture; Referred to Committee on Appropriations—HJ 501
- 03/29/2017 House—Withdrawn from Committee on Appropriations; Referred to Committee on K-12 Education Budget—HJ 560

- 05/04/2018 House—Died in House Committee
S 49 Bill by Senator Faust-Goudeau
Elections; registration; election day registration.
 01/20/2017 Senate—Introduced—SJ 58
 01/23/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 62
- 05/04/2018 Senate—Died in Committee
S 52 Bill by Public Health and Welfare
House Substitute for SB 52 by Committee on Health and Human Services - Filling and refilling prescriptions.
 01/20/2017 Senate—Introduced—SJ 58
 01/23/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 62
 01/24/2017 Senate—Hearing: Tuesday, January 24, 2017, 09:30 AM Room 118-N
 02/02/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 125
 02/21/2017 Senate—Committee of the Whole - Be passed as amended—SJ 185
 02/22/2017 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 194
 02/22/2017 House—Received and Introduced
 02/23/2017 House—Referred to Committee on Health and Human Services—HJ 336
 02/23/2017 House—Hearing: Wednesday, March 08, 2017, 01:30 PM Room 546-S
 03/22/2017 House—Committee Report recommending substitute bill be passed by Committee on Health and Human Services—HJ 497
 03/29/2017 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 560
- 05/04/2018 House—Died in House Committee
S 53 Bill by Federal and State Affairs
Substitute for SB 53 by Committee on Federal and State Affairs - Amending the personal and family protection act.
 01/23/2017 Senate—Introduced—SJ 60
 01/24/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 70
 01/25/2017 Senate—Hearing: Thursday, January 26, 2017, 10:30 AM Room 144-S
 03/28/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—SJ 368
 01/11/2018 Senate—Motion to strike from Calendar adopted—SJ 1484
- S 54** Bill by Assessment and Taxation
Electronic cigarettes; definitions; enforcement of tax collections.
 01/23/2017 Senate—Introduced—SJ 60
 01/24/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 70
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 09:30 AM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 56** Bill by Ethics, Elections and Local Government
House Substitute for SB 56 by Committee on Government, Technology and Security - Creating the Kansas cybersecurity act and revising membership of the information technology executive council.
 01/23/2017 Senate—Introduced—SJ 60
 01/24/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 70
 01/25/2017 Senate—Hearing: Wednesday, February 01, 2017, 09:30 AM Room 142-S

- 02/08/2017 Senate—Committee Report recommending bill be passed by Committee on Ethics, Elections and Local Government—SJ 146
- 02/21/2017 Senate—Committee of the Whole - Be passed—SJ 185
- 02/22/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 194
- 02/22/2017 House—Received and Introduced
- 02/23/2017 House—Referred to Committee on Elections—HJ 336
- 03/07/2017 House—Hearing: Monday, March 13, 2017, 01:30 PM Room 281-N
- 01/17/2018 House—Hearing: Monday, January 22, 2018, 01:30 PM Room 281-N
- 03/19/2018 House—Withdrawn from Committee on Elections; Referred to Committee on Government, Technology and Security—HJ 2542
- 03/22/2018 House—Committee Report recommending substitute bill be passed by Committee on Government, Technology and Security—HJ 2568
- 03/26/2018 House—Committee of the Whole - Substitute bill be passed—HJ 2653
- 03/27/2018 House—Final Action - Substitute passed; Yea: 124 Nay: 0—HJ 2668
- 03/28/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator McGinn, Senator Billinger and Senator Kelly as conferees—SJ 1855
- 03/28/2018 House—Motion to accede adopted; Representative Sloan, Representative Lewis and Representative Curtis appointed as conferees—HJ 2688
- 04/02/2018 Senate—Senator Hawk is appointed to replace Senator Kelly on the Conference Committee—SJ 1940
- 04/06/2018 House—Conference Committee Report was adopted; Yea: 119 Nay: 0—HJ 2808
- 04/26/2018 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 2—SJ 2073
- 05/01/2018 Senate—Enrolled and presented to Governor on Tuesday, May 01, 2018—SJ 2198
- 05/04/2018 Senate—Approved by Governor on Friday, May 11, 2018
- S 57** Bill by Ethics, Elections and Local Government
House Substitute for SB 57 by the Committee on Elections - Qualifications for candidates seeking certain statewide offices.
- 01/23/2017 Senate—Introduced—SJ 61
- 01/24/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 70
- 01/25/2017 Senate—Hearing: Wednesday, February 01, 2017, 09:30 AM Room 142-S
- 02/08/2017 Senate—Committee Report recommending bill be passed by Committee on Ethics, Elections and Local Government—SJ 146
- 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 200
- 02/23/2017 Senate—Final Action - Passed as amended; Yea: 37 Nay: 3—SJ 203
- 02/23/2017 House—Received and Introduced—HJ 349
- 03/06/2017 House—Referred to Committee on Elections—HJ 359
- 03/07/2017 House—Hearing: Monday, March 13, 2017, 01:30 PM Room 281-N
- 01/17/2018 House—Hearing: Monday, January 22, 2018, 01:30 PM Room 281-N
- 03/20/2018 House—Committee Report recommending substitute bill be passed by Committee on Elections—HJ 2548
- 03/29/2018 House—Stricken from Calendar by Rule 1507—HJ 2742
- S 58** Bill by Ethics, Elections and Local Government

Facilitating the identification of the sponsors of internet political campaign advertisements.

01/23/2017 Senate—Introduced—SJ 61
 01/24/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 70
 01/25/2017 Senate—Hearing: Wednesday, February 01, 2017, 09:30 AM Room 142-S

S 59

05/04/2018 Senate—Died in Committee
 Bill by Agriculture and Natural Resources
Updating provisions relating to weights and measures.
 01/23/2017 Senate—Introduced—SJ 61
 01/24/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 70
 02/08/2017 Senate—Hearing: Wednesday, February 15, 2017, 08:30 AM Room 159-S

02/14/2017 Senate—Hearing: Thursday, February 16, 2017, 08:30 AM Room 159-S
 05/04/2018 Senate—Died in Committee

S 61

Bill by Agriculture and Natural Resources
House Substitute for Senate Bill No. 61 by Committee on Appropriations - Amending Substitute for Senate Bill No. 423 to strike provisions requiring school districts to adopt a minimum local option budget; restoring certain provisions relating to local option budgets and adjusting the BASE aid accordingly.

01/23/2017 Senate—Introduced—SJ 61
 01/24/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 70
 01/25/2017 Senate—Hearing: Thursday, February 02, 2017, 08:30 AM Room 159-S
 02/21/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 189
 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 197
 02/23/2017 Senate—Final Action - Passed as amended; Yea: 38 Nay: 2—SJ 204
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Agriculture—HJ 359
 03/06/2017 House—Hearing: Wednesday, March 08, 2017, 03:30 PM Room 582-N
 03/23/2017 House—Withdrawn from Committee on Agriculture; Referred to Committee on Appropriations—HJ 501
 04/27/2018 House—Committee Report recommending substitute bill be passed by Committee on Appropriations—HJ 2912
 04/28/2018 House—Committee of the Whole - Substitute bill be passed—HJ 2930
 04/28/2018 House—Emergency Final Action - Substitute passed; Yea: 92 Nay: 27—HJ 2931
 04/30/2018 Senate—Concurred with amendments; Yea: 31 Nay: 8—SJ 2118
 05/02/2018 Senate—Enrolled and presented to Governor on Wednesday, May 02, 2018—SJ 2241

S 62

05/04/2018 Senate—Approved by Governor on Monday, May 7, 2018
 Bill by Judiciary
Amending citizen grand jury petition sufficiency and right to appeal.
 01/23/2017 Senate—Introduced—SJ 61
 01/24/2017 Senate—Referred to Committee on Judiciary—SJ 70
 02/01/2017 Senate—Hearing: Thursday, February 02, 2017, 10:30 AM Room 346-S

- 02/15/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 164
- 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 197
- 02/23/2017 Senate—Final Action - Not passed; Yea: 19 Nay: 21—SJ 204
- 02/23/2017 Senate—Motion to Reconsider Adopted—SJ 210
- 02/23/2017 Senate—Final Action - Passed as amended; Yea: 22 Nay: 17—SJ 210
- 02/23/2017 House—Received and Introduced—HJ 349
- 03/06/2017 House—Referred to Committee on Judiciary—HJ 359
- 03/06/2017 House—Hearing: Thursday, March 09, 2017, 03:30 PM Room 112-N
- 03/29/2017 House—Withdrawn from Committee on Judiciary; Referred to Committee on Appropriations—HJ 560
- S 64** Bill by Senators Faust-Goudeau, Haley
Providing for fair consideration for employment to persons with records of conviction.
- 01/23/2017 Senate—Introduced—SJ 61
- 01/24/2017 Senate—Referred to Committee on Commerce—SJ 70
- 05/04/2018 Senate—Died in Committee
- S 67** Bill by Financial Institutions and Insurance
Granting state-chartered banks the power to purchase certain tax credits.
- 01/23/2017 Senate—Introduced—SJ 61
- 01/24/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 70
- 01/25/2017 Senate—Hearing: Tuesday, January 31, 2017, 09:30 AM Room 546-S
- 02/02/2017 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 124
- 02/21/2017 Senate—Committee of the Whole - Be passed—SJ 185
- 02/22/2017 Senate—Final Action - Passed; Yea: 38 Nay: 2—SJ 195
- 02/22/2017 House—Received and Introduced
- 02/23/2017 House—Referred to Committee on Financial Institutions and Pensions—HJ 336
- 02/23/2017 House—Hearing: Wednesday, March 08, 2017, 09:00 AM Room 281-N
- 05/04/2018 House—Died in House Committee
- S 69** Bill by Public Health and Welfare
Substitute for SB 69 by Committee on Public Health and Welfare - KanCare process and contract requirements.
- 01/23/2017 Senate—Introduced—SJ 61
- 01/24/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 70
- 01/25/2017 Senate—Hearing: Tuesday, January 31, 2017, 09:30 AM Room 118-N
- 01/31/2017 Senate—Hearing continuation: Thursday, February 02, 2017, 09:30 AM Room 118-N
- 02/02/2017 Senate—Hearing continuation: Wednesday, February 08, 2017, 09:30 AM Room 118-N
- 02/21/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Public Health and Welfare—SJ 190
- 02/23/2017 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 211
- 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 214

- 03/22/2017 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 303
- 03/23/2017 Senate—Final Action - Passed as amended; Yea: 36 Nay: 4—SJ 312
- 03/24/2017 House—Received and Introduced—HJ 514
- 03/27/2017 House—Referred to Committee on Health and Human Services—HJ 526
- S 71** 05/04/2018 House—Died in House Committee
 Bill by Judiciary
Clarifying how to enforce an order for support against a person's workers compensation benefits.
 01/24/2017 Senate—Introduced—SJ 64
 01/25/2017 Senate—Referred to Committee on Commerce—SJ 73
 05/04/2018 Senate—Died in Committee
- S 72** Bill by Judiciary
Reporting and investigating abuse, neglect and exploitation of vulnerable adults.
 01/24/2017 Senate—Introduced—SJ 64
 01/25/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 73
 02/01/2017 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Judiciary—SJ 115
 02/07/2017 Senate—Hearing: Thursday, February 16, 2017, 10:30 AM Room 346-S
 05/04/2018 Senate—Died in Committee
- S 73** Bill by Judiciary
Enacting the asbestos bankruptcy trust claims transparency act; providing for disclosures regarding asbestos bankruptcy trust claims in civil asbestos actions.
 01/24/2017 Senate—Introduced—SJ 64
 01/25/2017 Senate—Hearing: Thursday, February 02, 2017, 10:30 AM Room 346-S
 01/25/2017 Senate—Referred to Committee on Judiciary—SJ 73
 02/01/2017 Senate—Hearing: Thursday, February 02, 2017, 10:30 AM Room 346-S
 02/08/2017 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 146
 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Judiciary—SJ 298
 05/04/2018 Senate—Died in Committee
- S 75** Bill by Education
Adding an additional member to the board of trustees of Cowley county community college.
 01/24/2017 Senate—Introduced—SJ 65
 01/25/2017 Senate—Referred to Committee on Education—SJ 73
 02/01/2017 Senate—Hearing: Wednesday, February 01, 2017, 01:30 PM Room 144-S
 02/07/2017 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Education—SJ 141
 02/10/2017 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 151
 02/21/2017 Senate—Committee of the Whole - Be passed—SJ 186
 02/22/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 196
 02/22/2017 House—Received and Introduced
 02/23/2017 House—Referred to Committee on Education—HJ 336

- 03/29/2017 House—Withdrawn from Committee on Education; Referred to Committee on Appropriations—HJ 560
- 05/04/2018 House—Died in House Committee
- S 76** Bill by Federal and State Affairs
Professional occupations; restrictions on fees and licensing requirements.
 01/24/2017 Senate—Introduced—SJ 65
 01/25/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 73
 01/27/2017 Senate—Hearing: Wednesday, February 01, 2017, 10:30 AM Room 144-S
 03/27/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 355
 01/11/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs—SJ 1484
 05/04/2018 Senate—Died in Committee
- S 77** Bill by Federal and State Affairs
Wildlife, parks and tourism and the Bob Grant bison herd.
 01/24/2017 Senate—Introduced—SJ 65
 01/25/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 73
 01/27/2017 Senate—Hearing: Tuesday, January 31, 2017, 10:30 AM Room 144-S
 01/31/2017 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 111
 02/10/2017 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 151
 01/11/2018 Senate—Motion to strike from Calendar adopted—SJ 1484
- S 79** Bill by Ethics, Elections and Local Government
Elections; voter identification; affidavit in lieu of photo identification.
 01/25/2017 Senate—Introduced—SJ 72
 01/26/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 76
 05/04/2018 Senate—Died in Committee
- S 80** Bill by Ethics, Elections and Local Government
Campaign finance reports and statements; new acknowledgment.
 01/25/2017 Senate—Introduced—SJ 72
 01/26/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 76
 05/04/2018 Senate—Died in Committee
- S 81** Bill by Ethics, Elections and Local Government
Campaign finance; certain exemptions from filing reports.
 01/25/2017 Senate—Introduced—SJ 72
 01/26/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 76
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 09:30 AM Room 142-S
 02/16/2017 Senate—Committee Report recommending bill be passed by Committee on Ethics, Elections and Local Government—SJ 169
 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Ethics, Elections and Local Government—SJ 298
 05/04/2018 Senate—Died in Committee
- S 82** Bill by Public Health and Welfare
Establishing restrictions on health insurance use of step therapy protocols.
 01/25/2017 Senate—Introduced—SJ 72

- 01/26/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 76
 02/08/2017 Senate—Hearing: Monday, February 13, 2017, 09:30 AM Room 118-N
 05/04/2018 Senate—Died in Committee
- S 84** Bill by Federal and State Affairs
Highway patrol; when certain appointments terminated; return to rank.
 01/25/2017 Senate—Introduced—SJ 73
 01/26/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 76
 01/27/2017 Senate—Hearing: Tuesday, January 31, 2017, 10:30 AM Room 144-S
 01/31/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 111
- 01/11/2018 Senate—Motion to strike from Calendar adopted—SJ 1484
- S 87** Bill by Financial Institutions and Insurance
Amending the Kansas credit services organization act.
 01/25/2017 Senate—Introduced—SJ 73
 01/26/2017 Senate—Hearing: Wednesday, February 01, 2017, 09:30 AM Room 546-S
 01/26/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 76
 02/16/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 170
 02/21/2017 Senate—Committee of the Whole - Be passed as amended—SJ 185
 02/22/2017 Senate—Final Action - Passed as amended; Yea: 36 Nay: 4—SJ 196
 02/22/2017 House—Received and Introduced
 02/23/2017 House—Referred to Committee on Financial Institutions and Pensions—HJ 336
 02/23/2017 House—Hearing: Wednesday, March 08, 2017, 09:00 AM Room 281-N
 05/04/2018 House—Died in House Committee
- S 88** Bill by Transportation
Reposessed certificates of title fees; repealing the reposessed certificates of title fee fund.
 01/26/2017 Senate—Introduced—SJ 75
 01/27/2017 Senate—Referred to Committee on Transportation—SJ 78
 02/07/2017 Senate—Hearing: Tuesday, February 14, 2017, 08:30 AM Room 546-S
 02/20/2017 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 182
 02/22/2017 Senate—Committee of the Whole - Be passed—SJ 197
 02/23/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 204
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Transportation—HJ 360
 03/13/2017 House—Hearing: Thursday, March 16, 2017, 01:30 PM Room 582-N
 05/04/2018 House—Died in House Committee
- S 90** Bill by Commerce
Workers compensation impairment determination.
 01/26/2017 Senate—Introduced—SJ 75
 01/27/2017 Senate—Referred to Committee on Commerce—SJ 78
 05/04/2018 Senate—Died in Committee
- S 91** Bill by Financial Institutions and Insurance
Increasing the deductible for certain participants of controlled insurance programs.
 01/26/2017 Senate—Introduced—SJ 75

- 01/27/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 78
- 02/07/2017 Senate—Hearing: Wednesday, February 15, 2017, 09:30 AM Room 546-S
- 05/04/2018 Senate—Died in Committee
- S 92**
Bill by Judiciary
Requiring electronic recording of certain custodial interrogations.
01/26/2017 Senate—Introduced—SJ 76
01/27/2017 Senate—Referred to Committee on Judiciary—SJ 78
02/01/2017 Senate—Hearing: Tuesday, February 07, 2017, 10:30 AM Room 346-S
02/08/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 147
02/21/2017 Senate—Committee of the Whole - Be passed as amended—SJ 185
02/22/2017 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 196
02/22/2017 House—Received and Introduced
02/23/2017 House—Referred to Committee on Judiciary—HJ 336
02/23/2017 House—Hearing: Wednesday, March 08, 2017, 03:30 PM Room 112-N
03/29/2017 House—Withdrawn from Committee on Judiciary; Referred to Committee on Appropriations—HJ 560
05/04/2018 House—Died in House Committee
- S 93**
Bill by Judiciary
Revocation timeframe of drivers' licenses for certain offenses.
01/26/2017 Senate—Introduced—SJ 76
01/27/2017 Senate—Referred to Committee on Judiciary—SJ 78
02/01/2017 Senate—Hearing: Tuesday, February 07, 2017, 10:30 AM Room 346-S
02/13/2017 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 154
02/22/2017 Senate—Committee of the Whole - Be passed—SJ 197
02/23/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 205
02/23/2017 House—Received and Introduced—HJ 349
03/06/2017 House—Referred to Committee on Judiciary—HJ 359
03/08/2017 House—Hearing: Monday, March 13, 2017, 03:30 PM Room 112-N
03/29/2017 House—Withdrawn from Committee on Judiciary; Referred to Committee on Appropriations—HJ 560
05/04/2018 House—Died in House Committee
- S 94**
Bill by Ways and Means
Increasing the health maintenance organization privilege fee and extending the medical assistance fee fund.
01/26/2017 Senate—Introduced—SJ 76
01/27/2017 Senate—Referred to Committee on Ways and Means—SJ 78
02/01/2017 Senate—Hearing: Monday, February 06, 2017, 10:30 AM Room 548-S
02/15/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 164
03/15/2017 Senate—Committee of the Whole - Be passed as further amended—SJ 249
03/16/2017 Senate—Final Action - Passed as amended; Yea: 27 Nay: 13—SJ 269
03/17/2017 House—Received and Introduced
03/20/2017 House—Referred to Committee on Appropriations—HJ 467
05/04/2018 House—Died in House Committee
- S 97**
Bill by Assessment and Taxation

Substitute for SB 97 by Committee on Assessment and Taxation - Relating to taxation, income tax, rates, modifications.

01/26/2017 Senate—Introduced—SJ 76

01/27/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 78

02/01/2017 Senate—Hearing: Thursday, February 02, 2017, 09:30 AM Room 548-S

02/08/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Assessment and Taxation—SJ 146

02/23/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Assessment and Taxation—SJ 211

05/09/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 632

01/11/2018 Senate—Motion to strike from Calendar adopted—SJ 1484

S 98 Bill by Senators Baumgardner, Alley, Billinger, Bowers, Estes, Fitzgerald, Goddard, Kerschen, LaTurner, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, Wilborn

Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.

01/30/2017 Senate—Introduced—SJ 107

01/31/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 110

02/01/2017 Senate—Hearing: Tuesday, February 07, 2017, 10:30 AM Room 144-S

02/08/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 146

01/11/2018 Senate—Motion to strike from Calendar adopted—SJ 1484

S 99 Bill by Transportation

Prohibiting the operation of a motor vehicle while using wireless communication device; exceptions; penalties.

01/30/2017 Senate—Introduced—SJ 107

01/31/2017 Senate—Referred to Committee on Transportation—SJ 110

02/01/2017 Senate—Hearing: Wednesday, February 08, 2017, 08:30 AM Room 546-S

05/04/2018 Senate—Died in Committee

S 102 Bill by Federal and State Affairs

Counties; abatement of nuisances; disposal of vehicles.

01/31/2017 Senate—Introduced—SJ 109

02/01/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 115

05/04/2018 Senate—Died in Committee

S 103 Bill by Federal and State Affairs

Secretary of State; political action committees prohibited.

01/31/2017 Senate—Introduced—SJ 109

02/01/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 115

05/04/2018 Senate—Died in Committee

S 104 Bill by Federal and State Affairs

Lobbyists; restrictions on tickets to events and meals for legislators.

01/31/2017 Senate—Introduced—SJ 109

02/01/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 115

05/04/2018 Senate—Died in Committee

S 105 Bill by Federal and State Affairs

- Campaign finance; contribution prohibitions for certain persons entering into contracts with the state or a municipality.**
 01/31/2017 Senate—Introduced—SJ 109
 02/01/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 115
 05/04/2018 Senate—Died in Committee
- S 106** Bill by Federal and State Affairs
Campaign finance; prohibiting certain campaign contributions by KanCare providers.
 01/31/2017 Senate—Introduced—SJ 109
 02/01/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 115
 05/04/2018 Senate—Died in Committee
- S 107** Bill by Federal and State Affairs
Authorizing the attorney general to establish a system of legal representation charges and collect such charges from state agencies.
 01/31/2017 Senate—Introduced—SJ 109
 02/01/2017 Senate—Referred to Committee on Judiciary—SJ 115
 02/06/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 131
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 10:30 AM Room 144-S
 02/16/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 170
 05/04/2018 Senate—Died on General Orders
- S 108** Bill by Federal and State Affairs
Personal and family protection act and public employer liability.
 01/31/2017 Senate—Introduced—SJ 109
 02/01/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 115
 02/01/2017 Senate—Hearing: Wednesday, February 08, 2017, 10:30 AM Room 144-S
 05/04/2018 Senate—Died in Committee
- S 109** Bill by Joint Special Claims Against the State
House Substitute for SB 109 by Committee on Appropriations - Appropriations for FY 2018, FY 2019, FY 2020, FY 2021, FY 2022, FY 2023 and FY 2024 for various state agencies; omnibus appropriation act of 2018; capital improvement projects; claims against the state.
 01/31/2017 Senate—Introduced—SJ 110
 02/01/2017 Senate—Referred to Committee on Ways and Means—SJ 115
 02/08/2017 Senate—Hearing: Monday, February 13, 2017, 10:30 AM Room 548-S
 03/14/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 245
 03/23/2017 Senate—Committee of the Whole - Be passed as amended—SJ 311
 03/23/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 313
 03/24/2017 House—Received and Introduced—HJ 514
 03/27/2017 House—Referred to Committee on Appropriations—HJ 526
 05/01/2017 House—Hearing: Tuesday, May 02, 2017, 10:00 AM Room 112-N
 06/07/2017 House—Committee Report recommending substitute bill be passed by Committee on Appropriations—HJ 1433

- 06/08/2017 House—Motion to suspend House Rule 3905 regarding the printing of appropriation bills adopted.—HJ 1438
 - 06/08/2017 House—Committee of the Whole - Substitute bill be passed as amended—HJ 1446
 - 06/08/2017 House—Emergency Final Action - Substitute passed as amended; Yea: 99 Nay: 23—HJ 1448
 - 06/09/2017 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator McGinn, Senator Billinger and Senator Kelly as conferees—SJ 1055
 - 06/09/2017 House—Motion to accede adopted; Representative Waymaster, Representative Davis and Representative Wolfe Moore appointed as conferees—HJ 1456
 - 04/06/2018 Senate—Senator Baumgardner, Senator Denning, and Senator Hensley are appointed to replace Senator McGinn, Senator Billinger, and Senator Kelly on the Conference Committee—SJ 2011
 - 04/06/2018 House—Representative Patton, Representative Huebert, and Representative Trimmer are appointed to replace Representative Waymaster, Representative Davis, and Representative Wolfe Moore on the Conference Committee—HJ 2799
 - 04/30/2018 Senate—Senator McGinn, Senator Billinger, and Senator Kelly are appointed to replace Senator Baumgardner, Senator Denning, and Senator Hensley on the Conference Committee—SJ 2116
 - 04/30/2018 House—Representative Waymaster, Representative Proehl, and Representative Wolfe Moore are appointed to replace Representative Patton, Representative Huebert, and Representative Trimmer on the Conference Committee—HJ 2956
 - 05/03/2018 House—Conference Committee Report was adopted; Yea: 98 Nay: 23—HJ 3121
 - 05/03/2018 Senate—Conference Committee Report was adopted; Yea: 26 Nay: 14—SJ 2336
 - 05/04/2018 Senate—Enrolled and presented to Governor on Wednesday, May 09, 2018
 - 05/04/2018 Senate—Approved by Governor except line item veto of Sections 9, 43(b), 44(a)-part, 45(a)-part, 58(e)-part, 59(a)-part, 67(i), 68(a)-part, 68(i), 74(e), and 100(b-d) on Tuesday, May 15, 2018
 - 05/04/2018 Senate—No motion to reconsider line item vetoes; Vetoes sustained
- S 111**
Bill by Assessment and Taxation
Substitute for SB 111 by Committee on Assessment and Taxation - Requiring certain remote sellers to collect Kansas sales tax.
- 01/31/2017 Senate—Introduced—SJ 110
 - 02/01/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 115
 - 02/03/2017 Senate—Hearing: Wednesday, February 08, 2017, 09:30 AM Room 548-S
 - 04/05/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 484
 - 03/20/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Assessment and Taxation—SJ 1762
 - 04/03/2018 Senate—Committee Report recommending substitute bill be passed by Committee on Assessment and Taxation—SJ 1944
 - 05/04/2018 Senate—Died on General Orders

- S 113** Bill by Judiciary
Making burglary of a dwelling a person felony.
 01/31/2017 Senate—Introduced—SJ 110
 02/01/2017 Senate—Referred to Committee on Judiciary—SJ 115
 02/01/2017 Senate—Hearing: Wednesday, February 08, 2017, 10:30 AM Room 346-S
 05/04/2018 Senate—Died in Committee
- S 114** Bill by Judiciary
Clarifying admissibility of certain tests for drugs or alcohol in proceedings under the revised Kansas code for care of children.
 01/31/2017 Senate—Introduced—SJ 110
 02/01/2017 Senate—Referred to Committee on Judiciary—SJ 115
 02/01/2017 Senate—Hearing: Wednesday, February 08, 2017, 10:30 AM Room 346-S
 02/14/2017 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 157
 02/23/2017 Senate—Committee of the Whole - Be passed—SJ 207
 02/23/2017 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 209
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Judiciary—HJ 359
 03/08/2017 House—Hearing: Tuesday, March 14, 2017, 03:30 PM Room 112-N
 03/29/2017 House—Withdrawn from Committee on Judiciary; Referred to Committee on Appropriations—HJ 560
 05/04/2018 House—Died in House Committee
- S 115** Bill by Ways and Means
State finances; requiring the KPERS board to liquidate the pooled money investment portfolio pursuant to K.S.A. 2016 Supp. 75-2263; transferring money to the state general fund and to the pooled money investment portfolio; authorizing the pooled money investment board to invest idle funds available for long term investment.
 01/31/2017 Senate—Introduced—SJ 110
 02/01/2017 Senate—Hearing: Thursday, February 02, 2017, 10:30 AM Room 548-S
 02/01/2017 Senate—Referred to Committee on Ways and Means—SJ 115
 02/07/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 142
 01/11/2018 Senate—Motion to strike from Calendar adopted—SJ 1484
- S 116** Bill by Assessment and Taxation
Repealing certain obsolete or expired sections relating to taxation.
 01/31/2017 Senate—Introduced—SJ 110
 02/01/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 115
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 09:30 AM Room 548-S
 03/07/2017 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Assessment and Taxation—SJ 221
 03/09/2017 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 226
 05/04/2018 Senate—Died on General Orders
- S 117** Bill by Agriculture and Natural Resources
Allowing boards of county commissioners to declare the wild blackberry a noxious weed within counties.
 02/01/2017 Senate—Introduced—SJ 113

- 02/02/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 120
- 02/08/2017 Senate—Hearing and possible action: Monday, February 13, 2017, 08:30 AM Room 159-S
- 02/16/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 169
- 02/23/2017 Senate—Withdrawn from Calendar; Referred to Committee on Federal and State Affairs—SJ 211
- 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs and re-referred to Committee of the Whole—SJ 214
- 03/16/2017 Senate—Committee of the Whole - Be passed as amended—SJ 270
- 03/16/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 288
- 03/17/2017 House—Received and Introduced—HJ 460
- 03/17/2017 House—Hearing: Monday, March 20, 2017, 03:30 PM Room 582-N
- 03/20/2017 House—Referred to Committee on Agriculture—HJ 467
- 05/04/2018 House—Died in House Committee
- S 118** Bill by Ethics, Elections and Local Government
Voter registration; departments of aging and disability services, children and families; labor and state board of education.
- 02/01/2017 Senate—Introduced—SJ 113
- 02/02/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 120
- 05/04/2018 Senate—Died in Committee
- S 119** Bill by Utilities
Kansas universal service fund and Kansas lifeline support.
- 02/01/2017 Senate—Introduced—SJ 113
- 02/02/2017 Senate—Referred to Committee on Utilities—SJ 121
- 02/06/2017 Senate—Hearing: Thursday, February 16, 2017, 01:30 PM Room 548-S
- 05/04/2018 Senate—Died in Committee
- S 121** Bill by Judiciary
Enacting the Kansas protection of firearms rights act.
- 02/01/2017 Senate—Introduced—SJ 114
- 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
- 02/06/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 131
- 03/27/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 355
- 05/04/2018 Senate—Died on General Orders
- S 122** Bill by Judiciary
Increasing the penalty for certain violations of criminal discharge of a firearm.
- 02/01/2017 Senate—Introduced—SJ 114
- 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
- 02/07/2017 Senate—Hearing: Wednesday, February 15, 2017, 10:30 AM Room 346-S
- 05/04/2018 Senate—Died in Committee
- S 123** Bill by Judiciary
Amending ignition interlock requirements for certain first time DUI-related offenses.
- 02/01/2017 Senate—Introduced—SJ 114

- 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
 02/07/2017 Senate—Hearing: Tuesday, February 14, 2017, 10:30 AM Room 346-S
 05/04/2018 Senate—Died in Committee
- S 125** Bill by Judiciary
Providing compensation to a person who was wrongfully convicted; providing compensation to the heirs of a person who was wrongfully executed.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
 02/07/2017 Senate—Hearing: Tuesday, February 14, 2017, 10:30 AM Room 346-S
 05/04/2018 Senate—Died in Committee
- S 127** Bill by Transportation
Requiring an annual registration for escort vehicles.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Transportation—SJ 120
 02/07/2017 Senate—Hearing: Tuesday, February 14, 2017, 08:30 AM Room 546-S
 02/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 182
 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Transportation—SJ 298
 05/04/2018 Senate—Died in Committee
- S 128** Bill by Senator Haley
Increasing criminal penalties for hate crimes and establishing reporting requirements for law enforcement agencies.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
 02/23/2017 Senate—Hearing: Wednesday, March 08, 2017, 10:30 AM Room 346-S
 02/23/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 211
 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Judiciary—SJ 214
 05/04/2018 Senate—Died in Committee
- S 129** Bill by Assessment and Taxation
Allowing a board of county commissioners to exempt certain property located in a federal enclave.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 120
 05/04/2018 Senate—Died in Committee
- S 130** Bill by Assessment and Taxation
Electronic cigarettes, definitions, enforcement.
 02/01/2017 Senate—Introduced—SJ 114
 02/02/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 120
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 09:30 AM Room 548-S
 03/07/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 221
 03/16/2017 Senate—Committee of the Whole - Be passed as amended—SJ 270
 03/16/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 288
 03/17/2017 House—Received and Introduced—HJ 460
 03/20/2017 House—Referred to Committee on Taxation—HJ 467
 03/22/2017 House—Hearing: Thursday, March 23, 2017, 03:30 PM Room 582-N

- 05/04/2018 House—Died in House Committee
- S 131** Bill by Senators Tyson, Baumgardner, Bollier, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, McGinn, Pettey, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Wilborn
- Larned and Osawatomie state hospital privatization prohibition amendments.**
02/01/2017 Senate—Introduced—SJ 114
02/02/2017 Senate—Referred to Committee on Ways and Means—SJ 121
05/04/2018 Senate—Died in Committee
- S 132** Bill by Ethics, Elections and Local Government
- Regional system of cooperating libraries and board representatives.**
02/01/2017 Senate—Introduced—SJ 114
02/02/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 120
02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 09:30 AM Room 142-S
02/16/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics, Elections and Local Government—SJ 170
03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Ethics, Elections and Local Government—SJ 298
05/04/2018 Senate—Died in Committee
- S 133** Bill by Federal and State Affairs
- Requiring e-verify for certain public contracts, enacting the Kansas employer e-verify accountability act.**
02/01/2017 Senate—Introduced—SJ 114
02/02/2017 Senate—Referred to Committee on Commerce—SJ 120
05/04/2018 Senate—Died in Committee
- S 134** Bill by Federal and State Affairs
- Enhancing the penalty for misclassification of employees for purposes of evading taxes or unemployment insurance contributions.**
02/01/2017 Senate—Introduced—SJ 115
02/02/2017 Senate—Referred to Committee on Commerce—SJ 120
05/04/2018 Senate—Died in Committee
- S 135** Bill by Federal and State Affairs
- Driver's license examiners; converted from classified to unclassified positions.**
02/01/2017 Senate—Introduced—SJ 115
02/02/2017 Senate—Referred to Committee on Transportation—SJ 120
02/07/2017 Senate—Withdrawn from Committee on Transportation; Referred to Committee on Federal and State Affairs—SJ 140
02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 10:30 AM Room 144-S
02/16/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 170
03/29/2017 Senate—Committee of the Whole - Be passed—SJ 379
03/30/2017 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 398
04/03/2017 House—Received and Introduced—HJ 578
04/04/2017 House—Referred to Committee on Federal and State Affairs—HJ 595
04/04/2017 House—Hearing: Thursday, April 06, 2017, 08:00 AM Room 346-S
05/04/2018 House—Died in House Committee
- S 136** Bill by Judiciary
- Mandatory expungement of arrest records of a person arrested as a result of mistaken identity or identity theft.**

- 02/01/2017 Senate—Introduced—SJ 115
 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
 02/07/2017 Senate—Hearing: Wednesday, February 15, 2017, 10:30 AM Room 346-S
 02/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 181
 02/23/2017 Senate—Committee of the Whole - Be passed as amended—SJ 207
 02/23/2017 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 1—SJ 209
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Judiciary—HJ 359
 03/08/2017 House—Hearing: Wednesday, March 15, 2017, 03:30 PM Room 112-N
 03/29/2017 House—Withdrawn from Committee on Judiciary; Referred to Committee on Appropriations—HJ 560
 05/04/2018 House—Died in House Committee
- S 137** Bill by Ways and Means
Death benefits for certain KP&F surviving spouses.
 02/01/2017 Senate—Introduced—SJ 115
 02/02/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 120
 02/13/2017 Senate—Hearing: Thursday, February 16, 2017, 09:30 AM Room 546-S
 02/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 180
 03/16/2017 Senate—Committee of the Whole - Be passed as amended—SJ 270
 03/16/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 288
 03/17/2017 House—Received and Introduced—HJ 460
 03/20/2017 House—Referred to Committee on Financial Institutions and Pensions—HJ 467
 05/04/2018 House—Died in House Committee
- S 138** Bill by Ways and Means
KPERS working after retirement; exempting licensed school retirants from earnings limitation; sunseting special exemptions; waiting period.
 02/01/2017 Senate—Introduced—SJ 115
 02/02/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 120
 03/09/2017 Senate—Hearing: Tuesday, March 14, 2017, 09:30 AM Room 546-S
 03/24/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 334
 03/30/2017 Senate—Committee of the Whole - Be passed as further amended—SJ 413
 03/30/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 424
 04/03/2017 House—Received and Introduced—HJ 578
 04/04/2017 House—Referred to Committee on Financial Institutions and Pensions—HJ 595
 05/04/2018 House—Died in House Committee
- S 139** Bill by Federal and State Affairs
Exercise of religious freedom by postsecondary student associations; repealed.
 02/01/2017 Senate—Introduced—SJ 115

- 02/02/2017 Senate—Referred to Committee on Education—SJ 120
 02/02/2017 Senate—Withdrawn from Committee on Education; Referred to
 Committee on Federal and State Affairs—SJ 121
 05/04/2018 Senate—Died in Committee
- S 140** Bill by Federal and State Affairs
**Sales tax exemptions; Kansas dui impact center, inc.; active aging publishing
 inc.**
 02/01/2017 Senate—Introduced—SJ 115
 02/02/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 120
 04/04/2017 Senate—Committee Report recommending bill be passed by Committee
 on Assessment and Taxation—SJ 441
 05/04/2018 Senate—Died on General Orders
- S 141** Bill by Judiciary
Amending provisions relating to municipal appearance bonds.
 02/01/2017 Senate—Introduced—SJ 115
 02/02/2017 Senate—Referred to Committee on Judiciary—SJ 120
 02/07/2017 Senate—Hearing: Monday, February 13, 2017, 10:30 AM Room 346-S
 05/04/2018 Senate—Died in Committee
- S 142** Bill by Ways and Means
State health care benefits program amendments.
 02/02/2017 Senate—Introduced—SJ 117
 02/03/2017 Senate—Referred to Committee on Ways and Means—SJ 127
 05/04/2018 Senate—Died in Committee
- S 143** Bill by Financial Institutions and Insurance
**Establishing a notary public education course as a requirement for
 appointment.**
 02/02/2017 Senate—Introduced—SJ 117
 02/03/2017 Senate—Referred to Committee on Financial Institutions and Insurance
 —SJ 127
 02/07/2017 Senate—Hearing: Tuesday, February 14, 2017, 09:30 AM Room 546-S
 05/04/2018 Senate—Died in Committee
- S 144** Bill by Transportation
**Prohibiting the use of a wireless communication device in a school zone or a
 road construction zone.**
 02/02/2017 Senate—Introduced—SJ 118
 02/03/2017 Senate—Referred to Committee on Transportation—SJ 127
 02/06/2017 Senate—Hearing: Wednesday, February 08, 2017, 08:30 AM Room
 546-S
 02/14/2017 Senate—Committee Report recommending bill be passed as amended
 by Committee on Transportation—SJ 157
 02/21/2017 Senate—Committee of the Whole - Be passed as amended—SJ 187
 02/22/2017 Senate—Final Action - Passed as amended; Yea: 21 Nay: 17—SJ 197
 02/22/2017 House—Received and Introduced
 02/23/2017 House—Referred to Committee on Transportation—HJ 336
 03/08/2017 House—Hearing: Thursday, March 16, 2017, 01:30 PM Room 582-N
 05/04/2018 House—Died in House Committee
- S 145** Bill by Education
**Amending the Kansas state high school activities association school
 classification system.**
 02/02/2017 Senate—Introduced—SJ 118

- 02/03/2017 Senate—Referred to Committee on Education—SJ 127
 05/04/2018 Senate—Died in Committee
- S 146** Bill by Assessment and Taxation
Continuation of 20 mill statewide levy for schools and property tax exemption of certain portion of property used for residential purposes from such levy.
 02/02/2017 Senate—Introduced—SJ 118
 02/03/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 127
 03/08/2017 Senate—Hearing: Tuesday, March 14, 2017, 09:30 AM Room 548-S
 04/05/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 485
 04/06/2017 Senate—Committee of the Whole - Be passed as further amended—SJ 489
 04/06/2017 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 491
 04/06/2017 House—Received and Introduced—HJ 644
 04/07/2017 House—Referred to Committee on Taxation—HJ 668
 05/09/2017 House—Hearing: Wednesday, May 10, 2017, 03:30 PM Room 346-S
 05/12/2017 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 948
 05/04/2018 House—Died on House Calendar
- S 147** Bill by Assessment and Taxation
Kansas income tax act; providing changes in rates, itemized deductions, and determination of Kansas adjusted gross income and sunseting certain modifications.
 02/02/2017 Senate—Introduced—SJ 118
 02/03/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 127
 02/06/2017 Senate—Hearing: Monday, February 06, 2017, 09:30 AM Room 548-S
 02/07/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 141
 02/13/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Assessment and Taxation—SJ 153
 02/15/2017 Senate—Committee Report, be amended without recommendation by Committee on Assessment and Taxation—SJ 161
 02/23/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Assessment and Taxation—SJ 211
 05/04/2018 Senate—Died in Committee
- S 148** Bill by Senator Haley
Interstate compact on the agreement among the states to elect the president by national popular vote.
 02/02/2017 Senate—Introduced—SJ 118
 02/03/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 127
 05/04/2018 Senate—Died in Committee
- S 150** Bill by Judiciary
Amending responsibilities for certain costs under the Kansas sexually violent predator act.
 02/03/2017 Senate—Introduced—SJ 126
 02/06/2017 Senate—Referred to Committee on Judiciary—SJ 131
 02/07/2017 Senate—Hearing: Tuesday, February 14, 2017, 10:30 AM Room 346-S

- 05/04/2018 Senate—Died in Committee
S 151 Bill by Judiciary
Eliminating criminal and professional penalties for non-intoxicating cannabinoid medicines.
 02/03/2017 Senate—Introduced—SJ 126
 02/06/2017 Senate—Referred to Committee on Judiciary—SJ 131
 02/06/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 131
 05/04/2018 Senate—Died in Committee
S 152 Bill by Public Health and Welfare
Allowing physicians, physician assistants and advanced practice registered nurses to utilize expedited partner therapy.
 02/03/2017 Senate—Introduced—SJ 127
 02/06/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 131
 05/04/2018 Senate—Died in Committee
S 153 Bill by Public Health and Welfare
Requiring targeted case management for recipients of home and community based services.
 02/03/2017 Senate—Introduced—SJ 127
 02/06/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 131
 02/08/2017 Senate—Hearing: Monday, February 13, 2017, 09:30 AM Room 118-N
 02/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 182
 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Public Health and Welfare—SJ 298
 05/04/2018 Senate—Died in Committee
S 155 Bill by Senator Haley
Substitute for Senate Bill 155 by Committee on Federal and State Affairs - Eliminating criminal and professional penalties for non-intoxicating cannabinoid medicine.
 02/03/2017 Senate—Introduced—SJ 127
 02/06/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 131
 02/15/2017 Senate—Hearing: Monday, February 20, 2017, 10:30 AM Room 144-S
 03/10/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—SJ 229
 01/11/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs—SJ 1484
 05/04/2018 Senate—Died in Committee
S 156 Bill by Judiciary
Amending the crime of creating a hazard to include leaving certain loaded firearms in a place accessible to children.
 02/06/2017 Senate—Introduced—SJ 130
 02/07/2017 Senate—Referred to Committee on Judiciary—SJ 138
 02/09/2017 Senate—Hearing: Wednesday, February 15, 2017, 10:30 AM Room 346-S
 05/04/2018 Senate—Died in Committee
S 157 Bill by Federal and State Affairs
Kansas highway patrol; immigration agreement.
 02/06/2017 Senate—Introduced—SJ 130
 02/07/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 138

- 02/08/2017 Senate—Hearing: Wednesday, February 15, 2017, 10:30 AM Room 144-S
- 03/28/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 368
- 05/04/2018 Senate—Died on General Orders
- S 158** Bill by Federal and State Affairs
Prohibiting adoption of sanctuary policies by cities, counties and state agencies.
 02/06/2017 Senate—Introduced—SJ 131
 02/07/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 138
 02/08/2017 Senate—Hearing: Wednesday, February 15, 2017, 10:30 AM Room 144-S
 03/27/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 355
 05/04/2018 Senate—Died on General Orders
- S 159** Bill by Senator Hensley
Claims against the state.
 02/06/2017 Senate—Introduced—SJ 131
 02/07/2017 Senate—Referred to Committee on Ways and Means—SJ 138
 05/04/2018 Senate—Died in Committee
- S 160** Bill by Ways and Means
Establishing an independent home and community based services ombudsman.
 02/06/2017 Senate—Introduced—SJ 131
 02/07/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 138
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 09:30 AM Room 118-N
 02/20/2017 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 182
 05/04/2018 Senate—Died on General Orders
- S 161** Bill by Ways and Means
Allotments; requiring the governor and secretary of administration to act under certain circumstances.
 02/06/2017 Senate—Introduced—SJ 131
 02/07/2017 Senate—Referred to Committee on Ways and Means—SJ 138
 02/08/2017 Senate—Hearing: Wednesday, February 15, 2017, 10:30 AM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 162** Bill by Ways and Means
Amending statutes concerning dangerous regulated animals.
 02/06/2017 Senate—Introduced—SJ 131
 02/07/2017 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 138
 05/04/2018 Senate—Died in Committee
- S 163** Bill by Commerce
Kansas liquor control act and retailer's licenses.
 02/06/2017 Senate—Introduced—SJ 131
 02/07/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 138
 05/04/2018 Senate—Died in Committee
- S 164** Bill by Federal and State Affairs
Club and drinking establishment act and the consumption of alcoholic beverages.
 02/07/2017 Senate—Introduced—SJ 137

- 02/08/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 144
 02/15/2017 Senate—Hearing: Monday, February 20, 2017, 10:30 AM Room 144-S
 05/04/2018 Senate—Died in Committee
- S 165** Bill by Public Health and Welfare
Providing insurance coverage for opioid-related treatments and establishing standards for use of emergency opioid antagonists.
 02/07/2017 Senate—Introduced—SJ 137
 02/08/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 144
 02/15/2017 Senate—Hearing: Monday, February 20, 2017, 09:30 AM Room 118-N
 05/04/2018 Senate—Died in Committee
- S 167** Bill by Assessment and Taxation
Property tax lid; cities and counties; repealed.
 02/07/2017 Senate—Introduced—SJ 138
 02/08/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 144
 05/04/2018 Senate—Died in Committee
- S 168** Bill by Federal and State Affairs
Kansas lottery; repeal sunset.
 02/07/2017 Senate—Introduced—SJ 138
 02/08/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 144
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 10:30 AM Room 144-S
 05/04/2018 Senate—Died in Committee
- S 169** Bill by Federal and State Affairs
Kansas lottery; permit lottery ticket vending machines.
 02/07/2017 Senate—Introduced—SJ 138
 02/08/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 144
 02/08/2017 Senate—Hearing: Tuesday, February 14, 2017, 10:30 AM Room 144-S
 03/13/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 240
 01/11/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs—SJ 1484
 05/04/2018 Senate—Died in Committee
- S 170** Bill by Senator Faust-Goudeau
Kansas department for children and families and performance-based contracting.
 02/07/2017 Senate—Introduced—SJ 138
 02/08/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 144
 05/04/2018 Senate—Died in Committee
- S 171** Bill by Transportation
Removing prohibitions against certain persons from obtaining a license to drive a motorized bicycle.
 02/08/2017 Senate—Introduced—SJ 143
 02/09/2017 Senate—Referred to Committee on Transportation—SJ 148
 02/13/2017 Senate—Hearing: Thursday, February 16, 2017, 08:30 AM Room 546-S
 02/20/2017 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 182
 03/21/2017 Senate—Withdrawn from Calendar, Rereferred to Committee on Transportation—SJ 298
 05/04/2018 Senate—Died in Committee
- S 172** Bill by Ways and Means
Prohibiting the use of conversion therapy.

- 02/08/2017 Senate—Introduced—SJ 143
 02/09/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 148
 05/04/2018 Senate—Died in Committee
- S 173** Bill by Ways and Means
Department of health and environment-division of health care finance, appropriations for fiscal years 2018, 2019 and 2020 for 5% rate increase for providers under the home and community based services medicaid waivers.
 02/08/2017 Senate—Introduced—SJ 143
 02/09/2017 Senate—Referred to Committee on Ways and Means—SJ 148
 02/22/2017 Senate—Hearing: Tuesday, March 07, 2017, 10:30 AM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 176** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, Pettey, Rogers
Kansas buy American act.
 02/08/2017 Senate—Introduced—SJ 144
 02/09/2017 Senate—Referred to Committee on Commerce—SJ 148
 05/04/2018 Senate—Died in Committee
- S 177** Bill by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey, Rogers
Hiring Kansans first.
 02/08/2017 Senate—Introduced—SJ 144
 02/09/2017 Senate—Referred to Committee on Commerce—SJ 148
 05/04/2018 Senate—Died in Committee
- S 178** Bill by Senator Haley
Legalizing limited use of marijuana and authorizing the department of revenue to adopt rules and regulations related thereto.
 02/08/2017 Senate—Introduced—SJ 144
 02/09/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 148
 05/04/2018 Senate—Died in Committee
- S 179** Bill by Judiciary
House Substitute for SB 179 by Committee on Judiciary - Creating juvenile crisis intervention centers, amending the revised Kansas code for care of children and the newborn infant protection act and amending certain powers and duties of the secretary for children and families.
 02/10/2017 Senate—Introduced—SJ 150
 02/13/2017 Senate—Referred to Committee on Judiciary—SJ 153
 02/23/2017 Senate—Hearing: Tuesday, March 07, 2017, 10:30 AM Room 346-S
 02/23/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 211
 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Judiciary—SJ 214
 03/10/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 231
 03/30/2017 Senate—Committee of the Whole - Be passed as amended—SJ 413
 03/30/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 425
 04/03/2017 House—Received and Introduced—HJ 578
 04/04/2017 House—Referred to Committee on Judiciary—HJ 595
 03/12/2018 House—Hearing: Monday, March 12, 2018, 03:30 PM Room 112-N

- 03/26/2018 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 2653
- 03/28/2018 House—Committee of the Whole - Substitute bill be passed—HJ 2691
- 03/29/2018 House—Final Action - Substitute passed; Yea: 124 Nay: 0—HJ 2698
- 04/02/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 1937
- 04/02/2018 House—Motion to accede adopted; Representative Finch, Representative Ralph and Representative Carmichael appointed as conferees—HJ 2730
- 05/02/2018 House—Conference Committee Report was adopted; Yea: 121 Nay: 0—HJ 3043
- 05/03/2018 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2244
- 05/04/2018 Senate—Enrolled and presented to Governor on Friday, May 11, 2018
- 05/04/2018 Senate—Approved by Governor on Monday, May 14, 2018
- S 180** Bill by Judiciary
- Providing for law enforcement agencies to request and receive files concerning applicants previously employed by another state or local law enforcement agency and establishing confidentiality of records contained in the central registry of all Kansas law enforcement officers.**
- 02/10/2017 Senate—Introduced—SJ 150
- 02/13/2017 Senate—Referred to Committee on Judiciary—SJ 153
- 02/23/2017 Senate—Hearing: Tuesday, March 07, 2017, 10:30 AM Room 346-S
- 02/23/2017 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 211
- 03/06/2017 Senate—Withdrawn from Committee on Federal and State Affairs; Rereferred to Committee on Judiciary—SJ 214
- 03/07/2017 Senate—Hearing: Wednesday, March 08, 2017, 10:30 AM Room 346-S
- 02/01/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1531
- 02/08/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1556
- 02/08/2018 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 1557
- 02/12/2018 House—Received and Introduced—HJ 2295
- 02/13/2018 House—Referred to Committee on Judiciary—HJ 2299
- 03/12/2018 House—Hearing: Monday, March 12, 2018, 03:30 PM Room 112-N
- 03/21/2018 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 2561
- 03/28/2018 House—Committee of the Whole - Be passed as amended—HJ 2686
- 03/29/2018 House—Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 2699
- 04/02/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 1937
- 04/02/2018 House—Motion to accede adopted; Representative Finch, Representative Ralph and Representative Carmichael appointed as conferees—HJ 2730
- 05/01/2018 House—Conference Committee Report was adopted; Yea: 98 Nay: 23—HJ 2989

- 05/02/2018 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2202
- 05/04/2018 Senate—Enrolled and presented to Governor on Tuesday, May 08, 2018
- 05/04/2018 Senate—Approved by Governor on Thursday, May 10, 2018
- S 181** Bill by Transportation
Allowing certain persons with suspended drivers' licenses to enter into amnesty agreements with the district court.
 02/10/2017 Senate—Introduced—SJ 150
 02/13/2017 Senate—Referred to Committee on Transportation—SJ 153
 02/13/2017 Senate—Hearing: Thursday, February 16, 2017, 08:30 AM Room 546-S
 02/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 183
 02/22/2017 Senate—Committee of the Whole - Be passed as amended—SJ 197
 02/23/2017 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 206
 02/23/2017 House—Received and Introduced—HJ 349
 03/06/2017 House—Referred to Committee on Transportation—HJ 360
 03/14/2017 House—Withdrawn from Committee on Transportation; Referred to Committee on Judiciary—HJ 385
 03/29/2017 House—Withdrawn from Committee on Judiciary; Referred to Committee on Appropriations—HJ 560
 01/11/2018 House—Withdrawn from Committee on Appropriations; Rereferred to Committee on Judiciary—HJ 2137
 01/11/2018 House—Hearing: Thursday, January 18, 2018, 03:30 PM Room 112-N
- S 182** 05/04/2018 House—Died in House Committee
 Bill by Federal and State Affairs
Requiring the state corporation commission to study certain issues relating to electric utilities.
 02/10/2017 Senate—Introduced—SJ 150
 02/13/2017 Senate—Referred to Committee on Utilities—SJ 153
- S 183** 05/04/2018 Senate—Died in Committee
 Bill by Federal and State Affairs
Requiring the state corporation commission to implement retail electric choice.
 02/10/2017 Senate—Introduced—SJ 150
 02/13/2017 Senate—Referred to Committee on Utilities—SJ 153
- S 185** 05/04/2018 Senate—Died in Committee
 Bill by Commerce
Authorizing redevelopment districts encompassing federal enclaves to impose utility franchise fees, incur debt, issue bonds and enter into lease-purchase agreements.
 02/10/2017 Senate—Introduced—SJ 150
 02/13/2017 Senate—Referred to Committee on Commerce—SJ 153
 02/07/2018 Senate—Hearing: Tuesday, February 13, 2018, 08:30 AM Room 548-S
 02/15/2018 Senate—Committee Report recommending bill be passed by Committee on Commerce—SJ 1589
 02/22/2018 Senate—Committee of the Whole - Be passed—SJ 1647
 02/22/2018 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 1648
 02/28/2018 House—Received and Introduced—HJ 2447
 03/01/2018 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 2452
 03/01/2018 House—Hearing: Tuesday, March 06, 2018, 01:30 PM Room 112-N

- 03/13/2018 House—Committee Report recommending bill be passed by Committee on Commerce, Labor and Economic Development—HJ 2500
- 03/21/2018 House—Committee of the Whole - Be passed as amended—HJ 2559
- 03/22/2018 House—Final Action - Passed as amended; Yea: 123 Nay: 2—HJ 2564
- 03/29/2018 Senate—Concurred with amendments; Yea: 39 Nay: 0—SJ 1866
- 04/02/2018 Senate—Enrolled and presented to Governor on Monday, April 02, 2018—SJ 1940
- 04/26/2018 Senate—Approved by Governor on Wednesday, April 11, 2018—SJ 2070
- S 186** Bill by Ways and Means
Reimbursement to eligible providers for medicaid ground emergency medical transportation services.
 02/10/2017 Senate—Introduced—SJ 150
 02/13/2017 Senate—Referred to Committee on Ways and Means—SJ 153
 03/20/2017 Senate—Hearing: Wednesday, March 22, 2017, 10:30 AM Room 548-S
 03/30/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 428
 04/06/2017 Senate—Committee of the Whole - Be passed as amended—SJ 488
 04/06/2017 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 492
 04/06/2017 House—Received and Introduced—HJ 644
 04/07/2017 House—Referred to Committee on Appropriations—HJ 668
 05/04/2018 House—Died in House Committee
- S 187** Bill by Public Health and Welfare
Kansas safe access act.
 02/10/2017 Senate—Introduced—SJ 150
 02/13/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 153
 05/04/2018 Senate—Died in Committee
- S 188** Bill by Assessment and Taxation
Under Kansas income tax act; providing rate changes, determination of Kansas adjusted gross income and sunseting certain modifications, and itemized and standard deductions.
 02/13/2017 Senate—Introduced—SJ 152
 02/14/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 157
 02/14/2017 Senate—Committee Report, be amended without recommendation by Committee on Assessment and Taxation—SJ 157
 02/16/2017 Senate—Committee of the Whole - Motion to recommend favorably for passage failed Yea: 10 Nay: 30—SJ 169
 01/11/2018 Senate—Motion to strike from Calendar adopted—SJ 1484
- S 189** Bill by Ways and Means
Substitute for SB 189 by Committee on Ways and Means - Appropriations for FY 2017, FY 2018, FY 2019 and FY 2020 for various state agencies.
 02/13/2017 Senate—Introduced—SJ 152
 02/14/2017 Senate—Referred to Committee on Ways and Means—SJ 157
 03/13/2017 Senate—Hearing and possible action: Friday, March 17, 2017, 10:30 AM Room 548-S
 03/27/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Ways and Means—SJ 355
 03/29/2017 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 391

- 03/30/2017 Senate—Final Action - Substitute passed as amended; Yea: 25 Nay: 15
—SJ 399
- 04/03/2017 House—Received and Introduced—HJ 578
- 04/04/2017 House—Referred to Committee on Appropriations—HJ 595
- 05/04/2018 House—Died in House Committee
- S 190** Bill by Ways and Means
Making appropriations for FY 18 and FY 19 for the judicial branch.
02/13/2017 Senate—Introduced—SJ 153
02/14/2017 Senate—Referred to Committee on Ways and Means—SJ 157
03/13/2017 Senate—Hearing and possible action: Friday, March 17, 2017, 10:30
AM Room 548-S
05/04/2018 Senate—Died in Committee
- S 191** Bill by Ways and Means
**Appropriation revisions for FY 2017, FY 2018, FY 2019, FY 2020, FY 2021, FY
2022 and FY 2023 for various state agencies.**
02/13/2017 Senate—Introduced—SJ 153
02/14/2017 Senate—Referred to Committee on Ways and Means—SJ 157
05/04/2018 Senate—Died in Committee
- S 192** Bill by Assessment and Taxation
**Under Kansas income tax act; providing rate changes, determination of Kansas
adjusted gross income and sunseting certain modifications, itemized
deductions.**
02/14/2017 Senate—Introduced—SJ 156
02/15/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 160
03/08/2017 Senate—Hearing: Tuesday, March 14, 2017, 09:30 AM Room 548-S
05/04/2018 Senate—Died in Committee
- S 193** Bill by Ways and Means
**Appropriation revisions for FY 2017, FY 2018 and FY 2019 for various state
agencies.**
02/14/2017 Senate—Introduced—SJ 156
02/15/2017 Senate—Referred to Committee on Ways and Means—SJ 160
05/04/2018 Senate—Died in Committee
- S 194** Bill by Ways and Means
Amending groundwater management district water user charges.
02/14/2017 Senate—Introduced—SJ 157
02/15/2017 Senate—Referred to Committee on Agriculture and Natural Resources
—SJ 160
03/15/2017 Senate—Hearing: Monday, March 20, 2017, 08:30 AM Room 159-S
01/24/2018 Senate—Hearing: Wednesday, January 31, 2018, 08:30 AM Room 159-
S
02/08/2018 Senate—Committee Report recommending bill be passed as amended
by Committee on Agriculture and Natural Resources—SJ 1559
02/13/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1577
02/14/2018 Senate—Final Action - Passed as amended; Yea: 34 Nay: 5—SJ 1579
02/15/2018 House—Received and Introduced—HJ 2327
02/16/2018 House—Referred to Committee on Agriculture—HJ 2335
02/28/2018 House—Hearing: Monday, March 05, 2018, 03:30 PM Room 582-N
03/08/2018 House—Committee Report recommending bill be passed by Committee
on Agriculture—HJ 2478
03/27/2018 House—Committee of the Whole - Be passed—HJ 2666

- 03/28/2018 House—Final Action - Passed; Yea: 106 Nay: 18—HJ 2679
 04/02/2018 Senate—Enrolled and presented to Governor on Friday, March 30, 2018—SJ 1940
 04/03/2018 Senate—Approved by Governor on Monday, April 2, 2018—SJ 1942
- S 195** Bill by Ways and Means
Substitute for SB 195 by Committee on Public Health and Welfare - Creating a suspended eligibility status for recipients of state medicaid services.
 02/14/2017 Senate—Introduced—SJ 157
 02/15/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 160
 01/17/2018 Senate—Hearing: Tuesday, January 23, 2018, 09:30 AM Room 118-N
 02/01/2018 Senate—Committee Report recommending substitute bill be passed by Committee on Public Health and Welfare—SJ 1533
 05/04/2018 Senate—Died on General Orders
- S 196** Bill by Utilities
Electric utilities and billing standards.
 02/15/2017 Senate—Introduced—SJ 160
 02/16/2017 Senate—Referred to Committee on Utilities—SJ 166
 05/04/2018 Senate—Died in Committee
- S 197** Bill by Ways and Means
Establishing the social work examining committee.
 02/15/2017 Senate—Introduced—SJ 160
 02/16/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 166
 05/04/2018 Senate—Died in Committee
- S 198** Bill by Assessment and Taxation
Substitute for SB 198 by Committee on Assessment and Taxation – concerning the department of revenue; requiring people with access to federal tax information to be fingerprinted and allowing the conversion of certain driver’s license examiners positions from classified to unclassified.
 02/15/2017 Senate—Introduced—SJ 160
 02/16/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 166
 03/06/2017 Senate—Hearing: Wednesday, March 08, 2017, 09:30 AM Room 548-S
 04/06/2017 Senate—Committee Report recommending substitute bill be passed by Committee on Assessment and Taxation—SJ 497
 06/06/2017 Senate—Committee of the Whole - Substitute bill be passed—SJ 980
 06/06/2017 Senate—Emergency Final Action - Substitute passed; Yea: 35 Nay: 3—SJ 981
 06/06/2017 House—Received and Introduced—HJ 1400
 06/07/2017 House—Referred to Committee on Taxation—HJ 1433
 05/04/2018 House—Died in House Committee
- S 199** Bill by Federal and State Affairs
Amending bond requirements for appeals in the code of civil procedure.
 02/16/2017 Senate—Introduced—SJ 165
 02/17/2017 Senate—Referred to Committee on Judiciary—SJ 172
 01/10/2018 Senate—Hearing: Thursday, January 18, 2018, 10:30 AM Room 346-S
 02/01/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1533
 02/13/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1577
 02/14/2018 Senate—Final Action - Passed as amended; Yea: 32 Nay: 7—SJ 1580
 02/15/2018 House—Received and Introduced—HJ 2327
 02/16/2018 House—Referred to Committee on Judiciary—HJ 2335

- 02/28/2018 House—Hearing: Wednesday, March 07, 2018, 03:30 PM Room 112-N
 03/26/2018 House—Committee Report recommending bill be passed as amended
 by Committee on Judiciary—HJ 2653
 03/28/2018 House—Committee of the Whole - Be passed as amended—HJ 2691
 03/29/2018 House—Final Action - Passed as amended; Yea: 120 Nay: 4—HJ 2699
 04/02/2018 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as
 conferees—SJ 1937
 04/02/2018 House—Motion to accede adopted; Representative Finch,
 Representative Ralph and Representative Carmichael appointed as
 conferees—HJ 2730
 05/02/2018 House—Conference Committee Report was adopted; Yea: 118 Nay: 3—
 HJ 3065
 05/03/2018 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—
 SJ 2265
 05/04/2018 Senate—Enrolled and presented to Governor on Tuesday, May 08, 2018
 05/04/2018 Senate—Approved by Governor on Monday, May 14, 2018
- S 200** Bill by Federal and State Affairs
Open records act; criminal investigation records; missing persons.
 02/16/2017 Senate—Introduced—SJ 165
 02/17/2017 Senate—Referred to Committee on Judiciary—SJ 172
 02/23/2017 Senate—Withdrawn from Committee on Judiciary; Referred to
 Committee on Federal and State Affairs—SJ 211
 03/07/2017 Senate—Hearing: Wednesday, March 08, 2017, 10:30 AM Room 144-S
 03/10/2017 Senate—Committee Report recommending bill be passed as amended
 by Committee on Federal and State Affairs—SJ 230
 01/11/2018 Senate—Motion to strike from Calendar adopted—SJ 1484
- S 203** Bill by Assessment and Taxation
Adding Cowley county to the list of rural opportunity zones.
 02/16/2017 Senate—Introduced—SJ 166
 02/17/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 172
 03/21/2017 Senate—Hearing: Tuesday, March 21, 2017, 09:30 AM Room 548-S
 03/22/2017 Senate—Committee Report recommending bill be passed by Committee
 on Assessment and Taxation—SJ 304
 05/04/2018 Senate—Died on General Orders
- S 204** Bill by Ways and Means
Enacting the Kansas cybersecurity act.
 02/16/2017 Senate—Introduced—SJ 166
 02/17/2017 Senate—Referred to Committee on Ways and Means—SJ 172
 05/04/2018 Senate—Died in Committee
- S 206** Bill by Federal and State Affairs
Creating the student privacy and protection act.
 02/21/2017 Senate—Introduced—SJ 184
 02/23/2017 Senate—Referred to Committee on Education—SJ 202
 05/04/2018 Senate—Died in Committee
- S 207** Bill by Federal and State Affairs
**Amendments to the Kansas expanded lottery act relating to racetrack gaming
 facilities.**
 02/21/2017 Senate—Introduced—SJ 184
 02/23/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 202

- 03/21/2017 Senate—Hearing: Thursday, March 23, 2017, 10:30 AM Room 144-S
05/04/2018 Senate—Died in Committee
- S 208** Bill by Ways and Means
County commission boards; expansion of commissioners; special election.
02/21/2017 Senate—Introduced—SJ 185
02/23/2017 Senate—Referred to Committee on Ethics, Elections and Local
Government—SJ 202
05/04/2018 Senate—Died in Committee
- S 209** Bill by Federal and State Affairs
Electric utilities and billing standards.
02/22/2017 Senate—Introduced—SJ 191
02/23/2017 Senate—Referred to Committee on Utilities—SJ 202
03/06/2017 Senate—Hearing: Wednesday, March 15, 2017, 01:30 PM Room 548-S
05/04/2018 Senate—Died in Committee
- S 210** Bill by Ways and Means
Prohibiting the carrying of concealed firearms in certain buildings.
02/23/2017 Senate—Introduced—SJ 201
03/06/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 214
03/06/2017 Senate—Withdrawn from Committee on Assessment and Taxation;
Referred to Committee on Federal and State Affairs—SJ 214
05/04/2018 Senate—Died in Committee
- S 211** Bill by Assessment and Taxation
**Income tax credit for certain purchases of good and services by a taxpayer
from qualified vendors that provide employment to individual who are
blind or severely disabled.**
02/23/2017 Senate—Introduced—SJ 202
03/06/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 214
04/06/2017 Senate—Committee Report recommending bill be passed as amended
by Committee on Assessment and Taxation—SJ 498
05/04/2018 Senate—Died on General Orders
- S 212** Bill by Assessment and Taxation
**Directing the secretary of labor to submit a plan and negotiate an agreement
for state enforcement of OSHA standards.**
02/23/2017 Senate—Introduced—SJ 202
03/06/2017 Senate—Referred to Committee on Commerce—SJ 214
03/08/2017 Senate—Hearing: Wednesday, March 15, 2017, 08:30 AM Room 548-S
03/15/2017 Senate—Hearing continuation: Thursday, March 16, 2017, 08:30 AM
Room 548-S
05/04/2018 Senate—Died in Committee
- S 213** Bill by Assessment and Taxation
**Providing for state income taxation of retirement contributions by certain
employees of the state board of regents.**
02/23/2017 Senate—Introduced—SJ 202
03/06/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 214
03/15/2017 Senate—Hearing: Wednesday, March 22, 2017, 09:30 AM Room 548-S
05/04/2018 Senate—Died in Committee
- S 215** Bill by Assessment and Taxation
**Concerning income taxation; relating to determination of Kansas adjusted
gross income, rates, itemized deductions.**
02/23/2017 Senate—Introduced—SJ 202

- 03/06/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 214
 05/04/2018 Senate—Died in Committee
- S 216** Bill by Ways and Means
Updating statutory references as necessitated by 2012 Executive Reorganization Order No. 41.
 03/06/2017 Senate—Introduced—SJ 213
 03/07/2017 Senate—Referred to Committee on Judiciary—SJ 217
 03/08/2017 Senate—Hearing: Wednesday, March 15, 2017, 10:30 AM Room 346-S
 03/15/2017 Senate—Hearing: Thursday, March 16, 2017, 10:30 AM Room 346-S
 03/20/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 296
- S 217** 01/11/2018 Senate—Motion to strike from Calendar adopted—SJ 1484
 Bill by Ways and Means
Updating certain statutory references relating to the Kansas department for aging and disability services and the Kansas department for children and families.
 03/06/2017 Senate—Introduced—SJ 214
 03/07/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 217
 03/20/2017 Senate—Hearing: Wednesday, March 22, 2017, 09:30 AM Room 118-N
 03/23/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 323
 03/27/2017 Senate—Committee of the Whole - Be passed as amended—SJ 351
 03/28/2017 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 359
 03/28/2017 House—Received and Introduced—HJ 545
 03/29/2017 House—Referred to Committee on Health and Human Services—HJ 548
 01/17/2018 House—Hearing: Monday, January 22, 2018, 01:30 PM Room 546-S
 02/09/2018 House—Committee Report recommending bill be passed as amended by Committee on Health and Human Services—HJ 2286
 02/19/2018 House—Committee of the Whole - Be passed as amended—HJ 2342
 02/20/2018 House—Final Action - Passed as amended; Yea: 118 Nay: 0—HJ 2360
 02/21/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator V. Schmidt, Senator Bollier and Senator Kelly as conferees—SJ 1615
 02/21/2018 House—Motion to accede adopted; Representative Hawkins, Representative Concannon and Representative Murnan appointed as conferees—HJ 2405
 04/06/2018 House—Conference Committee Report was adopted; Yea: 118 Nay: 1—HJ 2772
 04/26/2018 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 2074
 05/04/2018 Senate—Enrolled and presented to Governor on Friday, May 04, 2018
 05/04/2018 Senate—Approved by Governor on Tuesday, May 8, 2018
- S 218** Bill by Federal and State Affairs
Adult care home licensure and background check amendments.
 03/07/2017 Senate—Introduced—SJ 216
 03/08/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 223
 05/04/2018 Senate—Died in Committee
- S 219** Bill by Federal and State Affairs

- Amending training requirements for security police officers employed by the Kansas department for aging and disability services.**
 03/07/2017 Senate—Introduced—SJ 216
 03/08/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 223
 05/04/2018 Senate—Died in Committee
 S 220 Bill by Federal and State Affairs
- Amending the Larned state hospital and Osawatomic state hospital catchment areas.**
 03/07/2017 Senate—Introduced—SJ 216
 03/08/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 223
 05/04/2018 Senate—Died in Committee
 S 221 Bill by Federal and State Affairs
- Amending the revised Kansas code for care of children and the newborn infant protection act and amending certain powers and duties of the secretary for children and families.**
 03/07/2017 Senate—Introduced—SJ 217
 03/08/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 223
 01/10/2018 Senate—Hearing: Tuesday, January 16, 2018, 09:30 AM Room 118-N
 02/12/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 1564
 02/20/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1605
 02/21/2018 Senate—Final Action - Passed as amended; Yea: 35 Nay: 5—SJ 1616
 02/21/2018 House—Received and Introduced—HJ 2410
 02/28/2018 House—Referred to Committee on Health and Human Services—HJ 2447
 03/07/2018 House—Hearing: Monday, March 12, 2018, 01:30 PM Room 546-S
 05/04/2018 House—Died in House Committee
 S 222 Bill by Assessment and Taxation
- One-year moratorium on PEAK awards.**
 03/07/2017 Senate—Introduced—SJ 217
 03/08/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 223
 05/04/2018 Senate—Died in Committee
 S 223 Bill by Assessment and Taxation
- PEAK qualification distance requirements established and retention provision sunset accelerated.**
 03/07/2017 Senate—Introduced—SJ 217
 03/08/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 223
 05/04/2018 Senate—Died in Committee
 S 224 Bill by Assessment and Taxation
- Providing for a \$.05 increase in motor fuel taxes.**
 03/07/2017 Senate—Introduced—SJ 217
 03/08/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 223
 03/13/2017 Senate—Hearing: Friday, March 17, 2017, 09:30 AM Room 548-S
 05/04/2018 Senate—Died in Committee
 S 225 Bill by Federal and State Affairs
- Exclude charitable poker games from the crime of gambling.**
 03/08/2017 Senate—Introduced—SJ 223
 03/10/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 229
 05/04/2018 Senate—Died in Committee
 S 226 Bill by Ways and Means

- Providing for the appointment of the state librarian and the members of the state library of Kansas board by the legislative coordinating council.**
 03/13/2017 Senate—Introduced—SJ 238
 03/14/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 242
 03/16/2017 Senate—Hearing: Tuesday, March 21, 2017, 10:30 AM Room 144-S
 03/27/2017 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 355
 05/04/2018 Senate—Died on General Orders
- S 227** Bill by Ways and Means
Providing a post-retirement benefit increase (COLA) for certain retirants of KPERS.
 03/13/2017 Senate—Introduced—SJ 239
 03/14/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 242
 05/04/2018 Senate—Died in Committee
- S 228** Bill by Ways and Means
Enacting the Kansas medicaid reform act.
 03/14/2017 Senate—Introduced—SJ 241
 03/15/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 247
 05/04/2018 Senate—Died in Committee
- S 229** Bill by Ways and Means
County elections commissioners; appointment by county commission.
 03/14/2017 Senate—Introduced—SJ 242
 03/15/2017 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 247
 02/07/2018 Senate—Hearing: Tuesday, February 13, 2018, 09:30 AM Room 142-S
 05/04/2018 Senate—Died in Committee
- S 230** Bill by Assessment and Taxation
High performance incentive program, moratorium on income tax credits and sales tax exemptions.
 03/15/2017 Senate—Introduced—SJ 247
 03/16/2017 Senate—Referred to Committee on Commerce—SJ 252
 05/04/2018 Senate—Died in Committee
- S 231** Bill by Assessment and Taxation
Promoting the employment across Kansas act; moratorium on the award of benefits.
 03/15/2017 Senate—Introduced—SJ 247
 03/16/2017 Senate—Referred to Committee on Commerce—SJ 252
 05/04/2018 Senate—Died in Committee
- S 232** Bill by Ways and Means
Amendments to the developmental disabilities reform act.
 03/16/2017 Senate—Introduced—SJ 251
 03/17/2017 Senate—Referred to Committee on Ways and Means—SJ 291
 05/04/2018 Senate—Died in Committee
- S 233** Bill by Ways and Means
Creating the education finance act.
 03/16/2017 Senate—Introduced—SJ 252
 03/17/2017 Senate—Referred to Senate Select Committee on Education Finance—SJ 291
 05/04/2018 Senate—Died in Committee

- S 234** Bill by Federal and State Affairs
Amending requirements for certain consumer loan transactions.
 03/20/2017 Senate—Introduced—SJ 293
 03/21/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 297
 05/04/2018 Senate—Died in Committee
- S 235** Bill by Ways and Means
Prohibiting the carrying of concealed weapons in certain buildings.
 03/20/2017 Senate—Introduced—SJ 293
 03/21/2017 Senate—Hearing: Thursday, March 23, 2017, 10:30 AM Room 548-S
 03/21/2017 Senate—Referred to Committee on Ways and Means—SJ 297
 05/04/2018 Senate—Died in Committee
- S 236** Bill by Assessment and Taxation
Income tax treatment of net operating loss carryback on the sale of certain hotels.
 03/22/2017 Senate—Introduced—SJ 300
 03/23/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 310
 02/01/2018 Senate—Hearing: Thursday, February 08, 2018, 09:30 AM Room 548-S
 03/08/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 1683
 05/04/2018 Senate—Died on General Orders
- S 237** Bill by Federal and State Affairs
Approving a compact between the Sac and Fox Nation of Missouri in Kansas and Nebraska and the state of Kansas relating to cigarette sales, taxation and escrow collection.
 03/22/2017 Senate—Introduced—SJ 300
 03/23/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 310
 05/04/2018 Senate—Died in Committee
- S 238** Bill by Ways and Means
Amending the compulsory school attendance requirements.
 03/23/2017 Senate—Introduced—SJ 310
 03/24/2017 Senate—Referred to Committee on Education—SJ 330
 05/04/2018 Senate—Died in Committee
- S 239** Bill by Assessment and Taxation
Making parts of the scrap metal theft reduction act unenforceable until January 1, 2019.
 03/24/2017 Senate—Introduced—SJ 330
 03/27/2017 Senate—Referred to Committee on Judiciary—SJ 350
 05/04/2018 Senate—Died in Committee
- S 240** Bill by Ways and Means
Authorizing a land purchase in Sherman county by the Department of Wildlife, Parks and Tourism.
 03/28/2017 Senate—Introduced—SJ 368
 03/29/2017 Senate—Referred to Committee on Ways and Means—SJ 369
 04/04/2017 Senate—Hearing: Tuesday, April 04, 2017, 09:00 AM Room 548-S
 04/05/2017 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 485
 01/11/2018 Senate—Motion to strike from Calendar adopted—SJ 1484
- S 241** Bill by Ways and Means
Maximum retirement benefits for KP&F members.
 03/28/2017 Senate—Introduced—SJ 368

- 03/29/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 369
- 03/07/2018 Senate—Hearing: Tuesday, March 13, 2018, 09:30 AM Room 546-S
- 03/20/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 1767
- 05/04/2018 Senate—Died on General Orders
- S 242** Bill by Ways and Means
Amending the definition of "service-connected" in the Kansas police and firemen's retirement system.
- 03/28/2017 Senate—Introduced—SJ 368
- 03/29/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 369
- 03/07/2018 Senate—Hearing: Wednesday, March 14, 2018, 09:30 AM Room 546-S
- 05/04/2018 Senate—Died in Committee
- S 243** Bill by Federal and State Affairs
Reports relating to impaired health care providers.
- 04/03/2017 Senate—Introduced—SJ 430
- 04/04/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 433
- 05/04/2018 Senate—Died in Committee
- S 244** Bill by Ways and Means
Abolishing the death penalty and creating the crime of aggravated murder.
- 04/05/2017 Senate—Introduced—SJ 471
- 04/06/2017 Senate—Referred to Committee on Judiciary—SJ 488
- 05/04/2018 Senate—Died in Committee
- S 245** Bill by Ways and Means
Requiring state agencies to review rules and regulations and report to the joint committee on administrative rules and regulations.
- 04/05/2017 Senate—Introduced—SJ 471
- 04/06/2017 Senate—Referred to Committee on Ways and Means—SJ 488
- 05/04/2018 Senate—Died in Committee
- S 246** Bill by Ways and Means
Legislators compensation limited to 70 days unless the ensuing fiscal year's budget is passed, exceptions.
- 04/05/2017 Senate—Introduced—SJ 471
- 04/06/2017 Senate—Referred to Committee on Ways and Means—SJ 488
- 05/04/2018 Senate—Died in Committee
- S 247** Bill by Ways and Means
Cemetery districts; deannexation of land located within a city; board of county commissioners hearing and order.
- 04/06/2017 Senate—Introduced—SJ 487
- 04/07/2017 Senate—Referred to Committee on Ways and Means—SJ 500
- 02/07/2018 Senate—Hearing: Wednesday, February 14, 2018, 10:30 AM Room 548-S
- 02/15/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 1596
- 02/20/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1606
- 02/21/2018 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1617
- 02/21/2018 House—Received and Introduced—HJ 2410
- 02/28/2018 House—Referred to Committee on Local Government—HJ 2447
- 05/04/2018 House—Died in House Committee

- S 248** Bill by Assessment and Taxation
Creating the student opportunity scholarship program.
 05/05/2017 Senate—Introduced—SJ 613
 05/08/2017 Senate—Referred to Committee on Education—SJ 620
 05/04/2018 Senate—Died in Committee
- S 249** Bill by Assessment and Taxation
Property valuation of grain elevator facilities, deviation from appraisal guides.
 05/08/2017 Senate—Introduced—SJ 619
 05/09/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 624
 05/04/2018 Senate—Died in Committee
- S 250** Bill by Federal and State Affairs
Excluding members of the legislature and other elected officials from membership in KPERS.
 05/10/2017 Senate—Introduced—SJ 636
 05/11/2017 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 653
 05/04/2018 Senate—Died in Committee
- S 251** Bill by Ways and Means
Creating the Kansas school equity and enhancement act.
 05/18/2017 Senate—Introduced—SJ 717
 05/18/2017 Senate—Referred to Senate Select Committee on Education Finance—SJ 718
 05/18/2017 Senate—Hearing: Friday, May 19, 2017, 08:30 AM Room 548-S
 05/18/2017 Senate—Hearing: Thursday, May 18, 2017, 01:30 PM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 252** Bill by Assessment and Taxation
Enacting the ad astra rural jobs act.
 05/18/2017 Senate—Introduced—SJ 718
 05/19/2017 Senate—Referred to Committee on Commerce—SJ 726
 05/04/2018 Senate—Died in Committee
- S 253** Bill by Ways and Means
Establishing the prompt payment act.
 05/24/2017 Senate—Introduced—SJ 750
 05/25/2017 Senate—Referred to Committee on Public Health and Welfare—SJ 754
 05/04/2018 Senate—Died in Committee
- S 254** Bill by Federal and State Affairs
Exemption from criminal possession of a gun silencer.
 06/01/2017 Senate—Introduced—SJ 822
 06/01/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 822
 05/04/2018 Senate—Died in Committee
- S 255** Bill by Legislative Post Audit Committee
Kansas 911 act; audits by legislative post audit.
 01/08/2018 Senate—Prefiled for Introduction on Thursday, November 16, 2017
 01/08/2018 Senate—Introduced—SJ 1472
 01/09/2018 Senate—Referred to Committee on Utilities—SJ 1477
 01/10/2018 Senate—Hearing: Tuesday, January 16, 2018, 01:30 PM Room 548-S
 01/17/2018 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Utilities—SJ 1495
 01/30/2018 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 1521
 01/31/2018 House—Received and Introduced

- 02/01/2018 House—Referred to Committee on Energy, Utilities and Telecommunications—HJ 2208
- 05/04/2018 House—Died in House Committee
- S 256** Bill by Senator Doll
Designating a portion of United States highway 50 as the SGT Gregg Steimel and PFC Richard Conrardy memorial highway.
- 01/08/2018 Senate—Prefiled for Introduction on Thursday, November 16, 2017
- 01/08/2018 Senate—Introduced—SJ 1472
- 01/09/2018 Senate—Referred to Committee on Transportation—SJ 1477
- 01/24/2018 Senate—Hearing: Tuesday, January 30, 2018, 08:30 AM Room 546-S
- 02/01/2018 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 1533
- 02/06/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1544
- 02/06/2018 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 1545
- 02/07/2018 House—Received and Introduced—HJ 2251
- 02/08/2018 House—Referred to Committee on Transportation—HJ 2268
- 02/12/2018 House—Hearing: Thursday, February 15, 2018, 01:30 PM Room 582-N
- 02/16/2018 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—HJ 2336
- 02/21/2018 House—Final Action - Passed; Yea: 121 Nay: 0—HJ 2383
- 03/02/2018 Senate—Enrolled and presented to Governor on Friday, March 02, 2018—SJ 1663
- 03/05/2018 Senate—Approved by Governor on Monday, March 5, 2018—SJ 1666
- S 257** Bill by Senator Fitzgerald
Creating a presumption of child's equal time with parents during court determinations of legal custody, residency or parenting time.
- 01/08/2018 Senate—Prefiled for Introduction on Thursday, December 14, 2017
- 01/08/2018 Senate—Introduced—SJ 1472
- 01/09/2018 Senate—Referred to Committee on Judiciary—SJ 1477
- 01/24/2018 Senate—Hearing: Tuesday, January 30, 2018, 10:30 AM Room 346-S
- 05/04/2018 Senate—Died in Committee
- S 258** Bill by Legislative Post Audit Committee
Prohibiting state agencies from using the same vendor to plan and build certain IT projects; exceptions.
- 01/08/2018 Senate—Prefiled for Introduction on Thursday, December 21, 2017
- 01/08/2018 Senate—Introduced—SJ 1472
- 01/09/2018 Senate—Referred to Committee on Ways and Means—SJ 1477
- 05/04/2018 Senate—Died in Committee
- S 259** Bill by Legislative Post Audit Committee
Eliminating the cost estimate of special education services from the performance audit of a reasonable estimate of the cost of providing educational opportunities for every public school student.
- 01/08/2018 Senate—Prefiled for Introduction on Thursday, December 21, 2017
- 01/08/2018 Senate—Introduced—SJ 1472
- 01/09/2018 Senate—Referred to Committee on Education—SJ 1476
- 02/12/2018 Senate—Hearing: Thursday, February 15, 2018, 01:30 PM Room 144-S
- 03/19/2018 Senate—Withdrawn from Committee on Education; Referred to Committee on Federal and State Affairs—SJ 1759
- 03/20/2018 Senate—Withdrawn from Committee on Federal and State Affairs; Referred to Senate Select Committee on Education Finance—SJ 1762

- 05/04/2018 Senate—Died in Committee
S 260 Bill by Legislative Post Audit Committee
Concerning state agencies and providing for certain audits.
 01/08/2018 Senate—Prefiled for Introduction on Thursday, December 21, 2017
 01/08/2018 Senate—Introduced—SJ 1472
 01/09/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1476
 01/31/2018 Senate—Hearing: Thursday, February 08, 2018, 10:30 AM Room 144-S
 02/16/2018 Senate—Committee Report recommending bill be passed as amended
 by Committee on Federal and State Affairs—SJ 1599
 02/20/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1605
 02/21/2018 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1617
 02/21/2018 House—Received and Introduced—HJ 2410
 02/28/2018 House—Referred to Committee on Federal and State Affairs—HJ 2447
 03/12/2018 House—Hearing: Thursday, March 15, 2018, 09:00 AM Room 346-S
 03/15/2018 House—Committee Report recommending bill be passed as amended
 by Committee on Federal and State Affairs—HJ 2520
 03/27/2018 House—Committee of the Whole - Be passed as amended—HJ 2667
 03/28/2018 House—Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 2680
 03/28/2018 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Estes, Senator Olson and Senator Faust-
 Goudeau as conferees—SJ 1863
 03/29/2018 House—Motion to accede adopted; Representative Barker,
 Representative Highland and Representative Ruiz appointed as conferees
 —HJ 2697
 04/30/2018 House—Conference Committee Report was adopted; Yea: 119 Nay: 0—
 HJ 2939
 05/02/2018 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—
 SJ 2206
 05/04/2018 Senate—Enrolled and presented to Governor on Tuesday, May 08, 2018
 05/04/2018 Senate—Approved by Governor on Thursday, May 10, 2018
S 261 Bill by Senator Wilborn
**Providing for the disposition of judicial branch docket fees in FY 2020 and FY
 2021, removing the requirement for district courts to mail marriage
 certificate information to the secretary of health and environment,
 delaying certain provisions of the scrap metal theft reduction act,
 amending collateral source definition for crime victims compensation
 fund and transferring the duty to appoint certain appraisers from the
 judicial administrator to the director of property valuation.**
 01/08/2018 Senate—Prefiled for Introduction on Friday, December 29, 2017
 01/08/2018 Senate—Introduced—SJ 1472
 01/09/2018 Senate—Referred to Committee on Judiciary—SJ 1477
 01/10/2018 Senate—Hearing: Thursday, January 18, 2018, 10:30 AM Room 346-S
 01/18/2018 Senate—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Judiciary—SJ 1498
 01/30/2018 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 1521
 01/31/2018 House—Received and Introduced
 02/01/2018 House—Referred to Committee on Judiciary—HJ 2208
 02/28/2018 House—Hearing: Monday, March 05, 2018, 03:30 PM Room 112-N
 03/15/2018 House—Committee Report recommending bill be passed as amended
 by Committee on Judiciary—HJ 2520

- 03/28/2018 House—Committee of the Whole - Be passed as amended—HJ 2686
 03/29/2018 House—Final Action - Passed as amended; Yea: 111 Nay: 13—HJ 2700
 04/02/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 1937
 04/02/2018 House—Motion to accede adopted; Representative Finch, Representative Ralph and Representative Carmichael appointed as conferees—HJ 2730
 04/30/2018 House—Conference Committee Report was adopted; Yea: 117 Nay: 2—HJ 2942
 05/01/2018 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2158
 05/04/2018 Senate—Enrolled and presented to Governor on Friday, May 04, 2018
 05/04/2018 Senate—Approved by Governor on Tuesday, May 8, 2018
- S 262** Bill by Senators Bowers, Hardy
Authorizing the construction of a statue honoring Dwight D. Eisenhower.
 01/08/2018 Senate—Prefiled for Introduction on Thursday, January 04, 2018
 01/08/2018 Senate—Introduced—SJ 1473
 01/09/2018 Senate—Referred to Committee on Ways and Means—SJ 1477
 01/11/2018 Senate—Hearing: Wednesday, January 17, 2018, 10:30 AM Room 548-S
 01/25/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 1512
 01/30/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1521
 01/30/2018 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1522
 01/31/2018 House—Received and Introduced
 02/01/2018 House—Referred to Committee on Federal and State Affairs—HJ 2208
 02/02/2018 House—Hearing: Tuesday, February 06, 2018, 09:00 AM Room 346-S
 02/06/2018 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 2242
 02/08/2018 House—Committee of the Whole - Be passed—HJ 2271
 02/08/2018 House—Emergency Final Action - Passed; Yea: 123 Nay: 0—HJ 2280
 02/12/2018 Senate—Enrolled and presented to Governor on Monday, February 12, 2018—SJ 1575
 02/22/2018 Senate—Approved by Governor on Wednesday, February 21, 2018—SJ 1642
- S 263** Bill by Senator Kerschen
Creating a program to research the use of industrial hemp.
 01/08/2018 Senate—Prefiled for Introduction on Friday, January 05, 2018
 01/08/2018 Senate—Introduced—SJ 1473
 01/09/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1476
 01/10/2018 Senate—Hearing: Tuesday, January 16, 2018, 08:30 AM Room 159-S
 01/10/2018 Senate—Hearing continuation: Wednesday, January 17, 2018, 08:30 AM Room 159-S
 02/01/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 1530
 02/21/2018 Senate—Committee of the Whole - Be passed as further amended—SJ 1640

- 02/22/2018 Senate—Final Action - Passed as amended; Yea: 36 Nay: 3—SJ 1642
 02/22/2018 House—Received and Introduced—HJ 2428
 02/28/2018 House—Referred to Committee on Agriculture—HJ 2447
 03/07/2018 House—Hearing: Wednesday, March 14, 2018, 03:30 PM Room 582-N
 03/21/2018 House—Committee Report recommending bill be passed as amended by Committee on Agriculture—HJ 2559
 03/27/2018 House—Committee of the Whole - Be passed as amended—HJ 2666
 03/28/2018 House—Final Action - Passed as amended; Yea: 123 Nay: 1—HJ 2680
 04/07/2018 Senate—Concurred with amendments; Yea: 40 Nay: 0—SJ 2015
 04/26/2018 Senate—Enrolled and presented to Governor on Tuesday, April 10, 2018—SJ 2107
 04/26/2018 Senate—Approved by Governor on Friday, April 20, 2018—SJ 2070
- S 264** Bill by Senator Faust-Goudeau
House Substitute for SB 264 by the Committee on Elections - Voters with disabilities; accommodating signature requirements; permanent advance voter status for any voter.
 01/08/2018 Senate—Prefiled for Introduction on Friday, January 05, 2018
 01/08/2018 Senate—Introduced—SJ 1473
 01/09/2018 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 1476
 01/11/2018 Senate—Hearing: Thursday, January 18, 2018, 09:30 AM Room 142-S
 02/01/2018 Senate—Committee Report recommending bill be passed by Committee on Ethics, Elections and Local Government—SJ 1531
 02/22/2018 Senate—Committee of the Whole - Be passed—SJ 1647
 02/22/2018 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 1648
 02/28/2018 House—Received and Introduced—HJ 2447
 02/28/2018 House—Hearing: Wednesday, March 07, 2018, 01:30 PM Room 281-N
 03/01/2018 House—Referred to Committee on Elections—HJ 2452
 03/14/2018 House—Committee Report recommending substitute bill be passed by Committee on Elections—HJ 2513
 03/29/2018 House—Stricken from Calendar by Rule 1507—HJ 2742
- S 265** Bill by Judiciary
Clarifying what conduct is excluded from the crime of incest.
 01/10/2018 Senate—Introduced—SJ 1481
 01/11/2018 Senate—Referred to Committee on Judiciary—SJ 1484
 01/17/2018 Senate—Hearing: Tuesday, January 23, 2018, 10:30 AM Room 346-S
 01/25/2018 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1512
 02/21/2018 Senate—Committee of the Whole - Be passed—SJ 1615
 02/22/2018 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 1643
 02/22/2018 House—Received and Introduced—HJ 2428
 02/28/2018 House—Referred to Committee on Judiciary—HJ 2447
 02/28/2018 House—Hearing: Monday, March 05, 2018, 03:30 PM Room 112-N
 05/04/2018 House—Died in House Committee
- S 266** Bill by Judiciary
Making changes to the Kansas sexually violent predator program.
 01/10/2018 Senate—Introduced—SJ 1481
 01/11/2018 Senate—Referred to Committee on Judiciary—SJ 1484
 01/17/2018 Senate—Hearing: Tuesday, January 23, 2018, 10:30 AM Room 346-S

01/25/2018 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1512
 02/14/2018 Senate—Committee of the Whole - Be passed—SJ 1581
 02/15/2018 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 1586
 02/16/2018 House—Received and Introduced—HJ 2335
 02/19/2018 House—Referred to Committee on Judiciary—HJ 2338
 02/28/2018 House—Hearing: Monday, March 05, 2018, 03:30 PM Room 112-N
 03/15/2018 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 2521
 03/28/2018 House—Committee of the Whole - Be passed as amended—HJ 2686
 03/29/2018 House—Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 2700
 04/02/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 1937
 04/02/2018 House—Motion to accede adopted; Representative Finch, Representative Ralph and Representative Carmichael appointed as conferees—HJ 2730
 05/01/2018 House—Conference Committee Report was adopted; Yea: 121 Nay: 0—HJ 2993
 05/02/2018 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2209
 05/04/2018 Senate—Enrolled and presented to Governor on Tuesday, May 08, 2018
 05/04/2018 Senate—Approved by Governor on Thursday, May 10, 2018

S 267

Bill by Financial Institutions and Insurance

Updating the effective date of risk-based capital instructions.

01/10/2018 Senate—Introduced—SJ 1481
 01/11/2018 Senate—Hearing: Wednesday, January 17, 2018, 09:30 AM Room 546-S
 01/11/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1484
 01/25/2018 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 1512
 01/30/2018 Senate—Committee of the Whole - Be passed—SJ 1521
 01/30/2018 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 1522
 01/31/2018 House—Received and Introduced
 02/01/2018 House—Referred to Committee on Insurance—HJ 2208
 02/28/2018 House—Hearing: Tuesday, March 06, 2018, 09:00 AM Room 281-N
 03/08/2018 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance—HJ 2478
 03/13/2018 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 2498
 03/16/2018 Senate—Enrolled and presented to Governor on Friday, March 16, 2018—SJ 1757

S 268

03/20/2018 Senate—Approved by Governor on Tuesday, March 20, 2018—SJ 1762
 Bill by Financial Institutions and Insurance

Relating to the disclosure of certain expunged records.

01/10/2018 Senate—Introduced—SJ 1481
 01/11/2018 Senate—Hearing: Wednesday, January 17, 2018, 09:30 AM Room 546-S
 01/11/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1484

- 05/04/2018 Senate—Died in Committee
- S 269** Bill by Ways and Means
Substitute for SB 269 by Committee on Ways and Means – Appropriation revisions for FY 2018, FY 2019, FY 2020, FY 2021, FY 2022, FY 2023 and FY 2024 for various state agencies.
- 01/10/2018 Senate—Introduced—SJ 1482
- 01/11/2018 Senate—Referred to Committee on Ways and Means—SJ 1484
- 03/07/2018 Senate—Hearing: Wednesday, March 14, 2018, 10:30 AM Room 548-S
- 03/20/2018 Senate—Committee Report recommending substitute bill be passed by Committee on Ways and Means—SJ 1767
- 03/27/2018 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 1848
- 03/28/2018 Senate—Final Action - Substitute passed as amended; Yea: 34 Nay: 6—SJ 1856
- 03/28/2018 House—Received and Introduced—HJ 2687
- 03/29/2018 House—Referred to Committee on Appropriations—HJ 2697
- 05/04/2018 House—Died in House Committee
- S 270** Bill by Ways and Means
Making appropriations for FY 2018, FY 2019, FY 2020, FY 2021, FY 2022, and FY 2023 for the department of education.
- 01/10/2018 Senate—Introduced—SJ 1482
- 01/11/2018 Senate—Referred to Committee on Ways and Means—SJ 1484
- 05/04/2018 Senate—Died in Committee
- S 271** Bill by Ways and Means
Making appropriations for FY 2018 and FY 2019 for the department of education.
- 01/10/2018 Senate—Introduced—SJ 1482
- 01/11/2018 Senate—Referred to Committee on Ways and Means—SJ 1484
- 05/04/2018 Senate—Died in Committee
- S 272** Bill by Federal and State Affairs
Substitute for SB 272 by Committee on Transportation - Regulating traffic on roads and highways; concerning the passing of waste collectors, overtaking of school buses, operation of golf carts at night, maximum length of certain vehicle combinations and maximum weight of certain emergency vehicles.
- 01/11/2018 Senate—Introduced—SJ 1483
- 01/12/2018 Senate—Referred to Committee on Transportation—SJ 1485
- 01/17/2018 Senate—Hearing: Thursday, January 25, 2018, 08:30 AM Room 546-S
- 02/15/2018 Senate—Committee Report recommending substitute bill be passed by Committee on Transportation—SJ 1596
- 02/20/2018 Senate—Committee of the Whole - Substitute bill be passed—SJ 1605
- 02/21/2018 Senate—Final Action - Substitute passed; Yea: 40 Nay: 0—SJ 1617
- 02/21/2018 House—Received and Introduced—HJ 2410
- 02/28/2018 House—Referred to Committee on Transportation—HJ 2447
- 03/07/2018 House—Hearing: Tuesday, March 13, 2018, 01:30 PM Room 582-N
- 03/21/2018 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 2561
- 03/26/2018 House—Committee of the Whole - Be passed as amended—HJ 2653
- 03/27/2018 House—Final Action - Passed as amended; Yea: 94 Nay: 30—HJ 2669

- 03/28/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Goddard and Senator Pettey as conferees—SJ 1856
- 03/28/2018 House—Motion to accede adopted; Representative Proehl, Representative Francis and Representative Lusker appointed as conferees—HJ 2688
- 04/05/2018 House—Conference Committee Report was adopted; Yea: 111 Nay: 8—HJ 2758
- 04/26/2018 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 4—SJ 2091
- 05/01/2018 Senate—Enrolled and presented to Governor on Tuesday, May 01, 2018—SJ 2198
- 05/04/2018 Senate—Approved by Governor on Tuesday, May 8, 2018
- S 273** Bill by Transportation
City of Wichita license plate.
 01/11/2018 Senate—Introduced—SJ 1483
 01/12/2018 Senate—Referred to Committee on Transportation—SJ 1485
 01/17/2018 Senate—Hearing: Wednesday, January 24, 2018, 08:30 AM Room 546-S
 02/01/2018 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 1533
 03/01/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Transportation—SJ 1657
 05/04/2018 Senate—Died in Committee
- S 274** Bill by Transportation
Creating the negligent driving traffic violation.
 01/11/2018 Senate—Introduced—SJ 1483
 01/12/2018 Senate—Referred to Committee on Transportation—SJ 1485
 01/24/2018 Senate—Hearing: Tuesday, January 30, 2018, 08:30 AM Room 546-S
 02/13/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 1578
 03/01/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Transportation—SJ 1657
 05/04/2018 Senate—Died in Committee
- S 275** Bill by Financial Institutions and Insurance
Removing the 30-day prior notice requirement provided to a credit union member before expulsion; and relating to mid-term appointments of credit union council members.
 01/11/2018 Senate—Introduced—SJ 1483
 01/12/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1485
 01/16/2018 Senate—Hearing: Thursday, January 18, 2018, 09:30 AM Room 546-S
 01/25/2018 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 1512
 01/30/2018 Senate—Committee of the Whole - Be passed—SJ 1521
 01/30/2018 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 1522
 01/31/2018 House—Received and Introduced
 02/01/2018 House—Referred to Committee on Financial Institutions and Pensions—HJ 2208
 02/28/2018 House—Hearing: Monday, March 05, 2018, 09:00 AM Room 281-N

- 03/07/2018 House—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Pensions—HJ 2469
- 03/16/2018 House—Committee of the Whole - Be passed as amended—HJ 2526
- 03/19/2018 House—Final Action - Passed as amended; Yea: 123 Nay: 0—HJ 2541
- 03/19/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Billinger and Senator Rogers as conferees—SJ 1760
- 03/20/2018 House—Motion to accede adopted; Representative Kelly, Representative Powell and Representative Finney appointed as conferees—HJ 2545
- 04/07/2018 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 2015
- 04/26/2018 Senate—Enrolled and presented to Governor on Tuesday, April 10, 2018—SJ 2107
- 04/26/2018 Senate—Approved by Governor on Monday, April 16, 2018—SJ 2070
- S 276** Bill by Ways and Means
Adjusting the biannual transfer of certain balances in the motor carrier license fees fund to the state highway fund.
- 01/11/2018 Senate—Introduced—SJ 1483
- 01/12/2018 Senate—Referred to Committee on Ways and Means—SJ 1485
- 01/17/2018 Senate—Hearing: Tuesday, January 23, 2018, 10:30 AM Room 548-S
- 02/05/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 1539
- 02/20/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1605
- 02/21/2018 Senate—Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 1618
- 02/21/2018 House—Received and Introduced—HJ 2410
- 02/28/2018 House—Referred to Committee on Appropriations—HJ 2447
- 02/28/2018 House—Hearing: Tuesday, March 06, 2018, 09:00 AM Room 112-N
- 03/20/2018 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Appropriations—HJ 2548
- 03/23/2018 House—Final Action - Passed; Yea: 120 Nay: 1—HJ 2571
- 04/02/2018 Senate—Enrolled and presented to Governor on Friday, March 30, 2018—SJ 1940
- 04/03/2018 Senate—Approved by Governor on Monday, April 2, 2018—SJ 1942
- S 277** Bill by Judiciary
Extending recognition of tribal court judgments pursuant to supreme court rules.
- 01/12/2018 Senate—Introduced—SJ 1485
- 01/16/2018 Senate—Referred to Committee on Judiciary—SJ 1487
- 05/04/2018 Senate—Died in Committee
- S 278** Bill by Utilities
Relating to the citizens' utility ratepayer board and the powers of the consumer counsel.
- 01/16/2018 Senate—Introduced—SJ 1487
- 01/17/2018 Senate—Referred to Committee on Utilities—SJ 1495
- 05/04/2018 Senate—Died in Committee
- S 279** Bill by Utilities
Concerning the gas safety and reliability surcharge.
- 01/16/2018 Senate—Introduced—SJ 1487
- 01/17/2018 Senate—Referred to Committee on Utilities—SJ 1495

- 01/25/2018 Senate—Hearing: Thursday, February 01, 2018, 01:30 PM Room 548-S
 02/12/2018 Senate—Committee Report recommending bill be passed as amended
 by Committee on Utilities—SJ 1575
 02/22/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1648
 02/22/2018 Senate—Emergency Final Action - Passed as amended; Yea: 32 Nay: 6
 —SJ 1649
 02/28/2018 House—Received and Introduced—HJ 2447
 03/01/2018 House—Referred to Committee on Energy, Utilities and
 Telecommunications—HJ 2452
 03/07/2018 House—Hearing: Wednesday, March 14, 2018, 09:00 AM Room 582-N
 03/21/2018 House—Committee Report recommending bill be passed by Committee
 on Energy, Utilities and Telecommunications—HJ 2560
 03/28/2018 House—Committee of the Whole - Be passed—HJ 2684
 03/29/2018 House—Final Action - Passed; Yea: 99 Nay: 25—HJ 2701
 04/03/2018 Senate—Enrolled and presented to Governor on Tuesday, April 03,
 2018—SJ 1957
 04/06/2018 Senate—Approved by Governor on Thursday, April 5, 2018—SJ 2007
- S 280** Bill by Judiciary
**Amending court considerations in parentage actions regarding legal custody,
 residency and parenting time.**
 01/16/2018 Senate—Introduced—SJ 1487
 01/17/2018 Senate—Hearing: Wednesday, January 24, 2018, 10:30 AM Room 346-
 S
 01/17/2018 Senate—Referred to Committee on Judiciary—SJ 1495
 05/04/2018 Senate—Died in Committee
- S 281** Bill by Judiciary
**Providing protection orders for certain victims under the protection from
 stalking, sexual assault or human trafficking act or the protection
 from abuse act.**
 01/16/2018 Senate—Introduced—SJ 1487
 01/17/2018 Senate—Hearing: Tuesday, January 23, 2018, 10:30 AM Room 346-S
 01/17/2018 Senate—Referred to Committee on Judiciary—SJ 1495
 02/15/2018 Senate—Committee Report recommending bill be passed as amended
 by Committee on Judiciary—SJ 1595
 02/22/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1648
 02/22/2018 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0
 —SJ 1649
 02/28/2018 House—Received and Introduced—HJ 2447
 03/01/2018 House—Referred to Committee on Judiciary—HJ 2452
 03/07/2018 House—Hearing: Monday, March 12, 2018, 03:30 PM Room 112-N
 03/15/2018 House—Committee Report recommending bill be passed as amended
 by Committee on Judiciary—HJ 2521
 03/28/2018 House—Committee of the Whole - Be passed as amended—HJ 2686
 03/29/2018 House—Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 2701
 04/02/2018 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as
 conferees—SJ 1937
 04/02/2018 House—Motion to accede adopted; Representative Finch,
 Representative Ralph and Representative Carmichael appointed as
 conferees—HJ 2730

- 05/01/2018 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—
SJ 2158
- 05/04/2018 Senate—Enrolled and presented to Governor on Monday, May 07, 2018
- S 282** 05/04/2018 Senate—Approved by Governor on Wednesday, May 16, 2018
Bill by Public Health and Welfare
**Updating substances included in schedules I, II and III of the uniform
controlled substances act.**
- 01/16/2018 Senate—Introduced—SJ 1487
- 01/17/2018 Senate—Referred to Committee on Public Health and Welfare—SJ
1495
- 01/17/2018 Senate—Hearing: Wednesday, January 24, 2018, 09:30 AM Room 118-
N
- 02/01/2018 Senate—Committee Report recommending bill be passed as amended
by Committee on Public Health and Welfare—SJ 1533
- 02/08/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1556
- 02/08/2018 Senate—Emergency Final Action - Passed as amended; Yea: 36 Nay: 0
—SJ 1557
- 02/12/2018 House—Received and Introduced—HJ 2295
- 02/13/2018 House—Referred to Committee on Health and Human Services—HJ
2299
- 02/28/2018 House—Hearing: Thursday, March 08, 2018, 01:30 PM Room 546-S
- 03/16/2018 House—Committee Report recommending bill be passed as amended
by Committee on Health and Human Services—HJ 2526
- 03/26/2018 House—Committee of the Whole - Be passed as amended—HJ 2650
- 03/27/2018 House—Final Action - Passed as amended; Yea: 121 Nay: 3—HJ 2669
- 03/28/2018 Senate—Nonconcurrent with amendments; Conference Committee
requested; appointed Senator V. Schmidt, Senator Bollier and Senator
Kelly as conferees—SJ 1856
- 03/28/2018 House—Motion to accede adopted; Representative Hawkins,
Representative Concannon and Representative Murnan appointed as
conferees—HJ 2688
- 04/06/2018 House—Conference Committee Report was adopted; Yea: 120 Nay: 0—
HJ 2790
- 04/26/2018 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—
SJ 2094
- 05/04/2018 Senate—Enrolled and presented to Governor on Friday, May 04, 2018
- S 283** 05/04/2018 Senate—Approved by Governor on Monday, May 14, 2018
Bill by Financial Institutions and Insurance
Pertaining to trust companies and the office of the state bank commissioner.
- 01/16/2018 Senate—Introduced—SJ 1487
- 01/17/2018 Senate—Hearing: Tuesday, January 23, 2018, 09:30 AM Room 546-S
- 01/17/2018 Senate—Referred to Committee on Financial Institutions and Insurance
—SJ 1495
- 02/01/2018 Senate—Committee Report recommending bill be passed by Committee
on Financial Institutions and Insurance—SJ 1531
- 02/06/2018 Senate—Committee of the Whole - Be passed—SJ 1544
- 02/06/2018 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 1545
- 02/07/2018 House—Received and Introduced—HJ 2251
- 02/07/2018 House—Hearing: Monday, February 12, 2018, 09:00 AM Room 281-N

- 02/08/2018 House—Referred to Committee on Financial Institutions and Pensions—HJ 2268
- 02/12/2018 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Financial Institutions and Pensions—HJ 2297
- 02/15/2018 House—Final Action - Passed; Yea: 122 Nay: 0—HJ 2327
- 02/20/2018 Senate—Enrolled and presented to Governor on Tuesday, February 20, 2018—SJ 1613
- S 284 03/01/2018 Senate—Approved by Governor on Thursday, March 1, 2018—SJ 1659
Bill by Financial Institutions and Insurance
Creating the adoption protection act and updating the Kansas adoption and relinquishment act.
- 01/16/2018 Senate—Introduced—SJ 1487
- 01/17/2018 Senate—Hearing: Tuesday, January 23, 2018, 09:30 AM Room 546-S
- 01/17/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1495
- 02/01/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 1531
- 02/06/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1544
- 02/06/2018 Senate—Emergency Final Action - Passed as amended; Yea: 34 Nay: 5—SJ 1545
- 02/07/2018 House—Received and Introduced—HJ 2251
- 02/08/2018 House—Referred to Committee on Financial Institutions and Pensions—HJ 2268
- 02/28/2018 House—Hearing: Monday, March 05, 2018, 09:00 AM Room 281-N
- 03/13/2018 House—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Pensions—HJ 2500
- 03/26/2018 House—Committee of the Whole - Be passed as amended—HJ 2652
- 03/27/2018 House—Final Action - Passed as amended; Yea: 102 Nay: 22—HJ 2670
- 03/28/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Billinger and Senator Rogers as conferees—SJ 1856
- 03/28/2018 House—Motion to accede adopted; Representative Kelly, Representative Powell and Representative Finney appointed as conferees—HJ 2688
- 04/30/2018 Senate—Senator Estes, Senator Olson, and Senator Faust-Goudeau are appointed to replace Senator Longbine, Senator Billinger, and Senator Rogers on the Conference Committee—SJ 2116
- 04/30/2018 House—Representative Jennings, Representative Whitmer, and Representative Highberger are appointed to replace Representative Kelly, Representative Powell, and Representative Finney on the Conference Committee—HJ 2957
- 05/02/2018 Senate—Senator Wilborn, Senator Lynn, and Senator Haley are appointed to replace Senator Estes, Senator Olson, and Senator Faust-Goudeau on the Conference Committee—SJ 2202
- 05/03/2018 House—Representative Highland, Representative Humphries, and Representative Ruiz are appointed to replace Representative Jennings, Representative Whitmer, and Representative Highberger on the Conference Committee—HJ 3098

- 05/03/2018 House—Conference Committee Report agree to disagree adopted; Representative Highland, Representative Humphries and Representative Carmichael appointed as conferees—HJ 3118
- 05/03/2018 Senate—Conference Committee Report agree to disagree adopted; Senator Wilborn, Senator Lynn and Senator Haley appointed as second conferees—SJ 2332
- 05/03/2018 House—Conference Committee Report was adopted; Yea: 63 Nay: 58—HJ 3232
- 05/03/2018 Senate—Conference Committee Report was adopted; Yea: 24 Nay: 15—SJ 2457
- 05/04/2018 Senate—Enrolled and presented to Governor on Tuesday, May 08, 2018
- 05/04/2018 Senate—Approved by Governor on Friday, May 18, 2018
- S 285** Bill by Ways and Means
Substitute for SB 285 by Committee on Ways and Means - Establishing the joint legislative transportation task force for evaluation of the state highway fund and the state highway transportation system.
- 01/16/2018 Senate—Introduced—SJ 1487
- 01/17/2018 Senate—Hearing: Wednesday, January 24, 2018, 10:30 AM Room 548-S
- 01/17/2018 Senate—Referred to Committee on Ways and Means—SJ 1495
- 02/05/2018 Senate—Committee Report recommending substitute bill be passed by Committee on Ways and Means—SJ 1539
- 02/08/2018 Senate—Committee of the Whole - Motion to rerefer to committee failed Yea: 9 Nay: 29—SJ 1557
- 02/08/2018 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 1557
- 02/08/2018 Senate—Emergency Final Action - Substitute passed as amended; Yea: 33 Nay: 5—SJ 1558
- 02/12/2018 House—Received and Introduced—HJ 2295
- 02/13/2018 House—Referred to Committee on Transportation—HJ 2299
- 05/04/2018 House—Died in House Committee
- S 286** Bill by Agriculture and Natural Resources
Relating to the Kansas pet animal act.
- 01/16/2018 Senate—Introduced—SJ 1487
- 01/17/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1495
- 05/04/2018 Senate—Died in Committee
- S 287** Bill by Agriculture and Natural Resources
Relating to Kansas department of agriculture license renewal dates and late fees.
- 01/16/2018 Senate—Introduced—SJ 1487
- 01/17/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1495
- 02/07/2018 Senate—Hearing: Wednesday, February 14, 2018, 08:30 AM Room 159-S
- 05/04/2018 Senate—Died in Committee
- S 288** Bill by Judiciary
Repealing prohibitions on Saturday process service and ending trial on Saturday.
- 01/17/2018 Senate—Introduced—SJ 1494

- 01/18/2018 Senate—Referred to Committee on Judiciary—SJ 1497
 01/24/2018 Senate—Hearing: Wednesday, January 31, 2018, 10:30 AM Room 346-S
- 02/01/2018 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1531
- 02/08/2018 Senate—Committee of the Whole - Be passed—SJ 1556
- 02/08/2018 Senate—Emergency Final Action - Passed; Yea: 37 Nay: 1—SJ 1558
- 02/12/2018 House—Received and Introduced—HJ 2295
- 02/13/2018 House—Referred to Committee on Judiciary—HJ 2299
- 02/28/2018 House—Hearing: Monday, March 05, 2018, 03:30 PM Room 112-N
- 03/26/2018 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 2650
- 03/28/2018 House—Committee of the Whole - Be passed as amended—HJ 2691
- 03/29/2018 House—Final Action - Passed as amended; Yea: 85 Nay: 39—HJ 2702
- 04/02/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 1937
- 04/02/2018 House—Motion to accede adopted; Representative Finch, Representative Ralph and Representative Carmichael appointed as conferees—HJ 2730
- 05/01/2018 Senate—Concurred with amendments in conference; Yea: 39 Nay: 1—SJ 2158
- 05/04/2018 Senate—Enrolled and presented to Governor on Friday, May 04, 2018
- 05/04/2018 Senate—Approved by Governor on Monday, May 14, 2018
- S 289** Bill by Judiciary
Allowing 90 days to execute electronic device search warrants and interstate transport of siezed electronic devices to perform searches.
- 01/17/2018 Senate—Introduced—SJ 1495
- 01/18/2018 Senate—Referred to Committee on Judiciary—SJ 1497
- 05/04/2018 Senate—Died in Committee
- S 290** Bill by Judiciary
Granting immunity from civil liability to the person who files a grand jury petition.
- 01/17/2018 Senate—Introduced—SJ 1495
- 01/18/2018 Senate—Referred to Committee on Judiciary—SJ 1497
- 05/04/2018 Senate—Died in Committee
- S 291** Bill by Transportation
Designating a portion of United States highway 36 as the World War I veteran's memorial highway.
- 01/17/2018 Senate—Introduced—SJ 1495
- 01/18/2018 Senate—Referred to Committee on Transportation—SJ 1497
- 01/24/2018 Senate—Hearing: Thursday, February 01, 2018, 08:30 AM Room 546-S
- 02/06/2018 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 1548
- 03/01/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Transportation—SJ 1657
- 05/04/2018 Senate—Died in Committee
- S 292** Bill by Financial Institutions and Insurance
Removing the 30-day prior notice requirement provided to a member before expulsion from a credit union.

- 01/18/2018 Senate—Introduced—SJ 1496
 01/19/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1500
 01/24/2018 Senate—Hearing: Tuesday, January 30, 2018, 09:30 AM Room 546-S
 02/01/2018 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 1531
 02/06/2018 Senate—Committee of the Whole - Be passed—SJ 1544
 02/06/2018 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 1545
 02/07/2018 House—Received and Introduced—HJ 2251
 02/08/2018 House—Referred to Committee on Financial Institutions and Pensions—HJ 2268
 02/28/2018 House—Hearing: Monday, March 05, 2018, 09:00 AM Room 281-N
 05/04/2018 House—Died in House Committee
- S 293** Bill by Utilities
Municipal energy agencies and the state corporation commission.
 01/18/2018 Senate—Introduced—SJ 1496
 01/19/2018 Senate—Referred to Committee on Utilities—SJ 1500
 05/04/2018 Senate—Died in Committee
- S 294** Bill by Transportation
Concerning motor vehicles; relating to the vehicle dealers and manufacturers licensing act; renewal of licenses.
 01/18/2018 Senate—Introduced—SJ 1496
 01/19/2018 Senate—Referred to Committee on Transportation—SJ 1500
 01/25/2018 Senate—Hearing: Thursday, February 01, 2018, 08:30 AM Room 546-S
 02/06/2018 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 1548
 02/15/2018 Senate—Consent Calendar Passed Yea: 38 Nay: 0—SJ 1586
 02/16/2018 House—Received and Introduced—HJ 2335
 02/19/2018 House—Referred to Committee on Transportation—HJ 2338
 03/02/2018 House—Hearing: Wednesday, March 07, 2018, 01:30 PM Room 582-N
 03/09/2018 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 2485
 03/22/2018 House—Committee of the Whole - Be passed—HJ 2567
 03/23/2018 House—Final Action - Passed; Yea: 121 Nay: 0—HJ 2572
 04/02/2018 Senate—Enrolled and presented to Governor on Friday, March 30, 2018—SJ 1940
 04/03/2018 Senate—Approved by Governor on Monday, April 2, 2018—SJ 1942
- S 295** Bill by Judiciary
Legislative review of exceptions to disclosure of public records.
 01/18/2018 Senate—Introduced—SJ 1497
 01/19/2018 Senate—Referred to Committee on Judiciary—SJ 1500
 02/07/2018 Senate—Hearing: Tuesday, February 13, 2018, 10:30 AM Room 346-S
 02/15/2018 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1595
 03/01/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Judiciary—SJ 1657
 05/04/2018 Senate—Died in Committee
- S 296** Bill by Judiciary
Allowing evidence of failure to use a safety belt to be admissible in certain actions.

- 01/18/2018 Senate—Introduced—SJ 1497
- 01/19/2018 Senate—Referred to Committee on Judiciary—SJ 1500
- 01/31/2018 Senate—Hearing: Wednesday, February 07, 2018, 10:30 AM Room 346-S
- 02/13/2018 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1578
- 02/20/2018 Senate—Committee of the Whole - Be passed—SJ 1605
- 02/20/2018 Senate—Committee of the Whole - Motion to recommend favorably for passage failed Yea: 19 Nay: 19—SJ 1605
- 02/20/2018 Senate—Committee of the Whole - Be passed Yea: 21 Nay: 17—SJ 1605
- 02/21/2018 Senate—Final Action - Passed; Yea: 25 Nay: 15—SJ 1618
- 02/21/2018 House—Received and Introduced—HJ 2410
- 02/28/2018 House—Referred to Committee on Judiciary—HJ 2447
- 02/28/2018 House—Hearing: Thursday, March 08, 2018, 03:30 PM Room 112-N
- 03/26/2018 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 2650
- 03/28/2018 House—Committee of the Whole - Be passed as amended—HJ 2691
- 03/29/2018 House—Final Action - Passed as amended; Yea: 94 Nay: 30—HJ 2702
- 04/02/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 1937
- 04/02/2018 House—Motion to accede adopted; Representative Finch, Representative Ralph and Representative Carmichael appointed as conferees—HJ 2730
- 05/01/2018 House—Representative Johnson, Representative Phillips, and Representative Sawyer are appointed to replace Representative Finch, Representative Ralph, and Representative Carmichael on the Conference Committee—HJ 2988
- 05/03/2018 Senate—Senator Tyson, Senator Kerschen, and Senator Holland are appointed to replace Senator Wilborn, Senator Lynn, and Senator Haley on the Conference Committee—SJ 2243
- 05/04/2018 House—Conference Committee Report to agree to disagree adopted; Representative Johnson, Representative Phillips and Representative Sawyer appointed as Second conferees.—HJ 3250
- 05/04/2018 Senate—Conference Committee Report agree to disagree adopted; Senator Tyson, Senator Kerschen and Senator Holland appointed as second conferees
- 05/04/2018 House—Rep. Ward challenged the conference committee report under Joint Rule 3(f) regarding subject matter allowed; the report was ruled in order.—HJ 3277
- 05/04/2018 House—Conference Committee Report was adopted; Yea: 83 Nay: 36—HJ 3277
- 05/04/2018 Senate—Died in Conference
- S 297** Bill by Judiciary
Revising the notice provided to a driver before conducting tests to determine the presence of alcohol or drugs.
- 01/18/2018 Senate—Introduced—SJ 1497
- 01/19/2018 Senate—Referred to Committee on Judiciary—SJ 1500
- 02/07/2018 Senate—Hearing: Monday, February 12, 2018, 10:30 AM Room 346-S

- 05/04/2018 Senate—Died in Committee
- S 298** Bill by Ethics, Elections and Local Government
Cities, counties; residential fire sprinkler systems prohibitions, repealed.
 01/18/2018 Senate—Introduced—SJ 1497
 01/19/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1500
 05/04/2018 Senate—Died in Committee
- S 299** Bill by Ethics, Elections and Local Government
Election commissioners; role of secretary of state and boards of county commissioners.
 01/18/2018 Senate—Introduced—SJ 1497
 01/19/2018 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 1500
 01/31/2018 Senate—Hearing: Tuesday, February 06, 2018, 09:30 AM Room 142-S
 03/26/2018 Senate—Committee Report recommending bill be passed by Committee on Ethics, Elections and Local Government—SJ 1817
 05/04/2018 Senate—Died on General Orders
- S 300** Bill by Ways and Means
Prohibiting substantial change to the Kansas medical assistance program without prior legislative approval.
 01/18/2018 Senate—Introduced—SJ 1497
 01/19/2018 Senate—Referred to Committee on Ways and Means—SJ 1500
 01/24/2018 Senate—Hearing: Tuesday, January 30, 2018, 10:30 AM Room 548-S
 02/15/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 1596
 05/04/2018 Senate—Died on General Orders
- S 301** Bill by Ways and Means
Requiring hunting guides and outfitters to register with the department of wildlife, parks and tourism.
 01/18/2018 Senate—Introduced—SJ 1497
 01/19/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1500
 02/05/2018 Senate—Hearing: Thursday, February 08, 2018, 08:30 AM Room 159-S
 03/15/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 1748
 03/26/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1815
 03/27/2018 Senate—Final Action - Passed as amended; Yea: 31 Nay: 9—SJ 1829
 03/27/2018 House—Received and Introduced—HJ 2665
 03/28/2018 House—Referred to Committee on Agriculture—HJ 2673
 05/04/2018 House—Died in House Committee
- S 302** Bill by Financial Institutions and Insurance
Amending the banking code to include savings and loan associations and savings banks.
 01/19/2018 Senate—Introduced—SJ 1499
 01/22/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1503
 05/04/2018 Senate—Died in Committee
- S 303** Bill by Assessment and Taxation
Expanding expense deduction to tax filers in addition to corporate filers.
 01/22/2018 Senate—Introduced—SJ 1502
 01/23/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1506

- 02/01/2018 Senate—Hearing: Thursday, February 08, 2018, 09:30 AM Room 548-S
 02/15/2018 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 1589
 02/21/2018 Senate—Committee of the Whole - Motion to rerefer to committee failed—SJ 1623
 02/21/2018 Senate—Committee of the Whole - Be passed—SJ 1623
 02/22/2018 Senate—Final Action - Passed; Yea: 31 Nay: 8—SJ 1643
 02/22/2018 House—Received and Introduced—HJ 2428
 02/28/2018 House—Referred to Committee on Taxation—HJ 2447
 03/06/2018 House—Hearing: Thursday, March 08, 2018, 03:30 PM Room 346-S
 05/04/2018 House—Died in House Committee
- S 304** Bill by Public Health and Welfare
Establishing restrictions on health insurance use of step therapy protocols.
 01/22/2018 Senate—Introduced—SJ 1503
 01/23/2018 Senate—Referred to Committee on Public Health and Welfare—SJ 1506
 02/07/2018 Senate—Hearing: Thursday, February 15, 2018, 09:30 AM Room 118-N
 05/04/2018 Senate—Died in Committee
- S 305** Bill by Public Health and Welfare
Department of health and environment authority to regulate certain programs for children.
 01/22/2018 Senate—Introduced—SJ 1503
 01/23/2018 Senate—Referred to Committee on Public Health and Welfare—SJ 1506
 05/04/2018 Senate—Died in Committee
- S 306** Bill by Senator Hensley
Prohibiting outside employment by certain state officers or employees.
 01/22/2018 Senate—Introduced—SJ 1503
 01/23/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1506
 05/04/2018 Senate—Died in Committee
- S 307** Bill by Ways and Means
House Substitute for SB 307 by Committee on Federal and State Affairs - Amendments to the Kansas amusement ride act.
 01/22/2018 Senate—Introduced—SJ 1503
 01/23/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1506
 01/31/2018 Senate—Hearing: Tuesday, February 06, 2018, 10:30 AM Room 144-S
 02/13/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 1577
 02/15/2018 Senate—Committee of the Whole - Be passed as further amended—SJ 1587
 02/15/2018 Senate—Emergency Final Action - Passed as amended; Yea: 36 Nay: 0—SJ 1588
 02/16/2018 House—Received and Introduced—HJ 2335
 02/19/2018 House—Referred to Committee on Federal and State Affairs—HJ 2338
 03/07/2018 House—Hearing: Tuesday, March 13, 2018, 09:00 AM Room 346-S
 03/20/2018 House—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—HJ 2548
 03/27/2018 House—Committee of the Whole - Substitute bill be passed as amended—HJ 2667

- 03/28/2018 House—Final Action - Substitute passed as amended; Yea: 113 Nay: 11—HJ 2681
- 03/28/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Estes, Senator Billinger and Senator Faust-Goudeau as conferees—SJ 1863
- 03/29/2018 House—Motion to accede adopted; Representative Barker, Representative Highland and Representative Ruiz appointed as conferees—HJ 2697
- 04/06/2018 House—Conference Committee Report was adopted; Yea: 114 Nay: 6—HJ 2791
- 04/26/2018 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 1—SJ 2096
- 05/01/2018 Senate—Enrolled and presented to Governor on Tuesday, May 01, 2018—SJ 2198
- 05/04/2018 Senate—Approved by Governor on Tuesday, May 8, 2018
- S 308** Bill by Public Health and Welfare
Licensure of dental therapists.
 01/23/2018 Senate—Introduced—SJ 1505
 01/24/2018 Senate—Referred to Committee on Public Health and Welfare—SJ 1510
 05/04/2018 Senate—Died in Committee
- S 309** Bill by Judiciary
Providing for the disposition of judicial branch docket fees in FY 2020 and FY 2021.
 01/23/2018 Senate—Introduced—SJ 1506
 01/24/2018 Senate—Referred to Committee on Judiciary—SJ 1510
 01/29/2018 Senate—Hearing: Wednesday, January 31, 2018, 10:30 AM Room 346-S
 02/01/2018 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1531
 02/22/2018 Senate—Committee of the Whole - Be passed—SJ 1647
 02/22/2018 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 1649
 02/28/2018 House—Received and Introduced—HJ 2447
 03/01/2018 House—Referred to Committee on Judiciary—HJ 2452
 03/07/2018 House—Hearing: Monday, March 12, 2018, 03:30 PM Room 112-N
 05/04/2018 House—Died in House Committee
- S 310** Bill by Judiciary
Amendments to the Kansas amusement ride act.
 01/23/2018 Senate—Introduced—SJ 1506
 01/24/2018 Senate—Hearing: Wednesday, January 31, 2018, 10:30 AM Room 346-S
 01/24/2018 Senate—Referred to Committee on Judiciary—SJ 1510
 02/01/2018 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1531
 02/20/2018 Senate—Committee of the Whole - Be passed—SJ 1606
 02/21/2018 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1619
 02/21/2018 House—Received and Introduced—HJ 2410
 02/28/2018 House—Referred to Committee on Judiciary—HJ 2447
 02/28/2018 House—Hearing: Monday, March 05, 2018, 03:30 PM Room 112-N

- 03/15/2018 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 2522
- 03/28/2018 House—Committee of the Whole - Be passed as amended—HJ 2686
- 03/29/2018 House—Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 2703
- 04/02/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 1938
- 04/02/2018 House—Motion to accede adopted; Representative Finch, Representative Ralph and Representative Carmichael appointed as conferees—HJ 2730
- 05/02/2018 House—Conference Committee Report was adopted; Yea: 114 Nay: 7—HJ 3067
- 05/03/2018 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 1—SJ 2266
- 05/04/2018 Senate—Enrolled and presented to Governor on Monday, May 07, 2018
- 05/04/2018 Senate—Approved by Governor on Tuesday, May 8, 2018
- S 311** Bill by Public Health and Welfare
Adding emergency medical personnel to the list of mandatory reporters of abuse, neglect or exploitation of certain adults.
- 01/23/2018 Senate—Introduced—SJ 1506
- 01/24/2018 Senate—Referred to Committee on Public Health and Welfare—SJ 1510
- 02/07/2018 Senate—Hearing: Monday, February 12, 2018, 09:30 AM Room 118-N
- 02/19/2018 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 1603
- 02/21/2018 Senate—Committee of the Whole - Be passed—SJ 1615
- 02/22/2018 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 1645
- 02/22/2018 House—Received and Introduced—HJ 2428
- 02/28/2018 House—Referred to Committee on Children and Seniors—HJ 2447
- 03/14/2018 House—Hearing: Tuesday, March 20, 2018, 09:00 AM Room 218-N
- 03/22/2018 House—Committee Report recommending bill be passed by Committee on Children and Seniors—HJ 2567
- 03/27/2018 House—Committee of the Whole - Be passed—HJ 2666
- 03/28/2018 House—Final Action - Passed; Yea: 124 Nay: 0—HJ 2681
- 04/02/2018 Senate—Enrolled and presented to Governor on Friday, March 30, 2018—SJ 1940
- 04/05/2018 Senate—Approved by Governor on Wednesday, April 4, 2018—SJ 1984
- S 312** Bill by Public Health and Welfare
Licensure of dental therapists.
- 01/23/2018 Senate—Introduced—SJ 1506
- 01/24/2018 Senate—Hearing: Thursday, February 01, 2018, 09:30 AM Room 118-N
- 01/24/2018 Senate—Referred to Committee on Public Health and Welfare—SJ 1510
- 02/02/2018 Senate—Hearing continuation: Monday, February 05, 2018, 09:30 AM Room 118-N
- 02/12/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 1569
- 02/15/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1587
- 02/15/2018 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 1588

- 02/16/2018 House—Received and Introduced—HJ 2335
 02/19/2018 House—Referred to Committee on Health and Human Services—HJ 2338
 03/07/2018 House—Hearing: Wednesday, March 14, 2018, 01:30 PM Room 546-S
 05/04/2018 House—Died in House Committee
- S 313** Bill by Ways and Means
Redevelop authorities; Johnson and Labette counties.
 01/23/2018 Senate—Introduced—SJ 1506
 01/25/2018 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 1512
 02/20/2018 Senate—Hearing: Thursday, March 01, 2018, 09:30 AM Room 142-S
 03/14/2018 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Ethics, Elections and Local Government—SJ 1706
 03/20/2018 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 1763
 03/21/2018 House—Received and Introduced—HJ 2553
 03/22/2018 House—Referred to Committee on Local Government—HJ 2564
 05/04/2018 House—Died in House Committee
- S 314** Bill by Ways and Means
Townships; special highway improvement fund.
 01/23/2018 Senate—Introduced—SJ 1506
 01/25/2018 Senate—Referred to Committee on Ways and Means—SJ 1512
 01/31/2018 Senate—Hearing: Thursday, February 08, 2018, 10:30 AM Room 548-S
 02/14/2018 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 1581
 02/20/2018 Senate—Committee of the Whole - Be passed—SJ 1605
 02/21/2018 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1620
 02/21/2018 House—Received and Introduced—HJ 2410
 02/28/2018 House—Referred to Committee on Appropriations—HJ 2447
 05/04/2018 House—Died in House Committee
- S 315** Bill by Ways and Means
Kansas state employee health care commission, increasing members; adding the chairpersons of the senate committee on ways and means, house committee on appropriations, senate committee on public health and welfare, and house committee on health and human services, or their designees; authorizing the members to elect the chairperson.
 01/23/2018 Senate—Introduced—SJ 1506
 01/25/2018 Senate—Referred to Committee on Ways and Means—SJ 1512
 01/31/2018 Senate—Hearing: Wednesday, February 07, 2018, 10:30 AM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 316** Bill by Public Health and Welfare
Providing medicaid coverage for tobacco cessation.
 01/23/2018 Senate—Introduced—SJ 1506
 01/24/2018 Senate—Referred to Committee on Public Health and Welfare—SJ 1510
 01/31/2018 Senate—Hearing: Thursday, February 08, 2018, 09:30 AM Room 118-N
 02/19/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 1603

- 03/01/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Public Health and Welfare—SJ 1657
- 05/04/2018 Senate—Died in Committee
- S 317** Bill by Joint Administrative Rules and Regulations
Adding a ranking minority member to the joint committee on administrative rules and regulations and the state rules and regulations board and requiring agencies to report on the impact regulations will have on business.
- 01/23/2018 Senate—Introduced—SJ 1506
- 01/25/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1512
- 05/04/2018 Senate—Died in Committee
- S 318** Bill by Federal and State Affairs
Providing immunity from civil liability for damage to a motor vehicle related to the rescue of a person or animal.
- 01/24/2018 Senate—Introduced—SJ 1509
- 01/25/2018 Senate—Referred to Committee on Judiciary—SJ 1512
- 05/04/2018 Senate—Died in Committee
- S 319** Bill by Federal and State Affairs
Residence for school attendance of children awaiting foster care or permanent family placement.
- 01/24/2018 Senate—Introduced—SJ 1509
- 01/25/2018 Senate—Referred to Committee on Education—SJ 1512
- 02/08/2018 Senate—Hearing: Tuesday, February 13, 2018, 01:30 PM Room 144-S
- 05/04/2018 Senate—Died in Committee
- S 320** Bill by Agriculture and Natural Resources
Relating to the number of first-year veterinary students that may enter into program agreements with Kansas state university.
- 01/24/2018 Senate—Introduced—SJ 1509
- 01/25/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1512
- 02/05/2018 Senate—Hearing: Wednesday, February 07, 2018, 08:30 AM Room 159-S
- 02/12/2018 Senate—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—SJ 1564
- 03/01/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Agriculture and Natural Resources—SJ 1657
- 05/04/2018 Senate—Died in Committee
- S 321** Bill by Judiciary
Enhancing penalties for offenses causing death or serious bodily injury to public safety sector employees.
- 01/24/2018 Senate—Introduced—SJ 1509
- 01/25/2018 Senate—Referred to Committee on Judiciary—SJ 1512
- 05/04/2018 Senate—Died in Committee
- S 322** Bill by Utilities
Utilities and the net metering act.
- 01/24/2018 Senate—Introduced—SJ 1509
- 01/25/2018 Senate—Referred to Committee on Utilities—SJ 1512
- 01/31/2018 Senate—Hearing: (opponents) Wednesday, February 07, 2018, 01:30 PM Room 548-S

- 01/31/2018 Senate—Hearing: (proponents) Tuesday, February 06, 2018, 01:30 PM
Room 548-S
- 02/08/2018 Senate—Hearing continuation: Monday, February 12, 2018, 01:30 PM
Room 548-S
- 05/04/2018 Senate—Died in Committee
- S 323** Bill by Utilities
Substitute for SB 323 by Committee on Utilities - Concerning the Kansas retail electric suppliers act and the regulation of electric cooperatives and municipal energy agencies.
- 01/24/2018 Senate—Introduced—SJ 1510
- 01/25/2018 Senate—Referred to Committee on Utilities—SJ 1512
- 02/12/2018 Senate—Committee Report recommending substitute bill be passed by
Committee on Utilities—SJ 1575
- 02/15/2018 Senate—Committee of the Whole - Substitute bill be passed as
amended—SJ 1587
- 02/15/2018 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 0
—SJ 1588
- 02/16/2018 House—Received and Introduced—HJ 2335
- 02/16/2018 House—Hearing: Monday, February 19, 2018, 09:00 AM Room 582-N
- 02/19/2018 House—Referred to Committee on Energy, Utilities and
Telecommunications—HJ 2338
- 02/19/2018 House—Committee Report recommending bill be passed by Committee
on Energy, Utilities and Telecommunications—HJ 2344
- 02/21/2018 House—Committee of the Whole - Be passed—HJ 2391
- 02/22/2018 House—Final Action - Passed; Yea: 117 Nay: 0—HJ 2424
- 03/02/2018 Senate—Enrolled and presented to Governor on Friday, March 02, 2018
—SJ 1663
- 03/05/2018 Senate—Approved by Governor on Monday, March 5, 2018—SJ 1666
- S 324** Bill by Transportation
Amending the vehicle dealers and manufacturers licensing act.
- 01/24/2018 Senate—Introduced—SJ 1510
- 01/25/2018 Senate—Hearing: Wednesday, January 31, 2018, 08:30 AM Room 546-
S
- 01/25/2018 Senate—Referred to Committee on Transportation—SJ 1512
- 02/07/2018 Senate—Committee Report recommending bill be passed as amended
by Committee on Transportation—SJ 1551
- 02/14/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1581
- 02/15/2018 Senate—Final Action - Passed as amended; Yea: 33 Nay: 2—SJ 1586
- 02/16/2018 House—Received and Introduced—HJ 2335
- 02/19/2018 House—Referred to Committee on Transportation—HJ 2338
- 03/02/2018 House—Hearing: Wednesday, March 07, 2018, 01:30 PM Room 582-N
- 03/09/2018 House—Committee Report recommending bill be passed as amended
by Committee on Transportation—HJ 2485
- 03/21/2018 House—Committee of the Whole - Be passed as amended—HJ 2559
- 03/22/2018 House—Final Action - Passed as amended; Yea: 123 Nay: 2—HJ 2565
- 03/23/2018 Senate—Nonconcurrent with amendments; Conference Committee
requested; appointed Senator Petersen, Senator Goddard and Senator
Petty as conferees—SJ 1802

- 03/23/2018 House—Motion to accede adopted; Representative Proehl, Representative Francis and Representative Lusker appointed as conferees—HJ 2571
- 04/03/2018 Senate—Concurred with amendments in conference; Yea: 37 Nay: 0—SJ 1943
- 04/06/2018 Senate—Enrolled and presented to Governor on Friday, April 06, 2018—SJ 2012
- 04/26/2018 Senate—Approved by Governor on Thursday, April 12, 2018—SJ 2070
- S 325** Bill by Ethics, Elections and Local Government
City, school district, other municipal elected officials; date for assuming office following election.
- 01/24/2018 Senate—Introduced—SJ 1510
- 01/25/2018 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 1512
- 01/31/2018 Senate—Hearing: Thursday, February 08, 2018, 09:30 AM Room 142-S
- 05/04/2018 Senate—Died in Committee
- S 326** Bill by Ethics, Elections and Local Government
Free state elections act; voter identification; proof of citizenship eliminated; permanent advance voting for any voter; election day registration; eliminating interstate voter registration crosscheck participation.
- 01/24/2018 Senate—Introduced—SJ 1510
- 01/25/2018 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 1512
- 05/04/2018 Senate—Died in Committee
- S 327** Bill by Senator Hensley
Amending the Kansas school equity and enhancement act regarding the transportation weighting.
- 01/24/2018 Senate—Introduced—SJ 1510
- 01/25/2018 Senate—Referred to Committee on Education—SJ 1512
- 05/04/2018 Senate—Died in Committee
- S 328** Bill by Senators Hensley, Denning
Prohibiting the outsourcing or privatization of any operations or facilities of any correctional institution or juvenile correctional facility; allowing existing contracts to be renewed.
- 01/24/2018 Senate—Introduced—SJ 1510
- 01/25/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1512
- 01/31/2018 Senate—Hearing: Wednesday, February 07, 2018, 10:30 AM Room 144-S
- 02/12/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 1564
- 02/20/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1606
- 02/21/2018 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1620
- 02/21/2018 House—Received and Introduced—HJ 2410
- 02/28/2018 House—Referred to Committee on Corrections and Juvenile Justice—HJ 2447
- 03/05/2018 House—Hearing: Wednesday, March 07, 2018, 01:30 PM Room 152-S
- 03/22/2018 House—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—HJ 2567
- 03/28/2018 House—Committee of the Whole - Be passed as amended—HJ 2686
- 03/29/2018 House—Final Action - Passed as amended; Yea: 111 Nay: 13—HJ 2703

- 04/02/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Estes, Senator Olson and Senator Faust-Goudeau as conferees—SJ 1938
- 04/02/2018 House—Motion to accede adopted; Representative Jennings, Representative Whitmer and Representative Highberger appointed as conferees—HJ 2730
- 05/01/2018 House—Conference Committee Report was adopted; Yea: 114 Nay: 7—HJ 3008
- 05/02/2018 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2223
- 05/04/2018 Senate—Enrolled and presented to Governor on Monday, May 07, 2018
- 05/04/2018 Senate—Approved by Governor on Tuesday, May 8, 2018
- S 329** Bill by Judiciary
Enacting the uniform partition of heirs property act.
 01/25/2018 Senate—Introduced—SJ 1511
 01/26/2018 Senate—Referred to Committee on Judiciary—SJ 1514
 01/31/2018 Senate—Hearing: Wednesday, February 07, 2018, 10:30 AM Room 346-S
 02/15/2018 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1595
 03/01/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Judiciary—SJ 1657
- S 330** Bill by Agriculture and Natural Resources
Amending the fee limitations for certain department of wildlife, parks and tourism licenses, permits, stamps and other issues.
 01/25/2018 Senate—Introduced—SJ 1511
 01/26/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1514
 01/31/2018 Senate—Hearing: Wednesday, February 07, 2018, 08:30 AM Room 159-S
 02/12/2018 Senate—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—SJ 1564
 03/01/2018 Senate—Motion to strike from Calendar adopted—SJ 1661
- S 331** Bill by Agriculture and Natural Resources
Designating Flint Hills trail state park and Little Jerusalem Badlands state park as part of the state park system and establishing the Flint Hills advisory council.
 01/25/2018 Senate—Introduced—SJ 1511
 01/26/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1514
 01/29/2018 Senate—Hearing: Wednesday, January 31, 2018, 08:30 AM Room 159-S
 02/12/2018 Senate—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—SJ 1564
 02/20/2018 Senate—Committee of the Whole - Be passed—SJ 1605
 02/21/2018 Senate—Final Action - Passed; Yea: 26 Nay: 14—SJ 1620
 02/21/2018 House—Received and Introduced—HJ 2410
 02/28/2018 House—Referred to Committee on Agriculture—HJ 2447
 03/06/2018 House—Hearing: Thursday, March 08, 2018, 03:30 PM Room 582-N

- 03/14/2018 House—Committee Report recommending bill be passed as amended by Committee on Agriculture—HJ 2505
- 03/23/2018 House—Committee of the Whole - Be passed as amended—HJ 2573
- 03/26/2018 House—Final Action - Passed as amended; Yea: 99 Nay: 24—HJ 2580
- 03/28/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Kerschen, Senator Estes and Senator Francisco as conferees—SJ 1860
- 03/28/2018 House—Motion to accede adopted; Representative Hoffman, Representative Thompson and Representative Carlin appointed as conferees—HJ 2688
- 04/06/2018 House—Conference Committee Report was adopted; Yea: 96 Nay: 23—HJ 2801
- 04/26/2018 Senate—Conference Committee Report was adopted; Yea: 27 Nay: 12—SJ 2097
- 05/01/2018 Senate—Enrolled and presented to Governor on Tuesday, May 01, 2018—SJ 2198
- 05/04/2018 Senate—Approved by Governor on Tuesday, May 8, 2018
- S 332** Bill by Public Health and Welfare
Removing medicaid services for intellectual and developmental disabilities from managed care delivery.
- 01/25/2018 Senate—Introduced—SJ 1512
- 01/26/2018 Senate—Referred to Committee on Public Health and Welfare—SJ 1514
- 02/07/2018 Senate—Hearing: Friday, February 09, 2018, 09:30 AM Room 346-S
- 05/04/2018 Senate—Died in Committee
- S 333** Bill by Education
Amendments to the Jason Flatt act; relating to suicide awareness and prevention training.
- 01/25/2018 Senate—Introduced—SJ 1512
- 01/26/2018 Senate—Referred to Committee on Education—SJ 1514
- 01/31/2018 Senate—Hearing: Thursday, February 08, 2018, 01:30 PM Room 144-S
- 05/04/2018 Senate—Died in Committee
- S 334** Bill by Commerce
Extending the time that taxpayers may carry forward the high performance incentive program tax credit.
- 01/26/2018 Senate—Introduced—SJ 1513
- 01/29/2018 Senate—Referred to Committee on Commerce—SJ 1517
- 01/31/2018 Senate—Hearing: Wednesday, February 07, 2018, 08:30 AM Room 548-S
- 02/15/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 1589
- 02/21/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Commerce—SJ 1615
- 05/04/2018 Senate—Died in Committee
- S 335** Bill by Financial Institutions and Insurance
Including savings and loan associations and savings banks in the state banking code and repealing the savings and loan code.
- 01/26/2018 Senate—Introduced—SJ 1513
- 01/29/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1517

- 01/30/2018 Senate—Hearing: Tuesday, January 30, 2018, 09:30 AM Room 546-S
 02/01/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 1531
 02/06/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1544
 02/06/2018 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1546
 02/07/2018 House—Received and Introduced—HJ 2251
 02/08/2018 House—Referred to Committee on Financial Institutions and Pensions—HJ 2268
 02/28/2018 House—Hearing: Monday, March 05, 2018, 09:00 AM Room 281-N
 03/07/2018 House—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Pensions—HJ 2471
 03/14/2018 House—Committee of the Whole - Handwritten Motion to Amend - Offered by Representative Ward—HJ 2505
 03/14/2018 House—Committee of the Whole - Be passed as amended—HJ 2505
 03/15/2018 House—Final Action - Passed as amended; Yea: 122 Nay: 1—HJ 2519
 03/15/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Billinger and Senator Rogers as conferees—SJ 1748
 03/16/2018 House—Motion to accede adopted; Representative Kelly, Representative Powell and Representative Finney appointed as conferees—HJ 2524
 04/07/2018 House—Conference Committee Report was adopted; Yea: 116 Nay: 4—HJ 2842
 04/26/2018 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 2103
 05/04/2018 Senate—Enrolled and presented to Governor on Friday, May 04, 2018
 05/04/2018 Senate—Approved by Governor on Tuesday, May 8, 2018
- S 336** Bill by Judiciary
House Substitute for SB 336 by Committee on Judiciary - Extending open records exceptions and requiring release of certain records by the secretary for children and families, regulating access to certain law enforcement audio and video recordings and requiring redactions of social security numbers in documents available for public inspection and copying.
- 01/29/2018 Senate—Introduced—SJ 1517
 01/30/2018 Senate—Referred to Committee on Judiciary—SJ 1519
 02/07/2018 Senate—Hearing: Wednesday, February 14, 2018, 10:30 AM Room 346-S
 02/20/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1607
 02/22/2018 Senate—Committee of the Whole - Be passed as further amended—SJ 1648
 02/22/2018 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1650
 02/28/2018 House—Received and Introduced—HJ 2447
 03/01/2018 House—Referred to Committee on Judiciary—HJ 2452
 03/07/2018 House—Hearing: Monday, March 12, 2018, 03:30 PM Room 112-N
 03/22/2018 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 2569

- 03/28/2018 House—Committee of the Whole - Substitute bill be passed—HJ 2686
 03/29/2018 House—Final Action - Substitute passed; Yea: 124 Nay: 0—HJ 2704
 04/02/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 1938
 04/02/2018 House—Motion to accede adopted; Representative Finch, Representative Ralph and Representative Carmichael appointed as conferees—HJ 2731
 04/30/2018 House—Conference Committee Report was adopted; Yea: 119 Nay: 0—HJ 2952
 05/01/2018 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2169
 05/04/2018 Senate—Enrolled and presented to Governor on Monday, May 07, 2018
 05/04/2018 Senate—Approved by Governor on Thursday, May 10, 2018
- S 337** Bill by Agriculture and Natural Resources
Clarifying animal conversion units for poultry facilities with dry manure systems.
 01/29/2018 Senate—Introduced—SJ 1517
 01/30/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1519
 05/04/2018 Senate—Died in Committee
- S 338** Bill by Public Health and Welfare
Regulation of surgical technologists.
 01/29/2018 Senate—Introduced—SJ 1517
 01/30/2018 Senate—Referred to Committee on Public Health and Welfare—SJ 1519
 02/07/2018 Senate—Hearing: Monday, February 12, 2018, 09:30 AM Room 118-N
 05/04/2018 Senate—Died in Committee
- S 339** Bill by Commerce
Making workers compensation death benefits adequate and equivalent with respect to recent benefit limit changes.
 01/29/2018 Senate—Introduced—SJ 1517
 01/30/2018 Senate—Referred to Committee on Commerce—SJ 1519
 01/31/2018 Senate—Hearing: Thursday, February 08, 2018, 08:30 AM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 340** Bill by Federal and State Affairs
Campus free speech protection act.
 01/30/2018 Senate—Introduced—SJ 1518
 01/31/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1523
 02/14/2018 Senate—Hearing: Thursday, February 15, 2018, 10:30 AM Room 144-S
 02/20/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 1607
 03/14/2018 Senate—Committee of the Whole - Be passed as further amended—SJ 1705
 03/15/2018 Senate—Final Action - Not passed; Yea: 20 Nay: 20—SJ 1712
- S 341** Bill by Federal and State Affairs
Sales tax exemption for the Ronald McDonald house charities of Wichita, inc.
 01/30/2018 Senate—Introduced—SJ 1518
 01/31/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1523
 03/07/2018 Senate—Hearing: Tuesday, March 13, 2018, 09:30 AM Room 548-S

- 05/04/2018 Senate—Died in Committee
- S 342** Bill by Ways and Means
Enacting the Kansas cybersecurity act.
 01/30/2018 Senate—Introduced—SJ 1518
 01/30/2018 Senate—Referred to Committee on Ways and Means—SJ 1519
 01/31/2018 Senate—Hearing: Thursday, February 01, 2018, 10:30 AM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 343** Bill by Ways and Means
Authorizing the board of regents and the state of Kansas to convey certain real property in Sedgwick county to Wichita state university.
 01/30/2018 Senate—Introduced—SJ 1518
 01/31/2018 Senate—Hearing: Tuesday, February 06, 2018, 10:30 AM Room 548-S
 01/31/2018 Senate—Referred to Committee on Ways and Means—SJ 1523
 02/08/2018 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 1559
 02/13/2018 Senate—Committee of the Whole - Be passed—SJ 1577
 02/14/2018 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 1581
 02/15/2018 House—Received and Introduced—HJ 2327
 02/16/2018 House—Referred to Committee on Appropriations—HJ 2335
 03/06/2018 House—Withdrawn from Committee on Appropriations; Referred to Committee on Higher Education Budget—HJ 2463
 03/07/2018 House—Hearing: Monday, March 12, 2018, 03:30 PM Room 281-N
 03/14/2018 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Higher Education Budget—HJ 2513
 03/15/2018 House—Withdrawn from Consent Calendar and placed on General Orders—HJ 2518
 05/04/2018 House—Died on House Calendar
- S 344** Bill by Agriculture and Natural Resources
Relating to the control and eradication of noxious weeds in the state of Kansas.
 01/30/2018 Senate—Introduced—SJ 1519
 01/31/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1523
 05/04/2018 Senate—Died in Committee
- S 345** Bill by Assessment and Taxation
Sales tax exemption for friends of JCDS, inc.
 01/30/2018 Senate—Introduced—SJ 1519
 01/31/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1523
 02/01/2018 Senate—Hearing: Thursday, February 08, 2018, 09:30 AM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 346** Bill by Assessment and Taxation
Sales tax exemption for the Stafford county economic development, inc.
 01/31/2018 Senate—Introduced—SJ 1523
 02/01/2018 Senate—Hearing: Thursday, February 08, 2018, 09:30 AM Room 548-S
 02/01/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1527
 05/04/2018 Senate—Died in Committee
- S 347** Bill by Utilities
Utilities and demand-side programs.
 01/31/2018 Senate—Introduced—SJ 1523
 02/01/2018 Senate—Referred to Committee on Utilities—SJ 1527

- 02/02/2018 Senate—Hearing: (opponents) Wednesday, February 07, 2018, 01:30 PM Room 548-S
- 02/02/2018 Senate—Hearing: (proponents) Tuesday, February 06, 2018, 01:30 PM Room 548-S
- 05/04/2018 Senate—Died in Committee
- S 348** Bill by Financial Institutions and Insurance
Establishing electronic delivery as the standard method of delivery for explanation of benefits and member policies of health benefit plans.
- 02/01/2018 Senate—Introduced—SJ 1525
- 02/02/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1536
- 02/05/2018 Senate—Hearing: Thursday, February 08, 2018, 09:30 AM Room 546-S
- 02/15/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 1594
- 02/21/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1615
- 02/22/2018 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1645
- 02/22/2018 House—Received and Introduced—HJ 2428
- 02/28/2018 House—Referred to Committee on Insurance—HJ 2447
- 03/07/2018 House—Hearing: Thursday, March 15, 2018, 09:00 AM Room 281-N
- 03/20/2018 House—Committee Report recommending bill be passed as amended by Committee on Insurance—HJ 2548
- 03/26/2018 House—Committee of the Whole - Be passed as amended—HJ 2653
- 03/27/2018 House—Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 2670
- 03/28/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Billinger and Senator Rogers as conferees—SJ 1856
- 03/28/2018 House—Motion to accede adopted; Representative Vickrey, Representative Dove and Representative Neighbor appointed as conferees—HJ 2688
- 04/06/2018 House—Conference Committee Report was adopted; Yea: 120 Nay: 0—HJ 2792
- 04/26/2018 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 4—SJ 2105
- 05/04/2018 Senate—Enrolled and presented to Governor on Friday, May 04, 2018
- 05/04/2018 Senate—Approved by Governor on Tuesday, May 8, 2018
- S 349** Bill by Senator Pyle
Establishing procedure for filling vacancy in office of Lieutenant Governor and requiring notice of resignation from Governor and Lieutenant Governor when resigning from office.
- 02/01/2018 Senate—Introduced—SJ 1525
- 02/02/2018 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 1536
- 05/04/2018 Senate—Died in Committee
- S 350** Bill by Senators Hawk, Sykes, Alley, Baumgardner, Berger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Hardy, Hensley, Holland, Kelly, Pettey, Rogers, Skubal, Taylor, Tyson, Wilborn
Providing certain requirements related to requesting for introduction of bills in legislature by committee or legislator, and inclusion on printed committee bills and in committee minutes of requesting legislator.
- 02/01/2018 Senate—Introduced—SJ 1525

- 02/02/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1536
 05/04/2018 Senate—Died in Committee
- S 351** Bill by Public Health and Welfare
Enacting the Kansas pharmacy patients fair practices act.
 02/01/2018 Senate—Introduced—SJ 1525
 02/02/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1536
 02/07/2018 Senate—Hearing: Wednesday, February 14, 2018, 09:30 AM Room 546-S
 02/15/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 1594
 02/21/2018 Senate—Committee of the Whole - Be passed as further amended—SJ 1615
 02/22/2018 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1645
 02/22/2018 House—Received and Introduced—HJ 2428
 02/28/2018 House—Referred to Committee on Insurance—HJ 2447
 02/28/2018 House—Hearing: Tuesday, March 06, 2018, 09:00 AM Room 281-N
 03/08/2018 House—Committee Report recommending bill be passed by Committee on Insurance—HJ 2478
 03/21/2018 House—Committee of the Whole - Be passed—HJ 2559
 03/22/2018 House—Final Action - Passed; Yea: 124 Nay: 1—HJ 2565
 03/26/2018 Senate—Enrolled and presented to Governor on Monday, March 26, 2018—SJ 1826
 03/29/2018 Senate—Approved by Governor on Thursday, March 29, 2018—SJ 1864
- S 352** Bill by Ways and Means
Amending the school finance transportation weighting calculation and requiring transportation funding for school districts from the state general fund, not the state highway fund; making and concerning appropriations to the department of education for the fiscal year ending June 30, 2019.
 02/01/2018 Senate—Introduced—SJ 1525
 02/02/2018 Senate—Referred to Committee on Education—SJ 1536
 02/13/2018 Senate—Hearing: Tuesday, February 13, 2018, 01:30 PM Room 144-S
 03/14/2018 Senate—Withdrawn from Committee on Education; Referred to Senate Select Committee on Education Finance—SJ 1703
 03/19/2018 Senate—Hearing: Wednesday, March 21, 2018, 01:30 PM Room 144-S
 03/26/2018 Senate—Committee Report recommending bill be passed as amended by Senate Select Committee on Education Finance—SJ 1818
 03/27/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1835
 03/28/2018 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1856
 03/28/2018 House—Received and Introduced—HJ 2687
 03/29/2018 House—Referred to Committee on K-12 Education Budget—HJ 2697
 05/04/2018 House—Died in House Committee
- S 353** Bill by Ways and Means
Abolishing the boiler inspection fee fund; transferring balances to the fire marshal fee fund.
 02/01/2018 Senate—Introduced—SJ 1526
 02/02/2018 Senate—Referred to Committee on Ways and Means—SJ 1536

- 02/07/2018 Senate—Hearing: Wednesday, February 14, 2018, 10:30 AM Room 548-S
- 02/15/2018 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 1596
- 02/20/2018 Senate—Committee of the Whole - Be passed—SJ 1605
- 02/21/2018 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1621
- 02/21/2018 House—Received and Introduced—HJ 2410
- 02/28/2018 House—Referred to Committee on Appropriations—HJ 2447
- 05/04/2018 House—Died in House Committee
- S 354** Bill by Transportation
Providing for the Gadsden flag "DON'T TREAD ON ME" distinctive license plate.
- 02/01/2018 Senate—Introduced—SJ 1526
- 02/02/2018 Senate—Referred to Committee on Transportation—SJ 1536
- 05/04/2018 Senate—Died in Committee
- S 355** Bill by Utilities
Utilities and electric cooperatives.
- 02/01/2018 Senate—Introduced—SJ 1526
- 02/02/2018 Senate—Referred to Committee on Utilities—SJ 1536
- 05/04/2018 Senate—Died in Committee
- S 356** Bill by Utilities
State corporation commission reporting requirements and electric and gas rate increases.
- 02/01/2018 Senate—Introduced—SJ 1526
- 02/02/2018 Senate—Referred to Committee on Utilities—SJ 1536
- 05/04/2018 Senate—Died in Committee
- S 357** Bill by Education
Continuing the study of the cost of career technical education programs and report by the department of education.
- 02/01/2018 Senate—Introduced—SJ 1526
- 02/02/2018 Senate—Referred to Committee on Education—SJ 1536
- 02/07/2018 Senate—Hearing: Wednesday, February 14, 2018, 01:30 PM Room 144-S
- 03/19/2018 Senate—Withdrawn from Committee on Education; Referred to Committee on Federal and State Affairs—SJ 1759
- 03/20/2018 Senate—Withdrawn from Committee on Federal and State Affairs; Referred to Senate Select Committee on Education Finance—SJ 1762
- 05/04/2018 Senate—Died in Committee
- S 358** Bill by Public Health and Welfare
Massage therapist licensure act.
- 02/01/2018 Senate—Introduced—SJ 1526
- 02/02/2018 Senate—Referred to Committee on Public Health and Welfare—SJ 1536
- 05/04/2018 Senate—Died in Committee
- S 359** Bill by Judiciary
Racial profiling data collection and reporting requirements.
- 02/01/2018 Senate—Introduced—SJ 1526
- 02/02/2018 Senate—Referred to Committee on Judiciary—SJ 1536
- 05/04/2018 Senate—Died in Committee
- S 360** Bill by Judiciary

Amending open records laws relating to copies of public records and disclosure of law enforcement recordings using a body camera or vehicle camera.

02/01/2018 Senate—Introduced—SJ 1526

02/02/2018 Senate—Referred to Committee on Judiciary—SJ 1536

02/07/2018 Senate—Hearing: Tuesday, February 13, 2018, 10:30 AM Room 346-S

05/04/2018 Senate—Died in Committee

S 361

Bill by Judiciary

Amending Kansas open records act provisions on access to certain law enforcement audio and video recordings; enacting the police and citizen protection act regarding use of body cameras by law enforcement officers.

02/01/2018 Senate—Introduced—SJ 1526

02/02/2018 Senate—Referred to Committee on Judiciary—SJ 1536

05/04/2018 Senate—Died in Committee

S 362

Bill by Assessment and Taxation

Exempting labor from depreciation in certain property and casualty insurance claims.

02/01/2018 Senate—Introduced—SJ 1526

02/02/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1536

03/07/2018 Senate—Hearing: Wednesday, March 14, 2018, 09:30 AM Room 546-S

05/04/2018 Senate—Died in Committee

S 363

Bill by Senator Fitzgerald

Enacting the human trafficking prevention act.

02/01/2018 Senate—Introduced—SJ 1526

02/02/2018 Senate—Referred to Committee on Judiciary—SJ 1536

05/04/2018 Senate—Died in Committee

S 364

Bill by Assessment and Taxation

Requiring counties to approve the establishment of a poultry confinement facility and establishing the procedures therefor.

02/02/2018 Senate—Introduced—SJ 1535

02/05/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1538

05/04/2018 Senate—Died in Committee

S 365

Bill by Assessment and Taxation

Requiring counties to approve the establishment of a poultry production or poultry slaughter facility and establishing the procedures therefor.

02/02/2018 Senate—Introduced—SJ 1535

02/05/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1538

05/04/2018 Senate—Died in Committee

S 366

Bill by Assessment and Taxation

Creating the student opportunity scholarship program.

02/02/2018 Senate—Introduced—SJ 1535

02/05/2018 Senate—Referred to Committee on Education—SJ 1538

05/04/2018 Senate—Died in Committee

S 367

Bill by Assessment and Taxation

Sales taxation treatment of certain cash rebates on sales or leases of new motor vehicles.

02/02/2018 Senate—Introduced—SJ 1535

- 02/05/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1538
 02/28/2018 Senate—Hearing: Thursday, March 08, 2018, 09:30 AM Room 548-S
 03/13/2018 Senate—Committee Report recommending bill be passed as amended
 by Committee on Assessment and Taxation—SJ 1698
 03/28/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1862
 03/29/2018 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 1866
 03/29/2018 House—Received and Introduced—HJ 2710
 04/02/2018 House—Referred to Committee on Taxation—HJ 2725
 05/04/2018 House—Died in House Committee
- S 368** Bill by Utilities
Requiring the state corporation commission to include all public comments in the record.
 02/05/2018 Senate—Introduced—SJ 1537
 02/06/2018 Senate—Referred to Committee on Utilities—SJ 1542
 05/04/2018 Senate—Died in Committee
- S 369** Bill by Utilities
Ensuring a minimum rank for certain members of the Kansas highway patrol.
 02/05/2018 Senate—Introduced—SJ 1537
 02/06/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1542
 02/07/2018 Senate—Hearing: Monday, February 12, 2018, 10:30 AM Room 144-S
 02/13/2018 Senate—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Federal and State Affairs—SJ 1578
 02/21/2018 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 1616
 02/21/2018 House—Received and Introduced—HJ 2410
 02/28/2018 House—Referred to Committee on Federal and State Affairs—HJ 2447
 03/12/2018 House—Hearing: Wednesday, March 14, 2018, 09:00 AM Room 346-S
 03/14/2018 House—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Federal and State Affairs—HJ 2513
 03/19/2018 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 2540
 03/26/2018 Senate—Enrolled and presented to Governor on Monday, March 26,
 2018—SJ 1826
 03/29/2018 Senate—Approved by Governor on Thursday, March 29, 2018—SJ
 1864
- S 370** Bill by Ethics, Elections and Local Government
Municipalities; vacancy appointment limitations.
 02/05/2018 Senate—Introduced—SJ 1537
 02/06/2018 Senate—Referred to Committee on Ethics, Elections and Local
 Government—SJ 1542
 05/04/2018 Senate—Died in Committee
- S 371** Bill by Judiciary
**Requiring custody and detention by the Kansas department for aging and
 disability services for persons awaiting sexually violent predator
 determinations.**
 02/05/2018 Senate—Introduced—SJ 1537
 02/06/2018 Senate—Referred to Committee on Judiciary—SJ 1542
 05/04/2018 Senate—Died in Committee
- S 372** Bill by Judiciary
Clarifying the definition of the term "possession" in the Kansas criminal code.
 02/05/2018 Senate—Introduced—SJ 1538
 02/06/2018 Senate—Referred to Committee on Judiciary—SJ 1542

- 02/08/2018 Senate—Hearing: Thursday, February 15, 2018, 10:30 AM Room 346-S
 02/19/2018 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 1603
 02/21/2018 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 1615
 03/01/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Judiciary—SJ 1657
 05/04/2018 Senate—Died in Committee
- S 373** Bill by Judiciary
County hospitals; payment of debt upon closure; limit on county liability.
 02/05/2018 Senate—Introduced—SJ 1538
 02/06/2018 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 1542
 05/04/2018 Senate—Died in Committee
- S 374** Bill by Judiciary
House Substitute for SB 374 by Committee on Judiciary - Amendments related to driving under the influence, including testing, administrative penalties and criminal penalties.
 02/05/2018 Senate—Introduced—SJ 1538
 02/06/2018 Senate—Referred to Committee on Judiciary—SJ 1542
 02/07/2018 Senate—Hearing: Monday, February 12, 2018, 10:30 AM Room 346-S
 02/20/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1611
 02/22/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1648
 02/22/2018 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1650
 02/28/2018 House—Received and Introduced—HJ 2447
 03/01/2018 House—Referred to Committee on Judiciary—HJ 2452
 03/07/2018 House—Hearing: Tuesday, March 13, 2018, 03:30 PM Room 112-N
 03/26/2018 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 2654
 03/28/2018 House—Committee of the Whole - Substitute bill be passed—HJ 2694
 03/29/2018 House—Final Action - Substitute passed; Yea: 124 Nay: 0—HJ 2704
 04/02/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Lynn and Senator Haley as conferees—SJ 1938
 04/02/2018 House—Motion to accede adopted; Representative Finch, Representative Ralph and Representative Carmichael appointed as conferees—HJ 2731
 05/02/2018 House—Conference Committee Report was adopted; Yea: 121 Nay: 0—HJ 3078
 05/03/2018 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2278
 05/04/2018 Senate—Enrolled and presented to Governor on Friday, May 11, 2018
 05/04/2018 Senate—Approved by Governor on Monday, May 14, 2018
- S 375** Bill by Transportation
Designating certain segments of highways as memorial highways for master deputy Brandon Collins and members of the Kansas highway patrol killed in the line of duty and providing for rank and title of individuals on signs.

- 02/05/2018 Senate—Introduced—SJ 1538
 02/06/2018 Senate—Referred to Committee on Transportation—SJ 1542
 02/06/2018 Senate—Hearing: Wednesday, February 07, 2018, 08:30 AM Room 546-S
 02/13/2018 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 1578
 02/21/2018 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 1616
 02/21/2018 House—Received and Introduced—HJ 2410
 02/28/2018 House—Referred to Committee on Transportation—HJ 2447
 03/02/2018 House—Hearing: Tuesday, March 06, 2018, 01:30 PM Room 582-N
 03/09/2018 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 2486
 03/20/2018 House—Committee of the Whole - Be passed as amended—HJ 2547
 03/21/2018 House—Final Action - Passed as amended; Yea: 121 Nay: 0—HJ 2554
 03/21/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Goddard and Senator Pettey as conferees—SJ 1773
 03/22/2018 House—Motion to accede adopted; Representative Proehl, Representative Francis and Representative Lusker appointed as conferees—HJ 2564
 04/05/2018 House—Conference Committee Report not adopted; Representative Proehl, Representative Francis and Representative Lusker appointed as second conferees—HJ 2761
 04/05/2018 Senate—Motion to accede adopted; Senator Petersen, Senator Goddard and Senator Pettey appointed as second conferees—SJ 1985
 04/06/2018 House—Conference Committee Report agree to disagree adopted; Representative Proehl, Representative Francis and Representative Lusker appointed as third conferees—HJ 2799
 04/06/2018 Senate—Conference Committee Report agree to disagree adopted; Senator Petersen, Senator Goddard and Senator Pettey appointed as second conferees—SJ 2012
 04/26/2018 House—Conference Committee Report was adopted; Yea: 119 Nay: 0—HJ 2861
 04/30/2018 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 2126
 05/04/2018 Senate—Enrolled and presented to Governor on Friday, May 04, 2018
 05/04/2018 Senate—Approved by Governor on Tuesday, May 8, 2018
- S 376** Bill by Public Health and Welfare
Increasing the rates of taxation of cigarettes and tobacco products; establishing the cigarette and tobacco product cessation fund.
 02/05/2018 Senate—Introduced—SJ 1538
 02/06/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1542
 03/14/2018 Senate—Hearing: Thursday, March 22, 2018, 09:30 AM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 377** Bill by Public Health and Welfare
Allowing pharmacists to administer drugs by injection pursuant to a prescription order.
 02/05/2018 Senate—Introduced—SJ 1538
 02/06/2018 Senate—Referred to Committee on Public Health and Welfare—SJ 1542

- 02/08/2018 Senate—Hearing: Tuesday, February 13, 2018, 09:30 AM Room 118-N
05/04/2018 Senate—Died in Committee
- S 378** Bill by Senator Berger
Creating the crime of counterfeiting currency.
02/06/2018 Senate—Introduced—SJ 1540
02/07/2018 Senate—Referred to Committee on Judiciary—SJ 1551
02/28/2018 Senate—Hearing: Wednesday, March 07, 2018, 10:30 AM Room 346-S
05/04/2018 Senate—Died in Committee
- S 379** Bill by
Establishing a Kansas water law study commission.
02/06/2018 Senate—Introduced—SJ 1540
02/07/2018 Senate—Referred to Committee on Agriculture and Natural Resources
—SJ 1550
05/04/2018 Senate—Died in Committee
- S 380** Bill by Judiciary
Creating a procedure for owner to recover misappropriated property from pawnbroker or precious medal dealer.
02/06/2018 Senate—Introduced—SJ 1540
02/07/2018 Senate—Referred to Committee on Judiciary—SJ 1551
05/04/2018 Senate—Died in Committee
- S 381** Bill by Judiciary
Amending the Kansas recreational trails act by adding criminal penalties for certain conduct and adding duties for the responsible party for the trail and the attorney general.
02/06/2018 Senate—Introduced—SJ 1540
02/07/2018 Senate—Referred to Committee on Judiciary—SJ 1551
05/04/2018 Senate—Died in Committee
- S 382** Bill by Judiciary
Authorizing staggered sentencing for certain offenders convicted of domestic battery.
02/06/2018 Senate—Introduced—SJ 1541
02/07/2018 Senate—Referred to Committee on Judiciary—SJ 1551
05/04/2018 Senate—Died in Committee
- S 383** Bill by Judiciary
Authorizing staggered sentencing for certain offenders convicted of driving under the influence.
02/06/2018 Senate—Introduced—SJ 1541
02/07/2018 Senate—Referred to Committee on Judiciary—SJ 1551
05/04/2018 Senate—Died in Committee
- S 384** Bill by Judiciary
Modifying the membership and duties of the substance abuse policy board of the Kansas criminal justice coordinating council.
02/06/2018 Senate—Introduced—SJ 1541
02/07/2018 Senate—Referred to Committee on Judiciary—SJ 1551
05/04/2018 Senate—Died in Committee
- S 385** Bill by Utilities
Requiring the state corporation commission to provide for public comment concerning regional transmission organizations.
02/06/2018 Senate—Introduced—SJ 1541
02/07/2018 Senate—Referred to Committee on Utilities—SJ 1551

- 02/08/2018 Senate—Hearing: Thursday, February 15, 2018, 01:30 PM Room 548-S
05/04/2018 Senate—Died in Committee
- S 386** Bill by Public Health and Welfare
Adding related educational degrees to professional counselor licensure criteria.
02/06/2018 Senate—Introduced—SJ 1541
02/07/2018 Senate—Referred to Committee on Public Health and Welfare—SJ
1551
02/08/2018 Senate—Hearing: Thursday, February 15, 2018, 09:30 AM Room 118-N
02/15/2018 Senate—Committee Report recommending bill be passed by Committee
on Public Health and Welfare—SJ 1596
02/21/2018 Senate—Committee of the Whole - Be passed—SJ 1615
02/22/2018 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 1646
02/22/2018 House—Received and Introduced—HJ 2428
02/28/2018 House—Referred to Committee on Health and Human Services—HJ
2447
03/01/2018 House—Hearing: Wednesday, March 07, 2018, 01:30 PM Room 546-S
03/08/2018 House—Committee Report recommending bill be passed by Committee
on Health and Human Services—HJ 2478
03/26/2018 House—Committee of the Whole - Be passed—HJ 2652
03/27/2018 House—Final Action - Passed; Yea: 124 Nay: 0—HJ 2671
04/02/2018 Senate—Enrolled and presented to Governor on Friday, March 30, 2018
—SJ 1940
04/03/2018 Senate—Approved by Governor on Monday, April 2, 2018—SJ 1942
- S 387** Bill by Public Health and Welfare
Authorizing creation of a statewide protocol for the practice of pharmacy.
02/06/2018 Senate—Introduced—SJ 1541
02/07/2018 Senate—Hearing: Tuesday, February 13, 2018, 09:30 AM Room 118-N
02/07/2018 Senate—Referred to Committee on Public Health and Welfare—SJ
1551
05/04/2018 Senate—Died in Committee
- S 388** Bill by Senator Hardy
**Making appropriations for FY 2019 for the judicial branch; salary increases
for justices, judges and nonjudicial employees.**
02/06/2018 Senate—Introduced—SJ 1541
02/07/2018 Senate—Referred to Committee on Ways and Means—SJ 1551
05/04/2018 Senate—Died in Committee
- S 389** Bill by Ways and Means
**Changing requirements to administer certain tests, questionnaires, surveys and
examinations under the student data privacy act and allowing
disclosure of de-identified student data.**
02/06/2018 Senate—Introduced—SJ 1541
02/07/2018 Senate—Referred to Committee on Education—SJ 1550
02/12/2018 Senate—Hearing: Thursday, February 15, 2018, 01:30 PM Room 144-S
05/04/2018 Senate—Died in Committee
- S 390** Bill by Senator Bollier
Creating the extreme risk protective order act.
02/06/2018 Senate—Introduced—SJ 1541
02/07/2018 Senate—Referred to Committee on Judiciary—SJ 1551
05/04/2018 Senate—Died in Committee
- S 391** Bill by Transportation

House Substitute for SB 391 by Committee on Transportation - Establishing the joint legislative transportation vision task force for evaluation of the state highway fund and the state highway transportation system.

- 02/06/2018 Senate—Introduced—SJ 1541
 02/07/2018 Senate—Referred to Committee on Transportation—SJ 1551
 02/07/2018 Senate—Hearing: Tuesday, February 13, 2018, 08:30 AM Room 546-S
 02/14/2018 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 1581
 02/20/2018 Senate—Committee of the Whole - Be passed—SJ 1605
 02/21/2018 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1621
 02/21/2018 House—Received and Introduced—HJ 2410
 02/28/2018 House—Referred to Committee on Transportation—HJ 2447
 03/02/2018 House—Hearing: Tuesday, March 06, 2018, 01:30 PM Room 582-N
 03/22/2018 House—Committee Report recommending substitute bill be passed by Committee on Transportation—HJ 2569
 03/27/2018 House—Committee of the Whole - Substitute bill be passed—HJ 2660
 03/28/2018 House—Final Action - Substitute passed; Yea: 123 Nay: 1—HJ 2682
 03/28/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator McGinn, Senator Billinger and Senator Kelly as conferees—SJ 1863
 03/29/2018 House—Motion to accede adopted; Representative Proehl, Representative Francis and Representative Lusker appointed as conferees—HJ 2697
 05/03/2018 House—Conference Committee Report was adopted; Yea: 120 Nay: 1—HJ 3119
 05/03/2018 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 1—SJ 2332
 05/04/2018 Senate—Enrolled and presented to Governor on Tuesday, May 08, 2018
 05/04/2018 Senate—Approved by Governor on Wednesday, May 16, 2018
- S 392** Bill by Senators Pilcher-Cook, Alley, Denning, Estes, Fitzgerald, Lynn, Masterson, Petersen, Suellentrop, Wagle, Wilborn

Legislature; minutes; introduction of bills.

- 02/06/2018 Senate—Introduced—SJ 1541
 02/07/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1551
 05/04/2018 Senate—Died in Committee

- S 393** Bill by Senators Pilcher-Cook, Fitzgerald, Masterson, Suellentrop

Legislative committees; all votes of each legislator on motions or other action recorded in minutes.

- 02/06/2018 Senate—Introduced—SJ 1541
 02/07/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1551
 05/04/2018 Senate—Died in Committee

- S 394** Bill by Senators Wagle, Hensley

Ensuring transparency in state government contract decisions and other actions.

- 02/07/2018 Senate—Introduced—SJ 1549
 02/08/2018 Senate—Hearing: Wednesday, February 14, 2018, 09:30 AM Room 142-S
 02/08/2018 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 1554

- 02/15/2018 Senate—Committee Report recommending bill be passed by Committee on Ethics, Elections and Local Government—SJ 1594
- 02/20/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1606
- 02/21/2018 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1621
- 02/21/2018 House—Received and Introduced—HJ 2410
- 02/28/2018 House—Referred to Committee on Federal and State Affairs—HJ 2447
- 03/02/2018 House—Withdrawn from Committee on Federal and State Affairs; Referred to Committee on Elections—HJ 2455
- 03/07/2018 House—Hearing: Monday, March 12, 2018, 01:30 PM Room 281-N
- 03/22/2018 House—Committee Report recommending bill be passed as amended by Committee on Elections—HJ 2567
- 03/29/2018 House—Motion to reconsider amendment by Representative Miller adopted.—HJ 2712
- 03/29/2018 House—Committee of the Whole - Be passed as amended—HJ 2712
- 04/02/2018 House—Final Action - Passed as amended; Yea: 120 Nay: 0—HJ 2728
- 04/04/2018 Senate—Concurred with amendments; Yea: 40 Nay: 0—SJ 1962
- 04/06/2018 Senate—Enrolled and presented to Governor on Friday, April 06, 2018—SJ 2012
- 04/26/2018 Senate—Approved by Governor on Monday, April 16, 2018—SJ 2070
- S 395** Bill by Financial Institutions and Insurance
Setting a maximum final average salary amount for purposes of computing retirement benefits for certain members of KPERS, KP&F and the retirement system for judges.
- 02/07/2018 Senate—Introduced—SJ 1549
- 02/08/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1554
- 02/12/2018 Senate—Hearing: Thursday, February 15, 2018, 09:30 AM Room 546-S
- S 396** 05/04/2018 Senate—Died in Committee
 Bill by Utilities
Prohibiting electric utilities from including amounts in excess of applicable tax rates in electric rates.
- 02/07/2018 Senate—Introduced—SJ 1549
- 02/08/2018 Senate—Hearing: Wednesday, February 14, 2018, 01:30 PM Room 548-S
- 02/08/2018 Senate—Referred to Committee on Utilities—SJ 1554
- 05/04/2018 Senate—Died in Committee
- S 397** Bill by Transportation
Providing for the choose life license plate.
- 02/07/2018 Senate—Introduced—SJ 1549
- 02/08/2018 Senate—Referred to Committee on Transportation—SJ 1554
- 02/12/2018 Senate—Hearing: Wednesday, February 14, 2018, 08:30 AM Room 546-S
- 05/04/2018 Senate—Died in Committee
- S 398** Bill by Public Health and Welfare
Lowering requirements for a cosmetology senior status license.
- 02/07/2018 Senate—Introduced—SJ 1549
- 02/08/2018 Senate—Hearing: Thursday, February 15, 2018, 09:30 AM Room 118-N
- 02/08/2018 Senate—Referred to Committee on Public Health and Welfare—SJ 1554

- 02/15/2018 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 1596
- 02/21/2018 Senate—Committee of the Whole - Be passed—SJ 1615
- 02/22/2018 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 1646
- 02/22/2018 House—Received and Introduced—HJ 2428
- 02/28/2018 House—Referred to Committee on Health and Human Services—HJ 2447
- 03/01/2018 House—Hearing: Wednesday, March 07, 2018, 01:30 PM Room 546-S
- 03/08/2018 House—Committee Report recommending bill be passed by Committee on Health and Human Services—HJ 2478
- 03/20/2018 House—Committee of the Whole - Be passed—HJ 2545
- 03/21/2018 House—Final Action - Passed; Yea: 121 Nay: 0—HJ 2555
- 03/26/2018 Senate—Enrolled and presented to Governor on Monday, March 26, 2018—SJ 1826
- 03/29/2018 Senate—Approved by Governor on Thursday, March 29, 2018—SJ 1864
- S 399** Bill by Senators Pilcher-Cook, Suellentrop
Enacting the patient right to shop act.
 02/07/2018 Senate—Introduced—SJ 1550
 02/08/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1554
 05/04/2018 Senate—Died in Committee
- S 400** Bill by Assessment and Taxation
Tax lid exemption when taxing entity abolished and duties assumed by a city or county.
 02/07/2018 Senate—Introduced—SJ 1550
 02/08/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1554
 03/02/2018 Senate—Hearing: Tuesday, March 06, 2018, 09:30 AM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 401** Bill by Federal and State Affairs
Creating the adoption protection act.
 02/07/2018 Senate—Introduced—SJ 1550
 02/08/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1554
 03/15/2018 Senate—Hearing: (opponents) Wednesday, March 21, 2018, 10:30 AM Room 346-S
 03/15/2018 Senate—Hearing: (proponents) Tuesday, March 20, 2018, 10:30 AM Room 346-S
 05/04/2018 Senate—Died in Committee
- S 402** Bill by Federal and State Affairs
Enacting the Kansas veterans loan act and establishing the Kansas veterans loan act fee fund.
 02/07/2018 Senate—Introduced—SJ 1550
 02/08/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1554
 05/04/2018 Senate—Died in Committee
- S 403** Bill by Senators Hensley, Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Holland, Kelly, Pettey, Rogers, Skubal, Sykes, Taylor
Allowing workers with injuries to choose their doctors.
 02/07/2018 Senate—Introduced—SJ 1550
 02/08/2018 Senate—Referred to Committee on Commerce—SJ 1554

- 05/04/2018 Senate—Died in Committee
- S 404** Bill by Ways and Means
Providing for the Korean war, operation desert storm, operation Iraqi freedom and operation enduring freedom license plates.
 02/07/2018 Senate—Introduced—SJ 1550
 02/08/2018 Senate—Referred to Committee on Transportation—SJ 1554
 02/21/2018 Senate—Hearing: Wednesday, February 28, 2018, 08:30 AM Room 546-S
- 05/04/2018 Senate—Died in Committee
- S 405** Bill by Ways and Means
Clarifying animal conversion units for poultry facilities with dry manure systems.
 02/07/2018 Senate—Introduced—SJ 1550
 02/08/2018 Senate—Hearing continuation: Tuesday, February 13, 2018, 08:30 AM Room 159-S
 02/08/2018 Senate—Hearing: Monday, February 12, 2018, 08:30 AM Room 159-S
 02/08/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1554
 02/15/2018 Senate—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—SJ 1589
 02/22/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1647
 02/22/2018 Senate—Emergency Final Action - Passed as amended; Yea: 29 Nay: 10—SJ 1651
 02/28/2018 House—Received and Introduced—HJ 2447
 02/28/2018 House—Hearing: Tuesday, March 06, 2018, 03:30 PM Room 582-N
 03/01/2018 House—Referred to Committee on Agriculture—HJ 2452
 03/08/2018 House—Committee Report recommending bill be passed by Committee on Agriculture—HJ 2478
 03/09/2018 House—Committee of the Whole - Be passed—HJ 2485
 03/12/2018 House—Final Action - Passed; Yea: 84 Nay: 37—HJ 2490
 03/16/2018 Senate—Enrolled and presented to Governor on Friday, March 16, 2018—SJ 1757
- 03/20/2018 Senate—Approved by Governor on Tuesday, March 20, 2018—SJ 1762
- S 406** Bill by Ways and Means
Budget process; exempting postsecondary educational institutions from the program service inventory, integrated budget fiscal process and performance-based budgeting system if such institution has implemented performance agreements.
 02/07/2018 Senate—Introduced—SJ 1550
 02/08/2018 Senate—Referred to Committee on Ways and Means—SJ 1554
- 05/04/2018 Senate—Died in Committee
- S 407** Bill by Senator Fitzgerald
Allowing certain violent offenders to shorten the duration of registration required under the Kansas offender registration act.
 02/07/2018 Senate—Introduced—SJ 1550
 02/08/2018 Senate—Hearing: Thursday, February 15, 2018, 10:30 AM Room 346-S
 02/08/2018 Senate—Referred to Committee on Judiciary—SJ 1554
- 05/04/2018 Senate—Died in Committee
- S 408** Bill by Senator Pyle

Creating the office of state auditor and providing for the powers of duties of such office.

02/07/2018 Senate—Introduced—SJ 1550

02/08/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1554

05/04/2018 Senate—Died in Committee

S 409 Bill by Senator Pettey

Creating statutory procedures and limitations concerning contact with jurors.

02/07/2018 Senate—Introduced—SJ 1550

02/08/2018 Senate—Hearing: Thursday, February 15, 2018, 10:30 AM Room 346-S

02/08/2018 Senate—Referred to Committee on Judiciary—SJ 1554

02/19/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1603

03/01/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Judiciary—SJ 1657

05/04/2018 Senate—Died in Committee

S 410 Bill by Financial Institutions and Insurance

Updating captive insurance statutes and providing for association and branch captive insurance companies and special purpose insurance captives.

02/08/2018 Senate—Introduced—SJ 1553

02/09/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1561

02/12/2018 Senate—Hearing: Wednesday, February 14, 2018, 09:30 AM Room 546-S

02/19/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 1603

02/21/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1615

02/22/2018 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 1646

02/22/2018 House—Received and Introduced—HJ 2428

02/28/2018 House—Referred to Committee on Insurance—HJ 2447

03/07/2018 House—Hearing: Thursday, March 15, 2018, 09:00 AM Room 281-N

03/20/2018 House—Committee Report recommending bill be passed as amended by Committee on Insurance—HJ 2548

03/27/2018 House—Committee of the Whole - Be passed as amended—HJ 2666

03/28/2018 House—Final Action - Passed as amended; Yea: 109 Nay: 15—HJ 2683

03/28/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Longbine, Senator Billinger and Senator Rogers as conferees—SJ 1863

03/29/2018 House—Motion to accede adopted; Representative Vickrey, Representative Dove and Representative Neighbor appointed as conferees—HJ 2697

04/03/2018 Senate—Concurred with amendments in conference; Yea: 39 Nay: 0—SJ 1943

04/06/2018 Senate—Enrolled and presented to Governor on Friday, April 06, 2018—SJ 2012

S 411 04/26/2018 Senate—Approved by Governor on Thursday, April 12, 2018—SJ 2070
Bill by Judiciary

Allowing certain persons with suspended driving privileges to enter into amnesty agreements with the division of vehicles.

02/08/2018 Senate—Introduced—SJ 1553

02/09/2018 Senate—Referred to Committee on Judiciary—SJ 1561

- 05/04/2018 Senate—Died in Committee
- S 412** Bill by Federal and State Affairs
Unemployment benefits for privately contracted school bus drivers
 02/08/2018 Senate—Introduced—SJ 1554
 02/09/2018 Senate—Referred to Committee on Commerce—SJ 1560
 05/04/2018 Senate—Died in Committee
- S 413** Bill by Ethics, Elections and Local Government
Amending elections law to require use of paper ballots and permit independent canvassing of ballots by voters.
 02/08/2018 Senate—Introduced—SJ 1554
 02/09/2018 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 1560
 05/04/2018 Senate—Died in Committee
- S 414** Bill by Ways and Means
Substitute for SB 414 by Committee on Agriculture and Natural Resources - Updating egg repacking requirements.
 02/08/2018 Senate—Introduced—SJ 1554
 02/09/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1560
 02/09/2018 Senate—Hearing: Tuesday, February 13, 2018, 08:30 AM Room 159-S
 02/19/2018 Senate—Committee Report recommending substitute bill be passed by Committee on Agriculture and Natural Resources—SJ 1602
 02/21/2018 Senate—Committee of the Whole - Substitute bill be passed—SJ 1615
 02/22/2018 Senate—Final Action - Substitute passed; Yea: 39 Nay: 0—SJ 1646
 02/22/2018 House—Received and Introduced—HJ 2428
 02/28/2018 House—Referred to Committee on Agriculture—HJ 2447
 02/28/2018 House—Hearing: Monday, March 05, 2018, 03:30 PM Room 582-N
 03/08/2018 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Agriculture—HJ 2478
 03/13/2018 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 2498
 03/16/2018 Senate—Enrolled and presented to Governor on Friday, March 16, 2018—SJ 1757
 03/20/2018 Senate—Approved by Governor on Tuesday, March 20, 2018—SJ 1762
- S 415** Bill by Ways and Means
Depositing all state sales tax revenues from sales on the Kansas state fairgrounds into the state fair capital improvements fund.
 02/08/2018 Senate—Introduced—SJ 1554
 02/09/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1560
 02/28/2018 Senate—Hearing: Wednesday, March 07, 2018, 09:30 AM Room 548-S
 03/08/2018 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 1683
 03/12/2018 Senate—Withdrawn from Calendar, Rereferred to Committee on Assessment and Taxation—SJ 1690
 03/13/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 1698
 03/29/2018 Senate—Committee of the Whole - Be passed as further amended—SJ 1932
 03/29/2018 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1932
 03/29/2018 House—Received and Introduced—HJ 2710

- 04/02/2018 House—Referred to Committee on Taxation—HJ 2725
- 04/06/2018 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 2800
- 04/28/2018 House—Committee of the Whole - Be passed as amended—HJ 2930
- 04/28/2018 House—Emergency Final Action - Passed as amended; Yea: 117 Nay: 2—HJ 2931
- 04/30/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Tyson, Senator Kerschen and Senator Holland as conferees—SJ 2116
- 04/30/2018 House—Motion to accede adopted; Representative Johnson, Representative Phillips and Representative Sawyer appointed as conferees—HJ 2957
- 05/03/2018 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 2243
- 05/04/2018 Senate—Enrolled and presented to Governor on Tuesday, May 08, 2018
- 05/04/2018 Senate—Approved by Governor on Wednesday, May 16, 2018
- S 416** Bill by Judiciary
Creating the crime of deprivation of rights under color of law and providing a civil action for victims.
- 02/08/2018 Senate—Introduced—SJ 1554
- 02/09/2018 Senate—Referred to Committee on Judiciary—SJ 1561
- 05/04/2018 Senate—Died in Committee
- S 417** Bill by Public Health and Welfare
Enacting the Kansas contraceptive equity act.
- 02/09/2018 Senate—Introduced—SJ 1560
- 02/12/2018 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1564
- 05/04/2018 Senate—Died in Committee
- S 418** Bill by Federal and State Affairs
Amending the open records act to create an exception to the unlawful use of public records.
- 02/12/2018 Senate—Introduced—SJ 1563
- 02/13/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1577
- 03/01/2018 Senate—Hearing: Wednesday, March 07, 2018, 10:30 AM Room 144-S
- 03/13/2018 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 1700
- 03/20/2018 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 1763
- 03/21/2018 House—Received and Introduced—HJ 2553
- 03/22/2018 House—Referred to Committee on Federal and State Affairs—HJ 2564
- 05/04/2018 House—Died in House Committee
- S 419** Bill by Federal and State Affairs
Amending the Kansas appraisal management company registration act.
- 02/12/2018 Senate—Introduced—SJ 1563
- 02/13/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1577
- 03/14/2018 Senate—Hearing: Tuesday, March 20, 2018, 09:30 AM Room 548-S
- 03/20/2018 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Assessment and Taxation—SJ 1766
- 03/27/2018 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 1828
- 03/27/2018 House—Received and Introduced—HJ 2665
- 03/28/2018 House—Hearing: Monday, April 02, 2018, 03:30 PM Room 346-S

- 03/28/2018 House—Referred to Committee on Taxation—HJ 2673
 04/04/2018 House—Committee Report recommending bill be passed by Committee on Taxation—HJ 2753
 04/27/2018 House—Committee of the Whole - Be passed—HJ 2902
 04/28/2018 House—Final Action - Passed; Yea: 116 Nay: 0—HJ 2914
 05/01/2018 Senate—Enrolled and presented to Governor on Tuesday, May 01, 2018—SJ 2198
 05/04/2018 Senate—Approved by Governor on Friday, May 4, 2018
- S 420** Bill by Federal and State Affairs
Amending the Kansas 911 act.
 02/12/2018 Senate—Introduced—SJ 1563
 02/13/2018 Senate—Referred to Committee on Utilities—SJ 1577
 02/21/2018 Senate—Hearing: Thursday, March 01, 2018, 01:30 PM Room 548-S
 02/21/2018 Senate—Hearing: Wednesday, February 28, 2018, 01:30 PM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 421** Bill by Federal and State Affairs
Implementing restrictions on requirements for licensing of professional occupations.
 02/15/2018 Senate—Introduced—SJ 1583
 02/16/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1599
 03/01/2018 Senate—Hearing: Wednesday, March 07, 2018, 10:30 AM Room 144-S
 03/07/2018 Senate—Hearing continuation: Thursday, March 08, 2018, 10:30 AM Room 144-S
 03/19/2018 Senate—Hearing: Thursday, March 22, 2018, 10:30 AM Room 144-S
 05/04/2018 Senate—Died in Committee
- S 422** Bill by Ways and Means
Amending the Kansas school equity and enhancement act by requiring local school boards to notify the state board of education of their intent to increase local option budget authority, calculating supplemental state aid based on current year LOB, eliminating the 10% at-risk floor and eliminating the expanded uses of capital outlay.
 02/15/2018 Senate—Introduced—SJ 1583
 02/16/2018 Senate—Referred to Senate Select Committee on Education Finance—SJ 1599
 03/14/2018 Senate—Hearing: Tuesday, March 20, 2018, 01:00 PM Room 144-S
 03/26/2018 Senate—Committee Report recommending bill be passed as amended by Senate Select Committee on Education Finance—SJ 1821
 03/27/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1835
 03/28/2018 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1857
 03/28/2018 House—Received and Introduced—HJ 2687
 03/29/2018 House—Referred to Committee on K-12 Education Budget—HJ 2697
 05/04/2018 House—Died in House Committee
- S 423** Bill by Ways and Means
Substitute for SB 423 by Select Committee on Education Finance - Amending the Kansas school equity and enhancement act and making appropriations to the department of education.
 02/15/2018 Senate—Introduced—SJ 1583
 02/16/2018 Senate—Referred to Senate Select Committee on Education Finance—SJ 1599

- 03/07/2018 Senate—Hearing: Monday, March 12, 2018, 03:30 PM Room 548-S
- 04/04/2018 Senate—Committee Report recommending substitute bill be passed by Senate Select Committee on Education Finance—SJ 1980
- 04/05/2018 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 1985
- 04/05/2018 Senate—Emergency Final Action - Substitute passed as amended; Yea: 21 Nay: 18—SJ 1985
- 04/06/2018 House—Received and Introduced—HJ 2772
- 04/07/2018 House—Referred to Committee of the Whole
- 04/07/2018 House—Motion by Rep. Hineman to advance bill to Emergency Final Action Subject to Amendment and Debate and suspend Joint Rule 4(k) adopted.—HJ 2811
- 04/07/2018 House—Committee of the Whole - Representative Trimmer requested the motion to amend by \$motioner\$ be divided. The amendment was ruled divisible and divided into \$part\$—HJ 2811
- 04/07/2018 House—Committee of the Whole - \$motioner\$ Amendment Part \$part\$ Adopted.—HJ 2811
- 04/07/2018 House—Committee of the Whole - \$motioner\$ Amendment Part \$part\$ Adopted.—HJ 2811
- 04/07/2018 House—Committee of the Whole - \$motioner\$ Amendment Part \$part\$ Adopted. Yea: 76 Nay: 44—HJ 2811
- 04/07/2018 House—Emergency Final Action - Passed as amended; Yea: 63 Nay: 56—HJ 2839
- 04/07/2018 Senate—Motion to nonconcur and appoint a conference was rejected. Yea: 17 Nay: 21—SJ 2065
- 04/07/2018 Senate—Motion to call the question adopted. Yea: 21 Nay: 16—SJ 2065
- 04/07/2018 Senate—Concurred with amendments; Yea: 21 Nay: 19—SJ 2065
- 04/26/2018 Senate—Enrolled and presented to Governor on Tuesday, April 10, 2018—SJ 2107
- 04/26/2018 Senate—Approved by Governor on Tuesday, April 17, 2018—SJ 2070
- S 424** Bill by Federal and State Affairs
Establishing the office of education inspector general.
 02/19/2018 Senate—Introduced—SJ 1601
 02/20/2018 Senate—Referred to Committee on Education—SJ 1604
 03/14/2018 Senate—Hearing and possible action: Thursday, March 15, 2018, 01:30 PM Room 144-S
- S 425** 05/04/2018 Senate—Died in Committee
 Bill by Federal and State Affairs
Making it unlawful to operate a motor vehicle that resembles an emergency medical services vehicle without authorization.
 02/19/2018 Senate—Introduced—SJ 1601
 02/20/2018 Senate—Referred to Committee on Judiciary—SJ 1604
 03/05/2018 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 1666
- S 426** 05/04/2018 Senate—Died in Committee
 Bill by Federal and State Affairs
Making certain contract requirements for farm equipment and dealership agreements for farm equipment, outdoor power equipment and lawn and garden equipment.
 02/19/2018 Senate—Introduced—SJ 1601

- 02/20/2018 Senate—Referred to Committee on Transportation—SJ 1604
 03/07/2018 Senate—Hearing: Wednesday, March 14, 2018, 08:30 AM Room 546-S
 05/04/2018 Senate—Died in Committee
- S 427** Bill by Federal and State Affairs
Amending the Kansas expanded lottery act regarding racetrack gaming facilities.
 02/20/2018 Senate—Introduced—SJ 1604
 02/21/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1614
 03/29/2018 Senate—Hearing: Tuesday, April 03, 2018, 08:00 AM Room 142-S
 04/04/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 1980
 04/27/2018 Senate—Committee of the Whole - Be passed as further amended—SJ 2109
 04/27/2018 Senate—Emergency Final Action - Not passed; Yea: 17 Nay: 20—SJ 2109
- S 428** Bill by Ways and Means
Changing licensure requirements for a child care facility operating in a public recreation center or school.
 02/21/2018 Senate—Introduced—SJ 1614
 02/22/2018 Senate—Hearing: Thursday, March 01, 2018, 09:30 AM Room 118-N—SJ 1642
 02/22/2018 Senate—Referred to Committee on Public Health and Welfare—SJ 1642
 03/06/2018 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 1675
 03/14/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1705
 03/15/2018 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1715
 03/16/2018 House—Received and Introduced—HJ 2524
 03/19/2018 House—Referred to Committee on Children and Seniors—HJ 2538
 03/21/2018 House—Hearing: Thursday, March 22, 2018, 09:00 AM Room 218-N
 03/22/2018 House—Committee Report recommending bill be passed by Committee on Children and Seniors—HJ 2567
 03/27/2018 House—Committee of the Whole - Be passed—HJ 2666
 03/28/2018 House—Final Action - Passed; Yea: 124 Nay: 0—HJ 2683
 04/02/2018 Senate—Enrolled and presented to Governor on Friday, March 30, 2018—SJ 1940
- S 429** 04/03/2018 Senate—Approved by Governor on Monday, April 2, 2018—SJ 1942
 Bill by Assessment and Taxation
Delaying certain provisions of the scrap metal theft reduction act.
 02/21/2018 Senate—Introduced—SJ 1614
 02/22/2018 Senate—Referred to Committee on Judiciary—SJ 1642
 02/22/2018 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Assessment and Taxation—SJ 1652
 03/07/2018 Senate—Hearing: Wednesday, March 14, 2018, 09:30 AM Room 548-S
 03/20/2018 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Assessment and Taxation—SJ 1766
 03/23/2018 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 1802
 03/27/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1835
 03/28/2018 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1857

- 03/28/2018 House—Received and Introduced—HJ 2687
 03/29/2018 House—Referred to Committee on Judiciary—HJ 2697
 05/04/2018 House—Died in House Committee
- S 430** Bill by Ways and Means
Extending the high performance incentive program tax credit carry forward period from 16 to 25 years.
 02/21/2018 Senate—Introduced—SJ 1614
 02/22/2018 Senate—Referred to Committee on Commerce—SJ 1642
 03/20/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 1766
 03/28/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1862
 03/29/2018 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1867
 03/29/2018 House—Received and Introduced—HJ 2710
 04/02/2018 House—Referred to Committee on Taxation—HJ 2725
 04/03/2018 House—Hearing: Wednesday, April 04, 2018, 03:30 PM Room 346-S
 05/04/2018 House—Died in House Committee
- S 431** Bill by Ways and Means
Creating the extreme risk protective order act.
 02/22/2018 Senate—Introduced—SJ 1641
 02/28/2018 Senate—Referred to Committee on Judiciary—SJ 1654
 03/14/2018 Senate—Hearing: Tuesday, March 20, 2018, 10:30 AM Room 144-S
 05/04/2018 Senate—Died in Committee
- S 432** Bill by Assessment and Taxation
Transparency, project financial viability requirements and other reforms to the STAR bond financing act.
 02/22/2018 Senate—Introduced—SJ 1641
 02/28/2018 Senate—Referred to Committee on Commerce—SJ 1654
 02/28/2018 Senate—Hearing: Tuesday, March 06, 2018, 08:30 AM Room 548-S
 03/06/2018 Senate—Hearing continuation: (opponents) (neutral) Wednesday, March 07, 2018, 08:30 AM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 433** Bill by Federal and State Affairs
Authorizing self-service of beer from automated devices.
 03/01/2018 Senate—Introduced—SJ 1656
 03/02/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1662
 03/02/2018 Senate—Hearing: Tuesday, March 06, 2018, 10:30 AM Room 144-S
 03/13/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 1699
 03/21/2018 Senate—Committee of the Whole - Be passed as amended—SJ 1772
 03/22/2018 Senate—Final Action - Passed as amended; Yea: 37 Nay: 3—SJ 1781
 03/23/2018 House—Received and Introduced—HJ 2571
 03/26/2018 House—Referred to Committee on Federal and State Affairs—HJ 2579
 03/27/2018 House—Hearing: Wednesday, March 28, 2018, 08:30 AM Room 346-S
 03/27/2018 House—Hearing: Wednesday, March 28, 2018, 08:30 AM Room 346-S
 03/28/2018 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 2686
 05/04/2018 House—Died on House Calendar
- S 434** Bill by Assessment and Taxation
Amending STAR bonds by limiting financing to tourist attractions, limiting the state revenue contribution and limiting benefits for certain businesses.

- 03/01/2018 Senate—Introduced—SJ 1656
 03/02/2018 Senate—Referred to Committee on Commerce—SJ 1662
 03/02/2018 Senate—Hearing: (proponents) Wednesday, March 07, 2018, 08:30 AM
 Room 548-S
 03/06/2018 Senate—Hearing: (opponents) (neutral) Thursday, March 08, 2018,
 08:30 AM Room 548-S
- S 435** 05/04/2018 Senate—Died in Committee
 Bill by Federal and State Affairs
Permitting real estate brokers and salespersons to give clients or customers rebates if disclosed in the purchase contract or listing agreement.
 03/01/2018 Senate—Introduced—SJ 1656
 03/02/2018 Senate—Referred to Committee on Commerce—SJ 1662
 05/04/2018 Senate—Died in Committee
- S 436** Bill by Ways and Means
Providing medicaid coverage for tobacco cessation treatments.
 03/05/2018 Senate—Introduced—SJ 1666
 03/06/2018 Senate—Referred to Committee on Public Health and Welfare—SJ
 1667
 03/07/2018 Senate—Hearing: Tuesday, March 13, 2018, 09:30 AM Room 118-N
 03/13/2018 Senate—Committee Report recommending bill be passed by Committee
 on Public Health and Welfare—SJ 1701
 05/04/2018 Senate—Died on General Orders
- S 437** Bill by Assessment and Taxation
Enacting a sales tax exemption for sales of currency, certain coins or bullion.
 03/07/2018 Senate—Introduced—SJ 1676
 03/08/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1681
 03/08/2018 Senate—Hearing: Tuesday, March 13, 2018, 09:30 AM Room 548-S
 03/14/2018 Senate—Committee Report recommending bill be passed as amended
 by Committee on Assessment and Taxation—SJ 1706
 05/04/2018 Senate—Died on General Orders
- S 438** Bill by Ways and Means
Removing prior authorization requirements for medicaid recipients receiving treatment from certain mental and behavioral healthcare providers.
 03/07/2018 Senate—Introduced—SJ 1676
 03/08/2018 Senate—Referred to Committee on Public Health and Welfare—SJ
 1681
 03/08/2018 Senate—Hearing: Wednesday, March 14, 2018, 09:30 AM Room 118-N
 03/14/2018 Senate—Hearing continuation: Thursday, March 15, 2018, 09:30 AM
 Room 118-N
 05/04/2018 Senate—Died in Committee
- S 439** Bill by Ways and Means
Clarifying methods of recording grand jury proceedings.
 03/07/2018 Senate—Introduced—SJ 1677
 03/08/2018 Senate—Referred to Committee on Judiciary—SJ 1681
 03/14/2018 Senate—Hearing: Wednesday, March 21, 2018, 10:30 AM Room 144-S
 05/04/2018 Senate—Died in Committee
- S 440** Bill by Ways and Means
Providing a sales tax exemption for midland care connection, inc.
 03/07/2018 Senate—Introduced—SJ 1677
 03/08/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1681

- 03/13/2018 Senate—Hearing: Thursday, March 15, 2018, 09:30 AM Room 548-S
05/04/2018 Senate—Died in Committee
- S 441** Bill by Ways and Means
Creating the negligent driving traffic violation.
03/07/2018 Senate—Introduced—SJ 1667
03/08/2018 Senate—Referred to Committee on Transportation—SJ 1681
03/12/2018 Senate—Hearing: Tuesday, March 13, 2018, 08:30 AM Room 546-S
05/04/2018 Senate—Died in Committee
- S 442** Bill by Ways and Means
Amending the Kansas school equity and enhancement act regarding the transportation weighting.
03/08/2018 Senate—Introduced—SJ 1681
03/09/2018 Senate—Referred to Senate Select Committee on Education Finance—SJ 1686
05/04/2018 Senate—Died in Committee
- S 443** Bill by Federal and State Affairs
Requiring certain reports of suspected child abuse or neglect to be sent to both DCF and law enforcement agencies and creating statutory requirements for preliminary investigations of suspected child abuse or neglect.
03/08/2018 Senate—Introduced—SJ 1681
03/09/2018 Senate—Referred to Committee on Public Health and Welfare—SJ 1686
05/04/2018 Senate—Died in Committee
- S 444** Bill by Assessment and Taxation
Decreasing the sales and use tax rate on food and food ingredients.
03/09/2018 Senate—Introduced—SJ 1685
03/12/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1690
03/14/2018 Senate—Hearing: Tuesday, March 20, 2018, 09:30 AM Room 548-S
03/27/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 1854
05/04/2018 Senate—Died on General Orders
- S 445** Bill by Assessment and Taxation
Allowing the transfer upon death and providing for an income tax deduction for contributions to an ABLÉ account and conforming allowable expenses for 529 plans to federal law.
03/09/2018 Senate—Introduced—SJ 1685
03/12/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1690
03/12/2018 Senate—Hearing: Thursday, March 15, 2018, 09:30 AM Room 548-S
05/04/2018 Senate—Died in Committee
- S 446** Bill by Federal and State Affairs
Enacting the human trafficking and child exploitation prevention act.
03/13/2018 Senate—Introduced—SJ 1694
03/14/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1702
05/04/2018 Senate—Died in Committee
- S 447** Bill by Ways and Means
Authorizing the Kansas department of wildlife, parks and tourism to purchase land in Kingman county.
03/15/2018 Senate—Introduced—SJ 1711

- 03/16/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1755
- 03/20/2018 Senate—Hearing: Thursday, March 22, 2018, 08:30 AM Room 159-S
- 05/04/2018 Senate—Died in Committee
- S 448** Bill by Assessment and Taxation
Establishing the economic development incentive review program to be evaluated by the legislature’s commerce committees and requiring reports by the post auditor.
- 03/16/2018 Senate—Introduced—SJ 1755
- 03/19/2018 Senate—Referred to Committee on Commerce—SJ 1759
- 03/19/2018 Senate—Hearing: Wednesday, March 21, 2018, 08:30 AM Room 548-S
- 03/26/2018 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 1816
- 05/04/2018 Senate—Died on General Orders
- S 449** Bill by Assessment and Taxation
Allowing the transfer upon death and providing for an income tax deduction for contributions to an ABLÉ account and conforming allowable expenses for 529 plans to federal law.
- 03/19/2018 Senate—Introduced—SJ 1758
- 03/19/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1760
- 03/20/2018 Senate—Hearing: Tuesday, March 20, 2018, 09:30 AM Room 548-S
- 03/20/2018 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Assessment and Taxation—SJ 1766
- 03/27/2018 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 1828
- 03/27/2018 House—Received and Introduced—HJ 2665
- 03/28/2018 House—Referred to Committee on Taxation—HJ 2673
- 03/29/2018 House—Hearing: Tuesday, April 03, 2018, 03:30 PM Room 346-S
- 04/06/2018 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 2800
- 04/27/2018 House—Committee of the Whole - Be passed as amended—HJ 2910
- 04/28/2018 House—Final Action - Passed as amended; Yea: 117 Nay: 0—HJ 2915
- 04/30/2018 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Tyson, Senator Kerschen and Senator Holland as conferees—SJ 2116
- 04/30/2018 House—Motion to accede adopted; Representative Johnson, Representative Phillips and Representative Sawyer appointed as conferees—HJ 2957
- 05/04/2018 House—Conference Committee Report was adopted; Yea: 119 Nay: 0—HJ 3253
- 05/04/2018 Senate—Died in Conference
- S 450** Bill by Assessment and Taxation
Amending the school finance transportation weighting calculation to use density and per capita allowance.
- 03/20/2018 Senate—Introduced—SJ 1761
- 03/21/2018 Senate—Hearing: Wednesday, March 21, 2018, 01:30 PM Room 144-S
- 03/21/2018 Senate—Referred to Senate Select Committee on Education Finance—SJ 1770
- 05/04/2018 Senate—Died in Committee
- S 451** Bill by Ways and Means

Updating statutory references related to the Kansas department for aging and disability services and the Kansas department for children and families in accordance with 2012 executive reorganization order no. 41.

03/20/2018 Senate—Introduced—SJ 1761

03/21/2018 Senate—Referred to Committee on Public Health and Welfare—SJ 1770

03/21/2018 Senate—Hearing: Thursday, March 22, 2018, 09:30 AM Room 118-N

05/04/2018 Senate—Died in Committee

S 452 Bill by Ways and Means

Recording requirements for pesticide applications and requiring the department of agriculture to review and develop sound pesticide management practices and report its findings to the legislature.

03/20/2018 Senate—Introduced—SJ 1762

03/21/2018 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 1770

05/04/2018 Senate—Died in Committee

S 453 Bill by Assessment and Taxation

Allowing an individual to itemize deductions in Kansas despite not itemizing on their federal return.

03/21/2018 Senate—Introduced—SJ 1769

03/22/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 1778

04/03/2018 Senate—Committee Report without recommendation by Committee on Assessment and Taxation—SJ 1944

05/04/2018 Senate—Died on General Orders

S 454 Bill by Federal and State Affairs

Creating the Kansas staff as first emergency responders (SAFER) act.

03/21/2018 Senate—Introduced—SJ 1770

03/22/2018 Senate—Referred to Senate Select Committee on Education Finance—SJ 1778

05/04/2018 Senate—Died in Committee

S 455 Bill by Federal and State Affairs

Creating the Kansas sports wagering act.

03/22/2018 Senate—Introduced—SJ 1777

03/23/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1802

04/02/2018 Senate—Hearing: Wednesday, April 04, 2018, 09:00 AM Room 152-S

05/04/2018 Senate—Died in Committee

S 456 Bill by Assessment and Taxation

Requiring access to the public right-of-ways be provided in a nondiscriminatory manner.

03/27/2018 Senate—Introduced—SJ 1827

03/28/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1855

05/04/2018 Senate—Died in Committee

S 457 Bill by Assessment and Taxation

Requirements for the state corporation in establishing rates.

03/27/2018 Senate—Introduced—SJ 1827

03/28/2018 Senate—Referred to Committee on Utilities—SJ 1855

05/04/2018 Senate—Died in Committee

S 458 Bill by Ways and Means

- Requiring at least 16 emergency preparedness drills to be conducted by schools each year including fire, tornado and crisis drills.**
 04/03/2018 Senate—Introduced—SJ 1941
 04/04/2018 Senate—Referred to Committee on Education—SJ 1961
 05/04/2018 Senate—Died in Committee
- S 459** Bill by Assessment and Taxation
Creating the taxation study commission.
 04/05/2018 Senate—Introduced—SJ 1981
 04/06/2018 Senate—Referred to Committee on Assessment and Taxation—SJ 2007
 04/06/2018 Senate—Hearing: Friday, April 06, 2018, 05:00 PM Room 548-S
 05/04/2018 Senate—Died in Committee
- S 460** Bill by Ways and Means
Amending Substitute for Senate Bill No. 423 to strike provisions requiring school districts to adopt a minimum local option budget and transfer funds from the supplemental general fund to certain categorical funds; restoring certain provisions relating to local option budgets and adjusting the BASE aid accordingly.
 04/26/2018 Senate—Introduced—SJ 2069
 04/27/2018 Senate—Referred to Senate Select Committee on Education Finance—SJ 2108
 05/04/2018 Senate—Died in Committee
- S 461** Bill by Ways and Means
Reconciling amendments to certain statutes.
 04/26/2018 Senate—Introduced—SJ 2069
 04/27/2018 Senate—Referred to Committee on Ways and Means—SJ 2108
 04/27/2018 Senate—Withdrawn from Committee on Ways and Means and referred to Committee of the Whole—SJ 2111
 04/30/2018 Senate—Committee of the Whole - Be passed—SJ 2114
 04/30/2018 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 2115
 04/30/2018 House—Received and Introduced—HJ 2955
 05/01/2018 House—Referred to Committee of the Whole
 05/02/2018 House—Motion by Rep. Hineman to advance bill to Emergency Final Action Subject to Amendment and Debate adopted.—HJ 3042
 05/02/2018 House—Emergency Final Action - Passed; Yea: 122 Nay: 0—HJ 3042
 05/04/2018 Senate—Enrolled and presented to Governor on Monday, May 07, 2018
 05/04/2018 Senate—Approved by Governor on Monday, May 14, 2018
- S 462** Bill by Ways and Means
Amending Substitute for Senate Bill No. 423 relating to provisions requiring school districts to adopt a minimum local option budget, restoring certain provisions relating to local option budgets and adjusting the BASE aid accordingly.
 04/26/2018 Senate—Introduced—SJ 2070
 04/27/2018 Senate—Referred to Senate Select Committee on Education Finance—SJ 2108
 05/04/2018 Senate—Died in Committee

TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS

- S 1602** Concurrent Resolution by Federal and State Affairs
Constitutional amendment to prescribe revenue, expenditure and taxation limitations on state government.
 01/24/2017 Senate—Introduced—SJ 65
 01/25/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 73
 05/04/2018 Senate—Died in Committee
- S 1603** Concurrent Resolution by Senator Holland
State constitutional amendment; legislative session; 60 days even-numbered years.
 02/02/2017 Senate—Introduced—SJ 118
 02/03/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 127
 05/04/2018 Senate—Died in Committee
- S 1604** Concurrent Resolution by Senators Holland, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Pettey, Pilcher-Cook, Rogers
Constitutional amendment lowering the rate of sales and use taxation on food and food ingredients.
 02/02/2017 Senate—Introduced—SJ 119
 02/03/2017 Senate—Referred to Committee on Assessment and Taxation—SJ 127
 05/04/2018 Senate—Died in Committee
- S 1605** Concurrent Resolution by Federal and State Affairs
Urging President Donald Trump to grant a full pardon to Shane Cox and Jeremy Kettler, who, as a result of federal government overreach, were unlawfully convicted of committing a crime.
 02/03/2017 Senate—Introduced—SJ 127
 02/06/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 131
 05/04/2018 Senate—Died in Committee
- S 1607** Concurrent Resolution by Federal and State Affairs
PROPOSITION to amend the Kansas constitution guaranteeing a right to life.
 04/05/2017 Senate—Introduced—SJ 471
 04/06/2017 Senate—Referred to Committee on Federal and State Affairs—SJ 488
 05/04/2018 Senate—Died in Committee
- S 1609** Concurrent Resolution by Senator Pyle
Constitutional amendment providing that locally elected boards are the only government entity with the authority to close schools.
 01/08/2018 Senate—Prefiled for Introduction on Thursday, December 21, 2017
 01/08/2018 Senate—Introduced—SJ 1473
 01/09/2018 Senate—Referred to Senate Select Committee on Education Finance—SJ 1477
 05/04/2018 Senate—Died in Committee
- S 1610** Concurrent Resolution by Commerce
Urging the state corporation commission to take all action to set rates for electric service at regionally competitive levels.
 02/01/2018 Senate—Introduced—SJ 1526
 02/02/2018 Senate—Referred to Committee on Commerce—SJ 1536
 05/04/2018 Senate—Died in Committee
- S 1611** Concurrent Resolution by Senators Wagle, Alley, Baumgardner, Billinger, Denning, Estes, Givens, Goddard, Hardy, Kerschen, Lynn, Masterson, Olson,

Petersen, Pilcher-Cook, Suellentrop, Wilborn

Making application to the U.S. congress to call a convention of the states.

02/06/2018 Senate—Introduced—SJ 1541

02/07/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1551

02/08/2018 Senate—Hearing: Wednesday, February 14, 2018, 10:30 AM Room 144-S

02/20/2018 Senate—Committee Report recommending resolution be adopted as amended by Committee on Federal and State Affairs—SJ 1607

03/07/2018 Senate—Committee of the Whole - Be adopted as amended—SJ 1678

03/08/2018 Senate—Final Action - Not adopted; Yea: 22 Nay: 16—SJ 1682

S 1612

Concurrent Resolution by Senators Lynn, Alley, Baumgardner, Berger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Masterson, McGinn, Petersen, Pilcher-Cook, Rogers, Skubal, Suellentrop, Sykes, Taylor, Wagle

Urging the state corporation commission to lower retail electric rates to regionally competitive levels.

02/28/2018 Senate—Introduced—SJ 1653

03/01/2018 Senate—Referred to Committee on Commerce—SJ 1657

03/07/2018 Senate—Hearing: Monday, March 12, 2018, 08:30 AM Room 548-S

03/15/2018 Senate—Committee Report recommending resolution be adopted by Committee on Commerce—SJ 1749

03/21/2018 Senate—Committee of the Whole - Be adopted—SJ 1772

03/22/2018 Senate—Final Action - Adopted; Yea: 30 Nay: 9—SJ 1782

03/23/2018 House—Received and Introduced—HJ 2571

03/26/2018 House—Referred to Committee on Energy, Utilities and Telecommunications—HJ 2579

05/04/2018 House—Died in House Committee

S 1613

Concurrent Resolution by Senator Pyle

Constitutional amendment reserving the initiative and referendum powers to the people.

03/12/2018 Senate—Introduced—SJ 1687

03/13/2018 Senate—Referred to Committee on Federal and State Affairs—SJ 1695

05/04/2018 Senate—Died in Committee

S 1614

Concurrent Resolution by Senators Wagle, Denning

Extension of legislative session and adjournment of the senate and house of representatives for a period of time during the 2018 regular session of the legislature.

04/07/2018 Senate—Introduced—SJ 2061

05/04/2018 Senate—Died on General Orders

S 1615

Concurrent Resolution by Senators Wagle, Denning

Extension of legislative session and adjournment of the senate and house of representatives for a period of time during the 2018 regular session of the legislature.

04/07/2018 Senate—Introduced—SJ 2061

04/07/2018 Senate—Adopted without roll call—SJ 2061

04/07/2018 House—Received and Introduced—HJ 2857

04/07/2018 House—Adopted without roll call—HJ 2857

04/26/2018 Senate—Enrolled and presented to Secretary of State on Thursday, April 26, 2018—SJ 2107

TITLE AND HISTORY OF SENATE RESOLUTIONS

- S 1758** Resolution by Senators Wagle, Denning, Hensley
Organization of the Senate, 2018.
 01/08/2018 Senate—Introduced—SJ 1472
 01/08/2018 Senate—Adopted without roll call—SJ 1472
 01/10/2018 Senate—Enrolled on Wednesday, January 10, 2018—SJ 1482
- S 1759** Resolution by Senators Petersen, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn
A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
 01/18/2018 Senate—Introduced—SJ 1497
 01/18/2018 Senate—Adopted without roll call—SJ 1497
 01/22/2018 Senate—Enrolled on Monday, January 22, 2018—SJ 1504
- S 1760** Resolution by Senator Fitzgerald
Congratulating and commending Sporting Kansas City on an outstanding 2017 season and for winning their fourth Lamar Hunt U.S. Open Cup title.
 01/22/2018 Senate—Introduced—SJ 1503
 01/22/2018 Senate—Adopted without roll call—SJ 1503
 01/24/2018 Senate—Enrolled on Wednesday, January 24, 2018—SJ 1510
- S 1761** Resolution by Senators Baumgardner, Berger
Congratulating and commending the members of the 2018 Kansas Teacher of the Year team.
 01/23/2018 Senate—Introduced—SJ 1507
 01/23/2018 Senate—Adopted without roll call—SJ 1507
 01/24/2018 Senate—Enrolled on Wednesday, January 24, 2018—SJ 1510
- S 1762** Resolution by Senators Pilcher-Cook, Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Hardy, Hawk, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pyle, V. Schmidt, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn
Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
 01/30/2018 Senate—Introduced—SJ 1519
 01/31/2018 Senate—Referred to Committee of the Whole—SJ 1524
 02/06/2018 Senate—Committee of the Whole - Be adopted—SJ 1544
 02/06/2018 Senate—Emergency Final Action - Adopted; Yea: 35 Nay: 4—SJ 1547
 02/07/2018 Senate—Enrolled on Wednesday, February 07, 2018—SJ 1552
- S 1763** Resolution by Senators Kerschen, Baumgardner, Berger, Billinger, Bollier, Bowers, Francisco, Goddard, Hawk, Hensley, Holland, Kelly, Petersen, Rogers, V. Schmidt, Skubal, Sykes, Wilborn
Designating January 31, 2018, as MS Action Day.
 02/01/2018 Senate—Introduced—SJ 1527
 02/01/2018 Senate—Adopted without roll call—SJ 1527

- 02/02/2018 Senate—Enrolled on Friday, February 02, 2018
- S 1764** Resolution by Senators Masterson, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn
Opposing human trafficking and urging a dismantling of human trafficking networks.
- 02/01/2018 Senate—Introduced—SJ 1528
 02/01/2018 Senate—Adopted without roll call—SJ 1528
 02/02/2018 Senate—Enrolled on Friday, February 02, 2018
- S 1765** Resolution by Senator Baumgardner
Congratulating and commending the individuals selected as award-winning educators in Kansas.
- 02/06/2018 Senate—Introduced—SJ 1543
 02/06/2018 Senate—Adopted without roll call—SJ 1543
 02/07/2018 Senate—Enrolled on Wednesday, February 07, 2018—SJ 1552
- S 1766** Resolution by Senator Hilderbrand
Commemorating the city of Columbus upon its 150th birthday.
- 02/07/2018 Senate—Introduced—SJ 1551
 02/07/2018 Senate—Adopted without roll call—SJ 1551
 02/09/2018 Senate—Enrolled on Friday, February 09, 2018—SJ 1562
- S 1767** Resolution by Senator Sykes
Recognizing the month of February as American Heart Month.
- 02/08/2018 Senate—Introduced—SJ 1554
 02/08/2018 Senate—Adopted without roll call—SJ 1554
 02/09/2018 Senate—Enrolled on Friday, February 09, 2018—SJ 1562
- S 1768** Resolution by Senator Faust-Goudeau
Congratulating and commending Dr. Linda Fae Rhone and the Wichita Teacher Inquiry Group for their work to raise awareness about bullying in schools.
- 02/08/2018 Senate—Introduced—SJ 1555
 02/08/2018 Senate—Adopted without roll call—SJ 1555
 02/09/2018 Senate—Enrolled on Friday, February 09, 2018—SJ 1562
- S 1769** Resolution by Senators Faust-Goudeau, Haley
Recognizing the members of Delta Sigma Theta Sorority, Inc.
- 02/15/2018 Senate—Introduced—SJ 1583
 02/15/2018 Senate—Adopted without roll call—SJ 1583
 02/16/2018 Senate—Enrolled on Friday, February 16, 2018—SJ 1600
- S 1770** Resolution by Senators Haley, Bowers, Denning, Faust-Goudeau, Francisco, Hawk, Hensley, Kelly, Longbine, Lynn, McGinn, Petersen, Pettey, Rogers, Wagle
Honoring the life of Fred Hollomon and his service as Chaplain of the Kansas Senate.
- 02/15/2018 Senate—Introduced—SJ 1585
 02/15/2018 Senate—Adopted without roll call—SJ 1585
 02/16/2018 Senate—Enrolled on Friday, February 16, 2018—SJ 1600
- S 1771** Resolution by Senator Sykes
Recognizing the Kansas tiny-k programs and the individuals involved who provide early intervention services for children with exceptional needs.

- 02/19/2018 Senate—Introduced—SJ 1602
 02/19/2018 Senate—Adopted without roll call—SJ 1602
 02/20/2018 Senate—Enrolled on Tuesday, February 20, 2018—SJ 1613
- S 1772** Resolution by Senator Faust-Goudeau
Congratulating and commending Rise Up For Youth for its inspirational and motivational mentoring programs for youth.
 03/01/2018 Senate—Introduced—SJ 1657
 03/01/2018 Senate—Adopted without roll call—SJ 1657
 03/02/2018 Senate—Enrolled on Friday, March 02, 2018—SJ 1663
- S 1773** Resolution by Senators Hilderbrand, Tyson
Congratulating and commending the members of the Fort Scott High School debate team for their performance in the 4A state debate tournament.
 03/06/2018 Senate—Introduced—SJ 1668
 03/06/2018 Senate—Adopted without roll call—SJ 1668
 03/08/2018 Senate—Enrolled on Thursday, March 08, 2018—SJ 1684
- S 1774** Resolution by Senator Skubal
Urging the small business community in Kansas to assist in developing a model for saving for retirement that can be accessible to working Kansans.
 03/12/2018 Senate—Introduced—SJ 1690
 03/12/2018 Senate—Adopted without roll call—SJ 1690
 03/14/2018 Senate—Enrolled on Wednesday, March 14, 2018—SJ 1710
- S 1775** Resolution by Senators Tyson, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Lynn, McGinn, Petersen, Pettey, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Wagle, Wilborn
Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
 03/12/2018 Senate—Introduced—SJ 1692
 03/12/2018 Senate—Adopted without roll call—SJ 1692
 03/14/2018 Senate—Enrolled on Wednesday, March 14, 2018—SJ 1710
- S 1776** Resolution by Senators Holland, Berger, Billinger, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hawk, Hilderbrand, Kelly, Kerschen, Longbine, Lynn, McGinn, Petersen, Rogers, V. Schmidt, Sykes, Taylor, Tyson
Recognizing the Kansas Small Business Development Center's 2018 Businesses of the Year.
 03/13/2018 Senate—Introduced—SJ 1695
 03/13/2018 Senate—Adopted without roll call—SJ 1695
 03/14/2018 Senate—Enrolled on Wednesday, March 14, 2018—SJ 1710
- S 1777** Resolution by Senator Kelly
A resolution congratulating and commending the members of the Silver Lake High School debate team for their class 3-2-1A four-speaker state championship.
 03/16/2018 Senate—Introduced—SJ 1756
 03/16/2018 Senate—Adopted without roll call—SJ 1756
 03/20/2018 Senate—Enrolled on Tuesday, March 20, 2018—SJ 1768
- S 1778** Resolution by Senators Pettey, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens,

Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn

Recognizing March 19 as Kansas Celebrating Women in Public Office Day.

03/19/2018 Senate—Introduced—SJ 1759

03/19/2018 Senate—Adopted without roll call—SJ 1759

03/20/2018 Senate—Enrolled on Tuesday, March 20, 2018—SJ 1768

S 1779 Resolution by Senator McGinn

Recognizing the Kansas Forest Service's Fire Management Program for the incredible steps they take to ensure that Kansas is adequately prepared to combat wildfires and protect its citizens.

03/21/2018 Senate—Introduced—SJ 1770

03/21/2018 Senate—Adopted without roll call—SJ 1770

03/23/2018 Senate—Enrolled on Friday, March 23, 2018—SJ 1811

S 1780 Resolution by Senators Kelly, Hensley, V. Schmidt

Honoring and thanking the members of the Statehouse Custodial Team for their efforts to keep the Kansas statehouse clean and welcoming.

03/21/2018 Senate—Introduced—SJ 1771

03/21/2018 Senate—Adopted without roll call—SJ 1771

03/23/2018 Senate—Enrolled on Friday, March 23, 2018—SJ 1811

S 1781 Resolution by Senators Longbine, Billinger, Givens, Hawk, Masterson, Petersen, Skubal

Congratulating and commending the 2018 Kansas Master Teachers.

03/22/2018 Senate—Introduced—SJ 1778

03/22/2018 Senate—Adopted without roll call—SJ 1778

03/23/2018 Senate—Enrolled on Friday, March 23, 2018—SJ 1811

S 1782 Resolution by Senator Fitzgerald

Recognizing Military Appreciation Day at the Kansas Capitol.

03/22/2018 Senate—Introduced—SJ 1779

03/22/2018 Senate—Adopted without roll call—SJ 1779

03/23/2018 Senate—Enrolled on Friday, March 23, 2018—SJ 1811

S 1783 Resolution by Senators V. Schmidt, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn

Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.

03/26/2018 Senate—Introduced—SJ 1812

03/26/2018 Senate—Adopted without roll call—SJ 1812

03/28/2018 Senate—Enrolled on Wednesday, March 28, 2018—SJ 1863

S 1784 Resolution by Senators V. Schmidt, Hensley, Alley, Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pettey, Rogers, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn

Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.

- 03/26/2018 Senate—Introduced—SJ 1813
 03/26/2018 Senate—Adopted without roll call—SJ 1813
 03/28/2018 Senate—Enrolled on Wednesday, March 28, 2018—SJ 1863
- S 1785** Resolution by Senators Fitzgerald, Alley, Berger, Bowers, Denning, Estes, Faust-Goudeau, Givens, Goddard, Haley, Hilderbrand, Kerschen, Lynn, Masterson, Petersen, Pettey, Pilcher-Cook, Suellentrop, Tyson, Wagle, Wilborn
Requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State.
 04/04/2018 Senate—Introduced—SJ 1961
 04/04/2018 Senate—Adopted without roll call—SJ 1961
 04/06/2018 Senate—Enrolled on Friday, April 06, 2018—SJ 2013
- S 1786** Resolution by Senator V. Schmidt
Congratulating and commending Harold N. Godwin for his recognition as the winner of the 2018 Remington Honor Medal in pharmacy.
 04/05/2018 Senate—Introduced—SJ 1981
 04/05/2018 Senate—Adopted without roll call—SJ 1981
 04/06/2018 Senate—Enrolled on Friday, April 06, 2018—SJ 2013
- S 1787** Resolution by Senator Hilderbrand
Congratulating and commending the Pittsburg State University men's indoor track and field team on their 2018 NCAA Division II national championship.
 04/05/2018 Senate—Introduced—SJ 1983
 04/05/2018 Senate—Adopted without roll call—SJ 1983
 04/06/2018 Senate—Enrolled on Friday, April 06, 2018—SJ 2013
- S 1788** Resolution by Senators Pettey, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, Masterson, McGinn, Petersen, Pilcher-Cook, Rogers, V. Schmidt, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Wilborn
Recognizing the month of April as Child Abuse Prevention Month.
 04/05/2018 Senate—Introduced—SJ 1984
 04/05/2018 Senate—Adopted without roll call—SJ 1984
 04/06/2018 Senate—Enrolled on Friday, April 06, 2018—SJ 2013
- S 1789** Resolution by Assessment and Taxation
Urging the State Corporation Commission and rate-regulated utility companies to provide timely relief to Kansans by setting new rates and refunding excess funds collected.
 04/26/2018 Senate—Introduced—SJ 2070
 04/27/2018 Senate—Referred to Committee on Utilities—SJ 2108
 05/04/2018 Senate—Died in Committee
- S 1790** Resolution by Senator Holland
Congratulating and commending the members of the Baldwin High School girls' basketball team for their Class 4A-II state championship.
 04/26/2018 Senate—Introduced—SJ 2072
 04/26/2018 Senate—Adopted without roll call—SJ 2072
 04/27/2018 Senate—Enrolled on Friday, April 27, 2018—SJ 2111
- S 1791** Resolution by Senator V. Schmidt

Congratulating and commending members of the Seaman High School boys swim and dive team for winning the Kansas Class 5-1A State Championship and their success this season.

04/30/2018 Senate—Introduced—SJ 2116

04/30/2018 Senate—Adopted without roll call—SJ 2116

05/04/2018 Senate—Enrolled on Friday, May 04, 2018

S 1792 Resolution by Senator Wilborn

Congratulating and commending the members of the McPherson High School girls basketball team for winning the Kansas Class 4A-I State Championship.

05/02/2018 Senate—Introduced—SJ 2199

05/02/2018 Senate—Adopted without roll call—SJ 2199

05/04/2018 Senate—Enrolled on Friday, May 04, 2018

S 1793 Resolution by Senator Sykes

Celebrating the 25th anniversary of Heart to Heart International.

05/02/2018 Senate—Introduced—SJ 2200

05/02/2018 Senate—Adopted without roll call—SJ 2200

05/04/2018 Senate—Enrolled on Friday, May 04, 2018

S 1794 Resolution by Senator Tyson

Recognizing Kansas' celebration of the 100th anniversary of the ratification of the 19th Amendment.

05/03/2018 Senate—Introduced—SJ 2242

05/03/2018 Senate—Adopted without roll call—SJ 2242

05/04/2018 Senate—Enrolled on Friday, May 04, 2018

S 1795 Resolution by Senator Hensley

Congratulating and commending the members of the Shawnee Heights High School cheer squad for winning the Class 5A championship in the inaugural Game Day Spirit Showcase Competition.

05/03/2018 Senate—Introduced—SJ 2320

05/03/2018 Senate—Adopted without roll call—SJ 2320

05/04/2018 Senate—Enrolled on Friday, May 04, 2018

FINAL
SENATE CALENDAR

No. 70

JANUARY 8, 2018 THROUGH ADJOURNMENT MAY 4, 2018

NUMERICAL SCHEDULE OF SENATE BILLS

CARRIED OVER FROM 2017 SESSION

1 Died, Com	54 Died, Com	Sub
2 Died, Com	H Sub	97 Stricken, Cal
3 Died, Com	56 Signed, St Bk	98 Stricken, Cal
4 Died, Com	H Sub	99 Died, Com
5 Died, Com	57 Stricken, H Cal	102 Died, Com
6 Died, Com	58 Died, Com	103 Died, Com
7 Died, Com	59 Died, Com	104 Died, Com
9 Died, Com	H Sub	105 Died, Com
10 Died, Com	61 Signed, St Bk	106 Died, Com
11 Died, Com	62 Died, H Com	107 Died, Gen Orders
12 Died, Com	64 Died, Com	108 Died, Com
18 Died, H Com	67 Died, H Com	H Sub
24 Died, Com	Sub	109 Signed, Line Item
25 Died, H Com	69 Died, H Com	Veto Sustained,
Sub	71 Died, Com	Signed, Pub 5/31/18
27 Died, Com	72 Died, Com	Sub
28 Died, H Com	73 Died, Com	111 Died, Gen Orders
29 Died, Gen Orders	75 Died, H Com	113 Died, Com
31 Died, Com	76 Died, Com	114 Died, H Com
33 Died, Com	77 Stricken, Cal	115 Stricken, Cal
34 Died, Com	79 Died, Com	116 Died, Gen Orders
37 Died, Com	80 Died, Com	117 Died, H Com
38 Died, Gen Orders	81 Died, Com	118 Died, Com
39 Died, Com	82 Died, Com	119 Died, Com
41 Died, Com	84 Stricken, Cal	121 Died, Gen Orders
44 Died, Com	87 Died, H Com	122 Died, Com
45 Died, Gen Orders	88 Died, H Com	123 Died, Com
48 Died, H Com	90 Died, Com	125 Died, Com
49 Died, Com	91 Died, Com	127 Died, Com
H Sub	92 Died, H Com	128 Died, Com
52 Died, H Com	93 Died, H Com	129 Died, Com
Sub	94 Died, H Com	130 Died, H Com
53 Stricken, Cal		

131 Died, Com	173 Died, Com	216 Stricken, Cal
132 Died, Com	176 Died, Com	217 Signed, St Bk
133 Died, Com	177 Died, Com	218 Died, Com
134 Died, Com	178 Died, Com	219 Died, Com
135 Died, H Com	H Sub	220 Died, Com
136 Died, H Com	179 Signed, St Bk	221 Died, H Com
137 Died, H Com	180 Signed, St Bk	222 Died, Com
138 Died, H Com	181 Died, H Com	223 Died, Com
139 Died, Com	182 Died, Com	224 Died, Com
140 Died, Gen Orders	183 Died, Com	225 Died, Com
141 Died, Com	185 Signed, Pub 4/19/18	226 Died, Gen Orders
142 Died, Com	186 Died, H Com	227 Died, Com
143 Died, Com	187 Died, Com	228 Died, Com
144 Died, H Com	188 Stricken, Cal	229 Died, Com
145 Died, Com	Sub	230 Died, Com
146 Died, H Gen Orders	189 Died, H Com	231 Died, Com
147 Died, Com	190 Died, Com	232 Died, Com
148 Died, Com	191 Died, Com	233 Died, Com
150 Died, Com	192 Died, Com	234 Died, Com
151 Died, Com	193 Died, Com	235 Died, Com
152 Died, Com	194 Signed, St Bk	236 Died, Gen Orders
153 Died, Com	Sub	237 Died, Com
Sub	195 Died, Gen Orders	238 Died, Com
155 Died, Com	196 Died, Com	239 Died, Com
156 Died, Com	197 Died, Com	240 Stricken, Cal
157 Died, Gen Orders	Sub	241 Died, Gen Orders
158 Died, Gen Orders	198 Died, H Com	242 Died, Com
159 Died, Com	199 Signed, St Bk	243 Died, Com
160 Died, Gen Orders	200 Stricken, Cal	244 Died, Com
161 Died, Com	203 Died, Gen Orders	245 Died, Com
162 Died, Com	204 Died, Com	246 Died, Com
163 Died, Com	206 Died, Com	247 Died, H Com
164 Died, Com	207 Died, Com	248 Died, Com
165 Died, Com	208 Died, Com	249 Died, Com
167 Died, Com	209 Died, Com	250 Died, Com
168 Died, Com	210 Died, Com	251 Died, Com
169 Died, Com	211 Died, Gen Orders	252 Died, Com
170 Died, Com	212 Died, Com	253 Died, Com
171 Died, Com	213 Died, Com	254 Died, Com
172 Died, Com	215 Died, Com	

**NUMERICAL SCHEDULE OF SENATE BILLS
2018 SESSION**

255 Died, H Com	292 Died, H Com	331 Signed, St Bk
256 Signed, Pub 3/5/18	293 Died, Com	332 Died, Com
257 Died, Com	294 Signed, St Bk	333 Died, Com
258 Died, Com	295 Died, Com	334 Died, Com
259 Died, Com	296 Died, Conf	335 Signed, St Bk
260 Signed, Pub 5/24/18	297 Died, Com	H Sub
261 Signed, Pub 5/17/18	298 Died, Com	336 Signed, St Bk
262 Signed, Pub 3/1/18	299 Died, Gen Orders	337 Died, Com
263 Signed, Pub 5/3/18	300 Died, Gen Orders	338 Died, Com
H Sub	301 Died, H Com	339 Died, Com
264 Stricken, H Cal	302 Died, Com	340 Died, Final Action
265 Died, H Com	303 Died, H Com	341 Died, Com
266 Signed, St Bk	304 Died, Com	342 Died, Com
267 Signed, St Bk	305 Died, Com	343 Died, H Gen Orders
268 Died, Com	306 Died, Com	344 Died, Com
Sub	H Sub	345 Died, Com
269 Died, H Com	307 Signed, St Bk	346 Died, Com
270 Died, Com	308 Died, Com	347 Died, Com
271 Died, Com	309 Died, H Com	348 Signed, Pub 5/17/18
Sub	310 Signed, Pub 5/17/18	349 Died, Com
272 Signed, St Bk	311 Signed, St Bk	350 Died, Com
273 Died, Com	312 Died, H Com	351 Signed, St Bk
274 Died, Com	313 Died, H Com	352 Died, H Com
275 Signed, Pub 4/26/18	314 Died, H Com	353 Died, H Com
276 Signed, Pub 4/12/18	315 Died, Com	354 Died, Com
277 Died, Com	316 Died, Com	355 Died, Com
278 Died, Com	317 Died, Com	356 Died, Com
279 Signed, St Bk	318 Died, Com	357 Died, Com
280 Died, Com	319 Died, Com	358 Died, Com
281 Signed, St Bk	320 Died, Com	359 Died, Com
282 Signed, Pub 5/24/18	321 Died, Com	360 Died, Com
283 Signed, Pub 3/8/18	322 Died, Com	361 Died, Com
284 Signed, St Bk	Sub	362 Died, Com
Sub	323 Signed, Pub 3/8/18	363 Died, Com
285 Died, H Com	324 Signed, Pub 4/19/18	364 Died, Com
286 Died, Com	325 Died, Com	365 Died, Com
287 Died, Com	326 Died, Com	366 Died, Com
288 Signed, St Bk	327 Died, Com	367 Died, H Com
289 Died, Com	328 Signed, Pub 5/17/18	368 Died, Com
290 Died, Com	329 Died, Com	369 Signed, St Bk
291 Died, Com	330 Stricken, Cal	370 Died, Com

371 Died, Com	401 Died, Com	431 Died, Com
372 Died, Com	402 Died, Com	432 Died, Com
373 Died, Com	403 Died, Com	433 Died, H Gen Orders
H Sub	404 Died, Com	434 Died, Com
374 Signed, St Bk	405 Signed, St Bk	435 Died, Com
375 Signed, St Bk	406 Died, Com	436 Died, Gen Orders
376 Died, Com	407 Died, Com	437 Died, Gen Orders
377 Died, Com	408 Died, Com	438 Died, Com
378 Died, Com	409 Died, Com	439 Died, Com
379 Died, Com	410 Signed, St Bk	440 Died, Com
380 Died, Com	411 Died, Com	441 Died, Com
381 Died, Com	412 Died, Com	442 Died, Com
382 Died, Com	413 Died, Com	443 Died, Com
383 Died, Com	Sub	444 Died, Gen Orders
384 Died, Com	414 Signed, St Bk	445 Died, Com
385 Died, Com	415 Signed, St Bk	446 Died, Com
386 Signed, St Bk	416 Died, Com	447 Died, Com
387 Died, Com	417 Died, Com	448 Died, Gen Orders
388 Died, Com	418 Died, H Com	449 Died, Conf
389 Died, Com	419 Signed, St Bk	450 Died, Com
390 Died, Com	420 Died, Com	451 Died, Com
H Sub	421 Died, Com	452 Died, Com
391 Signed, Pub 5/24/18	422 Died, H Com	453 Died, Gen Orders
392 Died, Com	Sub	454 Died, Com
393 Died, Com	423 Signed, Pub 4/26/18	455 Died, Com
394 Signed, St Bk	424 Died, Com	456 Died, Com
395 Died, Com	425 Died, Com	457 Died, Com
396 Died, Com	426 Died, Com	458 Died, Com
397 Died, Com	427 Died, Final Action	459 Died, Com
398 Signed, St Bk	428 Signed, St Bk	460 Died, Com
399 Died, Com	429 Died, H Com	461 Signed, St Bk
400 Died, Com	430 Died, H Com	462 Died, Com

**NUMERICAL SCHEDULE OF
SENATE CONCURRENT RESOLUTIONS
CARRIED OVER FROM 2017 SESSION**

1602 Died, Com	1604 Died, Com	1607 Died, Com
1603 Died, Com	1605 Died, Com	

**NUMERICAL SCHEDULE OF
SENATE CONCURRENT RESOLUTIONS
2018 SESSION**

1609 Died, Com	1612 Died, H Com	1614 Died, Gen Orders
1610 Died, Com	1613 Died, Com	1615 Adopted
1611 Died, Fin Action		

**NUMERICAL SCHEDULE OF SENATE RESOLUTIONS
2018**

1758 Adopted & Enr	1771 Adopted & Enr	1784 Adopted & Enr
1759 Adopted & Enr	1772 Adopted & Enr	1785 Adopted & Enr
1760 Adopted & Enr	1773 Adopted & Enr	1786 Adopted & Enr
1761 Adopted & Enr	1774 Adopted & Enr	1787 Adopted & Enr
1762 Adopted & Enr	1775 Adopted & Enr	1788 Adopted & Enr
1763 Adopted & Enr	1776 Adopted & Enr	1789 Died, Com
1764 Adopted & Enr	1777 Adopted & Enr	1790 Adopted & Enr
1765 Adopted & Enr	1778 Adopted & Enr	1791 Adopted & Enr
1766 Adopted & Enr	1779 Adopted & Enr	1792 Adopted & Enr
1767 Adopted & Enr	1780 Adopted & Enr	1793 Adopted & Enr
1768 Adopted & Enr	1781 Adopted & Enr	1794 Adopted & Enr
1769 Adopted & Enr	1782 Adopted & Enr	1795 Adopted & Enr
1770 Adopted & Enr	1783 Adopted & Enr	

**SENATE ACTION ON HOUSE BILLS CARRIED OVER
FROM 2017 SESSION**

2013 Died, S Com	2107 Died, S Com	2187 Died, S Com
S Sub	2111 CCR Adopted	Sub
2028 CCR Adopted	2121 Died, S Com	2194 CCR Adopted
2031 Died, S Gen Orders	2125 Died, S Com	S Sub
2035 Died, S Com	2126 Died, S Com	2197 Died, S Com
2036 Died, S Com	S Sub	2203 Died, S Com
Sub	2129 CCR Adopted	2205 Died, S Com
2040 Died, S Gen Orders	S Sub	2210 Died, S Com
2042 CCR Adopted	2130 Died, S Com	Sub
2045 Died, S Com	2145 Pass Am, H Con	2223 Died, S Gen Orders
2047 Died, S Com	Sub	S Sub
2048 Died, S Com	2147 Pass Am, H Con	2228 CCR Adopted
2049 Died, S Com	2148 Died, S Com	2232 Pass Am, H Con
2067 CCR Adopted	2160 Died, S Com	2234 Died, S Com
2069 Died, S Com	2161 Died, S Com	2235 Died, S Com
2070 Died, S Com	2162 Died, S Gen Orders	2240 Died, S Com
2071 Died, S Com	2168 Died, S Com	2256 Died, S Gen Orders
2076 Died, S Com	2176 Died, S Com	Sub
2084 Died, S Com	2180 Died, S Com	2257 Died, S Com
2088 Died, S Gen Orders	2182 Died, S Com	2260 Died, S Com
2093 Died, S Com	S Sub	2262 Died, S Com
Sub	2184 Pass Am, H Con	2268 Died, S Com
2103 Died, S Com	S Sub	Sub
2106 Pass Am, H Con	2186 Pass Am	2272 Died, S Com

2273 Died, S Com	2343 Passed	2391 Died, S Com
2279 Died, S Com	S Sub	Sub
2280 CCR Adopted	2359 Passed, Am	2398 Died, S Gen Orders
2289 Died, S Com	2360 Died, S Com	S Sub
2302 Died, S Com	2361 Died, S Com	2408 Died, S Gen Orders
2306 Died, S Com	2362 Pass Am, H Con	Sub
2308 Died, S Com	Sub	2410 Died, S Com
2319 Died, S Com	2365 Died, S Com	2416 Died, S Gen Orders
2320 Died, S Com	S Sub	2419 Died, Fin Action
Sub	2380 Died, S Gen Orders	Sub
2331 Died, S Com	S Sub for	2427 Died, S Com
Sub	S Sub	
2332 Died, S Gen Orders	2386 CCR Adopted	
2333 Died, S Gen Orders		

**SENATE ACTION ON HOUSE BILLS
2018 SESSION**

2435 Passed	2482 CCR Adopted	Sub
2436 Died, S Com	2486 Pass Am	2556 CCR Adopted
2437 Passed	2488 CCR Adopted	2558 Passed
2438 CCR Adopted	2489 Died, S Com	2566 Died, S Com
2439 Passed	2492 Pass Am	2567 Passed
2441 Died, S Com	2496 Pass Am, H Con	2568 Died, S Com
2444 Pass Am, H Con	2498 Passed	2571 CCR Adopted
2445 Died, S Com	2501 Passed	Sub
2446 Died, S Com	2502 Passed	2572 Died, S Com
2448 Died, S Gen Orders	2505 Died, S Gen Orders	2573 Died, S Com
2454 Pass Am, H Con	2506 Died, S Com	2577 CCR Adopted
2455 Died, S Com	2509 Died, S Com	2579 CCR Adopted
2456 Died, S Com	2511 CCR Adopted	2580 Passed
2457 Passed	2516 Passed	2581 Passed
2458 CCR Adopted	2523 CCR Adopted	2583 CCR Adopted
2459 Passed	2524 Passed	2590 Pass Am, H Con
2465 Died, S Gen Orders	2526 Died, S Gen Orders	2597 CCR Adopted
2469 Passed	2527 Died, S Com	2599 Pass Am, H Con
2470 CCR Adopted	2530 Died, S Com	S Sub
2472 Passed	2531 Died, S Com	2600 CCR Adopted
2474 Died, S Com	2534 Died, S Com	Sub
2476 CCR Adopted	2539 CCR Adopted	2602 CCR Adopted
2477 Pass Am, H Con	2541 Passed	2603 Died, S Com
2478 Died, S Com	2542 CCR Adopted	2604 Died, S Gen Orders
2479 CCR Adopted	2547 Died, S Com	2606 CCR Adopted
2480 Died, S Com	2549 Pass Am, H Con	2608 Passed
2481 Pass Am	2551 Died, S Com	2619 Passed

2625 Died, S Com	2676 Died, S Com	2749 Died, S Com
2628 Pass Am, H Con	2691 Passed	2753 Died, S Com
2639 Pass Am, H Con	2700 Died, S Com	2755 Died, S Com
2642 CCR Adopted	S Sub	2757 Died, S Com
2644 Died, S Com	2701 CCR Adopted	2758 Died, S Com
2648 Died, S Com	2729 Died, S Com	2773 Died, S Com
2650 Pass Am, H Con	2734 Died, S Com	2778 Died, S Com
S Sub	Sub	2784 Died, S Com
2674 Died, S Gen Orders	2739 Died, S Com	

**SENATE ACTION ON HOUSE CONCURRENT RESOLUTIONS
2018 SESSION**

5018 Adopted	5023 Adopted	5028 Adopted
5019 Adopted	5026 Adopted	5030 Died, S Com
5021 Adopted		

**SUMMARY OF ACTIONS ON SENATE BILLS
AND SENATE RESOLUTIONS**

Senate Bills

Senate bills introduced in 2018 Session	208
Senate bills carried over from 2017 Session	<u>199</u>
TOTAL.....	407
Senate bills signed by Governor	52
Senate bills signed by Governor, printed in Statute Book	34
Senate bills line-item vetoed by the Governor	1
(H Sub SB 109, Veto Sustained, printed in Kansas Register)	
Senate bills printed in Kansas Register.....	17
Senate bills died in Senate	355
Senate bills killed in Senate	2
Senate bills that died on Senate Calendar	35
Senate bills that died in Senate Committees	265
Senate bills that died on House Calendar	5
Senate bills that died in House Committees	46
Senate bills that died in Conference Committees	<u>2</u>
TOTAL	407

Senate Concurrent Resolutions

Senate concurrent resolutions introduced in 2018 Session	7
Senate concurrent resolutions carried over from 2017 Session	<u>5</u>
TOTAL	12
Senate concurrent resolutions adopted by both houses	1
Senate concurrent resolutions killed in Senate	1
Senate concurrent resolutions that died on Senate Calendar	1
Senate concurrent resolutions that died in Senate Committees	8
Senate concurrent resolutions that died in House Committees	<u>1</u>
TOTAL	12

Senate Resolutions

Senate resolutions introduced in the 2018 Session	38
Senate resolutions adopted	37
Senate resolutions died in committee	<u>1</u>
TOTAL	38

STATUS OF BILLS AND RESOLUTIONS

Senate bills signed by the Governor: Nos. H Sub 56, H Sub 61, H Sub 109, H Sub 179, 180, 185, 194, 199, 217, 256, 260, 261, 262, 263, 266, 267, Sub 272, 275, 276, 279, 281, 282, 283, 284, 288, 294, H Sub 307, 310, 311, Sub 323, 324, 328, 331, 335, H Sub 336, 348, 351, 369, H Sub 374, 375, 386, H Sub 391, 394, 398, 405, 410, Sub 414, 415, 419, Sub 423, 428, 461

Senate bills signed by the Governor and published in Kansas Register: Nos. H Sub 109, 185, 256, 260, 261, 262, 263, 275, 276, 282, 283, 310, Sub 323, 324, 328, 348, H Sub 391, Sub 423

Senate bills line-item vetoed by Governor, veto sustained, and published in the Kansas Register: No. H Sub 109

Senate resolutions adopted: Nos. 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795

Senate concurrent resolutions adopted by both Houses: Nos. 1615

**APPOINTMENTS, COMMUNICATIONS, CONFIRMATIONS, MESSAGES
FROM THE GOVERNOR, SPECIAL EVENTS AND GUESTS
2018 SENATE JOURNAL**

APPOINTMENTS

The Reverend Cecil T. Washington, Jr., of New Beginnings Church, Topeka, to serve as Chaplain of the Senate, page 1471.

SR 1758, relating to the organization of the Senate and appointments of Senators Susan Wagle, president; Jeff Longbine, vice-president; Jim Denning, majority leader; Anthony Hensley, minority leader; Corey Carnahan, secretary and Charles (Nick) Nicolay, sergeant at arms, page 1472.

COMMUNICATIONS FROM STATE OFFICERS

Secretary of the Senate, Corey Carnahan, has received the following communications during the interim since adjournment of the 2017 Regular Session of the Legislature:

From Derek Schmidt, Attorney General, the annual report of the Consumer Protection and Antitrust Division, page 1474.

From Alan D. Conroy, Executive Director, Kansas Public Employees Retirement System, the required annual report regarding KPERS Investments in Sudan, page 1474.

From Greg Smith, Chairperson, the annual report of the Juvenile Justice Oversight Committee, page 1474.

From James Hubbard, the annual report of the Johnson County Education Research Triangle, page 1474.

From Scott W. Miller, Director, the annual report of the Pooled Money Investment Board, page 1474.

From Pat Apple, Chairman, the annual Kansas Corporation Commission reports on Oil and Gas Remediation Site Status, Abandoned Oil and Gas Well Status, Utilities and Common Carriers, and Land-Spreading Procedures and Costs, page 1474.

Elaine Frisbie, Kansas Board of Regents, submitted the Board of Regents' reports on the Kan-Ed program, KTIP and student financial aid programs, page 1510.

Kansas Highway Patrol Superintendent, Mark A. Bruce, submitted the report regarding state forfeiture funds, page 1517.

Commissioner of Insurance, Ken Selzer, CPA, submitted the 2017 Annual Report of the Kansas Insurance Department, page 1521.

Attorney General Derek Schmidt appointed Nan Porter as a member of the Crime Victims Compensation Board pursuant to KSA 74-7303, page 1660.

Kansas Board of Regents submitted the Postsecondary Technical Education Authority annual report, page 1681.

CONFIRMATION OF APPOINTMENTS

Consideration of confirmation of appointments, pages 1488, 1489, 1490, 1491, 1492, 1703, 1712, 1780, 1781, 2014, 2201.

MESSAGES FROM THE GOVERNOR

Announcing the pardon of Mark Schmitt of Liberal, Kansas, page 1474.

Executive Order 17-03 and 18-01, conditional and temporary relief from certain motor carrier rules and regulations, page 1474.

Executive Directive 17-479, 17-481, 17-483, and 17-485, Authorizing Expenditure of Federal Funds, page 1474.

Executive Directive 17-480, Authorizing Personnel Transactions and Expenditure of Federal Funds, page 1474.

Executive Directive 17-482, Authorizing Personnel Transactions, page 1474.

Executive Directive 17-484, Authorizing the Transfer of Funds between State General Fund Budget Units, page 1474.

Submitting for confirmation: Suchitra Padmanabhan, Member, Kansas Development Authority; Brandon Jones, Member, Racing and Gaming Commission; Kurt Knutson, Member, State Banking Board; David Brant, Member, Human Rights Commission; Ronald Wurtz, Member, State Board of Indigent Defense Services; Michael Kane, Human Rights Commission, page 1477.

Submitting for confirmation: Jonathon Westbrook, Member, Human Rights Commission; Chris Donnelly, Member, Kansas Development Finance Authority; James Cusser, Member, Kansas Public Employees' Retirement System Board of Trustees; David M. Billingsley, Member, Public Employee Relations Board; Allen Schmidt, Member, State Civil Service Board; Daniel Bangerter, Member, State Board of Regents; Ann Brandau-Murguia, Member, State Board of Regents, page 1478.

Submitting for confirmation: Helen Van Etten, Member, State Board of Regents; Leonard Wolfe, Member, State Banking Board; Irvin Michell, Member, State Banking Board; C. Scott Anderson, Member, Kansas Development Finance Authority, page 1479.

Executive Order No. 18-02, page 1507.

Executive Order No. 18-03, rescinding certain executive orders, page 1521.

Executive Order No. 18-04, page 1547.

Executive Orders Nos. 18-05, 18-06, 18-07, and 18-08, page 1561.

Submitting for confirmation: James Zakoura, Member, Kansas Public Employees Retirement System Board of Trustees, page 1659.

Submitting for confirmation: Phillip Hayes, Member, Employment Security Board of Review; Monte Coffman, Member, University of Kansas Hospital Authority; Gina Meier-Hummell, Secretary, Kansas Department for Children and Family Services; James Terrones, Commissioner, Kansas Human Rights Commission; Larry Turnquist, Commissioner, Kansas Racing and Gaming Commission; Jeffrey Anderson, Secretary, Kansas Department of Health and Environment; Braden Perry, Member, State Board of Indigent Defense Services; Dave Myres, Member, Racing and Gaming Commission, page 1660.

Executive Order No. 18-09, page 1666.

Executive Order No. 18-10, page 1681.

Executive Order No. 18-11, page 1711.

Submitted herewith for confirmation: Dwight D. Keen, Commissioner, Kansas Corporation Commission, page 1943.

VETO MESSAGES

Veto message regarding **H Sub SB 109**, concerning line-item vetoes, page 2475.

Kansas Highway Patrol—Claim

Section 9 is vetoed in its entirety.

This provision would require the highway patrol to pay \$11,833.60 to an individual for the repayment of cash funds alleged to have been improperly seized and turned over to a federal agency in 1995. Adherence to the rule of law requires that such matters be properly adjudicated in the courts. The individual in question here could have sought recovery against the proper parties in the proper forums, but either failed to so or did not do so successfully. Furthermore, the criminal history of this individual, which

includes multiple felony convictions for burglary and theft, as well as drug trafficking, casts doubt upon the veracity and soundness of the claim. It would be bad precedent, and bad policy, to make this payment in this manner, especially with bill language that accuses law enforcement officers of an improper act without the benefit of due process.

Insurance Department—Insurance Department Service Regulation Fund

Section 43(b) is vetoed in its entirety.

The 2018 Legislature reduced the transfer from the Insurance Department Service Regulation Fund to the State General Fund by \$8.0 million in FY 2019. This transfer was part of the budget approved by the 2017 Legislature. I veto this transfer reduction.

Board of Indigents' Defense Services—Legal Services for Prisoners, Inc. Health Insurance

Section 44(a) and Section 45(a) legal services for prisoners are line item vetoed.

The Legislature appropriated \$25,000 from the State General Fund in both FY 2018 and FY 2019 for legal services for prisoners. Legal Services for Prisoners, Inc. is a non-profit corporation that provides legal assistance to indigent inmates of Kansas correctional institutions. The two employees of the corporation are private contractors and not state employees. Therefore, the state has no oversight over the corporation's health insurance plan design or selection. I therefore veto the line items that provide this funding in the bill.

Department of Commerce—Global Trade Services

Section 58(e) Global Trade Services line-item is vetoed.

The 2018 Legislature overspent resources in the Economic Development Initiatives Fund (EDIF) by \$309,802 in FY 2019, which will require reductions to balance the EDIF budget. Global Trade Services is currently funded with the Department of Commerce's EDIF Operating Grant. The Legislature created a separate line item of \$125,000 to provide enhanced funding for this program in FY 2018. However, the enhanced funding is not needed to fully fund and operate this program for the last few months of the fiscal year. Because EDIF resources are being overspent, this item is vetoed. Funding for this program will continue from the EDIF Operating Grant in FY 2018.

Department of Commerce—Kansas International Trade Show Assistance

Section 58(e) and Section 59(a) Kansas International Trade Show Assistance line-items are vetoed.

The 2018 Legislature overspent resources in the EDIF by \$309,802 in FY 2019, which will require reductions to balance the EDIF budget. Kansas International Trade Show Assistance is currently funded with the Department of Commerce's EDIF Operating Grant in both FY 2018 and FY 2019 and the Legislature created separate line items of \$50,000 in FY 2018 and \$127,000 in FY 2019 to fund this program. Because EDIF resources are being overspent, these items are vetoed. Funding for this program will continue from the EDIF Operating Grant in both FY 2018 and FY 2019. The Legislature added additional funding for this program in FY 2019; however, the enhanced funding is not needed to fully fund and operate this program.

Department of Commerce—Innovation Growth Program

Section 59(a) Innovation Growth Program line-item is vetoed.

The 2018 Legislature overspent resources in the EDIF by \$309,802 in FY 2019, which will require reductions to balance the EDIF budget. The Legislature created a new line item of \$65,643 in FY 2019 for the Innovation Growth Program. The Department of Commerce previously operated this program; however, funding was eliminated in FY 2016. Because EDIF resources are being overspent, this item is vetoed.

Department of Health and Environment—PRTF 60 Day Admission Policy

Section 67(i) & 68(i) are vetoed in their entirety.

The Mental Health Parity Act prohibits states from imposing conditions or limits on mental health services that are not imposed on physical health services. Instead, medical necessity should be determined and if a mental health service is deemed necessary, the state is required to cover it. In October 2015, the Department for Aging and Disability Services discontinued its policy of requiring mental health screenings prior to admission to inpatient psychiatric beds at community hospitals and residential treatment facilities. The screenings were discontinued in response to the potential loss of federal funding as outlined in the Mental Health Parity Act. This administration is working on Psychiatric Residential Treatment Facility (PRTF) issues and is aware of concerns with length of stays at PRTFs. The administration will continue to work with the Kansas Department of Health and Environment, the Kansas Department for Aging and Disability Services and the Mental Health Task Force to resolve any issues. While the cost may be justified by the benefits to be obtained from the screenings, approving this provision could additionally jeopardize substantial federal funding of inpatient Medicaid services. I therefore veto these sections of the bill.

Department of Health and Environment—KanCare Funding

The portion of Section 68(a) that reads as follows is line item vetoed:

Provided, however, That during fiscal years 2018 and 2019, if any new eligibility requirements or limitations are imposed by any state agency to receive state medicaid services under the Kansas medical assistance program, then on the effective date of such imposition, the amounts appropriated for the department of health and environment – division of health care for the fiscal year ending June 30, 2019, by section 95(a) of chapter 104 of the 2017 Session Laws of Kansas and this act from the state general fund in the other medical assistance account are hereby lapsed.

Section 118 of this bill addresses the Legislature's concerns with potential changes to the KanCare Program; this proviso is not necessary.

Department for Children and Families—Jobs for America's Graduates-Kansas

Section 74(e) is vetoed in its entirety.

Jobs for America's Graduates-Kansas (JAG-K) is a program that targets children at-risk of failing in school by offering in-class instruction, mentoring, leadership development and job and postsecondary placement to participants. JAG-K is funded entirely with funding received from the Federal Government through the Temporary Assistance for Needy Families Block Grant; no state funds are used for the program. The Temporary Assistance for Needy Families Fund has a history of having no expenditure limitation placed upon it and there is no recent history of placing an expenditures limitation upon the JAG-K Program. This section would place an expenditure limitation totaling \$5.8 million upon the JAG-K Program in FY 2019. Limiting funding for the JAG-K Program could prevent the agency from providing assistance to at-risk children that would otherwise qualify to participate in the program; therefore, I veto this section to allow the agency flexibility to assist more at-risk children if given the opportunity.

Kansas Highway Patrol—Troop B Building

Sections 100 (b), 100 (c) and 100(d) are vetoed in their entirety.

The Kansas Highway Patrol currently leases the land and improvements comprising the Troop B headquarters located in Shawnee County. Lease payments have been made from a Federal Forfeiture revenue stream. While there is a concern that this funding resource may be discontinued in the future, funds are available presently to cover lease payments. The option to purchase could be reviewed at such time Federal Forfeiture

funds are no longer sufficient to cover lease obligations. Continuing with a lease arrangement that provides maintenance is desirable over purchasing and adding the responsibility of ongoing maintenance. In addition, this veto prevents an increase in the state's outstanding debt. The funds used for debt service of the bonds to purchase the facility were to be financed from the State Highway Fund. As a result of this veto, the State Highway Fund will have an additional \$300,000 for highway projects.

SPECIAL EVENTS AND GUESTS

President Wagle introduced Dr. John Feehan, president of the Kansas Academy of Family Physicians. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the statehouse during Session, page 1471.

Vice President Longbine introduced Arturo Garcia, third-year law student at the University of Kansas, who will be serving as reading clerk for the 2018 Session. He also introduced two new staff members: Kay White, Desk Clerk, and Dave Link, Sergeant at Arms staff, page 1476.

Vice President Longbine introduced guest chaplain Pastor TD Hicks, Antioch Missionary Baptist Church, Topeka, page 1483.

Vice President Longbine introduced Brock Booker, Wichita, who sang the national anthem, page 1483.

Senator Hilderbrand rose on a Point of Personal Privilege to recognize a group of ministers visiting the Statehouse from across Kansas. He thanked them for their faith and serving their communities, page 1486.

Senator Lynn rose on a Point of Personal Privilege to introduce the Consulate General of Canada, Stephane Lessard, and to recognize the importance of the continuing partnership between Canada and the United States, page 1494.

Senators urged the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program, page 1497.

Senator Suellentrop rose on a Point of Personal Privilege to introduce Julie Samaniego from Wichita and honoring her for 30 years of adoption advocacy for women who choose adoption and for couples wanting to adopt. Ms. Samaniego is also the founder of the faith-based organization, Circle of Love, page 1502.

Senator Fitzgerald congratulated and commended the Sporting Kansas City professional soccer club on an outstanding 2017 season and for winning their fourth Lamar Hunt U.S. Open Cup title. Guests introduced were Jake Reid, Alan Kietrich, and Marty Neushemel, page 1503.

Senators Baumgardner and Berger congratulated and commended members of the 2018 Kansas Teacher of the Year team. The 2018 Kansas Teacher of the Year is Samantha "Sam" J. Neill, Buhler USD 313. Regional finalists were: Jennifer L. Donovan, De Soto USD 232; Jamie D. Manhart, Silver Lake USD 372; Megan E. Nagel, Newton USD 373; Angela "Angie" R. Powers, Olathe USD 233; Gilbert "Gil" R. Still, Jr., Dodge City USD 443; Sarah C. VenJohn, Winfield USD 465; and Bradley "Brad" W. Weaver, Atchison USD 409, page 1507.

Senator Tyson rose on a Point of Personal Privilege introducing David Lamb and other county clerks from across the state, page 1509.

Vice President Longbine introduced guest chaplain, Reverend Sandra Brown, First Presbyterian Church, Topeka, who delivered the invocation, page 1525.

Senators recognized that pornography is a public health hazard that leads to a broad spectrum of individual and public health impacts and societal harms, page 1519.

Senators designated January 31, 2018, as MS Action Day, page 1527.

Senator Masterson introduced Barry Feaker, Hal Smith, Amber Cunningham, Jenny Falk, Terry Hund, Kevin Swift and Jennifer Montgomery, all with the Topeka Rescue Mission, to oppose human trafficking and urging the dismantling of human trafficking networks, page 1529.

Vice President Longbine introduced guest chaplain, Elias B. Bracamonte, Associate Pastor, Topeka Highland Park Baptist Church, page 1537.

Senator Baumgardner congratulated and commended the individuals selected as award-winning educators in Kansas, page 1543.

Vice President Longbine introduced guest chaplain, Pastor Tony Stanley, Harvest West Church, Topeka, page 1549.

Senator Hilderbrand introduced Grant Spieth, Jean Pritchett and Larry Hiatt, to commemorate the city of Columbus on its 150th birthday, page 1551.

Senator Tyson rose on a Point of Personal Privilege to recognize Thrill's Gourmet Kettle Corn Company, founded in Burlingame, Kansas, page 1553.

Senator Sykes recognized the month of February as Go Red for Women American Heart Month and introduced special guests Erin Laurie and Abbi Key, page 1554.

Senator Faust-Goudeau recognized Dr. Linda Fae Rhone, Irene Rhone and Maura Rhone and the Wichita Teacher Inquiry Group for their work to acknowledge bullying in schools, page 1555.

Senator Holland rose on a Point of Personal Privilege to recognize high school students with the Council of International Education Exchange program (CIEE). The students represent four countries: Germany, Italy, Moldavia and Pakistan. Guests introduced were CIEE Coordinator, Anita Sass, Alessandra Maltempi, Saskia Nowak, Fritz Wisser, Mathes Trauer, Sophie Simon, Iana Cuznetov and Prah Haider, page 1576.

Senator Wagle introduced Emmanuel Herron, New Beginning Baptist Church in Topeka, pages 1579, 1614.

Vice President Longbine introduced Reverend Shirley Heermance, St. Mark's A.M.E. Church in Topeka, page 1582.

Senator Tyson rose on a Point of Personal Privilege to recognize Christopher Tyson and his parents, Roger and Rhonda Tyson. Christopher was visiting the Statehouse as part of the 23rd Annual Kansas All-State Academic Team, an achievement reached while he bravely battled Leukemia, page 1583.

Senators Faust-Goudeau and Haley recognized members of Delta Sigma Theta Sorority, Inc., Guests introduced were Johnette Oakes, Sue Wilson, Adriannte Etheridge, Jill Hall, Natalie Bynum, Tami Farr-Smith, Shaneka Cabe, Ravel Hodges, Emile McGill, Dr. Pat Dozier and Trudy Baker, page 1583.

Senators honored the life of Fred Hollomon and his service as Chaplain of the Kansas Senate for 31 years, page 1585.

Senator Haley introduced former Senators U. L. "Rip" Gooch and Donald Betts, in honor of Black History month, page 1599.

Senator Sykes recognized the Kansas tiny-k programs and the individuals involved who provide early intervention services for children with exceptional needs, page 1602.

Senator Faust-Goudeau congratulated and commended Rise Up For Youth for its inspirational and motivational mentoring programs for youth. Guests introduced were Ariel Rodriguez-Williams, Lynn Gilkey, Tiara Brown, Aalissa Rippatoe, Roxzana Martinez, Kim Voth and Kamilah Sharpe, page 1657.

President Wagle introduced guest chaplain, Mohamed M. Odah, page 1665.

Senator Bollier rose on a Point of Personal Privilege to speak in recognition of the 3rd annual Muslim Advocacy Day, page 1665.

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize SPEEA Union Members from Wichita. Introduced were Matthew Cannon, Mark Gayer, Earl and Ponolar Washington, page 1667.

Senators Hilderbrand and Tyson congratulated and commended the members of the Fort Scott High School debate team for their performance in the class 4A state debate tournament, page 1668.

Senator Alley recognized the Winfield High School Orchestra. The orchestra played the National Anthem and “Big Sky Serenade”, commissioned especially for the orchestra's 130th anniversary, page 1679.

Senator Hensley recognized the Kansas Volunteer Commission, one of 52 state service commissions nationwide, which engages staff and Governor-appointed Commissioners to achieve its mission of empowering all Kansans to meet community needs through service, page 1679.

Senator Rogers rose on a Point of Personal Privilege to welcome advocates from the ARC of Sedgwick County. Advocates of ARC of Sedgwick County were introduced: Marvin Patterson, Mary Hovey, Cammie Funston and Nicole Hall, page 1680.

Senator V. Schmidt rose on a Point of Personal Privilege to recognize Kansas Boys and Girls Club Youth of the Year. 2018 Youth of the Year candidates are: Ivy Auletti (Boys and Girls Clubs of Manhattan); Christopher Burrell (Boys and Girls Clubs of South Central Kansas); Isabel Calle (Fort Riley CYS Boys and Girls Club); Ruth Gathunguri (Boys and Girls Club of Lawrence); Tavian Gray (Boys and Girls Clubs of Hutchinson); Juleonna Stevenson (Boys and Girls Club of Coffeyville); and Carlos Vega (Fort Leavenworth CYS Boys and Girls Club). Ruth Gathunguri was named the State Youth of the Year and Isabel Calle was named Kansas Military Youth of the Year, page 1680.

President Wagle introduced guest chaplain, Reverend Robert Smith, Saint Francis Ministries, page 1687.

Senator Skubal urged Kansas' small business community and employees to join with the Legislature and the State Treasurer to assist in developing a model for saving for retirement through the workplace that is accessible to working Kansans, page 1690.

Senators urged the United States Department of Agriculture's Food and Nutrition Service to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins, page 1691.

Senators recognized the Kansas Small Business Development Center's 2018 Businesses of the Year. The 2018 Kansas SBDC Emerging Businesses of the Year are: BellaRose Boutique and Tanning Salon, LLC, in Burlington, owned by Lindsay Beyer; Lost Creek Supply in Kensington, owned by Kaid Baumann; Angel Competition Bikinis, LCC, in Lenexa, owned by Karah and Lauren Beeves; HMC Performance Coatings in Tonganoxie, owned by Shawn and Amie Bristol; Root Coffeehouse in Pittsburg, owned by Lindsey and Trent King; Advantage Marketing in Wichita, owned by Cori Kohlmeier and Amy Hoefler; and Sugar Creek Country Store in St. Marys, owned by Dan Hohman. The 2018 Kansas SBDC Existing Businesses of the Year are: Radius Brewing Company, LLC, in Emporia, owned by Justin Bays, Jeremy Johns and Chad Swift; KYVZ Radio in Atwood, owned by Joe Vysourek; KC Restoration, LLC, in Olathe, owned by Bill and LeAnn Luemmen; KEAdvisors in Lawrence, owned by Keith Ely; LaHarpe Telephone Company, Inc., in LaHarpe, owned by Harry Lee, Joyce Lee and Carol Higginbotham; T & B Towing, LLC, in Turpin, Oklahoma, owned by Ty Rader; Overstock Art, LLC, in Wichita, owned by David Sasson; and Wabaunsee County Signal – Enterprise in Alma, owned by Lori Daniel. The 2018 Kansas SBDC Exporting Businesses of the Year are: Double D Family Mat Shop, Inc., in Park, owned

by Dale and Dena Goetz; and Northwind Technical Services, LLC, in Sabetha, owned by Mike and Marlene Bosworth, pages 1695 and 1696.

Senator Kelly recognized the members of the Silver Lake High School debate team for their class 3-2-1A four-speaker state championship. Members of the four-speaker team were Faith Scheibmeir, Keith Nagy, Claire Austin and Jayme Lindstrom, with alternates Ryan Turner and Zoe Brokaw. Michelle Taylor is the team coach, page 1756.

Senators recognized March 19 as Kansas Celebrating Women in Public Office Day, page 1759.

Vice President Longbine introduced guest chaplain Fr. David Hodges, Saint Francis Foundation, page 1769.

Senator Lynn rose on a Point of Personal Privilege to recognize Foreign Exchange students serving as Pages in the Senate. The students are attending high schools in the Kansas City area on American Field Service scholarships. Students introduced were: Mohammad Abu Ajwa, from Gaza; Leija Coko, from Bosnia Herzegovina; Emma Driesner, from Germany; Arbaz Khan, from Pakistan; Ayca Senbakan, from Turkey; and Vesa Sherifi, from Macedonia, page 1769.

Senator McGinn recognized the members of the Kansas Forest Service's Fire Management Program for the incredible steps they take to ensure that Kansas is adequately prepared to combat wildfires and protect its citizens. Guests introduced were Larry Biles, Jason Hartman, Rodney Redinger, Ross Hauck, Aimee Hawkes, Darci Paull, Kylie Rethman and Jennifer Williams, page 1770.

Senators Kelly, Hensley and V. Schmidt honored and thanked the members of the Statehouse Custodial Team for their efforts to keep the Kansas statehouse clean and welcoming. Members of the Statehouse custodial staff introduced were: Laura Smith, Wes Coen, Jacob Wright, Mike Bronson, Verenice Chavez, Dustin Pederzani, Mark Helton, Gloria Pineda, Christopher Ross, Yun Knight, Sheryl Rath, Kevin King, Tod Anderson, Mary Alcalá, Mathew Gamez, Karyna Kennedy, Eric Steele, Delores Sharp, Sarah Meraz, Sarah Shipman, Frank Burnam and Chris Simons, page 1771.

Senators Longbine, Billinger, Givens, Hawk, Masterson, Petersen and Skubal congratulated and commended the 2018 Kansas Master Teachers. 2018 Kansas Master Teachers are: Constance Allmond, high incident/intellectual disability teacher at El Dorado Middle School in El Dorado; Deanna K. Burton, social studies teacher at Susan B. Anthony Middle School in Manhattan; Abby Cornelius, library media specialist at Blue Valley North High School in Overland Park; Todd Flory, fourth-grade teacher at Wheatland Elementary School in Andover; Chitra Harris, science teacher at Wichita High School South; Matthew Irby, science teacher at Emporia High School; and Kimberly S. Schneweis, visual art teacher at Hays Middle School, page 1778.

Senator Fitzgerald recognized Military Appreciation Day at the Kansas Capitol, page 1779.

Senators congratulated and commended Jill Shelley, principal research analyst for the Kansas Legislative Research Department, for winning a Notable Document Award from the Legislative Research Librarians staff section of the National Conference of State Legislatures, page 1812.

Senators congratulated and commended Carol Williams for her career with the Kansas Governmental Ethics Commission. Guests introduced were Bob Williams, Jessica Lehnerr, Jason Lehnerr, Braden Lehnerr, Addison Lehnerr, Eleanor Ostler, Carol and Jody Kirkwood, page 1813.

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize Literacy Day at the Capitol. Guests introduced were Prisca Barnes (President and CEO of Storytime Village), Darrius Ray, Kenya Cox (Director-KAAAC), Chandra Lewis,

Winnie Shaw, Elder Wakeelah Martinez, Pastor Bobbie Love Jr. (Commissioner-KAAAC), Daphne Maxwell (Commissioner-KAAAC), Pastor Sherdielle Breathett (Commissioner-KAAAC), page 1860.

Senator Faust-Goudeau rose on a point of personal privilege to recognize the life of Dr. Martin Luther King, Jr., page 1958.

Senator Haley rose on a point of personal privilege in remembrance of Dr. Martin Luther King, Jr., and others, page 1959.

Senators supported a resolution requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State, page 1961.

Senator Schmidt congratulated and commended Harold N. Godwin for his lifetime commitment to excellence in pharmacy, for his career of leadership in pharmacy in Kansas, and for his recent recognition as the winner of the 2018 Remington Honor Medal in pharmacy, page 1981.

Senator Hilderbrand congratulated and commended the Pittsburg State University men's indoor track and field team on their 2018 NCAA Division II national championship, page 1983.

Senators recognized the month of April as Child Abuse Prevention Month, page 1984.

Senator Holland congratulated and commended the members of the Baldwin High School girls basketball team for their Class 4A-11 state championship, page 2072.

Senator Hawk rose on a Point of Personal Privilege to recognize Donna and Jack Vanier who have been named Kansas Humanitarians of the Year. Other guests introduced were their children: John Vanier, Kim Vanier, Mary Vanier, Marty Vanier, and Coach Bill Snyder and his wife Sharon, page 2113.

Senator Schmidt congratulated and commended members of the Seaman High School boys swim and dive team for winning the Kansas Class 5-1A State Championship and for their successful season, page 2116.

Senator Faust-Goudeau recognized Wesley Collins, a junior at Washburn University, double majoring in international business and marketing, and has an interest in the policy process in Kansas, page 2157.

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- SB 159 Claims against the state.
- SB 176 Kansas buy American act.
- SB 177 Hiring Kansans first.
- SB 306 Prohibiting outside employment by certain state officers or employees.
- SB 327 Amending the Kansas school equity and enhancement act regarding the transportation weighting.
- SB 328 Prohibiting the outsourcing or privatization of any operations or facilities of any correctional institution or juvenile correctional facility; allowing existing contracts to be renewed.
- SB 350 Providing certain requirements related to requesting for introduction of bills in legislature by committee or legislator, and inclusion on printed committee bills and in committee minutes of requesting legislator.
- SB 394 Ensuring transparency in state government contract decisions and other actions.
- SB 403 Allowing workers with injuries to choose their doctors.
- SCR 1604 Constitutional amendment lowering the rate of sales and use taxation on food and food ingredients.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SR 1758 Organization of the Senate, 2018.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1763 Designating January 31, 2018, as MS Action Day.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1770 Honoring the life of Fred Hollomon and his service as Chaplain of the Kansas Senate.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1780 Honoring and thanking the members of the Statehouse Custodial Team for their efforts to keep the Kansas statehouse clean and welcoming.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.
- SR 1795 Congratulating and commending the members of the Shawnee Heights High School cheer squad for winning the Class 5A championship in the inaugural Game Day Spirit Showcase Competition.

Hilderbrand, Richard

- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1766 Commemorating the city of Columbus upon its 150th birthday.
- SR 1773 Congratulating and commending the members of the Fort Scott High School debate team for their performance in the 4A state debate tournament.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1776 Recognizing the Kansas Small Business Development Center's 2018 Businesses of the Year.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1785 Requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State.
- SR 1787 Congratulating and commending the Pittsburg State University men's indoor track and field team on their 2018 NCAA Division II national championship.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

Holland, Tom

- SB 8 Providing for canvassing of advance voting ballots mailed on the date of the election.
- SB 131 Larned and Osawatomic state hospital privatization prohibition amendments.
- SB 176 Kansas buy American act.
- SB 177 Hiring Kansans first.
- SB 350 Providing certain requirements related to requesting for introduction of bills in legislature by committee or legislator, and inclusion on printed committee bills and in committee minutes of requesting legislator.
- SB 403 Allowing workers with injuries to choose their doctors.
- SCR 1603 State constitutional amendment; legislative session; 60 days even-numbered years.
- SCR 1604 Constitutional amendment lowering the rate of sales and use taxation on food and food ingredients.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1763 Designating January 31, 2018, as MS Action Day.

- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1776 Recognizing the Kansas Small Business Development Center's 2018 Businesses of the Year.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.
- SR 1790 Congratulating and commending the members of the Baldwin High School girls' basketball team for their Class 4A-II state championship.

Kelly, Laura

- SB 8 Providing for canvassing of advance voting ballots mailed on the date of the election.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomic state hospital privatization prohibition amendments.
- SB 176 Kansas buy American act.
- SB 177 Hiring Kansans first.
- SB 350 Providing certain requirements related to requesting for introduction of bills in legislature by committee or legislator, and inclusion on printed committee bills and in committee minutes of requesting legislator.
- SB 403 Allowing workers with injuries to choose their doctors.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1763 Designating January 31, 2018, as MS Action Day.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1770 Honoring the life of Fred Hollomon and his service as Chaplain of the Kansas Senate.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1776 Recognizing the Kansas Small Business Development Center's 2018 Businesses of the Year.
- SR 1777 A resolution congratulating and commending the members of the Silver Lake High School debate team for their class 3-2-1A four-speaker state championship.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1780 Honoring and thanking the members of the Statehouse Custodial Team for their efforts to keep the Kansas statehouse clean and welcoming.

- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

Kerschen, Dan

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomic state hospital privatization prohibition amendments.
- SB 263 Creating a program to research the use of industrial hemp.
- SCR 1611 Making application to the U.S. congress to call a convention of the states.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1763 Designating January 31, 2018, as MS Action Day.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1776 Recognizing the Kansas Small Business Development Center's 2018 Businesses of the Year.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1785 Requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

LaTurner, Jacob

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.

Longbine, Jeff

- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.

- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1770 Honoring the life of Fred Hollomon and his service as Chaplain of the Kansas Senate.
- SR 1776 Recognizing the Kansas Small Business Development Center's 2018 Businesses of the Year.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1781 Congratulating and commending the 2018 Kansas Master Teachers.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

Lynn, Julia

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 392 Legislature; minutes; introduction of bills.
- SCR 1611 Making application to the U.S. congress to call a convention of the states.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1770 Honoring the life of Fred Hollomon and his service as Chaplain of the Kansas Senate.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1776 Recognizing the Kansas Small Business Development Center's 2018 Businesses of the Year.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1785 Requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

Masterson, Ty

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 392 Legislature; minutes; introduction of bills.
- SB 393 Legislative committees; all votes of each legislator on motions or other action recorded in minutes.
- SCR 1611 Making application to the U.S. congress to call a convention of the states.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1781 Congratulating and commending the 2018 Kansas Master Teachers.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1785 Requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

McGinn, Carolyn

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomic state hospital privatization prohibition amendments.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1770 Honoring the life of Fred Hollomon and his service as Chaplain of the Kansas Senate.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1776 Recognizing the Kansas Small Business Development Center's 2018 Businesses of the Year.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.

- SR 1779 Recognizing the Kansas Forest Service's Fire Management Program for the incredible steps they take to ensure that Kansas is adequately prepared to combat wildfires and protect its citizens.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

Olson, Robert

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SCR 1611 Making application to the U.S. congress to call a convention of the states.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.

Petersen, Mike

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 392 Legislature; minutes; introduction of bills.
- SCR 1611 Making application to the U.S. congress to call a convention of the states.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1763 Designating January 31, 2018, as MS Action Day.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1770 Honoring the life of Fred Hollomon and his service as Chaplain of the Kansas Senate.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1776 Recognizing the Kansas Small Business Development Center's 2018 Businesses of the Year.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1781 Congratulating and commending the 2018 Kansas Master Teachers.

- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1785 Requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

Petty, Pat

- SB 8 Providing for canvassing of advance voting ballots mailed on the date of the election.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomie state hospital privatization prohibition amendments.
- SB 176 Kansas buy American act.
- SB 177 Hiring Kansans first.
- SB 350 Providing certain requirements related to requesting for introduction of bills in legislature by committee or legislator, and inclusion on printed committee bills and in committee minutes of requesting legislator.
- SB 403 Allowing workers with injuries to choose their doctors.
- SB 409 Creating statutory procedures and limitations concerning contact with jurors.
- SCR 1604 Constitutional amendment lowering the rate of sales and use taxation on food and food ingredients.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1770 Honoring the life of Fred Hollomon and his service as Chaplain of the Kansas Senate.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1785 Requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

Pilcher-Cook, Mary

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 392 Legislature; minutes; introduction of bills.

- SB 393 Legislative committees; all votes of each legislator on motions or other action recorded in minutes.
- SB 399 Enacting the patient right to shop act.
- SCR 1604 Constitutional amendment lowering the rate of sales and use taxation on food and food ingredients.
- SCR 1611 Making application to the U.S. congress to call a convention of the states.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1785 Requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

Pyle, Dennis

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 349 Establishing procedure for filling vacancy in office of Lieutenant Governor and requiring notice of resignation from Governor and Lieutenant Governor when resigning from office.
- SB 408 Creating the office of state auditor and providing for the powers of duties of such office.
- SCR 1609 Constitutional amendment providing that locally elected boards are the only government entity with the authority to close schools.
- SCR 1613 Constitutional amendment reserving the initiative and referendum powers to the people.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.

Rogers, Lynn

- SB 8 Providing for canvassing of advance voting ballots mailed on the date of the election.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomie state hospital privatization prohibition amendments.

- SB 176 Kansas buy American act.
- SB 177 Hiring Kansans first.
- SB 350 Providing certain requirements related to requesting for introduction of bills in legislature by committee or legislator, and inclusion on printed committee bills and in committee minutes of requesting legislator.
- SB 403 Allowing workers with injuries to choose their doctors.
- SCR 1604 Constitutional amendment lowering the rate of sales and use taxation on food and food ingredients.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1763 Designating January 31, 2018, as MS Action Day.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1770 Honoring the life of Fred Hollomon and his service as Chaplain of the Kansas Senate.
- SR 1776 Recognizing the Kansas Small Business Development Center's 2018 Businesses of the Year.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

Schmidt, Vicki

- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomie state hospital privatization prohibition amendments.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1763 Designating January 31, 2018, as MS Action Day.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1776 Recognizing the Kansas Small Business Development Center's 2018 Businesses of the Year.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1780 Honoring and thanking the members of the Statehouse Custodial Team for their efforts to keep the Kansas statehouse clean and welcoming.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.

- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1786 Congratulating and commending Harold N. Godwin for his recognition as the winner of the 2018 Remington Honor Medal in pharmacy.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.
- SR 1791 Congratulating and commending members of the Seaman High School boys swim and dive team for winning the Kansas Class 5-1A State Championship and their success this season.

Skubal, John

- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomic state hospital privatization prohibition amendments.
- SB 350 Providing certain requirements related to requesting for introduction of bills in legislature by committee or legislator, and inclusion on printed committee bills and in committee minutes of requesting legislator.
- SB 403 Allowing workers with injuries to choose their doctors.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1763 Designating January 31, 2018, as MS Action Day.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1774 Urging the small business community in Kansas to assist in developing a model for saving for retirement that can be accessible to working Kansans.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1781 Congratulating and commending the 2018 Kansas Master Teachers.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

Suellentrop, Gene

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 392 Legislature; minutes; introduction of bills.
- SB 393 Legislative committees; all votes of each legislator on motions or other action recorded in minutes.
- SB 399 Enacting the patient right to shop act.
- SCR 1611 Making application to the U.S. congress to call a convention of the states.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.

- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1785 Requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

Sykes, Dinah

- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomie state hospital privatization prohibition amendments.
- SB 350 Providing certain requirements related to requesting for introduction of bills in legislature by committee or legislator, and inclusion on printed committee bills and in committee minutes of requesting legislator.
- SB 403 Allowing workers with injuries to choose their doctors.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1763 Designating January 31, 2018, as MS Action Day.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1767 Recognizing the month of February as American Heart Month.
- SR 1771 Recognizing the Kansas tiny-k programs and the individuals involved who provide early intervention services for children with exceptional needs.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1776 Recognizing the Kansas Small Business Development Center's 2018 Businesses of the Year.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.
- SR 1793 Celebrating the 25th anniversary of Heart to Heart International.

Taylor, Mary

- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomie state hospital privatization prohibition amendments.
- SB 350 Providing certain requirements related to requesting for introduction of bills in legislature by committee or legislator, and inclusion on printed committee bills and in committee minutes of requesting legislator.
- SB 403 Allowing workers with injuries to choose their doctors.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1776 Recognizing the Kansas Small Business Development Center's 2018 Businesses of the Year.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

Tyson, Caryn

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 131 Larned and Osawatomie state hospital privatization prohibition amendments.
- SB 350 Providing certain requirements related to requesting for introduction of bills in legislature by committee or legislator, and inclusion on printed committee bills and in committee minutes of requesting legislator.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1773 Congratulating and commending the members of the Fort Scott High School debate team for their performance in the 4A state debate tournament.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.

- SR 1776 Recognizing the Kansas Small Business Development Center's 2018 Businesses of the Year.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
- SR 1785 Requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State.
- SR 1788 Recognizing the month of April as Child Abuse Prevention Month.
- SR 1794 Recognizing Kansas' celebration of the 100th anniversary of the ratification of the 19th Amendment.

Wagle, Susan

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
- SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
- SB 392 Legislature; minutes; introduction of bills.
- SB 394 Ensuring transparency in state government contract decisions and other actions.
- SCR 1611 Making application to the U.S. congress to call a convention of the states.
- SCR 1612 Urging the state corporation commission to lower retail electric rates to regionally competitive levels.
- SCR 1614 Extension of legislative session and adjournment of the senate and house of representatives for a period of time during the 2018 regular session of the legislature.
- SCR 1615 Extension of legislative session and adjournment of the senate and house of representatives for a period of time during the 2018 regular session of the legislature.
- SR 1758 Organization of the Senate, 2018.
- SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
- SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
- SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
- SR 1770 Honoring the life of Fred Hollomon and his service as Chaplain of the Kansas Senate.
- SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
- SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
- SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
- SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.

- SR 1785 Requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State.
 SR 1788 Recognizing the month of April as Child Abuse Prevention Month.

Wilborn, Rick

- SB 98 Regulating abortion practice; requiring certain physician information to be provided under the woman's-right-to-know act.
 SB 101 Amending the protection from abuse act and protection from stalking act to establish the protection from stalking or sexual assault act.
 SB 131 Larned and Osawatomic state hospital privatization prohibition amendments.
 SB 261 Transferring the duty to appoint certain appraisers from the judicial administrator to the director of property valuation.
 SB 350 Providing certain requirements related to requesting for introduction of bills in legislature by committee or legislator, and inclusion on printed committee bills and in committee minutes of requesting legislator.
 SB 392 Legislature; minutes; introduction of bills.
 SCR 1611 Making application to the U.S. congress to call a convention of the states.
 SR 1759 A resolution urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program.
 SR 1762 Recognizing that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms.
 SR 1763 Designating January 31, 2018, as MS Action Day.
 SR 1764 Opposing human trafficking and urging a dismantling of human trafficking networks.
 SR 1775 Urging the United States Department of Agriculture's Food and Nutrition Services to accept Kansas' plea to expand the Kansas Senior Farmers Market Nutrition Program to include proteins.
 SR 1778 Recognizing March 19 as Kansas Celebrating Women in Public Office Day.
 SR 1783 Congratulating and commending Jill Shelley for winning a Notable Document Award from the Legislative Research Librarians at the National Conference of State Legislatures.
 SR 1784 Congratulating and commending Carol Williams for her career with the Kansas Governmental Ethics Commission.
 SR 1785 Requesting that the United States Senate confirm the nomination of Mike Pompeo as Secretary of State.
 SR 1788 Recognizing the month of April as Child Abuse Prevention Month.
 SR 1792 Congratulating and commending the members of the McPherson High School girls basketball team for winning the Kansas Class 4A-I State Championship.

State Legislature, Senate Committees (Various)

Agriculture and Natural Resources

- SB 24 Designating the channel catfish as the state fish of Kansas.
 SB 25 Removing the requirement for a public hearing to set cabin fees owned or operated by the department of wildlife, parks and tourism.
 SB 26 Increasing the vessel registration fee cap.
 SB 46 Water conservation area findings, notice and management plans.
 SB 47 Amending the Kansas pet animal act.

- SB 48 Remedies for the impairment of a valid water right or permit to divert and use water.
- SB 59 Updating provisions relating to weights and measures.
- SB 60 Extending the sunset of certain department of agriculture fees.
- SB 61 Relating to fees for dairy businesses and the processing of paper documents by the Kansas secretary of agriculture.
- SB 117 Allowing boards of county commissioners to declare the wild blackberry a noxious weed within counties.
- SB 286 Relating to the Kansas pet animal act.
- SB 287 Relating to Kansas department of agriculture license renewal dates and late fees.
- SB 320 Relating to the number of first-year veterinary students that may enter into program agreements with Kansas state university.
- SB 330 Amending the fee limitations for certain department of wildlife, parks and tourism licenses, permits, stamps and other issues.
- SB 331 Designating Flint Hills trail state park and Little Jerusalem Badlands state park as part of the state park system.
- SB 337 Clarifying animal conversion units for poultry facilities with dry manure systems.
- SB 344 Relating to the control and eradication of noxious weeds in the state of Kansas.
- Sub
- SB 414 Updating egg repacking requirements.

Assessment and Taxation

- SB 28 Amending dates when certain reports due to department of revenue.
- SB 29 Allowing property tax exemption of certain federal property without an order of the board of tax appeals.
- SB 30 Changing definition reference in the Kansas retailers' sales tax act; the higher learning commission.
- SB 34 Concerning states eligible for foreign state debt setoff agreements and expanding the states eligible to any state or territory that has entered into a reciprocal agreement.
- SB 39 Permitted use of tax information in certain tax actions and proceedings; tax liens upon personal property; tax warrants; time for returns and payment of tax; liability for persons responsible for collection of sales or compensating tax.
- SB 54 Electronic cigarettes; definitions; enforcement of tax collections.
- SB 96 Enforcement of certain provisions of the cigarette and tobacco products act involving licenses, permits, records, unlawful acts and remittance of taxes and deposits.
- SB 97 Certain cash rebates on sales or leases of new motor vehicles not subject to sales taxation.
- Sub
- SB 97 Relating to taxation, income tax, rates, modifications; sales and compensating use tax, food, rates.
- SB 111 Concerning Kansas sales and compensating use tax, administration and reporting requirements.
- Sub
- SB 111 Requiring certain remote sellers to collect Kansas sales tax.

- SB 116 Repealing certain obsolete or expired sections relating to taxation.
- SB 129 Allowing a board of county commissioners to exempt certain property located in a federal enclave.
- SB 130 Electronic cigarettes, definitions, enforcement.
- SB 146 Continuation of 20 mill statewide levy for schools and property tax exemption of certain portion of property used for residential purposes from such levy.
- SB 147 Under Kansas income tax act; providing rate changes and determination of Kansas adjusted gross income and sunseting certain modifications.
- SB 167 Property tax lid; cities and counties; repealed.
- SB 175 Income tax, rates, modifications, credits; cigarettes and tobacco products, rates; alcoholic beverages, liquor enforcement, rates; business entities, filing fees.
- SB 188 Under Kansas income tax act; providing rate changes, determination of Kansas adjusted gross income and sunseting certain modifications, and itemized and standard deductions.
- SB 192 Under Kansas income tax act; providing rate changes, determination of Kansas adjusted gross income and sunseting certain modifications, itemized deductions.
- SB 198 Requiring people with access to federal tax information to be fingerprinted.
Sub
- SB 198 Concerning the department of revenue; requiring people with access to federal tax information to be fingerprinted and allowing the conversion of certain driver's license examiners positions from classified to unclassified.
- SB 203 Adding Cowley county to the list of rural opportunity zones.
- SB 211 Income tax credit for certain purchases of good and services by a taxpayer from qualified vendors that provide employment to individual who are blind or severely disabled.
- SB 212 Directing the secretary of labor to submit a plan and negotiate an agreement for state enforcement of OSHA standards.
- SB 213 Providing for state income taxation of retirement contributions by certain employees of the state board of regents.
- SB 214 Income tax itemized deduction for certain medical expenses.
- SB 215 Concerning income taxation; relating to determination of Kansas adjusted gross income, rates, itemized deductions.
- SB 222 One-year moratorium on PEAK awards.
- SB 223 PEAK qualification distance requirements established and retention provision sunset accelerated.
- SB 224 Providing for a \$.05 increase in motor fuel taxes.
- SB 230 High performance incentive program, moratorium on income tax credits and sales tax exemptions.
- SB 231 Promoting the employment across Kansas act; moratorium on the award of benefits.
- SB 236 Income tax treatment of net operating loss carryback on the sale of certain hotels.
- SB 239 Making parts of the scrap metal theft reduction act unenforceable until January 1, 2019.
- SB 248 Creating the student opportunity scholarship program.
- SB 249 Property valuation of grain elevator facilities, deviation from appraisal guides.
- SB 252 Enacting the ad astra rural jobs act.
- SB 303 Expanding expense deduction to tax filers in addition to corporate filers.

- SB 345 Sales tax exemption for friends of JCDS, inc.
- SB 346 Sales tax exemption for the Stafford county economic development, inc.
- SB 362 Exempting labor from depreciation in certain property and casualty insurance claims.
- SB 364 Requiring counties to approve the establishment of a poultry confinement facility and establishing the procedures therefor.
- SB 365 Requiring counties to approve the establishment of a poultry production or poultry slaughter facility and establishing the procedures therefor.
- SB 366 Creating the student opportunity scholarship program.
- SB 367 Sales taxation; treatment of coupons; certain cash rebates on sales or leases of new motor vehicles.
- SB 400 Tax lid exemption when taxing entity abolished and duties assumed by a city or county.
- SB 429 Delaying certain provisions of the scrap metal theft reduction act.
- SB 432 Transparency, project financial viability requirements and other reforms to the STAR bond financing act.
- SB 434 Amending STAR bonds by limiting financing to tourist attractions, limiting the state revenue contribution and limiting benefits for certain businesses.
- SB 437 Enacting a sales tax exemption for sales of currency, certain coins or bullion.
- SB 444 Decreasing the sales and use tax rate on food and food ingredients.
- SB 445 Allowing the transfer upon death and providing for an income tax deduction for contributions to an ABLE account and conforming allowable expenses for 529 plans to federal law.
- SB 448 Establishing the economic development incentive review program to be evaluated by the legislature's commerce committees and requiring reports by the post auditor.
- SB 449 Allowing the transfer upon death and providing for an income tax deduction for contributions to an ABLE account and conforming allowable expenses for 529 plans to federal law.
- SB 450 Amending the school finance transportation weighting calculation to use density and per capita allowance.
- SB 453 Allowing an individual to itemize deductions in Kansas despite not itemizing on their federal return.
- SB 456 Requiring access to the public right-of-ways be provided in a nondiscriminatory manner.
- SB 457 Requirements for the state corporation in establishing rates.
- SB 459 Creating the taxation study commission.
- SR 1789 Urging the State Corporation Commission and rate-regulated utility companies to provide timely relief to Kansans by setting new rates and refunding excess funds collected.
- S Sub
- HB 2228 Increasing and allowing Kansas itemize deductions, increasing standard deduction, individual expensing deduction, treatment of foreign corporate income and GILTI income.
- S Sub
- HB 2380 Creating the property tax review study commission.
- S Sub
- HB2408 Providing a sales tax exemption for midland care connection, inc., Harry Hynes memorial hospice, inc. and hospice of the prairie, inc.

Commerce

- SB 90 Workers compensation impairment determination.
- SB 163 Kansas liquor control act and retailer's licenses.
- SB 185 Authorizing utility franchises for redevelopment districts which encompass a federal enclave.
- SB 334 Extending the time that taxpayers may carry forward the high performance incentive program tax credit.
- SB 339 Making workers compensation death benefits adequate and equivalent with respect to recent benefit limit changes.
- SCR 1610 Urging the state corporation commission to take all action to set rates for electric service at regionally competitive levels.
- S Sub
- HB 2184 Amending workers compensation death benefits.

Education

- SB 75 Adding an additional member to the board of trustees of Cowley county community college.
- SB 145 Amending the Kansas state high school activities association school classification system.
- SB 166 Exempting Cleveland university-Kansas City from the private and out-of-state postsecondary educational institution act.
- SB 333 Amendments to the Jason Flatt act; relating to suicide awareness and prevention training.
- SB 357 Continuing the study of the cost of career technical education programs and report by the department of education.

Ethics, Elections and Local Government

- Sub
- SB 8 Providing for the canvassing of advance voting ballots mailed on the date of an election.
- SB 11 Vacancy elections; United States representative to congress.
- SB 31 Rehabilitation of abandoned property by cities.
- SB 37 Elections; voting procedures where proof of citizenship not provided.
- SB 43 Vacancy elections; United States representative to congress; clarifications.
- SB 56 Streamlining filing requirements for reports of campaign contributions immediately preceding an election.
- SB 57 Easing communications with political campaign officers and party committees through requiring email addresses in reports to secretary of state.
- SB 58 Facilitating the identification of the sponsors of internet political campaign advertisements.
- SB 78 Elections; voting place changes; written notice to affected voters; emergency exception.
- SB 79 Elections; voter identification; affidavit in lieu of photo identification.
- SB 80 Campaign finance reports and statements; new acknowledgment.
- SB 81 Campaign finance; certain exemptions from filing reports.
- SB 118 Voter registration; departments of aging and disability services, children and families; labor and state board of education.
- SB 132 Regional system of cooperating libraries and board representatives.
- SB 298 Cities, counties; residential fire sprinkler systems prohibitions, repealed.

- SB 299 Election commissioners; role of secretary of state and boards of county commissioners.
- SB 325 City, school district, other municipal elected officials; date for assuming office following election.
- SB 326 Free state elections act; voter identification; proof of citizenship eliminated; permanent advance voting for any voter; election day registration; eliminating interstate voter registration crosscheck participation.
- SB 370 Municipalities; vacancy appointment limitations.
- SB 413 Amending elections law to require use of paper ballots and permit independent canvassing of ballots by voters.

Federal and State Affairs

- SB 53 Creating a permanent exemption for certain entities from the public buildings law under the personal and family protection act.
 - Sub
 - SB 53 Amending the personal and family protection act.
- SB 55 Public construction contracts and performance and payment bonds.
- SB 76 Professional occupations; restrictions on fees and licensing requirements.
- SB 77 Wildlife, parks and tourism and the Bob Grant bison herd.
- SB 83 Kansas propane safety and licensing act; definition change.
- SB 84 Highway patrol; when certain appointments terminated; return to rank.
- SB 85 Withholding life-sustaining treatment from patients under 18 years of age.
 - Sub
 - SB 85 Healthcare and information requirements concerning the withholding of cardio-pulmonary resuscitation from minors.
- SB 86 Kansas open records act and openness in government.
- SB 102 Counties; abatement of nuisances; disposal of vehicles.
- SB 103 Secretary of State; political action committees prohibited.
- SB 104 Lobbyists; restrictions on tickets to events and meals for legislators.
- SB 105 Campaign finance; contribution prohibitions for certain persons entering into contracts with the state or a municipality.
- SB 106 Campaign finance; prohibiting certain campaign contributions by KanCare providers.
- SB 107 Authorizing the attorney general to establish a system of legal representation charges and collect such charges from state agencies.
- SB 108 Personal and family protection act and public employer liability.
- SB 133 Requiring e-verify for certain public contracts, enacting the Kansas employer e-verify accountability act.
- SB 134 Enhancing the penalty for misclassification of employees for purposes of evading taxes or unemployment insurance contributions.
- SB 135 Driver's license examiners; converted from classified to unclassified positions.
- SB 139 Exercise of religious freedom by postsecondary student associations; repealed.
- SB 140 Sales tax exemptions; Kansas dui impact center, inc.; active aging publishing inc.
 - Sub
 - SB 155 Eliminating criminal and professional penalties for non-intoxicating cannabinoid medicine.
 - SB 157 Kansas highway patrol; immigration agreement.
 - SB 158 Prohibiting adoption of sanctuary policies by cities, counties and state agencies.

- SB 164 Club and drinking establishment act and the consumption of alcoholic beverages.
- SB 168 Kansas lottery; repeal sunset.
- SB 169 Kansas lottery; permit lottery ticket vending machines.
- SB 182 Requiring the state corporation commission to study certain issues relating to electric utilities.
- SB 183 Requiring the state corporation commission to implement retail electric choice.
- SB 199 Amending bond requirements for appeals in the code of civil procedure.
- SB 200 Open records act; criminal investigation records; missing persons.
- SB 201 Kansas consumer protection act; protected consumer to include member of the military.
- SB 202 Approving a compact between the Kickapoo Tribe in Kansas and the State of Kansas relating to cigarette and tobacco sales, taxation and escrow collection.
- SB 206 Creating the student privacy and protection act.
- SB 207 Amendments to the Kansas expanded lottery act relating to racetrack gaming facilities.
- SB 209 Electric utilities and billing standards.
- SB 218 Adult care home licensure and background check amendments.
- SB 219 Amending training requirements for security police officers employed by the Kansas department for aging and disability services.
- SB 220 Amending the Larned state hospital and Osawatomic state hospital catchment areas.
- SB 221 Amending the revised Kansas code for care of children and the newborn infant protection act and amending certain powers and duties of the secretary for children and families.
- SB 225 Exclude charitable poker games from the crime of gambling.
- SB 234 Amending requirements for certain consumer loan transactions.
- SB 237 Approving a compact between the Sac and Fox Nation of Missouri in Kansas and Nebraska and the state of Kansas relating to cigarette sales, taxation and escrow collection.
- SB 243 Reports relating to impaired health care providers.
- SB 250 Excluding members of the legislature and other elected officials from membership in KPERs.
- SB 254 Exemption from criminal possession of a gun silencer.
- SB 272 Unlawful passing of a waste collector.
- SB 318 Providing immunity from civil liability for damage to a motor vehicle related to the rescue of a person or animal.
- SB 319 Residence for school attendance of children awaiting foster care or permanent family placement.
- SB 340 Campus free speech protection act.
- SB 341 Sales tax exemption for the Ronald McDonald house charities of Wichita, inc.
- SB 401 Creating the adoption protection act.
- SB 402 Enacting the Kansas veterans loan act and establishing the Kansas veterans loan act fee fund.
- SB 412 Unemployment benefits for privately contracted school bus drivers
- SB 418 Amending the open records act to create an exception to the unlawful use of public records.
- SB 419 Amending the Kansas appraisal management company registration act.
- SB 420 Amending the Kansas 911 act.

- SB 421 Implementing restrictions on requirements for licensing of professional occupations.
- SB 424 Establishing the office of education inspector general.
- SB 425 Making it unlawful to operate a motor vehicle that resembles an emergency medical services vehicle without authorization.
- SB 426 Making certain contract requirements for farm equipment and dealership agreements for farm equipment, outdoor power equipment and lawn and garden equipment.
- SB 427 Amending the Kansas expanded lottery act regarding racetrack gaming facilities.
- SB 433 Authorizing self-service of beer from automated devices.
- SB 435 Permitting real estate brokers and salespersons to give clients or customers rebates if disclosed in the purchase contract or listing agreement.
- SB 443 Requiring certain reports of suspected child abuse or neglect to be sent to both DCF and law enforcement agencies and creating statutory requirements for preliminary investigations of suspected child abuse or neglect.
- SB 446 Enacting the human trafficking and child exploitation prevention act.
- SB 454 Creating the Kansas staff as first emergency responders (SAFER) act.
- SB 455 Creating the Kansas sports wagering act.
- SCR 1602 Constitutional amendment to prescribe revenue, expenditure and taxation limitations on state government.
- SCR 1605 Urging President Donald Trump to grant a full pardon to Shane Cox and Jeremy Kettler, who, as a result of federal government overreach, were unlawfully convicted of committing a crime.
- SCR 1607 PROPOSITION to amend the Kansas constitution guaranteeing a right to life.
 - S Sub
- HB 2132 Port authority property sales.
 - S Sub
- HB 2386 Amendments to the Kansas expanded lottery act relating to racetrack gaming facilities.
 - S Sub
 - S Sub
- HB2386 Implementing restrictions on requirements for licensing of professional occupations.

Financial Institutions and Insurance

- SB 14 Providing for limited lines insurance coverage of self-storage units.
- SB 15 Updating the effective date of risk based capital instructions.
- SB 16 Amending the insurance holding company act.
- SB 17 Enacting the fair access to insurance requirements plan act.
- SB 18 Amending the Kansas mortgage business act.
- SB 19 Enacting the credit for reinsurance model law.
- SB 20 Amending the state banking code.
- SB 21 Amending the Kansas money transmitter act.
- SB 22 Updating statutes relating to the regulation of third party administrators.
- SB 23 Consolidating criminal prosecutions for fraud and abuse under the jurisdiction of the attorney general and establishing the office of the securities commissioner as a division under the jurisdiction of the commissioner of insurance.

- SB 65 Allowing creditor sale of repossessed alcoholic liquors pledged as collateral for satisfaction of debt.
- SB 66 Mid-term appointments of state bank board members.
- SB 67 Granting state-chartered banks the power to purchase certain tax credits.
- SB 87 Amending the Kansas credit services organization act.
- SB 91 Increasing the deductible for certain participants of controlled insurance programs.
- SB 110 Authorizing the board of regents to provide supplemental health insurance coverage for certain state employees.
- SB 143 Establishing a notary public education course as a requirement for appointment.
- SB 267 Updating the effective date of risk-based capital instructions.
- SB 268 Relating to the disclosure of certain expunged records.
- SB 275 Relating to mid-term appointments of credit union council council members.
- SB 283 Pertaining to trust companies and the office of the state bank commissioner.
- SB 284 Amending the Kansas money transmitter act.
- SB 292 Removing the 30-day prior notice requirement provided to a member before expulsion from a credit union.
- SB 302 Amending the banking code to include savings and loan associations and savings banks.
- SB 335 Including savings and loan associations and savings banks in the state banking code and repealing the savings and loan code.
- SB 348 Establishing electronic delivery as the standard method of delivery for explanation of benefits and member policies of health benefit plans.
- SB 395 Setting a maximum final average salary amount for purposes of computing retirement benefits for certain members of KPERS, KP&F and the retirement system for judges.
- SB 410 Updating captive insurance statutes and providing for association and branch captive insurance companies and special purpose insurance captives.

Judiciary

- SB 10 Lien filings against public officials; prohibitions; notice; criminal penalties.
- SB 12 Amending residency restrictions for persons on transitional or conditional release under the Kansas sexually violent predator act.
- SB 13 Updating the code of civil procedure.
- SB 40 Creating a statutory procedure for an arrest without a warrant for a violation of an appearance bond condition.
- SB 41 Creating the crimes of assault of a public transportation employee and battery against a public transportation employee.
- SB 42 Clarifying criminal sentencing for certain persons subject to a mandatory minimum term of imprisonment.
- SB 50 Changing the membership of the advisory committee on uniform state laws and the joint committee on special claims against the state.
- SB 62 Amending citizen grand jury petition sufficiency and right to appeal.
- SB 63 Enacting the revised uniform fiduciary access to digital assets act.
- SB 71 Clarifying how to enforce an order for support against a person's workers compensation benefits.
- SB 72 Reporting and investigating abuse, neglect and exploitation of vulnerable adults.

- SB 73 Enacting the asbestos bankruptcy trust claims transparency act; providing for disclosures regarding asbestos bankruptcy trust claims in civil asbestos actions.
- SB 92 Requiring certain custodial interrogations to be videotaped.
- SB 93 Revocation timeframe of drivers' licenses for certain offenses.
- SB 112 Reducing the penalty for unlawful possession of drug paraphernalia.
- SB 113 Making burglary of a dwelling a person felony.
- SB 114 Clarifying admissibility of certain tests for drugs or alcohol in proceedings under the revised Kansas code for care of children.
- SB 120 Updating references to the federal securities act of 1933 in the Kansas uniform securities act.
- SB 121 Enacting the Kansas protection of firearms rights act.
- SB 122 Increasing the penalty for certain violations of criminal discharge of a firearm.
- SB 123 Amending ignition interlock requirements for certain first time DUI-related offenses.
- SB 124 Amending factors considered in determinations of child custody, residency and parenting time.
- SB 125 Providing compensation to a person who was wrongfully convicted; providing compensation to the heirs of a person who was wrongfully executed.
- SB 136 Mandatory expungement of arrest records of a person arrested as a result of mistaken identity or identity theft.
- SB 141 Amending provisions relating to municipal appearance bonds.
- SB 149 Enacting rules for briefs in a criminal matter or postconviction case in the supreme court or court of appeals; relating to the attorney general.
- SB 150 Amending responsibilities for certain costs under the Kansas sexually violent predator act.
- SB 151 Eliminating criminal and professional penalties for non-intoxicating cannabinoid medicines.
- SB 156 Amending the crime of creating a hazard to include leaving certain loaded firearms in a place accessible to children.
- SB 179 Amending human trafficking and related crimes; creating certain new crimes; requiring certain training for commercial driver's license applicants; addressing offender registration, expungement of juvenile adjudications and victim compensation.
- SB 180 Providing for law enforcement agencies to request and receive files concerning applicants previously employed by another state or local law enforcement agency.
- SB 265 Clarifying what conduct is excluded from the crime of incest.
- SB 266 Amending collateral source definition for crime victims compensation fund.
- SB 277 Extending recognition of tribal court judgments pursuant to supreme court rules.
- SB 280 Amending court considerations in parentage actions regarding legal custody, residency and parenting time.
- SB 281 Protection orders for human trafficking victims under the protection from stalking, sexual assault or human trafficking act.
- SB 288 Repealing the prohibition on Saturday process service.
- SB 289 Allowing 90 days to execute electronic device search warrants and interstate transport of seized electronic devices to perform searches.
- SB 290 Granting immunity from civil liability to the person who files a grand jury petition.

- SB 295 Legislative review of exceptions to disclosure of public records.
- SB 296 Allowing evidence of failure to use a safety belt to be admissible in any action for certain purposes.
- SB 297 Revising the notice provided to a driver before conducting tests to determine the presence of alcohol or drugs.
- SB 309 Providing for the disposition of judicial branch docket fees in FY 2020 and FY 2021.
- SB 310 Amending the definition of escape in crimes of escape and aggravated escape from custody.
- SB 321 Enhancing penalties for offenses causing death or serious bodily injury to public safety sector employees.
- SB 329 Enacting the uniform partition of heirs property act.
- SB 336 Providing compensation for a person who was wrongfully convicted and imprisoned.
- SB 359 Racial profiling data collection and reporting requirements.
- SB 360 Amending open records laws relating to copies of public records and disclosure of law enforcement recordings using a body camera or vehicle camera.
- SB 361 Amending Kansas open records act provisions on access to certain law enforcement audio and video recordings; enacting the police and citizen protection act regarding use of body cameras by law enforcement officers.
- SB 371 Requiring custody and detention by the Kansas department for aging and disability services for persons awaiting sexually violent predator determinations.
- SB 372 Clarifying the definition of the term "possession" in the Kansas criminal code.
- SB 373 County hospitals; payment of debt upon closure; limit on county liability.
- SB 374 Amendments related to driving under the influence, including testing, administrative penalties and criminal penalties.
- SB 380 Creating a procedure for owner to recover misappropriated property from pawnbroker or precious medal dealer.
- SB 381 Amending the Kansas recreational trails act by adding criminal penalties for certain conduct and adding duties for the responsible party for the trail and the attorney general.
- SB 382 Authorizing staggered sentencing for certain offenders convicted of domestic battery.
- SB 383 Authorizing staggered sentencing for certain offenders convicted of driving under the influence.
- SB 384 Modifying the membership and duties of the substance abuse policy board of the Kansas criminal justice coordinating council.
- SB 411 Allowing certain persons with suspended driving privileges to enter into amnesty agreements with the division of vehicles.
- SB 416 Creating the crime of deprivation of rights under color of law and providing a civil action for victims.
- S Sub
- HB 2053 Enacting the crisis intervention act.
- S Sub
- HB 2197 Updating the code of civil procedure.

Public Health and Welfare

- SB 32 Medical student loan agreements for psychiatry.
- SB 33 Amending membership on the KanCare oversight committee.
- SB 51 Board of pharmacy emergency scheduling authority.
- SB 52 Adding and amending substances included in schedules I, II and V of the uniform controlled substances act.
- SB 68 Enacting the Kansas lay caregiver act.
- SB 69 KanCare process and contract requirements.
 - Sub
 - SB 69 KanCare process and contract requirements.
- SB 82 Establishing restrictions on health insurance use of step therapy protocols.
- SB 95 Amendments to public assistance requirements and benefits.
 - Sub
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 - Sub
 - Sub
- SB 95 Authorizing telephonic signatures for public assistance applications.
- SB 126 Restrictions on persons interacting with child care facilities.
- SB 152 Allowing physicians, physician assistants and advanced practice registered nurses to utilize expedited partner therapy.
- SB 153 Requiring targeted case management for recipients of home and community based services.
- SB 154 Amendments to home health agency licensure.
- SB 165 Providing insurance coverage for opioid-related treatments and establishing standards for use of emergency opioid antagonists.
- SB 187 Kansas safe access act.
 - Sub
 - SB195 Creating a suspended eligibility status for recipients of state medicaid services.
- SB 282 Updating substances included in schedules I, II and III of the uniform controlled substances act.
- SB 304 Establishing restrictions on health insurance use of step therapy protocols.
- SB 305 Department of health and environment authority to regulate certain programs for children.
- SB 308 Licensure of dental therapists.
- SB 311 Adding emergency medical personnel to the list of mandatory reporters of abuse, neglect or exploitation of certain adults.
- SB 312 Licensure of dental therapists.
- SB 316 Providing medicaid coverage for tobacco cessation.
- SB 332 Removing medicaid services for intellectual and developmental disabilities from managed care delivery.
- SB 338 Regulation of surgical technologists.
- SB 351 Enacting the Kansas pharmacy patients fair practices act.
- SB 358 Massage therapist licensure act.
- SB 376 Increasing the rates of taxation of cigarettes and tobacco products; establishing the cigarette and tobacco product cessation fund.
- SB 377 Allowing pharmacists to administer drugs by injection pursuant to a prescription order.
- SB 386 Adding related educational degrees to professional counselor licensure criteria.
- SB 387 Authorizing creation of a statewide protocol for the practice of pharmacy.

- SB 398 Lowering requirements for a cosmetology senior status license.
- SB 417 Enacting the Kansas contraceptive equity act.
 - S Sub
- HB 2026 KanCare process and contract requirements.
 - S Sub
- HB 2027 Healing arts anatomic pathology billing, institutional licenses and licensee reporting.
 - S Sub
- HB 2028 Updating statutory references related to the Kansas department for aging and disability services and the Kansas department for children and families in accordance with 2012 executive reorganization order no. 41.
 - S Sub
- HB 2055 Pharmacy act of the state of Kansas amendments.
 - S Sub
- HB 2304 Child care facilities background check and sleeping area requirements.
 - S Sub
- HB 2600 Providing for assessment of fees by the department of health and environment for noncontiguous sites where radioactive material is stored or used and directing the secretary of health and environment to study and investigate maternal deaths in Kansas.
 - S Sub
- HB 2674 Establishing the Kansas telemedicine act and providing for licensure and regulation of dental therapists.

Transportation

- SB 35 Operation of transit buses on certain right shoulders in Wyandotte county.
- SB 36 Concerning definitions and regulations relating to motor carriers.
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- SB 44 Including volunteer members of regional search and rescue teams within workers compensation coverage under the state workers compensation self-insurance fund.
- SB 94 Increasing the health maintenance organization privilege fee and extending the medical assistance fee fund.

- SB 115 State finances; requiring the KPERS board to liquidate the pooled money investment portfolio investment pursuant to K.S.A. 2016 Supp. 75-2263; transferring money to the state general fund and to the pooled money investment portfolio; authorizing the pooled money investment board to invest idle funds available for long term investment.
- SB 137 Death benefits for certain KP&F surviving spouses.
- SB 138 Exempting KPERS licensed school retirants from the working after retirement earnings limitation.
- SB 142 State health care benefits program amendments.
- SB 160 Establishing an independent home and community based services ombudsman.
- SB 161 Allotments; requiring the governor and secretary of administration to act under certain circumstances.
- SB 162 Amending statutes concerning dangerous regulated animals.
- SB 172 Prohibiting the use of conversion therapy.
- SB 173 Department of health and environment-division of health care finance, appropriations for fiscal years 2018, 2019 and 2020 for 5% rate increase for providers under the home and community based services medicaid waivers.
- SB 174 Authorizing Wichita area technical college to affiliate with Wichita state University.
- SB 184 Authorizing the Kansas intelligence fusion center.
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- SB 189 Appropriations for FY 2018, FY 2019, FY 2020 and FY 2021 for various state agencies.
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- SB 195 Creating a suspended eligibility status for recipients of state medicaid services.
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- SB 227 Providing a post-retirement benefit increase (COLA) for certain retirants of KPERS.
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- SB 229 County elections commissioners; appointment by county commission.
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- SB 244 Abolishing the death penalty and creating the crime of aggravated murder.
- SB 245 Requiring state agencies to review rules and regulations and report to the joint committee on administrative rules and regulations.
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- SB 300 Prohibiting substantial change to the Kansas medical assistance program without prior legislative approval.
- SB 301 Requiring hunting guides and outfitters to register with the department of wildlife, parks and tourism.
- SB 307 Amendments to the Kansas amusement ride act concerning home-owned amusement rides and agritourism activities.
- SB 313 Redevelop authorities; Johnson and Labette counties.
- SB 314 Townships; special highway improvement fund.
- SB 315 Kansas state employee health care commission, increasing members; adding the chairpersons of the senate committee on ways and means, house committee on appropriations, senate committee on public health and welfare, and house committee on health and human services, or their designees; authorizing the members to elect the chairperson.
- SB 342 Enacting the Kansas cybersecurity act.
- SB 343 Authorizing the board of regents and the state of Kansas to convey certain real property in Sedgwick county to Wichita state university.

- SB 352 Requiring transportation funding for school districts from the state general fund, not the state highway fund; making and concerning appropriations for the fiscal year ending June 30, 2010, for the department of education; abolishing the general state aid transportation weighting - state highway fund, special education transportation weighting - state highway fund and career and technical education transportation - state highway fund of the department of education.
- SB 353 Abolishing the boiler inspection fee fund; transferring balances to the fire marshal fee fund.
- SB 389 Changing requirements to administer certain tests, questionnaires, surveys and examinations under the student data privacy act and allowing disclosure of de-identified student data.
- SB 404 Providing for the Korean war, operation desert storm, operation Iraqi freedom and operation enduring freedom license plates.
- SB 405 Clarifying animal conversion units for poultry facilities with dry manure systems.
- SB 406 Budget process; exempting postsecondary educational institutions from the program service inventory, integrated budget fiscal process and performance-based budgeting system if such institution has implemented performance agreements.
- SB 414 Moving egg repackaging requirements from statute to rules and regulations adopted by the secretary of the Kansas department of agriculture.
- SB 415 Depositing all state sales tax revenues from sales on the Kansas state fairgrounds into the state fair capital improvements fund.
- SB 422 Requiring a minimum local option budget and requiring local school boards to notify the state board of education of their intent to increase local option budget authority.
- SB 423 Amending the Kansas school equity and enhancement act by eliminating the 10% at-risk floor and expanded uses of capital outlay.
- SB 428 Changing licensure requirements for a child care facility operating in a public recreation center or school.
- SB 430 Extending the high performance incentive program tax credit carry forward period from 16 to 25 years.
- SB 431 Creating the extreme risk protective order act.
- SB 436 Providing medicaid coverage for tobacco cessation treatments.
- SB 438 Removing prior authorization requirements for medicaid recipients receiving treatment from certain mental and behavioral healthcare providers.
- SB 439 Clarifying methods of recording grand jury proceedings.
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- SB 441 Creating the negligent driving traffic violation.
- SB 442 Amending the Kansas school equity and enhancement act regarding the transportation weighting.
- SB 447 Authorizing the Kansas department of wildlife, parks and tourism to purchase land in Kingman county.
- SB 451 Updating statutory references related to the Kansas department for aging and disability services and the Kansas department for children and families in accordance with 2012 executive reorganization order no. 41.
- SB 452 Recording requirements for pesticide applications and requiring the department of agriculture to review and develop sound pesticide management practices and report its findings to the legislature.

- SB 458 Requiring at least 16 emergency preparedness drills to be conducted by schools each year including fire, tornado and crisis drills.
- SB 460 Amending Substitute for Senate Bill No. 423 to strike provisions requiring school districts to adopt a minimum local option budget and transfer funds from the supplemental general fund to certain categorical funds; restoring certain provisions relating to local option budgets and adjusting the BASE aid accordingly.
- SB 461 Reconciling amendments to certain statutes.
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Joint Committee on Corrections and Juvenile Justice Oversight

- HB 2453 Allow a fee to be assessed for application to immediate intervention programs.
- HB 2454 Allowing a juvenile's attorney to waive appearance at the 14-day detention review hearing.
- HB 2455 Require the juvenile justice oversight committee to monitor instead of calculate state expenditures avoided as a result of reductions in out-of-home placement of juvenile offenders.
- HB 2456 Tolling case length limits for certain juvenile offenders.

Joint Committee on Special Claims Against the State

- SB 109 Claims against the state.
- HB 2582 Claims against the state.

Joint Committee on Kansas Security

- HB 2446 Allowing for a ranking minority member on the joint committee on Kansas security.

Legislative Post Audit Committee

- SB 1 Eliminating the reporting requirements for law enforcement agencies concerning civil asset seizures and forfeitures.
- SB 2 Exempting the division of legislative post audit from the monumental building surcharge.
- SB 3 Kansas standard asset seizure and forfeiture act; restriction on county or district attorney.
- SB 4 Clarifying and limiting discretion for expenditure of proceeds from civil forfeiture.
- SB 255 Kansas 911 act; audits by legislative post audit.
- SB 258 Prohibiting state agencies from using the same vendor to plan and build certain IT projects; exceptions.
- SB 259 Eliminating the cost estimate of special education services from the performance audit of a reasonable estimate of the cost of providing educational opportunities for every public school student.
- SB 260 Audits of state agencies; financial-compliance audits; Kansas lottery security audit; selection of auditors, contracts with.
- HB 2001 Eliminating the reporting requirements for law enforcement agencies concerning civil asset seizures and forfeitures.
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- HB 2003 Kansas standard asset seizure and forfeiture act; restriction on county or district attorney.
- HB 2004 Clarifying and limiting discretion for expenditure of proceeds from civil forfeiture.
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- HB 2438 Prohibiting state agencies from using the same vendor to plan and build certain IT projects, exceptions.
- HB 2440 Eliminating the cost estimate of special education services from the performance audit of a reasonable estimate of the cost of providing educational opportunities for every public school student.
- HB 2441 Audits of state agencies; financial-compliance audits; Kansas lottery security audit; selection of auditors, contracts with.

Joint Committee on Pensions, Investments, and Benefits

- HB 2005 Exempting members of the state board of regents retirement plan from certain KPERS working after retirement provisions.
- HB 2444 Repealing requirements of the KPERS board regarding new investments and divestment of current investments in companies with business operations in Sudan.

Joint Committee on Administrative Rules and Regulations

- SB 317 Adding a ranking minority member to the joint committee on administrative rules and regulations and the state rules and regulations board and requiring agencies to report on the impact regulations will have on business.

HB 2526 Adding a ranking minority member to the joint committee on administrative rules and regulations and the state rules and regulations board and requiring agencies to report on the impact regulations will have on business.

State Legislature, Special Committees

2016 Special Committee on Foster Care Adequacy

HB 2019 Establishing the foster care oversight task force.

Senate Select Committee on Education Finance

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 - S 433 Dispensing of, Beer
 - H 2292 Dispensing of, Liquor
 - H 2366 Hard cider
 - H 2362 Licenses and permits, Alcoholic beverage control modernization fee
 - H 2141 Licenses and permits, Clubs and drinking establishments, Manufacturer's license
 - H 2731 Licenses and permits, Clubs and drinking establishments, Manufacturer's license
 - H 2411 Licenses and permits, Microbreweries, Contract brewing
 - H 2470 Licenses and permits, Microbreweries, Contract brewing
 - H 2718 Licenses and permits, Microbreweries, Fee waivers
 - H 2475 Licenses and permits, Microbreweries, Refillable containers
 - H 2502 Licenses and permits, Retailers, Cereal malt beverages and beer
 - H 2282 Licenses and permits, Retailers, Liquor
 - S 163 Licenses and permits, Retailers, Liquor

- H 2282 Licenses and permits, Retailers, Wine and beer
 - S 163 Licenses and permits, Retailers, Wine and beer
- H 2292 Liquor dispensing
- H 2470 Microbreweries, Authorized sales of beer
- H 2475 Microbreweries, Authorized sales of beer
- H 2718 Microbreweries, Fee waivers
- H 2091 Minors in possession, medical assistance
- H 2502 Retailers, Beer up to 6% alcohol, sale of
- H 2282 Retailers, Liquor licenses
 - S 163 Retailers, Liquor licenses
- H 2282 Retailers, Wine and beer licenses
 - S 163 Retailers, Wine and beer licenses
- H 2502 Rules and regulations, Beer up to 6% alcohol, sale of
- H 2282 Rules and regulations, Retailer licenses
 - S 163 Rules and regulations, Retailer licenses

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- S 405 Confined feeding facilities
- H 2302 Cruelty to animals
- H 2276 Dangerous regulated animals, Sale, slaughter and acquisition
 - S 162 Dangerous regulated animals, Sale, slaughter and acquisition
- H 2097 Pet animal act, Animal shelters
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- H 2097 Pet animal act, License and permit fees
- H 2477 Pet animal act, License and permit fees
 - S 286 Pet animal act, License and permit fees
- H 2097 Pet animal act, Pet animal advisory board
- H 2097 Pet animal act, Pet animal foster home
- H 2477 Pet animal act, Pet animal foster home
- H 2097 Pet animal act, Rescue network
- H 2553 Veterinary training program for rural Kansas, County population maximum
- H 2552 Veterinary training program for rural Kansas, Program agreements
 - S 320 Veterinary training program for rural Kansas, Program agreements

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- Anderson, Craig
 - Finance Authority, Development
 - Appointment submitted for confirmation: SJ p 1479
 - Appointment confirmed: SJ p 1488
- Anderson, Jeffrey
 - Health and Environment, Department of
 - Appointment submitted for confirmation: SJ p 1660
 - Appointment confirmed: SJ p 1712
- Bangerter, Daniel
 - Kansas Board of Regents
 - Appointment submitted for confirmation: SJ p 1478
 - Appointment confirmed: SJ p 1488
- Banking Board, State
 - Kurt Knutson
 - Appointment submitted for confirmation: SJ p 1477
 - Appointment confirmed: SJ p 1490
 - Irvin Mitchell
 - Appointment submitted for confirmation: SJ p 1479
 - Appointment confirmed: SJ p 1490
 - Leonard Wolfe
 - Appointment submitted for confirmation: SJ p 1479
 - Appointment confirmed: SJ p 1492

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- Billingsley, David M.
Public Employee Relations Board
Appointment submitted for confirmation: SJ p 1478
Appointment confirmed: SJ p 1488
- Brandau-Murguia, Ann
Kansas Board of Regents
Appointment submitted for confirmation: SJ p 1478
Appointment confirmed: SJ p 1490
- Brant, David
Human Rights Commission
Appointment submitted for confirmation: SJ p 1477
Appointment confirmed: SJ p 1489
- Children and Family Services, Department for
Gina Meier-Hummel
Appointment submitted for confirmation: SJ p 1660
Appointment confirmed: SJ p 1703
- Civil Service Board, State
Allen Schmidt
Appointment submitted for confirmation: SJ p 1478
Appointment confirmed: SJ p 1491
- Coffman, Monte
University of Kansas Hospital Authority
Appointment submitted for confirmation: SJ p 1660
Appointment confirmed: SJ p 1781
- Corporation Commission, Kansas
Dwight D. Keen
Appointment submitted for confirmation: SJ p 1943
Appointment confirmed: SJ p 2014
- Crime Victims Compensation Board
Nan Porter
Appointment submitted for confirmation: SJ 1662
Appointment confirmed: SJ p 2201
- Cusser, James
Public Employees' Retirement System Board of Trustees,
Kansas
Appointment submitted for confirmation: SJ p 1478
Appointment confirmed: SJ p 1489
- Donnelly, Chris
Finance Authority, Development
Appointment submitted for confirmation: SJ p 1478
Appointment confirmed: SJ p 1489
- Employment Security Board of Review
Phillip Hayes
Appointment submitted for confirmation: SJ p 1660
Appointment confirmed: SJ p 1780
- Finance Authority, Development
Craig Anderson
Appointment submitted for confirmation: SJ p 1479
Appointment confirmed: SJ p 1488
Chris Donnelly
Appointment submitted for confirmation: SJ p 1478
Appointment confirmed: SJ p 1489
Suchitra Padmanabhan
Appointment submitted for confirmation: SJ p 1477
Appointment confirmed: SJ p 1491
- Hayes, Phillip
Employment Security Board of Review
Appointment submitted for confirmation: SJ p 1660
Appointment confirmed: SJ p 1780
- Health and Environment, Department of
Jeffrey Anderson
Appointment submitted for confirmation: SJ p 1660
Appointment confirmed: SJ p 1712
- Human Rights Commission
David Brant
Appointment submitted for confirmation: SJ p 1477
Appointment confirmed: SJ p 1489
Michael Kane
Appointment submitted for confirmation: SJ p 1477
Appointment confirmed: SJ p 1490
James Terrones
Appointment submitted for confirmation: SJ p 1660
Appointment confirmed: SJ p 1780
Jonathon Westbrook
Appointment submitted for confirmation: SJ p 1478
Appointment confirmed: SJ p 1492
- Indigent Defense Services, State Board of
Braden Perry
Appointment submitted for confirmation: SJ p 1660
Appointment confirmed: SJ p 1781
Ronald Wurtz
Appointment submitted for confirmation: SJ p 1477
Appointment confirmed: SJ p 1492
- Jones, Brandon
Racing and Gaming Commission
Appointment submitted for confirmation: SJ p 1477
Appointment confirmed: SJ p 1489
- Kane, Michael
Human Rights Commission
Appointment submitted for confirmation: SJ p 1477
Appointment confirmed: SJ p 1490
- Keen, Dwight D.
Corporation Commission, Kansas
Appointment submitted for confirmation: SJ p 1943
Appointment confirmed: SJ p 2014
- Knutson, Kurt
Banking Board, State
Appointment submitted for confirmation: SJ p 1477
Appointment confirmed: SJ p 1490
- Meier-Hummel, Gina
Children and Family Services, Department for
Appointment submitted for confirmation: SJ p 1660
Appointment confirmed: SJ p 1703
- Mitchell, Irvin
Banking Board, State
Appointment submitted for confirmation: SJ p 1479
Appointment confirmed: SJ p 1490
- Myres, Dave
Racing and Gaming Commission
Appointment submitted for confirmation: SJ p 1660
Appointment confirmed: SJ p 1780

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Padmanabhan, Suchitra
 Finance Authority, Development
 Appointment submitted for confirmation: SJ p 1477
 Appointment confirmed: SJ p 1491

Perry, Braden
 Indigent Defense Services, State Board of
 Appointment submitted for confirmation: SJ p 1660
 Appointment confirmed: SJ p 1781

Porter, Nan
 Crime Victims Compensation Board
 Appointment submitted for confirmation: SJ p 1662
 Appointment confirmed: SJ p 2201

Public Employee Relations Board
 David M. Billingsley
 Appointment submitted for confirmation: SJ p 1478
 Appointment confirmed: SJ p 1488

Public Employees' Retirement System Board of Trustees, Kansas
 James Cusser
 Appointment submitted for confirmation: SJ p 1478
 Appointment confirmed: SJ p 1489
 James Zakoura
 Appointment submitted for confirmation: SJ p 1659
 Appointment confirmed: SJ p 1781

Racing and Gaming Commission
 Brandon Jones
 Appointment submitted for confirmation: SJ p 1477
 Appointment confirmed: SJ p 1489
 Dave Myres
 Appointment submitted for confirmation: SJ p 1660
 Appointment confirmed: SJ p 1780
 Larry Turnquist
 Appointment submitted for confirmation: SJ p 1660
 Appointment confirmed: SJ p 1780

Regents, State Board of
 Daniel Bangarter
 Appointment submitted for confirmation: SJ p 1478
 Appointment confirmed: SJ p 1488
 Ann Brandau-Murguia
 Appointment submitted for confirmation: SJ p 1478
 Appointment confirmed: SJ p 1490
 Helen Van Etten
 Appointment submitted for confirmation: SJ p 1478
 Appointment confirmed: SJ p 1491

Schmidt, Allen
 Civil Service Board, State
 Appointment submitted for confirmation: SJ p 1478
 Appointment confirmed: SJ p 1491

Terrones, James
 Human Rights Commission
 Appointment submitted for confirmation: SJ p 1660
 Appointment confirmed: SJ p 1780

Turnquist, Larry
 Racing and Gaming Commission
 Appointment submitted for confirmation: SJ p 1660
 Appointment confirmed: SJ p 1780

University of Kansas Hospital Authority
 Monte Coffman
 Appointment submitted for confirmation: SJ p 1660
 Appointment confirmed: SJ p 1781

Van Etten, Helen
 State Board of Regents
 Appointment submitted for confirmation: SJ p 1478
 Appointment confirmed: SJ p 1491

Westbrook, Jonathon
 Human Rights Commission
 Appointment submitted for confirmation: SJ p 1478
 Appointment confirmed: SJ p 1492

Wolfe, Leonard
 Banking Board, State
 Appointment submitted for confirmation: SJ p 1479
 Appointment confirmed: SJ p 1492

Wurtz, Ronald
 Indigent Defense Services, State Board of
 Appointment submitted for confirmation: SJ p 1477
 Appointment confirmed: SJ p 1492

Zakoura, James
 Public Employees' Retirement System Board of Trustees,
 Kansas
 Appointment submitted for confirmation: SJ p 1659
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 S 191 2017 session, Appropriations for FY 2018
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 S 193 2017 session, Appropriations for FY 2019
 H 2364 2017 session, Appropriations for FY 2020
 S 189 2017 session, Appropriations for FY 2020
 H 2364 2017 session, Appropriations for FY 2021
 S 189 2017 session, Appropriations for FY 2021
 H 2364 2017 session, Capital improvements
 S 189 2017 session, Capital improvements
 S 159 2017 session, Claims against the state
 H 2359 2018 session, Appropriations for FY 2018
 H 2365 2018 session, Appropriations for FY 2018
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 S 269 2018 session, Appropriations for FY 2018
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 H 2365 2018 session, Appropriations for FY 2019
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 S 109 2018 session, Appropriations for FY 2019
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- H 2365 2018 session, Appropriations for FY 2020
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H 2365 2018 session, Capital improvements
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S 109 2018 session, Claims against the state
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H 2365 Capital improvements
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S 189 Capital improvements, 2017 Session
H 2359 Capital improvements, 2018 session
S 109 Capital improvements, 2018 session
H 2570 Children and families, department of, Grandparents and caregivers reimbursement
H 2375 Commerce, department of, Rural opportunity zones, Appropriations for FY 2018 and FY 2019
H 2686 Corrections, department of, Appropriations for FY 2019
H 2186 Education, department of, Appropriations for FY 2018
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H 2466 Supplemental, Education, department of, Appropriations for FY 2023
S 270 Supplemental, Education, department of, Appropriations for FY 2023
H 2689 Supplemental, Judicial branch, Appropriations for FY 2019
S 388 Supplemental, Judicial branch, Appropriations for FY 2019

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- H 2318 Kansas arts commission, creation of
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H 2318 Kansas creative arts industries commission, functions
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- H 2713 Bail enforcement agents, continuing education
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- H 2525 Employment outside government, prohibition of
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 H 2047 Inspector general, transfer of office
 S 107 Legal representation charges
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 S 57 Qualifications for office, Qualified elector
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 S 239 Scrap metal theft reduction act, delay of enforcement
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 S 261 Scrap metal theft reduction act, delay of enforcement
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 H 2306 Sexually violent predators, Actions
 S 150 Sexually violent predators, Expense fund, reimbursement to county
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 H 2461 Fees, unpaid wage claims
 H 2245 Open records act, information subject to
 S 429 Unauthorized practice, State board of tax appeals
 H 2397 Unauthorized practice, Unconscionable acts

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- H 2296 Board of barbering, merger with board of cosmetology
 H 2298 Fees
 H 2662 Fees

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- H 2688 Behavioral health task force
 H 2149 Behavioral sciences regulatory board
 S 197 Behavioral sciences regulatory board
S 386 Behavioral sciences regulatory board
 S 172 Conversion therapy, prohibition of
S 386 Professional counselors, licensure requirements
 H 2149 Regulatory board
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 H 2149 Social work examining committee
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 H 2664 Social work mobility and workforce development task force

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 H 2149 Behavioral sciences regulatory board
 S 197 Behavioral sciences regulatory board
S 386 Behavioral sciences regulatory board
 H 2296 Board of barbering
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 H 2662 Board of barbering
 H 2296 Board of cosmetology
S 398 Board of cosmetology
 H 2254 Board of healing arts
 H 2503 Board of healing arts
 H 2557 Board of healing arts
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 H 2589 Board of nursing
 H 2725 Board of tax appeals
 H 2672 Citizens' injection well board
 S 278 Citizens' utility ratepayer board
 S 387 Collaborative drug therapy management advisory committee

- H 2348 Compassion board
 S 187 Compassion board
S 275 Credit union council
 H 2033 Crime victims compensation board
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 H 2765 Elevator safety advisory board
 H 2019 Foster care oversight task force
 H 2332 Information technology executive council
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 H 2786 Injection well safety advisory task force
 S 448 Joint economic development incentive review committee
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 H 2453 Juvenile corrections advisory boards
H 2454 Juvenile justice oversight committee
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 H 2349 Kansas arts commission
 S 384 Kansas criminal justice coordinating council
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 S 315 Kansas state employees health care commission
 H 2745 Kansas transition bill of rights task force
 H 2272 Kansas water collaborative
 H 2665 Kansas water law study commission
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H 2602 Legislative task force on dyslexia
 H 2097 Pet animal advisory board
 H 2338 Prisoner review board
 H 2414 Real estate appraisal board
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 H 2063 Sentencing commission
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 H 2664 Social work mobility and workforce development task force
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 H 2046 State board of healing arts
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 H 2547 State fair board
H 2556 State interoperability advisory committee
 S 226 State library of Kansas board
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 H 2744 Statewide Alzheimer's care plan task force
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 H 2245 Supreme court nominating commission
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- H 2310 Municipal bond elections, date of
 H 2726 Revenue bonds, Kansas water office
 H 2388 Revenue bonds, Lottery revenues, sale of
 S 432 STAR bonds, Audit
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- S 434 STAR bonds, Projects, Tourist attraction
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- Children and Families, Department for**
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 S 443 Abuse, neglect or exploitation, Reports of
 H 2622 Child care assistance, eligibility requirements
 H 2728 Children in need of care, Child fatality information, release of
S 336 Children in need of care, Child fatality information, release of
 H 2587 Children in need of care, Problem sexual behavior
 H 2160 Foster care, Individual development account program act
 S 319 Foster care, School attendance, residency requirements
 H 2108 Grandparents as caregivers act, Eligibility
 H 2108 Grandparents as caregivers act, Foster child status
 H 2570 Grandparents as caregivers act, Funding
 H 2754 Guardianship assistance program, establishment of
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 S 221 Newborn infant protection act
 H 2735 Office of the child advocate for children's protection and services
 S 170 Performance-based contracting, requirements for
 H 2206 Program for medical assistance
 H 2622 Public assistance recipients, eligibility requirements
 H 2666 Public assistance recipients, eligibility requirements
H 2028 Statutory references, update of
 S 216 Statutory references, update of
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 S 451 Statutory references, update of
 H 2068 Support enforcement services, Motor vehicle or water vessel registration
 H 2068 Support enforcement services, Professional licensure
 S 71 Support enforcement services, Workers compensation benefits
- Children and Minors**
 H 2309 Abuse, neglect or exploitation, Child in custody of secretary for children and families
 H 2222 Abuse, neglect or exploitation, Mandatory reporters
 H 2425 Abuse, neglect or exploitation, Mandatory reporters
 H 2631 Abuse, neglect or exploitation, Reports of
 S 443 Abuse, neglect or exploitation, Reports of
 H 2481 Adoption, Adoption and relinquishment act
S 284 Adoption, Adoption and relinquishment act
 H 2481 Adoption, Placement entities, religious freedom
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 S 401 Adoption, Placement entities, religious freedom
 H 2091 Alcohol possession or consumption
 H 2187 Child care facilities, Background checks
H 2639 Child care facilities, Background checks
 H 2735 Child care facilities, Criminal history
 S 305 Child care facilities, Drop-in program
S 428 Child care facilities, Licensure requirements
 H 2187 Child care facilities, Restrictions on certain persons
 H 2728 Children in need of care, Child fatality information, release of
S 336 Children in need of care, Child fatality information, release of
 S 114 Children in need of care, Evidence in proceedings
 H 2587 Children in need of care, Problem sexual behavior
 H 2728 Children in need of care, Records, Child fatality
S 336 Children in need of care, Records, Child fatality
 H 2309 Children in need of care, Records, Public access
S 179 Children in need of care, Removal from parent custody
 S 221 Children in need of care, Removal from parent custody
 S 156 Creating a hazard
 H 2093 Criminal history record
 H 2630 Custody, residency and parenting time, Domestic abuse
 S 280 Custody, residency and parenting time, Parentage
 H 2529 Custody, residency and parenting time, Presumption
 S 257 Custody, residency and parenting time, Presumption
S 179 Custody, residency and parenting time, Removal from parent custody
 S 221 Custody, residency and parenting time, Removal from parent custody
 H 2019 Foster care, Foster care oversight task force
 H 2160 Foster care, Individual development account program act
 H 2481 Foster care, Placement entities, religious freedom
 H 2687 Foster care, Placement entities, religious freedom
S 284 Foster care, Placement entities, religious freedom
 S 401 Foster care, Placement entities, religious freedom
 S 319 Foster care, School attendance, residency requirements
 H 2108 Grandparents as caregivers act
 H 2570 Grandparents as caregivers act
 H 2754 Guardianship assistance program, establishment of
 H 2777 Human trafficking and child exploitation prevention act
 S 446 Human trafficking and child exploitation prevention act
 H 2787 Juvenile crisis intervention centers
S 179 Juvenile crisis intervention centers
 H 2093 Juvenile offenders, Adjudication
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- S 71 Support, Enforcement, Workers compensation benefits
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- S 54 Electronic cigarettes
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- S 130 Taxation, Electronic cigarettes
- H 2231 Taxation, Rate increase
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- S 316 Tobacco cessation, Medicaid coverage
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- H 2536 Annexation, Electric service territory, termination of
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- H 2462 Broadband, Dark fiber
- H 2450 Broadband, Equipment, collocation of
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- H 2435** Emergency telephone services, Kansas 911 act, audit of
- S 255 Emergency telephone services, Kansas 911 act, audit of
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- H 2392 Local government infrastructure improvement projects loan program, repeal of
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- H 2505 Ordinances, Mayor, inclusion in governing body
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- H 2185 Policies, Public construction contract wages
- H 2217 Political sign regulations, Repeal of
- H 2210 Political sign regulations, Restrictions
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- H 2404 Property, Abandoned, rehabilitation of
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- S 31 Property, Abandoned, rehabilitation of
- H 2082 Property, Tax lid
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- H 2295 Public accommodations, Closed captioning
- S 298 Residential fire sprinkler systems
- H 2790 State fair, Host, request to
- Civil Procedure and Civil Actions**
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