

# Journal of the House

FIFTY-NINTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, April 25, 2007, 10:00 a.m.

The House met pursuant to adjournment with Speaker Neufeld in the chair.  
The roll was called with 122 members present.  
Reps. Garcia, Hodge and Kelley were excused on excused absence by the Speaker.  
Present later: Reps. Hodge and Kelley.

Prayer by Chaplain Brubaker:

Dear Lord, as we come close to the end of a session, today I pray a poem  
that helps us remember what is important in life.

*"I asked God for strength that I might achieve,  
I was made weak, that I might learn humbly to obey . . .*

*I asked for health, that I might do greater things,  
I was given infirmity, that I might do better things . . .*

*I asked for riches that I might be happy,  
I was given poverty that I might be wise.*

*I asked for power, that I might have the praise of men,  
I was given weakness that I might feel the need of God . . .*

*I asked for all things, that I might enjoy life,  
I was given life, that I might enjoy all things . . .*

*I got nothing that I asked for — but everything I had hoped for,  
Almost despite myself, my unspoken prayers were answered.  
I am among all men most richly blessed."* (Author Unknown)

Lord — may we always remember how blessed we are. I pray this in the  
name of Jesus Christ, Amen.

The Pledge of Allegiance was led by Rep. Neufeld.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committee as indicated:

Appropriations: **SB 387**; **Sub. SB 391**.

## MESSAGES FROM THE GOVERNOR

**HB 2087, HB 2475** approved on April 5, 2007.

Also, **HB 2046, HB 2048, HB 2246**; **S. Sub. for HB 2295**; **HB 2318, HB 2561**  
approved on April 9, 2007.

Also, **HB 2034, HB 2036, HB 2068**; **Sub. HB 2108**; **HB 2159, HB 2539** approved  
on April 10, 2007.

Also, **HB 2032, HB 2033, HB 2038, HB 2169**; **S. Sub. for HB 2485** approved on  
April 13, 2007.

**VETO MESSAGE FROM THE GOVERNOR**

The following message with the Governor's objection to **HB 2202**, An act concerning alcoholic liquors; relating to farm wineries; amending K.S.A. 2006 Supp. 41-104, 41-308a, 41-311 and 41-2623 and repealing the existing sections, was received and read.

*Message to the House of Representatives of the State of Kansas:*

My office has determined that **HB 2202** contains a significant drafting error which includes different language than the language agreed upon by the conference committee. Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **HB 2202**. I support the intent of the bill and encourage the Legislature to pass a corrected version this year so I can sign it into law.

KATHLEEN SEBELIUS  
Governor

Dated: April 13, 2007

**VETO MESSAGE FROM THE GOVERNOR**

The following message with the Governor's objection to **HB 2528**, An act concerning firearms; amending K.S.A. 59-2979 and 59-29b79 and K.S.A. 2006 Supp. 12-16,124, 75-7c04, 75-7c10, 75-7c11, 75-7c17 and 75-7c25 and repealing the existing sections, was received and read.

*Message to the House of Representatives of the State of Kansas:*

I have repeatedly demonstrated my support for gun ownership because it's an important part of our state's heritage and way of life. I myself am one of thousands of Kansans who enjoys hunting, and I believe all law-abiding Kansans have the right to own a weapon for their protection and the protection of their families. That's why I've supported common-sense improvements to Kansas gun laws, such as allowing retired law enforcement officers to carry concealed weapons.

I also have supported measures to make our gun laws more uniform so gun owners don't inadvertently violate an ordinance when traveling from one community to another. That's what this bill purports to do, however it actually sets up greater inconsistencies and creates new threats to public safety.

For example, concealed weapons currently may be banned at professional and school sporting events, however this bill would prevent communities from banning them at similar such events at city or county sports fields. If it is in the interest of public safety to not have weapons at school-sponsored sporting events, it makes little sense to then prohibit local officials from banning guns at other sporting events, as this bill would propose.

Local officials have the responsibility to keep their residents safe, and should have the authority to make reasonable decisions. Working with law enforcement officials and representatives from local communities, legislators had agreed on a compromise that would provide a balance between the interests of gun owners in consistent laws, and the interests in keeping Kansans safe, however this good-faith agreement was removed by an amendment on the Senate floor.

Therefore, since this bill diminishes the critical public safety authority of local officials, and creates further inconsistencies in the gun laws of Kansas, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **HB 2528**. If the Legislature decides to take further action on this issue, I would strongly encourage them to pass the compromise language adopted by the Senate Committee Federal and State Affairs.

KATHLEEN SEBELIUS  
Governor

Dated: April 13, 2007

**MESSAGES FROM THE GOVERNOR**

**HB 2010; S. Sub. for HB 2035; HB 2073, HB 2080, HB 2081, HB 2111, HB 2112, HB 2214, HB 2240, HB 2283, HB 2314, HB 2316, S. Sub. for HB 2437; HB 2487, HB 2526, HB 2535** approved on April 16, 2007.

Our democratic system cannot function properly without openness and disclosure. That's why Kansas has a long tradition of promoting sunshine in elections and government, and it's why I support most provisions of **HB 2081**.

This bill requires so-called "robo calls" to disclose who is paying for the message, and it promotes openness by requiring that campaign finance reports be filed electronically so they can be made public sooner. Both of these measures will help voters make more informed decisions.

I am concerned, however, by a provision of the bill that has the potential to open a loophole that legislators and state officials could exploit to solicit money from lobbyists during the legislative session. I would hope that all elected officials would act in good faith and not find ways to use this potential flaw to circumvent the spirit of the law, and I also ask the Legislature to revisit this issue in the future to ensure accountability is maintained.

#### MESSAGES FROM THE GOVERNOR

**HB 2058** approved on April 18, 2007.

Also, **S. Sub. for HB 2031; HB 2044; S. Sub. for HB 2171; S. Sub. for HB 2264; S. Sub. for HB 2405; S. Sub. for HB 2476** approved on April 19, 2007.

In January I proposed assisting small business owners by raising the floor for the franchise tax to \$1 million. This would lower taxes for more than 16,000 small businesses. While I continue to support this tax relief for small employers, who are the backbone of the Kansas economy, I am concerned that the phased-in total elimination of the franchise tax, which will ultimately benefit only the largest businesses, some of whom pay no other Kansas taxes, will jeopardize our ability to fund future commitments to our schools and communities. We must remain vigilant to ensure these investments in a skilled workforce and other key priorities are not threatened in future years.

As we move forward with this multi-year proposal, I intend to continue to urge the legislature to reconsider the out-years of this tax cut, and instead to substitute other business tax relief measures which could result in increasing jobs and growing the economy. Unfortunately we can not afford to continue the erosion of our tax base, as was done in the early 90's, so we have to make choices.

I'm also aware of concerns raised regarding the implementation date of **S. Sub. for HB 2264**. While the Legislative intent was clearly to provide tax relief beginning in 2007, the language in the bill could lead to confusion and costly litigation. I intend to ask legislative leaders to work with me to clarify this language in the remaining days of the session.

#### VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **HB 2368**, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, was received and read.

*Message to the House of Representatives of the State of Kansas:*

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return **HB 2368** with my signature approving the bill, except for the item enumerated below.

#### University of Kansas Medical Center

Section 136(i) has been line item vetoed in its entirety.

One of the missions of state government as set out by the *Kansas Constitution* is to promote "intellectual, educational, vocational and scientific improvement" through the establishment of educational institutions, including universities. There is no question this is a critical mission for the future success of our state.

Much of that future will be shaped by advances in the area of health care and biosciences, and Kansas is blessed to have a first-class academic medical center at the University of Kansas. The KU Medical Center and KU Hospital together provide access to leading edge treatments and cures, conduct world-class life sciences research and train the next generation of health care professionals.

The KU Hospital, however, until 1998 suffered from a number of problems caused by the manner in which it was being managed from Topeka, which is why KU proposed creating a separate body to govern the hospital. The Legislature agreed and created the hospital authority, specifically charging the hospital to “facilitate and support the education, research and public service activities of the University of Kansas Medical Center.”

This relationship has worked well and there is no reason it cannot continue even if the KU Medical Center should affiliate with St. Luke’s Hospital. The proposed affiliation is narrow in scope, focused solely on research and education. It is also a key part of the bid for a nationally-designated cancer center. These reasons are likely why the KU Hospital Authority has already unanimously approved the set of principles that would guide such an affiliation. The proposed affiliation also will not harm KU’s relationship with health providers elsewhere in Kansas. KU’s School of Medicine is already affiliated with the two major teaching hospitals in Wichita and this valuable relationship will continue, ensuring people throughout our state will have access to skilled health professionals.

While I understand the concerns of the proponents of the restrictions contained in this proviso, there is already a more than sufficient level of oversight provided by current law. Any affiliation would have to be approved by the Board of Regents, for example, and I do not believe we should return to the past pattern of micromanagement that is proposed in this proviso.

In light of the concerns noted above and mindful of the positive, productive and hard-earned progress already achieved in the agreement on principles reached between the KU Medical Center and the KU Hospital Authority, I hereby veto this proviso.

KATHLEEN SEBELIUS  
Governor

Dated: April 23, 2007

#### MESSAGE FROM THE GOVERNOR

April 17, 2007

*Message to the House of Representatives of the State of Kansas:*

Enclosed herewith is Executive Directive No. 07-375 for your information.

EXECUTIVE DIRECTIVE No. 07-375  
Authorizing a Personnel Transaction

KATHLEEN SEBELIUS  
Governor

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

#### MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 198**.

The Senate adopts conference committee report on **SB 362**.

The Senate adopts conference committee report on **HB 2062**.

#### COMMUNICATIONS FROM STATE OFFICERS

From the Kansas Human Rights Commission, Annual Report, Fiscal Year 2006, July 1, 2005-June 20, 2006.

From Joan Wagnon, Secretary, Kansas Department of Revenue, pursuant to K.S.A. 74-50,118(c), Annual Report — Kansas Enterprise Zone Act, April 1, 2007.

From Kay McFarland, Chief Justice, State of the Judiciary, pursuant to K.S.A. 20-320, Annual Report of the Chief Justice of the Kansas Supreme Court, 2007.

From Carol G. Green, Secretary, Commission on Judicial Qualifications, 2006 Annual Report.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

**MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Ballard, **HR 6014**, A resolution congratulating and commending Larry Welch upon his retirement from the position of Director of the Kansas Bureau of Investigation, was adopted.

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

KBI Director Larry Welch announced his retirement plans to step down on May 31, 2007. In his more than 12 year tenure, the former FBI agent and Kansas University School of Law graduate was the KBI's tenth director. He has served under four Kansas attorneys general.

"When I accepted the second invitation of my friend and then-Attorney General Bob Stephan to accept the directorship of the KBI in July 1994, I was assured only of serving five months as KBI director," remembers Welch. "Attorney General Stephan had already announced he was not seeking another term as attorney general, and I was not well acquainted with any of the candidates seeking to succeed him."

Friends and family counseled him not to give up the security of being director of the Kansas Law Enforcement Training Center, near Yoder, to accept the position in Topeka.

Welch had considerable, longtime ties to the historic law enforcement agency. He's known eight of the nine previous directors. As an FBI agent in Kansas, he'd worked with several KBI agents through the years, including legends Al Dewey, Jack Ford and Bob Clester.

Welch has said that he is proud of his agents' work, and is considering writing a book about the history of the KBI, which was created by the Kansas Legislature in 1939.

"I have had the wonderful privilege and great honor to have served more than 12 years as the tenth director of the KBI. It is time for another to experience the privilege of leadership of the remarkable men and women of the KBI. Departing administrators are fond of saying they hope they are leaving their particular agency better than they found it. I pray that I am leaving the KBI as good as I found it."

Rep. Ballard presented Mr. Welch with a framed copy of the resolution.

**MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Light, **SCR 1612**, A concurrent resolution approving the creation of a Joint Port Authority, was adopted.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **H. Sub. for SB 11**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 11**, 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 72, after line 28, by inserting:

"(h) Any health care plans offered through any association funded in whole or in part with grants or loans pursuant to this section shall be underwritten by an insurance company or health maintenance organization that holds a valid Kansas certificate of authority as verified by the commissioner of insurance and any such association shall be subject to the provisions of K.S.A. 40-2209, 40-2209a through 40-2209p and 40-2222, and amendments thereto.";

On page 80, in line 36, by striking "(m)" and inserting "(l)"; in line 43, by striking "(n)" and inserting "(m)";

On page 81, in line 4, by striking "(o)" and inserting "(n)";

On page 82, in line 39, by striking "1" and inserting "15";

On page 83, in line 14, by striking "1" and inserting "15";

On page 85, in line 25, by striking "1" and inserting "15";

On page 86, after line 2, by inserting the following:

"Sec. 19. K.S.A. 2006 Supp. 65-2901 is hereby amended to read as follows: 65-2901. As used in article 29 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto:

(a) "Physical therapy" means examining, evaluating and testing individuals with mechanical, anatomical, physiological and developmental impairments, functional limitations and disabilities or other health and movement-related conditions in order to determine a diagnosis solely for physical therapy, prognosis, plan of therapeutic intervention and to assess the ongoing effects of physical therapy intervention. Physical therapy also includes alleviating impairments, functional limitations and disabilities by designing, implementing and modifying therapeutic interventions that may include, but are not limited to, therapeutic exercise; functional training in community or work integration or reintegration; manual therapy; therapeutic massage; prescription, application and, as appropriate, fabrication of assistive, adaptive, orthotic, prosthetic, protective and supportive devices and equipment; airway clearance techniques; integumentary protection and repair techniques; debridement and wound care; physical agents or modalities; mechanical and electrotherapeutic modalities; patient-related instruction; reducing the risk of injury, impairments, functional limitations and disability, including the promotion and maintenance of fitness, health and quality of life in all age populations and engaging in administration, consultation, education and research. Physical therapy also includes the care and services provided by a physical therapist or a physical therapist assistant under the direction and supervision of a physical therapist that is licensed pursuant to this act. Physical therapy does not include the use of roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, the practice of any branch of the healing arts and the making of a medical diagnosis.

(b) "Physical therapist" means a person who is licensed to practice physical therapy pursuant to this act. Any person who successfully meets the requirements of K.S.A. 65-2906 and amendments thereto shall be known and designated as a physical therapist and may designate or describe oneself as a physical therapist, physiotherapist, licensed physical therapist, P.T., Ph. T., M.P.T., D.P.T. or L.P.T. ~~physical therapists may evaluate patients without physician referral but may initiate treatment only after consultation with and approval by a physician licensed to practice medicine and surgery, a licensed podiatrist, a licensed physician assistant or an advanced registered nurse practitioner working pursuant to the order or direction of a person licensed to practice medicine and surgery, a licensed chiropractor or a licensed dentist in appropriately related cases or a therapeutic licensed optometrist pursuant to subsection (c) of K.S.A. 65-1501, and amendments thereto.~~

(c) "Physical therapist assistant" means a person who is certified pursuant to this act and who works under the direction of a physical therapist, and who assists the physical therapist in selected components of physical therapy intervention. Any person who successfully meets the requirements of K.S.A. 65-2906 and amendments thereto shall be known and designated as a physical therapist assistant, and may designate or describe oneself as a physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst.

(d) "Board" means the state board of healing arts.

(e) "Council" means the physical therapy advisory council.

(f) "*Physician*" means a person licensed to practice medicine and surgery.

Sec. 20. K.S.A. 2006 Supp. 65-2912 is hereby amended to read as follows: 65-2912. (a) The board may refuse to grant a license to any physical therapist or a certificate to any physical therapist assistant, or may suspend or revoke the license of any licensed physical therapist or certificate of any certified physical therapist assistant, or may limit the license of any licensed physical therapist or certificate of any certified physical therapist assistant or may censure a licensed physical therapist or certified physical therapist assistant for any of the following grounds:

(1) Addiction to or distribution of intoxicating liquors or drugs for other than lawful purposes;

(2) conviction of a felony if the board determines, after investigation, that the physical therapist or physical therapist assistant has not been sufficiently rehabilitated to warrant the public trust;

(3) obtaining or attempting to obtain licensure or certification by fraud or deception;

(4) finding by a court of competent jurisdiction that the physical therapist or physical therapist assistant is a disabled person and has not thereafter been restored to legal capacity;

(5) unprofessional conduct as defined by rules and regulations adopted by the board;

(6) the treatment or attempt to treat ailments or other health conditions of human beings other than by physical therapy and as authorized by this act;

(7) failure to refer patients to other health care providers if symptoms are present for which physical therapy treatment is inadvisable or if symptoms indicate conditions for which treatment is outside the scope of knowledge of the licensed physical therapist;

~~(8) initiating treatment without prior consultation and approval by a physician licensed to practice medicine and surgery, by a licensed podiatrist, by a licensed physician assistant or by an advanced registered nurse practitioner working pursuant to the order or direction of a person licensed to practice medicine and surgery, by a licensed chiropractor, by a licensed dentist or by a therapeutic licensed optometrist pursuant to subsection (c) of K.S.A. 65-1501, and amendments thereto~~

~~(8) evaluating or treating patients in a manner not consistent with section 21 and amendments thereto; and~~

(9) knowingly submitting any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement.

(b) All proceedings pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and acts amendatory of the provisions thereof or supplemental thereto, shall be conducted in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the act for judicial review and civil enforcement of agency actions.

New Sec. 21. (a) Except as otherwise provided in subsection (b), (c) or (d), a physical therapist may evaluate patients without physician referral but may initiate treatment only after approval by a licensed physician, a licensed podiatrist, a licensed physician assistant or an advanced registered nurse practitioner working pursuant to the order or direction of a licensed physician, a licensed chiropractor, a licensed dentist or licensed optometrist in appropriately related cases. Physical therapists may initiate physical therapy treatment with the approval of a practitioner of the healing arts duly licensed under the laws of another state and may provide such treatment based upon an order by such practitioner in any setting in which physical therapists would be authorized to provide such treatment with the approval of a physician licensed by the board, notwithstanding any provisions of the Kansas healing arts act or any rules and regulations adopted by the board thereunder.

(b) Physical therapists may evaluate and treat a patient for no more than 30 consecutive calendar days without a referral under the following conditions: (1) The patient has previously been referred to a physical therapist for physical therapy services by a person authorized by this section to approve treatment; (2) the patient's referral for physical therapy was made within one year from the date a physical therapist implements a program of physical therapy treatment without a referral; (3) the physical therapy being provided to the patient without referral is for the same injury, disease or condition as indicated in the referral for such previous injury, disease or condition; and (4) the physical therapist transmits to the physician or other practitioner identified by the patient a copy of the initial evaluation no later than five business days after treatment commences. Treatment for more than 30 consecutive calendar days of such patient shall only be upon the approval of a person authorized by this section to approve treatment.

(c) Physical therapists may provide, without a referral, services which do not constitute treatment for a specific condition, disease or injury to: (1) Employees solely for the purpose of education and instruction related to workplace injury prevention; or (2) the public for the purpose of fitness, health promotion and education.

(d) Physical therapists may provide services without a referral to special education students who need physical therapy services to fulfill the provisions of their individualized education plan (IEP) or individualized family service plan (IFSP).

New Sec. 22. The provisions of K.S.A. 65-2901 through 65-2920 and section 21, and amendments thereto, shall be known and may be cited as the physical therapy practice act.

Sec. 23. K.S.A. 2006 Supp. 65-180 is hereby amended to read as follows: 65-180. The secretary of health and environment shall:

(a) Institute and carry on an intensive educational program among physicians, hospitals, public health nurses and the public concerning congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases detectable with the same specimen. This educational program shall include information about the nature of such conditions and examinations for the detection thereof in early infancy in order that measures may be taken to prevent the mental retardation or morbidity resulting from such conditions.

(b) Provide recognized screening tests for phenylketonuria, galactosemia, hypothyroidism and such other diseases as may be appropriately detected with the same specimen. The initial laboratory screening tests for these diseases shall be performed by the department of health and environment or its designee for all infants born in the state. Such services shall be performed without charge ~~for a fee of not more than \$30 per newborn.~~

(c) Provide a follow-up program by providing test results and other information to identified physicians; locate infants with abnormal newborn screening test results; with parental consent, monitor infants to assure appropriate testing to either confirm or not confirm the disease suggested by the screening test results; with parental consent, monitor therapy and treatment for infants with confirmed diagnosis of congenital hypothyroidism, galactosemia, phenylketonuria or other genetic diseases being screened under this statute; and establish ongoing education and support activities for individuals with confirmed diagnosis of congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases being screened under this statute and for the families of such individuals.

(d) Maintain a registry of cases including information of importance for the purpose of follow-up services to prevent mental retardation or morbidity.

(e) Provide, within the limits of appropriations available therefor, the necessary treatment product for diagnosed cases for as long as medically indicated, when the product is not available through other state agencies. In addition to diagnosed cases under this section, diagnosed cases of maple syrup urine disease shall be included as a diagnosed case under this subsection. Where the applicable income of the person or persons who have legal responsibility for the diagnosed individual meets medicaid eligibility, such individuals' needs shall be covered under the medicaid state plan. Where the applicable income of the person or persons who have legal responsibility for the diagnosed individual is not medicaid eligible, but is below 300% of the federal poverty level established under the most recent poverty guidelines issued by the United States department of health and human services, the department of health and environment shall provide reimbursement of between 50% to 100% of the product cost in accordance with rules and regulations adopted by the secretary of health and environment. Where the applicable income of the person or persons who have legal responsibility for the diagnosed individual exceeds 300% of the federal poverty level established under the most recent poverty guidelines issued by the United States department of health and human services, the department of health and environment shall provide reimbursement of an amount not to exceed 50% of the product cost in accordance with rules and regulations adopted by the secretary of health and environment.

(f) Provide state assistance to an applicant pursuant to subsection (e) only after it has been shown that the applicant has exhausted all benefits from private third-party payers, medicare, medicaid and other government assistance programs and after consideration of the applicant's income and assets. The secretary of health and environment shall adopt rules and regulations establishing standards for determining eligibility for state assistance under this section.

(g) (1) Except for treatment products provided under subsection (e), if the medically necessary food treatment product for diagnosed cases must be purchased, the purchaser shall be reimbursed by the department of health and environment for costs incurred up to \$1,500 per year per diagnosed child age 18 or younger at 100% of the product cost upon submission of a receipt of purchase identifying the company from which the product was purchased. For a purchaser to be eligible for reimbursement under this subsection (g)(1), the applicable income of the person or persons who have legal responsibility for the diag-



nosed child shall not exceed 300% of the poverty level established under the most recent poverty guidelines issued by the federal department of health and human services.

(2) As an option to reimbursement authorized under subsection (g)(1), the department of health and environment may purchase food treatment products for distribution to diagnosed children in an amount not to exceed \$1,500 per year per diagnosed child age 18 or younger. For a diagnosed child to be eligible for the distribution of food treatment products under this subsection (g)(2), the applicable income of the person or persons who have legal responsibility for the diagnosed child shall not exceed 300% of the poverty level established under the most recent poverty guidelines issued by the federal department of health and human services.

(3) In addition to diagnosed cases under this section, diagnosed cases of maple syrup urine disease shall be included as a diagnosed case under this subsection (g).

(h) The department of health and environment shall continue to receive orders for both necessary treatment products and necessary food treatment products, purchase such products, and shall deliver the products to an address prescribed by the diagnosed individual. The department of health and environment shall bill the person or persons who have legal responsibility for the diagnosed patient for a pro-rata share of the total costs, in accordance with the rules and regulations adopted pursuant to this section. ~~The department of health and environment and the Kansas health policy authority shall combine the purchasing resources for the purpose of this subsection and shall enter into a joint contract for the purchase of all products for both medicaid and nonmedicaid eligible clients.~~

(i) *Not later than July 1, 2008, the secretary of health and environment shall adopt rules and regulations as needed to require, to the extent of available funding, newborn screening tests to screen for treatable disorders listed in the core uniform panel of newborn screening conditions recommended in the 2005 report by the American college of medical genetics entitled "Newborn Screening: Toward a Uniform Screening Panel and System" or another report determined by the department of health and environment to provide more appropriate newborn screening guidelines to protect the health and welfare of newborns for treatable disorders.*

(j) *In performing the duties under subsection (i), the secretary of health and environment shall appoint an advisory council to advise the department of health and environment on implementation of subsection (i).*

(k) *The department of health and environment shall periodically review the newborn screening program to determine the efficacy and cost effectiveness of the program and determine whether adjustments to the program are necessary to protect the health and welfare of newborns and to maximize the number of newborn screenings that may be conducted with the funding available for the screening program.*

Sec. 24. K.S.A. 65-1,172 is hereby amended to read as follows: 65-1,172. (a) Confidential data collected pursuant to this act shall be securely locked and used only for the following purposes:

- ~~(a)~~ (1) Ensuring the quality and completeness of the registry data.
- ~~(b)~~ (2) Investigating the nature and cause of abnormal clusterings of cancer and the possible cancer risk related to having an abortion.
- ~~(c)~~ (3) Offering through the personal physician, to persons with cancer, access to cancer diagnostics and treatments not available except through clinical trials. As long as such trials are conducted with the informed, written consent of the cancer patient, the confidential data is approved for release by the secretary for the purpose of such clinical trials and the clinical trials are approved by the clinical entity.
- ~~(d)~~ (4) Releasing data back to the institution or individual which reported cases as long as such release includes only those cases previously reported by the requesting institution or individual.
- ~~(e)~~ (5) As part of an exchange agreement with another state, confidential data collected on a resident of another state may be released to the cancer registry of that person's state of residence if that state has confidentiality requirements that provide assurance of protection of confidentiality equivalent to that provided by Kansas under this act.

(f) (6) Releasing information upon consent, in writing, of the person who is the subject of the information, or if such person is under 18 years of age, by such person's parent or guardian.

(7) *Follow up for public health purposes. With the approval of the health and environmental institutional review board as provided for in title 45, part 46 of the code of federal regulations, the secretary of health and environment or the secretary's designee, may contact individuals who are the subjects of the reports made pursuant to K.S.A. 65-1,169, and amendments thereto. The secretary shall inform such individuals that the participation in such projects is voluntary and may only be conducted with the written consent of the person who is the subject of the information or with the informed consent of a parent or legal guardian if the person is under 18 years of age. Informed consent is not required if the person who is the subject of the information is deceased.*

(b) *The secretary shall adopt rules and regulations to define who may be authorized to conduct such follow up studies and to develop criteria for obtaining informed consent.*

New Sec. 25. (a) This section shall be cited as the umbilical cord donation information act.

(b) A health care provider providing health care services to a pregnant woman during the last trimester of such pregnancy, which health care services are directly related to such pregnancy, shall whenever practical advise such person of options to donate an umbilical cord following the delivery of a newborn child. Provision in a timely manner of information prepared by the department of health and environment pursuant to subsection (c) shall constitute compliance with this subsection.

(c) The department of health and environment shall, by July 1, 2007, prepare and make information available on its website that includes the following:

- (1) The medical processes involved in the collection of umbilical cords;
- (2) the medical risks to a mother and the newborn child of umbilical cord collection;
- (3) the current and potential future medical uses and benefits of umbilical cord collection to the birth mother, the newborn child and the biological family;
- (4) the current and potential future medical uses and benefits of umbilical cord collection to persons who are not biologically related to the birth mother or the newborn child;
- (5) any costs that may be incurred by a pregnant woman who chooses to make an umbilical cord donation;
- (6) options for ownership and future use of the donated material; and
- (7) the availability in this state of umbilical cord donations.

Sec. 26. K.S.A. 65-3505 is hereby amended to read as follows: 65-3505. (a) Every individual who holds a valid license as an administrator issued by the board shall apply to the board for renewal of such license in accordance with rules and regulations adopted by the board and report any facts requested by the board on forms provided for such purpose.

(b) Upon making an application for a renewal of license, such individual shall pay a renewal fee to be fixed by rules and regulations and shall submit evidence satisfactory to the board that during the period immediately preceding application for renewal the applicant has attended a program or course of study as provided by the rules and regulations of the board. Any individual who submits an application for a renewal of license within 30 days after the date of expiration shall also pay a late renewal fee fixed by rules and regulations. Any individual who submits an application for a renewal of license after the thirty-day period following the date of expiration shall be considered as having a license that has lapsed for failure to renew and shall be reissued a license only after the individual has been reinstated under subsection (d).

(c) Upon receipt of such application for renewal of license, the renewal fee and the evidence required, the board shall issue a license to such administrator.

(d) An administrator who has been duly licensed in this state, whose license has not been revoked or suspended, and whose license has expired because of temporary abandonment of the practice of nursing home administration, or has moved from the state, or for such other reason, may be licensed within the state upon complying with the provisions of this section for renewal of license, filing with the board an application, and submission of a renewal fee and reinstatement fee fixed by rules and regulations.

(e) Notwithstanding the foregoing provisions of this section, the board may enter into reciprocal relations with boards of other states or endorse the training acquired by an applicant whereby licenses may be granted, without examination and upon payment of a licensure fee and a reciprocity fee, to duly licensed administrators from other states, provided the requirements for licensure of the state from which the applicant applies are as high as those in Kansas and the applicant is favorably recommended, in writing, by the board of the state in which the applicant is licensed. *The board may grant a license to any person who, at the time of application, is licensed as an adult care home administrator in another jurisdiction if the board determines:*

*(1) That the requirements of such jurisdiction for such licensure are substantially the equivalent of the requirements of this state; or that the applicant demonstrates on forms provided by the board continuous licensure as an adult care home administrator during the five years immediately preceding the application with at least the minimum professional experience during that time as established by rules and regulations of the board;*

*(2) that the candidate has not had disciplinary actions of a serious nature brought by a licensing board or agency; and*

*(3) that the applicant for a license under this subsection pays a reciprocity application fee and a reciprocity license fee established by the board by rules and regulations, neither of which shall exceed \$200.*

(f) The expiration date of each license issued or renewed shall be established by rules and regulations of the board. Subject to the provisions of this subsection each license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration date of the license and upon payment of the renewal fee established pursuant to rules and regulations of the board. To provide for a system of biennial renewal of licenses the board may provide by rules and regulations that licenses issued or renewed for the first time after the effective date of this act may expire less than two years from the date of issuance or renewal. In each case in which a license is issued or renewed for a period of time less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to rules and regulations. No proration shall be made under this subsection (f) on delinquent license renewals or on temporary licenses.

New Sec. 27. (a) If, upon inspection for compliance with federal law pursuant to oversight by the centers for medicare and medicaid services of a medical care facility, adult care home, assisted living facility or special hospital by an officer of the state fire marshal, deficiencies are found, such medical care facility, adult care home, assisted living facility or special hospital within 10 calendar days after receipt of the statement of deficiencies, may make a written request to the state fire marshal for informal dispute resolution. The medical care facility, adult care home, assisted living facility or special hospital may make not more than one request for a two-tier informal dispute resolution per inspection to dispute any deficiencies with which such medical care facility, adult care home, assisted living facility or special hospital disagrees, based on the statement of deficiencies and any other materials submitted, except that such medical care facility, adult care home, assisted living facility or special hospital shall have an opportunity to supplement such material prior to a disposition of the claim. The state fire marshal shall hold an informal dispute resolution meeting with such medical care facility, adult care home, assisted living facility or special hospital in person upon request of the medical care facility, adult care home, assisted living facility or special hospital. The first-tier of the informal dispute resolution shall be conducted within 30 days of receipt of the written request from the medical care facility, adult care home, assisted living facility or special hospital. The medical care facility, adult care home, assisted living facility or special hospital shall be notified of the results of the first-tier informal dispute resolution on or before 10 days of the disposition being rendered.

(b) A written request for informal dispute resolution shall:

(1) State the specific deficiencies being disputed;

(2) provide a detailed explanation of the basis for the dispute; and

(3) include any supporting documentation, including any information that was not available at the time of the inspection.

(c) The medical care facility, adult care home, assisted living facility or special hospital may challenge the decision of the first-tier informal dispute resolution and may request

completion of the second-tier of informal dispute resolution by a three-person panel appointed by the state fire marshal. No more than one panel member shall be an employee of the state fire marshal, and such member shall not be the person who conducted the first-tier of the informal dispute resolution. At least two panel members shall not be employees of the state fire marshal and shall have suitable expertise to review the disputed deficiency or deficiencies. The second-tier informal dispute resolution shall take place within 30 days of the request by the medical care facility, adult care home, assisted living facility or special hospital. The medical care facility, adult care home, assisted living facility or special hospital shall be notified of the results of the second-tier informal dispute resolution within 10 days of the disposition being rendered.

(d) The state fire marshal may fix, charge and collect a fee from a medical care facility, adult care home, assisted living facility or special hospital requesting a second-tier informal dispute resolution review panel to recover all or part of the costs incurred by state fire marshal for holding such second-tier informal dispute resolution panel under this section that shall not exceed \$250.

(e) Any decision or proposed resolution of the informal dispute resolution panel under this section shall be advisory to the state fire marshal.

(f) The state fire marshal shall adopt rules and regulations to implement the provisions of this section.

(g) As used in this section:

(1) "Assisted living facility" shall have the meaning ascribed thereto in K.S.A. 39-923, and amendments thereto;

(2) "medical care facility" shall have the meaning ascribed thereto in K.S.A. 65-425, and amendments thereto;

(3) "adult care home" shall have the meaning ascribed thereto in K.S.A. 39-923, and amendments thereto; and

(4) "special hospital" shall have the meaning ascribed thereto in K.S.A. 65-425, and amendments thereto.

Sec. 28. K.S.A. 40-2123 is hereby amended to read as follows: 40-2123. (a) The plan shall offer coverage to every eligible person pursuant to which such person's covered expenses shall be indemnified or reimbursed subject to the provisions of K.S.A. 40-2124 and amendments thereto.

(b) Except for those expenses set forth in subsection (c) of this section, expenses covered under the plan shall include expenses for:

(1) Services of persons licensed to practice medicine and surgery which are medically necessary for the diagnosis or treatment of injuries, illnesses or conditions;

(2) services of advanced registered nurse practitioners who hold a certificate of qualification from the board of nursing to practice in an expanded role or physicians assistants acting under the direction of a responsible physician when such services are provided at the direction of a person licensed to practice medicine and surgery and meet the requirements of paragraph (b)(1) above;

(3) services of licensed dentists when such procedures would otherwise be performed by persons licensed to practice medicine and surgery;

(4) emergency care, surgery and treatment of acute episodes of illness or disease as defined in the plan and provided in a general hospital or ambulatory surgical center as such terms are defined in K.S.A. 65-425, and amendments thereto;

(5) medically necessary diagnostic laboratory and x-ray services;

(6) drugs and controlled substances prescribed by a practitioner, as defined in ~~subsection (x) of~~ K.S.A. 65-1626 and amendments thereto, or drugs and controlled substances prescribed by a mid-level practitioner as defined in ~~subsection (ii) of~~ K.S.A. 65-1626 and amendments thereto. Coverage for outpatient prescriptions shall be subject to a mandatory 50% coinsurance provision, and coverage for prescriptions administered to inpatients shall be subject to a coinsurance provision as established in the plan; and

(7) subject to the approval of the commissioner, the board shall also review and recommend the inclusion of coverage for mental health services and such other primary and preventive health care services as the board determines would not materially impair affordability of the plan.

(c) Expenses not covered under the plan shall include expenses for:

- (1) Illness or injury due to an act of war;
- (2) services rendered prior to the effective date of coverage under this plan for the person on whose behalf the expense is incurred;
- (3) services for which no charge would be made in the absence of insurance or for which the insured bears no legal obligation to pay;
- (4) (A) services or charges incurred by the insured which are otherwise covered by:
  - (i) Medicare or state law or programs;
  - (ii) medical services provided for members of the United States armed forces and their dependents or for employees of such armed forces;
  - (iii) military service-connected disability benefits;
  - (iv) other benefit or entitlement programs provided for by the laws of the United States (except title XIX of the social security act of 1965);
  - (v) workers compensation or similar programs addressing injuries, diseases, or conditions incurred in the course of employment covered by such programs;
  - (vi) benefits payable without regard to fault pursuant to any motor vehicle or other liability insurance policy or equivalent self-insurance.

(B) This exclusion shall not apply to services or charges which exceed the benefits payable under the applicable programs listed above and which are otherwise eligible for payment under this section.

(5) Services the provision of which is not within the scope of the license or certificate of the institution or individual rendering such service;

(6) that part of any charge for services or articles rendered or prescribed which exceeds the rate established by K.S.A. 40-2131 and amendments thereto for such services;

(7) services or articles not medically necessary;

(8) care which is primarily custodial or domiciliary in nature;

(9) cosmetic surgery unless provided as the result of an injury or medically necessary surgical procedure;

(10) eye surgery if corrective lenses would alleviate the problem;

(11) experimental services or supplies not generally recognized as the normal mode of treatment for the illness or injury involved;

(12) service of a blood donor and any fee for failure of the insured to replace the first three pints of blood provided in each calendar year; and

(13) personal supplies or services provided by a health care facility or any other nonmedical or nonprescribed supply or service.

(d) Except as expressly provided for in this act, no law requiring the coverage or the offer of coverage of a health care service or benefit shall apply to the plan.

(e) A plan may incorporate provisions that will direct covered persons to the most appropriate lowest cost health care provider available.

Sec. 29. K.S.A. 2006 Supp. 60-4403 is hereby amended to read as follows: 60-4403. (a) A licensed health care professional who administers, prescribes or dispenses medications or procedures to relieve another person's pain or discomfort does not violate K.S.A. 21-3406 and amendments thereto unless the medications or procedures are knowingly administered, prescribed or dispensed with the intent to cause death. A mid-level practitioner as defined in ~~subsection (ii)~~ of K.S.A. 65-1626 and amendments thereto who prescribes medications or procedures to relieve another person's pain or discomfort does not violate K.S.A. 21-3406 and amendments thereto unless the medications or procedures are knowingly prescribed with the intent to cause death.

(b) A licensed health care professional, family member or other legally authorized person who participates in the act of, or the decision making process which results in the withholding or withdrawal of a life-sustaining procedure does not violate K.S.A. 21-3406 and amendments thereto.

(c) Providing spiritual treatment through prayer alone, in lieu of medical treatment, does not violate K.S.A. 21-3406 and amendments thereto.

Sec. 30. K.S.A. 2006 Supp. 65-1626 is hereby amended to read as follows: 65-1626. For the purposes of this act:

(c) Providing spiritual treatment through prayer alone, in lieu of medical treatment, does not violate K.S.A. 21-3406 and amendments thereto.

Sec. 30. K.S.A. 2006 Supp. 65-1626 is hereby amended to read as follows: 65-1626. For the purposes of this act:

(a) “Administer” means the direct application of a drug, 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;

(2) the patient or research subject at the direction and in the presence of the practitioner; or

(3) a pharmacist as authorized in K.S.A. 65-1635a and amendments thereto.

(b) “Agent” means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser but shall not include a common carrier, public warehouseman or employee of the carrier or warehouseman when acting in the usual and lawful course of the carrier’s or warehouseman’s business.

(c) “Authorized distributor of record” means a wholesale distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer’s prescription drug. An ongoing relationship is deemed to exist between such wholesale distributor and a manufacturer when the wholesale distributor, including any affiliated group of the wholesale distributor, as defined in section 1504 of the internal revenue code, complies with any one of the following: (1) The wholesale distributor has a written agreement currently in effect with the manufacturer evidencing such ongoing relationship; and (2) the wholesale distributor is listed on the manufacturer’s current list of authorized distributors of record, which is updated by the manufacturer on no less than a monthly basis.

(d) “Board” means the state board of pharmacy created by K.S.A. 74-1603 and amendments thereto.

(e) “Brand exchange” means the dispensing of a different drug product of the same dosage form and strength and of the same generic name than the brand name drug product prescribed.

(f) “Brand name” means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.

(g) “Chain pharmacy warehouse” means a permanent physical location for drugs or devices, or both, that act as a central warehouse and perform intracompany sales or transfers of prescription drugs or devices to chain pharmacies that have the same ownership or control. Chain pharmacy warehouses must be registered as wholesale distributors.

(h) “Co-licensee” means a pharmaceutical manufacturer that has entered into an agreement with another pharmaceutical manufacturer to engage in a business activity or occupation related to the manufacture or distribution of a prescription drug and the national drug code on the drug product label shall be used to determine the identity of the drug manufacturer.

(i) “Deliver” or “delivery” means the actual, constructive or attempted transfer from one person to another of any drug whether or not an agency relationship exists.

(j) “Direct supervision” means the process by which the responsible pharmacist shall observe and direct the activities of a pharmacy student or pharmacy technician to a sufficient degree to assure that all such activities are performed accurately, safely and without risk or harm to patients, and complete the final check before dispensing.

(k) “Dispense” means to deliver prescription medication to the ultimate user or research subject by or pursuant to the lawful order of a practitioner or pursuant to the prescription of a mid-level practitioner.

(l) “Dispenser” means a practitioner or pharmacist who dispenses prescription medication.

(m) “Distribute” means to deliver, other than by administering or dispensing, any drug.

(n) “Distributor” means a person who distributes a drug.

(o) “Drop shipment” means the sale, by a manufacturer, that manufacturer’s co-licensee, that manufacturer’s third party logistics provider, or that manufacturer’s exclusive distributor, of the manufacturer’s prescription drug, to a wholesale distributor whereby the wholesale distributor takes title but not possession of such prescription drug and the wholesale distributor invoices the pharmacy, the chain pharmacy warehouse, or other designated per-

*provider, or that manufacturer's exclusive distributor, of such prescription drug. Drop shipment shall be part of the "normal distribution channel".*

(p) "Drug" means: (1) Articles recognized in the official United States pharmacopoeia, or other such official compendiums of the United States, or official national formulary, or any supplement of any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any articles specified in clause (1), (2) or (3) of this subsection; but does not include devices or their components, parts or accessories, except that the term "drug" shall not include amygdalin (laetrile) or any livestock remedy, if such livestock remedy had been registered in accordance with the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated prior to its repeal.

(q) "Durable medical equipment" means technologically sophisticated medical devices that may be used in a residence, including the following: (1) Oxygen and oxygen delivery system; (2) ventilators; (3) respiratory disease management devices; (4) continuous positive airway pressure (CPAP) devices; (5) electronic and computerized wheelchairs and seating systems; (6) apnea monitors; (7) transcutaneous electrical nerve stimulator (TENS) units; (8) low air loss cutaneous pressure management devices; (9) sequential compression devices; (10) feeding pumps; (11) home phototherapy devices; (12) infusion delivery devices; (13) distribution of medical gases to end users for human consumption; (14) hospital beds; (15) nebulizers; (16) other similar equipment determined by the board in rules and regulations adopted by the board.

(r) "Exclusive distributor" means any entity that: (1) Contracts with a manufacturer to provide or coordinate warehousing, wholesale distribution or other services on behalf of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the sale or disposition of the manufacturer's prescription drug; (2) is registered as a wholesale distributor under the pharmacy act of the state of Kansas; and (3) to be considered part of the normal distribution channel, must be an authorized distributor of record.

(s) "Electronic transmission" means transmission of information in electronic form or the transmission of the exact visual image of a document by way of electronic equipment.

(t) "Generic name" means the established chemical name or official name of a drug or drug product.

(u) (1) "Institutional drug room" means any location where prescription-only drugs are stored and from which prescription-only drugs are administered or dispensed and which is maintained or operated for the purpose of providing the drug needs of:

- (A) Inmates of a jail or correctional institution or facility;
  - (B) residents of a juvenile detention facility, as defined by the revised Kansas code for care of children and the revised Kansas juvenile justice code;
  - (C) students of a public or private university or college, a community college or any other institution of higher learning which is located in Kansas;
  - (D) employees of a business or other employer; or
  - (E) persons receiving inpatient hospice services.
- (2) "Institutional drug room" does not include:
- (A) Any registered pharmacy;
  - (B) any office of a practitioner; or
  - (C) a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

(v) "Intracompany transaction" means any transaction or transfer between any division, subsidiary, parent or affiliated or related company under common ownership or control of a corporate entity, or any transaction or transfer between co-licensees of a co-licensed product.

(w) "Medical care facility" shall have the meaning provided in K.S.A. 65-425 and amendments thereto, except that the term shall also include facilities licensed under the provisions of K.S.A. 75-3307b and amendments thereto except community mental health centers and facilities for the mentally retarded.

(¶) (x) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the drug or labeling or relabeling of its container, except that this term shall not include the preparation or compounding of a drug by an individual for the individual’s own use or the preparation, compounding, packaging or labeling of a drug by: (1) A practitioner or a practitioner’s authorized agent incident to such practitioner’s administering or dispensing of a drug in the course of the practitioner’s professional practice; (2) a practitioner, by a practitioner’s authorized agent or under a practitioner’s supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; or (3) a pharmacist or the pharmacist’s authorized agent acting under the direct supervision of the pharmacist for the purpose of, or incident to, the dispensing of a drug by the pharmacist.

(y) “Manufacturer” means a person licensed or approved by the FDA to engage in the manufacture of drugs and devices.

(z) “Normal distribution channel” means a chain of custody for a prescription-only drug that goes from a manufacturer of the prescription-only drug, from that manufacturer to that manufacturer’s co-licensed partner, from that manufacturer to that manufacturer’s third-party logistics provider, or from that manufacturer to that manufacturer’s exclusive distributor, directly or by drop shipment, to:

(1) A pharmacy to a patient or to other designated persons authorized by law to dispense or administer such drug to a patient;

(2) a wholesale distributor to a pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient;

(3) a wholesale distributor to a chain pharmacy warehouse to that chain pharmacy warehouse’s intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient; or

(4) a chain pharmacy warehouse to the chain pharmacy warehouse’s intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient.

(aa) “Person” means individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.

(bb) “Pharmacist” means any natural person licensed under this act to practice pharmacy.

(cc) “Pharmacist in charge” means the pharmacist who is responsible to the board for a registered establishment’s compliance with the laws and regulations of this state pertaining to the practice of pharmacy, manufacturing of drugs and the distribution of drugs. The pharmacist in charge shall supervise such establishment on a full-time or a part-time basis and perform such other duties relating to supervision of a registered establishment as may be prescribed by the board by rules and regulations. Nothing in this definition shall relieve other pharmacists or persons from their responsibility to comply with state and federal laws and regulations.

(dd) “Pharmacy,” “drug store” or “apothecary” means premises, laboratory, area or other place: (1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; or (2) which has displayed upon it or within it the words “pharmacist,” “pharmaceutical chemist,” “pharmacy,” “apothecary,” “drugstore,” “druggist,” “drugs,” “drug sundries” or any of these words or combinations of these words or words of similar import either in English or any sign containing any of these words; or (3) where the characteristic symbols of pharmacy or the characteristic prescription sign “Rx” may be exhibited. As used in this subsection, premises refers only to the portion of any building or structure leased, used or controlled by the licensee in the conduct of the business registered by the board at the address for which the registration was issued.

(ee) “Pharmacy student” means an individual, registered with the board of pharmacy, enrolled in an accredited school of pharmacy.

(ff) “Pharmacy technician” means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondis-



cretionary tasks related to the processing of a prescription or medication order and who assists the pharmacist in the performance of pharmacy related duties, but who does not perform duties restricted to a pharmacist.

~~(gg)~~ *(gg)* "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist licensed under the optometry law as a therapeutic licensee or diagnostic and therapeutic licensee, or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

~~(hh)~~ *(hh)* "Preceptor" means a licensed pharmacist who possesses at least two years' experience as a pharmacist and who supervises students obtaining the pharmaceutical experience required by law as a condition to taking the examination for licensure as a pharmacist.

~~(ii)~~ *(ii)* "Prescription" means, according to the context, either a prescription order or a prescription medication.

~~(jj)~~ *(jj)* "Prescription medication" means any drug, including label and container according to context, which is dispensed pursuant to a prescription order.

~~(kk)~~ *(kk)* "Prescription-only drug" means any drug whether intended for use by man or animal, required by federal or state law (including 21 United States Code section 353, as amended) to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

~~(ll)~~ *(ll)* "Prescription order" means: (1) An order to be filled by a pharmacist for prescription medication issued and signed by a practitioner or a mid-level practitioner in the authorized course of professional practice; or (2) an order transmitted to a pharmacist through word of mouth, note, telephone or other means of communication directed by such practitioner or mid-level practitioner.

~~(mm)~~ *(mm)* "Probation" means the practice or operation under a temporary license, registration or permit or a conditional license, registration or permit of a business or profession for which a license, registration or permit is granted by the board under the provisions of the pharmacy act of the state of Kansas requiring certain actions to be accomplished or certain actions not to occur before a regular license, registration or permit is issued.

~~(nn)~~ *(nn)* "Professional incompetency" means:

(1) One or more instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of pharmacy practice or other behavior which demonstrates a manifest incapacity or incompetence to practice pharmacy.

~~(oo)~~ *(oo)* "Retail dealer" means a person selling at retail nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug intended for human use by hypodermic injection.

~~(pp)~~ *(pp)* "Secretary" means the executive secretary of the board.

~~(qq)~~ *(qq)* "Third party logistics provider" means an entity that: (1) Provides or coordinates warehousing, distribution or other services on behalf of a manufacturer, but does not take title to the prescription drug or have general responsibility to direct the prescription drug's sale or disposition; (2) is registered as a wholesale distributor under the pharmacy act of the state of Kansas; and (3) to be considered part of the normal distribution channel, must also be an authorized distributor of record.

~~(rr)~~ *(rr)* "Unprofessional conduct" means:

(1) Fraud in securing a registration or permit;

(2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;

(3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;

(4) intentionally falsifying or altering records or prescriptions;

(5) unlawful possession of drugs and unlawful diversion of drugs to others;

(6) willful betrayal of confidential information under K.S.A. 65-1654 and amendments thereto;

(7) conduct likely to deceive, defraud or harm the public;

(8) making a false or misleading statement regarding the licensee's professional practice or the efficacy or value of a drug;

(9) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice; or

(10) performing unnecessary tests, examinations or services which have no legitimate pharmaceutical purpose.

~~(iii)~~ (ss) "Mid-level practitioner" means an advanced registered nurse practitioner issued a certificate of qualification 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 pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08 and amendments thereto.

~~(jjj)~~ (tt) "Vaccination protocol" means a written protocol, agreed to by a pharmacist and a person licensed to practice medicine and surgery by the state board of healing arts, which establishes procedures and recordkeeping and reporting requirements for administering a vaccine by the pharmacist for a period of time specified therein, not to exceed two years.

~~(kk)~~ (uu) "Veterinary medical teaching hospital pharmacy" means any location where prescription-only drugs are stored as part of an accredited college of veterinary medicine and from which prescription-only drugs are distributed for use in treatment of or administration to a non-human.

(vv) "Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs or devices in or into the state, including, but not limited to, manufacturers, repackagers, own-label distributors, private-label distributors, jobbers, brokers, warehouses, including manufacturers' and distributors' warehouses, co-licensees, exclusive distributors, third party logistics providers, chain pharmacy warehouses that conduct wholesale distributions, and wholesale drug warehouses, independent wholesale drug traders and retail pharmacies that conduct wholesale distributions. Wholesale distributor shall not include persons engaged in the sale of durable medical equipment to consumers or patients.

(ww) "Wholesale distribution" means the distribution of prescription drugs or devices by wholesale distributors to persons other than consumers or patients, and includes the transfer of prescription drugs by a pharmacy to another pharmacy if the total number of units of transferred drugs during a twelve-month period does not exceed 5% of the total number of all units dispensed by the pharmacy during the immediately preceding twelve-month period. Wholesale distribution does not include: (1) The sale, purchase or trade of a prescription drug or device, an offer to sell, purchase or trade a prescription drug or device or the dispensing of a prescription drug or device pursuant to a prescription; (2) the sale, purchase or trade of a prescription drug or device or an offer to sell, purchase or trade a prescription drug or device for emergency medical reasons; (3) intracompany transactions, as defined in this section, unless in violation of own use provisions; (4) the sale, purchase or trade of a prescription drug or device or an offer to sell, purchase or trade a prescription drug or device among hospitals, chain pharmacy warehouses, pharmacies or other health care entities that are under common control; (5) the sale, purchase or trade of a prescription drug or device or the offer to sell, purchase or trade a prescription drug or device by a charitable organization described in 503 (c)(3) of the internal revenue code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law; (6) the purchase or other acquisition by a hospital or other similar health care entity that is a member of a group purchasing organization of a prescription drug or device for its own use from the group purchasing organization or from other hospitals or similar health care entities that are members of these organizations; (7) the transfer of prescription drugs or devices between pharmacies pursuant to a centralized prescription processing agreement; (8) the sale, purchase or trade of blood and blood components intended for transfusion; (9) the return of recalled, expired, damaged or otherwise non-salable prescription drugs, when conducted by a hospital, health care entity, pharmacy, chain pharmacy warehouse or charitable institution

*in accordance with the board's rules and regulations; (10) the sale, transfer, merger or consolidation of all or part of the business of a retail pharmacy or pharmacies from or with another retail pharmacy or pharmacies, whether accomplished as a purchase and sale of stock or business assets, in accordance with the board's rules and regulations; (11) the distribution of drug samples by manufacturers' and authorized distributors' representatives; (12) the sale of minimal quantities of drugs by retail pharmacies to licensed practitioners for office use; or (13) the sale or transfer from a retail pharmacy or chain pharmacy warehouse of expired, damaged, returned or recalled prescription drugs to the original manufacturer, originating wholesale distributor or to a third party returns processor in accordance with the board's rules and regulations.*

Sec. 31. K.S.A. 65-1627 is hereby amended to read as follows: 65-1627. (a) The board may revoke, suspend, place in a probationary status or deny a renewal of any license of any pharmacist upon a finding that:

- (1) The license was obtained by fraudulent means;
  - (2) the licensee has been convicted of a felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;
  - (3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency;
  - (4) the licensee is addicted to the liquor or drug habit to such a degree as to render the licensee unfit to practice the profession of pharmacy;
  - (5) the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act;
  - (6) the licensee is found by the board to have filled a prescription not in strict accordance with the directions of the practitioner or a mid-level practitioner;
  - (7) the licensee is found to be mentally or physically incapacitated to such a degree as to render the licensee unfit to practice the profession of pharmacy;
  - (8) the licensee has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act;
  - (9) the licensee has failed to comply with the requirements of the board relating to the continuing education of pharmacists;
  - (10) the licensee as a pharmacist in charge or consultant pharmacist under the provisions of subsection (c) or (d) of K.S.A. 65-1648 and amendments thereto has failed to comply with the requirements of subsection (c) or (d) of K.S.A. 65-1648 and amendments thereto;
  - (11) the licensee has knowingly submitted a misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement;
  - (12) the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or voluntarily surrendered the license after formal proceedings have been commenced, or has had an application for license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof;
  - (13) the licensee has self-administered any controlled substance without a practitioner's prescription order or a mid-level practitioner's prescription order; or
  - (14) the licensee has assisted suicide in violation of K.S.A. 21-3406 and amendments thereto as established by any of the following:
    - (A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406 and amendments thereto.
    - (B) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. ~~2002 Supp.~~ 60-4404 and amendments thereto.
    - (C) A copy of the record of a judgment assessing damages under K.S.A. ~~2002 Supp.~~ 60-4405 and amendments thereto; or
  - (15) the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board.
- (b) In determining whether or not the licensee has violated subsection (a)(3), (a)(4), (a)(7) or (a)(13), the board upon reasonable suspicion of such violation has authority to compel a

licensee to submit to mental or physical examination or drug screen, or any combination thereof, by such persons as the board may designate. To determine whether reasonable suspicion of such violation exists, the investigative information shall be presented to the board as a whole. Information submitted to the board as a whole and all reports, findings and other records shall be confidential and not subject to discovery by or release to any person or entity. The licensee shall submit to the board a release of information authorizing the board to obtain a report of such examination or drug screen, or both. A person affected by this subsection shall be offered, at reasonable intervals, an opportunity to demonstrate that such person can resume the competent practice of pharmacy with reasonable skill and safety to patients. For the purpose of this subsection, every person licensed to practice pharmacy and who shall accept the privilege to practice pharmacy in this state by so practicing or by the making and filing of a renewal application to practice pharmacy in this state shall be deemed to have consented to submit to a mental or physical examination or a drug screen, or any combination thereof, when directed in writing by the board and further to have waived all objections to the admissibility of the testimony, drug screen or examination report of the person conducting such examination or drug screen, or both, at any proceeding or hearing before the board on the ground that such testimony or examination or drug screen report constitutes a privileged communication. In any proceeding by the board pursuant to the provisions of this subsection, the record of such board proceedings involving the mental and physical examination or drug screen, or any combination thereof, shall not be used in any other administrative or judicial proceeding.

(c) The board may temporarily suspend or temporarily limit the license of any licensee in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act if the board determines that there is cause to believe that grounds exist for disciplinary action under subsection (a) against the licensee and that the licensee's continuation in practice would constitute an imminent danger to the public health and safety.

(d) The board may suspend, revoke, place in a probationary status or deny a renewal of any retail dealer's permit issued by the board when information in possession of the board discloses that such operations for which the permit was issued are not being conducted according to law or the rules and regulations of the board.

(e) The board may revoke, suspend, place in a probationary status or deny a renewal of the registration of a pharmacy upon a finding that: (1) Such pharmacy has been operated in such manner that violations of the provisions of the pharmacy act of the state of Kansas or of the rules and regulations of the board have occurred in connection therewith; (2) the owner or any pharmacist employed at such pharmacy is convicted, subsequent to such owner's acquisition of or such employee's employment at such pharmacy, of a violation of the pharmacy act or uniform controlled substances act of the state of Kansas, or the federal or state food, drug and cosmetic act; (3) the owner or any pharmacist employed by such pharmacy has fraudulently claimed money for pharmaceutical services; or (4) the registrant has had a registration revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for registration denied, by the proper registering authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

(f) A registration to manufacture ~~or~~ drugs, to distribute at wholesale a drug, *to sell durable medical equipment* or a registration for the place of business where any such operation is conducted may be suspended, revoked, placed in a probationary status or the renewal of such registration may be denied by the board upon a finding that the registrant or the registrant's agent: (1) Has materially falsified any application filed pursuant to or required by the pharmacy act of the state of Kansas; (2) has been convicted of a felony under any federal or state law relating to the manufacture or distribution of drugs; (3) has had any federal registration for the manufacture or distribution of drugs suspended or revoked; (4) has refused to permit the board or its duly authorized agents to inspect the registrant's establishment in accordance with the provisions of K.S.A. 65-1629 and amendments thereto; (5) has failed to keep, or has failed to file with the board or has falsified records required to be kept or filed by the provisions of the pharmacy act of the state of Kansas or by the board's rules and regulations; or (6) has violated the pharmacy act of the state of Kansas or rules and regulations adopted by the state board of pharmacy under the pharmacy act of

the state of Kansas or has violated the uniform controlled substances act or rules and regulations adopted by the state board of pharmacy under the uniform controlled substances act.

(g) Orders under this section, and proceedings thereon, shall be subject to the provisions of the Kansas administrative procedure act.

Sec. 32. K.S.A. 2006 Supp. 65-1635a is hereby amended to read as follows: 65-1635a. (a) A pharmacist or a *pharmacy student or intern who is working under the direct supervision and control of a pharmacist* may administer vaccine to a person 18 years of age or older pursuant to a vaccination protocol if the pharmacist, *pharmacy student or intern* has successfully completed a course of study and training, approved by the accreditation council for pharmacy or the board, in vaccination storage, protocols, injection technique, emergency procedures and recordkeeping and *has taken a course in cardiopulmonary resuscitation (CPR) and has a current CPR certificate when administering vaccine*. A pharmacist or *pharmacy student or intern* who successfully completes such a course of study and training shall maintain proof of completion and, upon request, provide a copy of such proof to the board.

(b) All vaccinees will be given a written immunization record for their personal files. The administering pharmacist or *pharmacist supervising an administering pharmacy student or intern* shall promptly report a record of the immunization to the vaccinee's primary-care provider by electronic facsimile or mail. If the vaccinee does not have a primary care provider, then the administering pharmacist or *pharmacist supervising an administering pharmacy student or intern* shall promptly report a record of the immunization to the person licensed to practice medicine and surgery by the state board of healing arts who has entered into the vaccination protocol with the pharmacist. The immunization will also be reported to appropriate county or state immunization registries.

(c) A pharmacist, *pharmacy student or intern* may not delegate to any person the authority granted under this act to administer a vaccine.

(d) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 33. K.S.A. 2006 Supp. 65-1643 is hereby amended to read as follows: 65-1643. It shall be unlawful:

(a) For any person to operate, maintain, open or establish any pharmacy within this state without first having obtained a registration from the board. Each application for registration of a pharmacy shall indicate the person or persons desiring the registration, including the pharmacist in charge, as well as the location, including the street name and number, and such other information as may be required by the board to establish the identity and exact location of the pharmacy. The issuance of a registration for any pharmacy shall also have the effect of permitting such pharmacy to operate as a retail dealer without requiring such pharmacy to obtain a retail dealer's permit. On evidence satisfactory to the board: (1) That the pharmacy for which the registration is sought will be conducted in full compliance with the law and the rules and regulations of the board; (2) that the location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety; (3) that the pharmacy will be under the supervision of a pharmacist, a registration shall be issued to such persons as the board shall deem qualified to conduct such a pharmacy.

(b) For any person to manufacture within this state any drugs except under the personal and immediate supervision of a pharmacist or such other person or persons as may be approved by the board after an investigation and a determination by the board that such person or persons is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety; and no person shall manufacture any such drugs without first obtaining a registration so to do from the board. Such registration shall be subject to such rules and regulations with respect to requirements, sanitation and equipment, as the board may from time to time adopt for the protection of public health and safety.

(c) For any person to distribute at wholesale any drugs without first obtaining a registration so to do from the board.

(d) For any person to sell or offer for sale at public auction or private sale in a place where public auctions are conducted, any drugs without first having obtained a registration from the board so to do, and it shall be necessary to obtain the permission of the board in every instance where any of the products covered by this section are to be sold or offered for sale.

(e) For any person to in any manner distribute or dispense samples of any drugs without first having obtained a permit from the board so to do, and it shall be necessary to obtain permission from the board in every instance where the samples are to be distributed or dispensed. Nothing in this subsection shall be held to regulate or in any manner interfere with the furnishing of samples of drugs to duly licensed practitioners, to mid-level practitioners, to pharmacists or to medical care facilities.

(f) Except as otherwise provided in this subsection (f), for any person operating a store or place of business to sell, offer for sale or distribute any drugs to the public without first having obtained a registration or permit from the board authorizing such person so to do. No retail dealer who sells 12 or fewer different nonprescription drug products shall be required to obtain a retail dealer's permit under the pharmacy act of the state of Kansas or to pay a retail dealer new permit or permit renewal fee under such act. It shall be lawful for a retail dealer who is the holder of a valid retail dealer's permit issued by the board or for a retail dealer who sells 12 or fewer different nonprescription drug products to sell and distribute nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug product intended for human use by hypodermic injection; but such a retail dealer shall not be authorized to display any of the words listed in subsection ~~(tt)~~ (dd) of K.S.A. 65-1626 and amendments thereto, for the designation of a pharmacy or drugstore.

(g) For any person to sell any drugs manufactured and sold only in the state of Kansas, without the label and directions on such drugs shall first have been approved by the board.

(h) For any person to operate an institutional drug room without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1637a and amendments thereto and any rules and regulations adopted pursuant thereto.

(i) For any person to be a pharmacy student without first obtaining a registration to do so from the board, in accordance with rules and regulations adopted by the board, and paying a pharmacy student registration fee of \$25 to the board.

(j) For any person to operate a veterinary medical teaching hospital pharmacy without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1662 and amendments thereto and any rules and regulations adopted pursuant thereto.

(k) For any person to sell or distribute in a pharmacy a controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto, unless:

(1) (A) Such controlled substance is sold or distributed by a licensed pharmacist, a registered pharmacy technician or a pharmacy intern or clerk supervised by a licensed pharmacist; and

(B) any person purchasing, receiving or otherwise acquiring any such controlled substance produces a photo identification showing the date of birth of the person and signs a log. The log or database required by the board shall be available for inspection during regular business hours to the board of pharmacy and any law enforcement officer; or

(2) there is a lawful prescription.

(l) For any person to sell or distribute in a pharmacy four or more packages or containers of any controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto, to a specific customer within any seven-day period.

(m) *For any person to sell or lease or offer for sale or lease durable medical equipment without first obtaining a registration from the board, in accordance with rules and regulations adopted by the board, except that this subsection shall not apply to:*

(1) *Sales not made in the regular course of the person's business; or*

(2) *sales by charitable organizations exempt from federal income taxation pursuant to the internal revenue code of 1986, as amended.*

Sec. 34. K.S.A. 65-1645 is hereby amended to read as follows: 65-1645. (a) Application for registrations or permits under K.S.A. 65-1643 and amendments thereto shall be made on a form prescribed and furnished by the board. Applications for registration to distribute at wholesale any drugs shall contain such information as may be required by the board in accordance with the provisions of K.S.A. 65-1655 and amendments thereto. The application shall be accompanied by the fee prescribed by the board under the provisions of this section. When such application and fees are received by the executive secretary of the board on or before the due date, such application shall have the effect of temporarily renewing the applicant's registration or permit until actual issuance or denial of the renewal. However, if at the time of filing a proceeding is pending before the board which may result in the suspension, probation, revocation or denial of the applicant's registration or permit, the board may declare, by emergency order, that such application for renewal shall not have the effect of temporarily renewing such applicant's registration or permit. Separate applications shall be made and separate registrations or permits issued for each separate place at which is carried on any of the operations for which a registration or permit is required by K.S.A. 65-1643 and amendments thereto except that the board may provide for a single registration for a business entity registered to manufacture any drugs or registered to distribute at wholesale any drugs and operating more than one facility within the state, or for a parent entity with divisions, subsidiaries or affiliate companies, or any combination thereof, within the state when operations are conducted at more than one location and there exists joint ownership and control among all the entities.

(b) The nonrefundable fees required for the issuing of the licenses, registrations or permits under the pharmacy act of the state of Kansas shall be fixed by the board as herein provided, subject to the following:

- (1) Pharmacy, new registration not more than \$150, renewal not more than \$125;
- (2) pharmacist, new license by examination not more than \$350;
- (3) pharmacist, reinstatement application fee not more than \$250;
- (4) pharmacist, biennial renewal fee not more than \$200;
- (5) pharmacist, evaluation fee not more than \$250;
- (6) pharmacist, reciprocal licensure fee not more than \$250;
- (7) pharmacist, penalty fee, not more than \$500;
- (8) manufacturer, new registration not more than \$500, renewal not more than \$400;
- (9) wholesaler, new registration not more than \$500, renewal not more than \$400, except that a wholesaler dealing exclusively in nonprescription drugs, the manufacturing, distributing or dispensing of which does not require registration under the uniform controlled substances act, shall be assessed a fee for registration and reregistration not to exceed \$50;
- (10) special auction not more than \$50;
- (11) samples distribution not more than \$50;
- (12) institutional drug room, new registration not more than \$40, renewal not more than \$35;
- (13) retail dealer selling more than 12 different nonprescription drug products, new permit not more than \$12, renewal not more than \$12;
- (14) certification of grades for each applicant for examination and registration not more than \$25; ~~or~~
- (15) veterinary medical teaching hospital pharmacy, new registration not more than \$40, renewal not more than \$35; *or*
- (16) *durable medical equipment registration fee, not more than \$300.*

(c) For the purpose of fixing fees, the board may establish classes of retail dealers' permits for retail dealers selling more than 12 different nonprescription drug products, and the board may fix a different fee for each such class of permit.

(d) The board shall determine annually the amount necessary to carry out and enforce the provisions of this act for the next ensuing fiscal year and shall fix by rules and regulations the fees authorized for such year at the sum deemed necessary for such purposes. The fees fixed by the board under this section immediately prior to the effective date of this act shall

continue in effect until different fees are fixed by the board by rules and regulations as provided under this section.

(e) The board may deny renewal of any registration or permit required by K.S.A. 65-1643 and amendments thereto on any ground which would authorize the board to suspend, revoke or place on probation a registration or permit previously granted pursuant to the provisions of K.S.A. 65-1643 and amendments thereto. Registrations and permits issued under the provisions of K.S.A. 65-1643 and 65-1644 and amendments thereto shall be conspicuously displayed in the place for which the registration or permit was granted. Such registrations or permits shall not be transferable. All such registrations and permits except retail dealer permits shall expire on June 30 following date of issuance. Retail dealers' permits shall expire on the last day of February. All registrations and permits shall be renewed annually. Application blanks for renewal of registrations and permits shall be mailed by the board to each registrant or permittee at least 30 days prior to expiration of the registration or permit. If application for renewal is not made before 30 days after such expiration, the existing registration or permit shall lapse and become null and void on the date of its expiration, and no new registration or permit shall be granted except upon payment of the required renewal fee plus a penalty equal to the renewal fee. Failure of any registrant or permittee to receive such application blank shall not relieve the registrant or permittee from the penalty hereby imposed if the renewal is not made as prescribed.

(f) In each case in which a license of a pharmacist is issued or renewed for a period of time less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to ~~K.S.A. 65-1645 and amendments thereto~~ *this section*.

(g) The board may require that fees paid for any examination under the pharmacy act of the state of Kansas be paid directly to the examination service by the person taking the examination.

Sec. 35. K.S.A. 65-1655 is hereby amended to read as follows: 65-1655. (a) The board shall require an applicant for registration to distribute at wholesale any drugs under K.S.A. 65-1643 and amendments thereto, or an applicant for renewal of such a registration, to provide the following information:

- (1) The name, full business address and telephone number of the applicant;
- (2) all trade or business names used by the applicant;
- (3) addresses, telephone numbers, and the names of contact persons for all facilities used by the applicant for the storage, handling and distribution of prescription drugs;
- (4) the type of ownership or operation of the applicant;
- (5) the name of the owner or operator, or both, of the applicant, including:
  - (A) If a person, the name of the person;
  - (B) if a partnership, the name of each partner, and the name of the partnership;
  - (C) if a corporation, the name and title of each corporate officer and director, the corporate names and the name of the state of incorporation;
  - (D) if a sole proprietorship, the full name of the sole proprietor and the name of the business entity; and
- (6) such other information as the board deems appropriate. Changes in any information in this subsection (a) shall be submitted to the board as required by such board.

(b) In reviewing the qualifications for applicants for initial registration or renewal of registration to distribute at wholesale any drugs, the board shall consider the following factors:

- (1) Any convictions of the applicant under any federal, state or local laws relating to drug samples, wholesale or retail drug distribution or distribution of controlled substances;
- (2) any felony convictions of the applicant under federal or state laws;
- (3) the applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;
- (4) the furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;
- (5) suspension or revocation by federal, state or local government of any license or registration currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;



(6) compliance with registration requirements under previously granted registrations, if any;

(7) compliance with requirements to maintain or make available to the board or to federal state or local law enforcement officials those records required by federal food, drug and cosmetic act, and rules and regulations adopted pursuant thereto; and

(8) any other factors or qualifications the board considers relevant to and consistent with the public health and safety.

(c) After consideration of the qualifications for applicants for registration to distribute at wholesale any drugs, the board may deny an initial application for registration or application for renewal of a registration if the board determines that the granting of such registration would not be in the public interest. The authority of the board under this subsection to deny a registration to distribute at wholesale any drugs shall be in addition to the authority of the board under subsection (e) of K.S.A. 65-1627 and amendments thereto or subsection (e) of K.S.A. 65-1645 and amendments thereto.

(d) The board by rules and regulations shall require that personnel employed by persons registered to distribute at wholesale any drugs have appropriate education or experience, or both, to assume responsibility for positions related to compliance with state registration requirements.

(e) The board by rules and regulations may implement this section to conform to any requirements of the federal prescription drug marketing act of 1987 (21 U.S.C. 321 et seq.) in effect on the effective date of this act.

(f) *Each facility that engages in wholesale distribution must undergo an inspection by the board or a third party recognized by the board to inspect and accredit wholesale distributors for the purpose of inspecting the wholesale distribution operations prior to initial registration and periodically thereafter in accordance with a schedule to be determined by the board but not less than once every three years. The board shall have the authority to waive registration requirements for wholesale distributors that are accredited by an accrediting agency approved by the board. The board shall adopt rules and regulations to establish standards and requirements for the issuance and maintenance of a wholesale distributor registration, including inspections of wholesale distributor facilities domiciled in the state.*

(1) *Individual or third party inspectors must demonstrate to the board that they have received training or demonstrate familiarity with the inspection standards. Evidence such as a letter of certification from a training program, notice from the inspector's employing third party organization or other means recognized by the board shall be accepted as meeting the requirement.*

(2) *The board may register a wholesale distributor that is licensed or registered under the laws of another state if:*

(A) *The requirements of that state are deemed by the board to be substantially equivalent;*

*or*

(B) *the applicant is inspected and accredited by a third party recognized and approved by the board.*

(g) *A person licensed or approved by the federal food and drug administration to engage in the manufacture of drugs or devices engaged in wholesale distribution need only satisfy the minimum federal requirements for licensure provided in federal food and drug administration regulations 21 C.F.R. Part 205 to provide wholesale distribution services.*

(h) *The board by rule and regulation shall establish standards and requirements for the issuance and maintenance of a wholesale distributor registration, including, but not limited to, requirements regarding the following: (1) An application and renewal fee; (2) a surety bond; (3) registration and periodic inspections; (4) certification of a designated representative; (5) designation of a registered agent; (6) storage of drugs and devices; (7) handling, transportation and shipment of drugs and devices; (8) security; (9) examination of drugs and devices and treatment of those found to be unacceptable as defined by the board; (10) due diligence regarding other wholesale distributors; (11) creation and maintenance of records, including transaction records; and (12) procedures for operation.*

⌘ (i) *This section shall be part of and supplemental to the pharmacy act of the state of Kansas.”;*

And by renumbering sections accordingly;

Also on page 86, in line 3, after “K.S.A.” where it appears for the first time by inserting “39-719d, 40-2123,”; also in line 3, after “46-2601” by inserting “, 65-1,172, 65-1627, 65-1645, 65-1655 and 65-3505”; also in line 3, after “Supp.” by inserting “60-4403, 65-180, 65-1626, 65-1626c, 65-1635a, 65-1643, 65-2901, 65-2912,”;

In the title, in line 10, by striking all after “ACT”; by striking all in lines 11 through 14 and inserting: “concerning public health; enacting the foundations of health reform of 2007; relating to administration, review and expansion of state medicaid plans and programs; amending the pharmacy act and the physical therapy practice act; relating to health care information; adult care homes and facilities for safety net clinics; amending K.S.A. 40-2123, 46-2601, 65-1,172, 65-1627, 65-1645, 65-1655 and 65-3505 and K.S.A. 2006 Supp. 60-4403, 65-180, 65-1626, 65-1635a, 65-1643, 65-2901, 65-2912, 75-2973, 75-4319 and 75-7408 and repealing the existing sections; also repealing K.S.A. 39-719d and K.S.A. 2006 Supp. 65-1626c.”;

And your committee on conference recommends the adoption of this report.

BOB BETHELL

JEFF COLYER

JERRY HENRY

*Conferees on part of House*

DWAYNE UMBARGER

JIM BARNETT

LAURA KELLY

*Conferees on part of Senate*

On motion of Rep. Bethell, the conference committee report on **H. Sub. for SB 11** was adopted.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafarielli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hodge, Kelley, Landwehr.

## INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **H. Sub. for SB 31**.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 31**, 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. 31, as amended by House Committee of the Whole, as follows:

On page 1, after line 15, by inserting:

“New Section 1. (a) Cities are authorized to enter into contracts for collection services for debts owed to municipal courts or restitution owed under an order of restitution. On

and after July 1, 2007, the cost of collection shall be paid by the defendant as an additional court cost in all cases where the defendant fails to pay any amount ordered by the court and the court utilizes the services of a contracting agent pursuant to this section. The cost of collection shall be deemed an administrative fee to pay the actual costs of collection made necessary by the defendant's failure to pay court debt and restitution.

(b) The following terms shall mean:

(1) "Beneficiary under an order of restitution" means the victim or victims of a crime to whom a municipal court has ordered restitution be paid;

(2) "contracting agent" means a person, firm, agency or other entity who contracts hereunder to provide collection services;

(3) "cost of collection" means the fee specified in contracts hereunder to be paid to or retained by a contracting agent for collection services and shall not exceed 33% of the amount collected. The cost of collection shall be paid from the amount collected, but shall not be deducted from the debts owed to municipal courts or restitution. Cost of collection also includes any filing fee required under K.S.A. 60-4303, and amendments thereto; and

(4) "debts owed to municipal courts" means any assessment of court costs, fines, fees, moneys expended by the city in providing counsel and other defense services to indigent defendants or other charges which a municipal court judge 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. "Debts owed to municipal courts" also includes the cost of collection when collection services of a contracting agent hereunder are utilized.

(c) Municipal courts are authorized to utilize the collection services of contracting agents pursuant to this section for the purpose of collecting all outstanding debts owed the municipal courts.

(d) Any beneficiary under an order of restitution entered by a municipal court is authorized to utilize the collection services of contracting agents pursuant to this section for the purpose of collecting all outstanding amounts owed under such order of restitution.

(e) Contracts shall provide for the payment of any amounts collected to the clerk of the municipal court for the court in which the debt being collected originated, after first deducting the collection fee. In accounting for amounts collected from any person, the municipal court clerk shall credit the person's amount owed the amount of the net proceeds collected. The clerk shall not reduce the amount owed by any person that portion of any payment which constitutes the cost of collection pursuant to this section.

(f) When the appropriate cost of collection has been paid to the contracting agent as agreed upon in the contract, the municipal court clerk shall then distribute amounts collected as follows:

(1) When collection services are utilized pursuant to subsection (c), all amounts shall be applied against the debts owed to the court as specified in the original judgment creating the debt;

(2) when collection services are utilized pursuant to subsection (d), all amounts shall be paid to the beneficiary under the order of restitution designated to receive such restitution, except where that beneficiary has received recovery from the Kansas crime victims compensation board and such board has subrogation rights pursuant to K.S.A. 74-7312, and amendments thereto, in which case all amounts shall be paid to the board until its subrogation lien is satisfied.

(g) Whenever collection services are being utilized against the same debtor pursuant to both subsections (c) and (d), any amounts collected by a contracting agent shall be first applied to satisfy debts pursuant to an order of restitution. Upon satisfaction of all such debts, amounts received from the same debtor shall then be applied to satisfy, debts owed to courts.";

And by renumbering sections accordingly;

On page 7, by striking all in line 43;

On page 8, by striking all in lines 1 through 40;

And by renumbering sections accordingly;

On page 9, by striking all in lines 3 through 43;

On page 10, by striking all in lines 1 through 14;

And by renumbering sections accordingly;  
 Also on page 10, in line 15, by striking “, 12-4415”; in line 16, by striking “and 22-2908”;  
 In the title, in line 10, by striking “crimes,”; in line 11, by striking all before the semicolon and inserting “municipal courts; relating to jurisdiction; concerning the collection of fines and restitution,”; also in line 11, by striking the comma; in line 12, by striking “12-4415”; also in line 12, by striking “and 22-2908”;

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL  
 LANCE KINZER  
 JANICE L. PAULS  
*Conferees on part of House*

JOHN VRATIL  
 TERRY BRUCE  
 GRETA GOODWIN  
*Conferees on part of Senate*

On motion of Rep. O'Neal, the conference committee report on **H. Sub. for SB 31** was adopted.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Faber.

Present but not voting: None.

Absent or not voting: Garcia, Hodge, Kelley.

## INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 52**.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 52**, 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 of lines 17 through 42;

On page 2, by striking all in lines 1 and 2 and inserting the following:

“New Section 1. (a) As used in this section:

(1) “Patient” 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 of social and rehabilitation 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 of social and rehabilitation services after being found a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, 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 patient for the purpose of preventing the patient from causing injury to self or others.

(3) "Seclusion" means the placement of a patient, alone, in a room, where the patient's freedom to leave is restricted and where the patient is not under continuous observation.

(b) Each patient shall have the following rights:

(1) Upon admission or commitment, be informed orally and in writing of the patient's rights under this section. Copies of this section shall be posted conspicuously in each patient area, and shall be available to the patient's guardian and immediate family.

(2) The right to refuse to perform labor which is of financial benefit to the facility in which the patient 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. Patients 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 specific labor is an integrated part of the patient's treatment plan approved as a therapeutic activity by the professional staff member responsible for supervising the patient's treatment;

(B) the labor is supervised by a staff member who is qualified to oversee the therapeutic aspects of the activity;

(C) the patient 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 120 days.

(3) A right to receive prompt and adequate treatment, rehabilitation and educational services appropriate for such patient's condition, within the limits of available state and federal funds.

(4) Have the right to be informed of such patient's treatment and care and to participate in the planning of such treatment and care.

(5) Have the following rights, under the following procedures, to refuse medication and treatment:

(A) Have the right to refuse all medication and treatment except as ordered by a court or in a situation in which the medication or treatment is necessary to prevent serious physical harm to the patient or to others. Except when medication or medical treatment has been ordered by the court or is necessary to prevent serious physical harm to others as evidenced by a recent overt act, attempt or threat to do such harm, a patient may refuse medications and medical treatment if the patient is a member of a recognized religious organization and the religious tenets of such organization prohibit such medications and treatment.

(B) 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 patient's treatment program.

(C) Patients 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) Except as provided in paragraph (2), have a right to be free from physical restraint and seclusion.

(A) Restraints or seclusion shall not be applied to a patient unless it is determined by the superintendent of the treatment facility or a physician or licensed psychologist to be necessary to prevent immediate substantial bodily injury to the patient or others and that other alternative methods to prevent such injury are not sufficient to accomplish this purpose. Restraint or seclusion shall never be used as a punishment or for the convenience of staff. The extent of the restraint or seclusion applied to the patient shall be the least restrictive measure necessary to prevent such injury to the patient 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 patient's condition at a frequency determined by the treating physician or licensed psychologist, which shall be no less than once per each 15 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 patient.

(B) The provisions of clause (A) shall not prevent:

(i) The use of seclusion as part of a treatment methodology that calls for time out when the patient is refusing to participate in a treatment or has become disruptive of a treatment process.

(ii) Patients may be restrained for security reasons during transport to or from the patient's building, including transport to another treatment facility. Any patient committed or transferred to a hospital or other health care facility for medical care may be isolated for security reasons within locked facilities in the hospital.

(iii) Patients may be locked or restricted in such patient's room during the night shift, if such patient resides in a unit in which each room is equipped with a toilet and sink or if the patients who do not have toilets in the rooms shall be given an opportunity to use a toilet at least once every hour, or more frequently if medically indicated.

(iv) Patients may be locked in such patient's room for a period of time no longer than one hour during each change of shift by staff to permit staff review of patient needs.

(v) Patients may also be locked in such patient's room on a unit-wide or facility-wide basis as an emergency measure as needed for security purposes to deal with an escape or attempted escape, the discovery of a dangerous weapon in the unit or facility or the receipt of reliable information that a dangerous weapon is in the unit or facility, or to prevent or control a riot or the taking of a hostage. A unit-wide or facility-wide emergency isolation order may only be authorized by the superintendent of the facility where the order is applicable or the superintendent's designee. A unit-wide or facility-wide emergency isolation order shall be approved within one hour after it is authorized by the superintendent or the superintendent's designee. An emergency order for unit-wide or facility-wide isolation 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. During a period of unit-wide or facility-wide isolation, the status of each patient shall be reviewed every 30 minutes to ensure the safety and comfort of the patient, and each patient 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. The facility shall have a written policy covering the use of isolation that ensures that the dignity of the individual is protected, that 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.

(vi) Individual patients who are referred by the court or correctional facilities for criminal evaluations may be placed in administrative confinement for security reasons and to maintain proper institutional management when treatment can not be addressed through routine psychiatric methods. Administrative confinement of individuals shall be limited to only patients that demonstrate or threaten substantial injury to other patients or staff and when there are no clinical interventions available that will be effective to maintain a safe and therapeutic environment for both patients and staff. Administrative confinement shall not be used for any patient who is actively psychotic or likely to be psychologically harmed. The status of each patient shall be reviewed every 15 minutes to ensure the safety and comfort of the patient. The patient shall be afforded all patient rights including being offered a minimum of one hour of supervised opportunity for personal hygiene, exercise and to meet other personal needs.

(7) The right not to be subject to such procedures as psychosurgery, electroshock therapy, experimental medication, aversion therapy or hazardous treatment procedures without the written consent of the patient or the written consent of a parent or legal guardian, if such patient 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) The right to individual religious worship within the facility if the patient desires such an opportunity. The provisions for worship shall be available to all patients on a nondiscriminatory basis. No individual may be coerced into engaging in any religious activities.

(9) A right 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) The right to confidentiality of all treatment records, and as permitted by other applicable state or federal laws, have the right to inspect and to receive a copy of such records.

(11) Except as otherwise provided, have a right to not be filmed or taped, unless the patient signs an informed and voluntary consent that specifically authorizes a named individual or group to film or tape the patient for a particular purpose or project during a specified time period. The patient may specify in such consent periods during which, or situations in which, the patient may not be filmed or taped. If a patient is legally incompetent, such consent shall be granted on behalf of the patient by the patient's guardian. A patient may be filmed or taped for security purposes without the patient's consent.

(12) The right 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) The right to be treated with respect and recognition of the patient's dignity and individuality by all employees of the treatment facility.

(14) Patients have an unrestricted right to send sealed mail and receive sealed mail to or from legal counsel, the courts, the secretary of social and rehabilitation 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, and have reasonable access to letter-writing materials.

(15) The right as specified under clause (A) to send and receive sealed mail, subject to the limitations specified under clause (B):

(A) A patient shall also have a right to send sealed mail and receive sealed mail to or from other persons, subject to physical examination in the patient's presence if there is reason to believe that such communication contains contraband materials or objects that threaten the security of patients or staff. The officers and staff of a facility may not read any mail covered by this clause.

(B) The above rights to send and receive sealed and confidential mail are subject to the following limitations:

(i) An officer or employee of the facility at which the patient is placed may delay delivery of the mail to the patient for a reasonable period of time to verify whether the person named as the sender actually sent the mail; may open the mail and inspect it for contraband outside the presence of the patient; or may, if the officer or staff member cannot determine whether the mail contains contraband, return the mail to the sender along with notice of the facility mail policy.

(ii) The superintendent of the facility or the superintendent's designee may, in accordance with the standards and the procedure under subsection (c) for denying a right for cause, 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 patient or others.

(iii) Residents may be restricted in receiving in the mail items deemed to be pornographic, offensive or which is deemed to jeopardize their individual treatment or that of others.

(16) Reasonable access to a telephone to make and receive telephone calls within reasonable limits.

(17) Be permitted to use and wear such patient's own clothing and personal possessions, including toilet articles, or be furnished with an adequate allowance of clothes if none are available. Provision shall be made to launder the patient's clothing.

(18) Be provided a reasonable amount of individual secure storage space for private use.

(19) Reasonable protection of privacy in such matters as toileting and bathing.

(20) Be permitted to see a reasonable number of visitors who do not pose a threat to the security or therapeutic climate of other patients or the facility.

(21) The right to present grievances under the procedures established by each facility on the patient's own behalf or that of others to the staff or superintendent of the treatment facility without justifiable fear of reprisal and to communicate, subject to paragraph (14), with public officials or with any other person without justifiable fear of reprisal.

(22) The right to spend such patient's money as such patient chooses, except to the extent that authority over the money is held by another, including the parent of a minor, a court-appointed guardian of the patient's estate or a representative payee. A treatment facility may, as a part of its security procedures, use a patient trust account in lieu of currency that is held by a patient and may establish reasonable policies governing patient account transactions.

(c) A patient's rights guaranteed under subsections (b)(15) to (b)(21) may be denied for cause after review by the superintendent of the facility or the superintendent's designee, and may be denied when medically or therapeutically contraindicated as documented by the patient's physician or licensed psychologist in the patient'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 patient's treatment record. After an informal hearing is held, a patient or such patient's representative may petition for review of the denial of any right under this subsection through the use of the grievance procedure provided in subsection (d).

(d) The department of social and rehabilitation services shall establish procedures to assure protection of patients' rights guaranteed under this section.

(e) No person may intentionally retaliate or discriminate against any patient 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) This section shall be a part of and supplemental to article 29a of chapter 59 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 2. (a) There is hereby created in the state treasury the sexually violent predator expense fund which shall be administered by the attorney general. All moneys credited to such fund shall be used to reimburse counties under K.S.A. 59-29a04, and amendments thereto, responsible for the costs related to determining whether a person may be a sexually violent predator.

(b) All expenditures from the sexually violent predator expense 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.

Sec. 3. K.S.A. 59-2978 is hereby amended to read as follows: 59-2978. (a) Every patient being treated in any treatment facility, in addition to all other rights preserved by the provisions of this act, shall have the following rights:

(1) To wear the patient's own clothes, keep and use the patient's own personal possessions including toilet articles and keep and be allowed to spend the patient's own money;

(2) to communicate by all reasonable means with a reasonable number of persons at reasonable hours of the day and night, including both to make and receive confidential telephone calls, and by letter, both to mail and receive unopened correspondence, except that if the head of the treatment facility should deny a patient's right to mail or to receive unopened correspondence under the provisions of subsection (b), such correspondence shall be opened and examined in the presence of the patient;

(3) to conjugal visits if facilities are available for such visits;

(4) to receive visitors in reasonable numbers and at reasonable times each day;

(5) to refuse involuntary labor other than the housekeeping of the patient's own bedroom and bathroom, provided that nothing herein shall be construed so as to prohibit a patient from performing labor as a part of a therapeutic program to which the patient has given their written consent and for which the patient receives reasonable compensation;



(6) not to be subject to such procedures as psychosurgery, electroshock therapy, experimental medication, aversion therapy or hazardous treatment procedures without the written consent of the patient or the written consent of a parent or legal guardian, if such patient 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;

(7) 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;

(8) to communicate by letter with the secretary of social and rehabilitation services, the head of the treatment facility and any court, attorney, physician, psychologist, or minister of religion, including a Christian Science practitioner. All such communications shall be forwarded at once to the addressee without examination and communications from such persons shall be delivered to the patient without examination;

(9) to contact or consult privately with the patient's physician or psychologist, minister of religion, including a Christian Science practitioner, legal guardian or attorney at any time and if the patient is a minor, their parent;

(10) to be visited by the patient's physician, psychologist, minister of religion, including a Christian Science practitioner, legal guardian or attorney at any time and if the patient is a minor, their parent;

(11) to be informed orally and in writing of their rights under this section upon admission to a treatment facility; and

(12) to be treated humanely consistent with generally accepted ethics and practices.

(b) The head of the treatment facility may, for good cause only, restrict a patient's rights under this section, except that the rights enumerated in subsections (a)(5) through (a)(12), and the right to mail any correspondence which does not violate postal regulations, shall not be restricted by the head of the treatment facility under any circumstances. Each treatment facility shall adopt regulations governing the conduct of all patients being treated in such treatment facility, which regulations shall be consistent with the provisions of this section. A statement explaining the reasons for any restriction of a patient's rights shall be immediately entered on such patient's medical record and copies of such statement shall be made available to the patient or to the parent, or legal guardian if such patient is a minor or has a legal guardian, and to the patient's attorney. In addition, notice of any restriction of a patient's rights shall be communicated to the patient in a timely fashion.

(c) Any person willfully depriving any patient of the rights protected by this section, except for the restriction of such rights in accordance with the provisions of subsection (b) or in accordance with a properly obtained court order, shall be guilty of a class C misdemeanor.

(d) *The provisions of this section do not apply to persons civilly committed to a treatment facility as a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.*

Sec. 4. K.S.A. 59-29a04 is hereby amended to read as follows: 59-29a04. (a) When it appears that the person presently confined may be a sexually violent predator and the prosecutor's review committee appointed as provided in subsection (e) of K.S.A. 59-29a03, and amendments thereto, has determined that the person meets the definition of a sexually violent predator, the attorney general, within 75 days of the date the attorney general received the written notice by the agency of jurisdiction as provided in subsection (a) of K.S.A. 59-29a03, and amendments thereto, may file a petition in the county where the person was convicted of or charged with a sexually violent offense alleging that the person is a sexually violent predator and stating sufficient facts to support such allegation.

(b) The provisions of this section are not jurisdictional, and failure to comply with such provisions in no way prevents the attorney general from proceeding against a person otherwise subject to the provision of K.S.A. 59-29a01 et seq., and amendments thereto.

(c) *Whenever a determination is made regarding whether a person may be a sexually violent predator, the county responsible for the costs incurred, including, but not limited to costs of investigation, prosecution, defense, juries, witness fees and expenses, expert fees and expenses and other expenses related to determining whether a person may be a sexually violent predator shall be reimbursed for such costs by the office of the attorney general from*

*the sexually violent predator expense fund. The attorney general shall develop and implement a procedure to provide such reimbursements. If there are no moneys available in such fund to pay any such reimbursements, the county may file a claim against the state pursuant to article 9 of chapter 46, of the Kansas Statutes Annotated, and amendments thereto.*

Sec. 5. K.S.A. 59-29a08 is hereby amended to read as follows: 59-29a08. (a) Each person committed under K.S.A. 59-29a01 et seq., and amendments thereto, shall have a current examination of the person's mental condition made once every year. The secretary shall provide the committed 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 K.S.A. 59-29a01 et seq., and amendments thereto. The person may retain, or if the person is indigent and so requests the court may appoint a qualified professional person to examine such person, and such expert or professional person shall have access to all records concerning the person. The court that committed the person under K.S.A. 59-29a01 et seq., and amendments thereto, shall then conduct an annual review of the status of the committed person's mental condition. The committed person shall have a right to have an attorney represent the person at the hearing but the person is not entitled to be present at the hearing.

(b) Nothing contained in K.S.A. 59-29a01 et seq., and amendments thereto, shall prohibit the person from otherwise petitioning the court for discharge at this hearing.

(c) (1) If the court at the hearing 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 placed in transitional release, then the court shall set a hearing on the issue.

(2) *The court may order and hold a hearing when: (A) There is current evidence from an expert or professional person that an identified physiological change to the committed person, such as paralysis, stroke or dementia, that renders the committed person unable to commit a sexually violent offense and this change is permanent; and*

*(B) the evidence presents a change in condition since the person's last hearing.*

(3) ~~At the either~~ hearing, the committed person shall be entitled to be present and entitled to the benefit of all constitutional protections that were afforded the person at the initial commitment proceeding. The attorney general shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by experts chosen by the state. The committed 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 either~~ hearing shall be upon the state to prove beyond a reasonable doubt that the committed 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 acts of sexual violence.

(d) If, after the hearing, the court or jury 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.

(e) 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.

(f) 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 or facsimile 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.

(g) 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.

Sec. 6. K.S.A. 59-29a12 is hereby amended to read as follows: 59-29a12. (a) *For state budgetary purposes*, the secretary shall be responsible for all cost relating to the evaluation and treatment of persons committed to the secretary's custody under any provision of this act. *Payment for the maintenance, care and treatment of any such committed person shall be paid by the person, by the conservator of such person's estate or by any person bound by law to support such person.* Reimbursement may be obtained by the secretary for the cost of care and treatment, including placement in transitional release, of persons committed to the secretary's custody pursuant to K.S.A. 59-2006, and amendments thereto.

(b) *When a court orders a person committed to the secretary's custody under any provision of this act to appear at a court proceeding, the county where such court is located shall be responsible for the transportation, security and control of such person and all costs involved. The secretary shall not be required to provide an employee to travel with the committed person.*

(c) *Except as provided further, when a court proceeding is initiated by the committed person, such person shall be responsible for making all arrangements concerning the transportation, security and control of such person and all costs involved. The secretary shall review and approve all arrangements prior to the court proceeding. The secretary may deny the arrangements if such arrangements fail to meet security standards. The provisions of this subsection shall not apply to a hearing pursuant to K.S.A. 59-29a08, and amendments thereto.*

(d) *The secretary shall adopt rules and regulations to implement this section.*

Sec. 7. K.S.A. 59-2978, 59-29a04, 59-29a08 and 59-29a12 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.”;

On page 1, in the title, by striking all in lines 12 through 14 and inserting “AN ACT concerning the civil commitment of certain persons; relating to sexually violent predators; relating to rights of such predators; providing for reimbursement for costs of determination; amending K.S.A. 59-2978, 59-29a04, 59-29a08 and 59-29a12 and repealing the existing sections.”;

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL

LANCE KINZER

JANICE L. PAULS

*Conferees on part of House*

JOHN VRATIL

TERRY BRUCE

GRETA GOODWIN

*Conferees on part of Senate*

On motion of Rep. O'Neal, the conference committee report on **SB 52** was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe,

Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Will, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Garcia, Hodge, Kelley.

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 357** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL No. 357," as follows:

"HOUSE Substitute for SENATE BILL No. 357

By Committee on Appropriations

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2006 Supp. 75-6702 and section 211 of 2007 House Bill No. 2368 and repealing the existing section."; and the substitute bill be passed.

(**H. Sub. for SB 357** was thereupon introduced and read by title.)

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2597**, An act concerning municipally owned or operated electric or natural gas public utilities; concerning regulation by the state corporation commission; amending K.S.A. 66-1,174 and K.S.A. 2006 Supp. 66-104 and repealing the existing sections; also repealing K.S.A. 66-1,174, as amended by section 3 of 2007 House Bill No. 2032 and K.S.A. 2006 Supp. 66-104, as amended by section 2 of 2007 House Bill No. 2032 and sections 1, 4 and 5 of 2007 House Bill No. 2032, by Committee on Appropriations.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6023—

By Representative Neufeld

A RESOLUTION congratulating and commending Robert D. Hayes upon his retirement after 35 years of public service.

WHEREAS, Robert D. Hayes, Executive Director of the Kansas Health Care Stabilization Fund, will be retiring in September of this year, drawing to a close a term of service with the state of Kansas that began in February of 1972; and

WHEREAS, In 1976, Robert participated in drafting the statutes that established the Health Care Stabilization Fund. The Fund's primary objective is to assure health care providers that there will be reasonable liability coverage within the state of Kansas; and

WHEREAS, In addition to its primary objective, the Fund operates to assure and facilitate a sound actuarial basis; assist health care providers complying with the Health Care Provider Insurance Availability Act; aggressively defend the Fund when eligible health care

providers become involved in claims or court actions arising from the rendering of or failure to render professional services; and to safeguard the interest of the Fund through management activities which maximize the efficient operation of the Fund; and

WHEREAS, Along with being instrumental in implementing the new law, Robert has been involved in most of the management and operation activities of the Fund. In January 1995, Robert became the first Executive Director of the Fund as it became a separate and distinct state agency: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend Robert D. Hayes upon his upcoming retirement after 35 years of public service and we thank him for his commitment and dedication to serving the people of Kansas.

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Robert D. Hayes.

#### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Siegfried are spread upon the journal.

February 20, 2007, marked the sesquicentennial, or 150th anniversary of the city of Olathe, which was granted its official city charter in 1857. Olathe's sesquicentennial observance is one of the grandest celebrations in the city's history, bringing Olathe residents of all ages and backgrounds to pay tribute to Olathe's past, present and future. Olathe will celebrate its 150 years of community with a number of special events throughout the year commemorating its unique and colorful history. Throughout its proud and remarkable past, the city has lived up to its name, Olathe — the Shawnee word for "beautiful" — and with a population of over 120,000, is one of the premier cities in Kansas.

Rep. Siegfried, along with the Olathe delegation, recognized Olathe Mayor, Mike Copeland; City Manager, Michael Wilkes; longtime employee of the city of Olathe, Martina Nataloia; sesquicentennial chairman, Jon Andrat; and former Governor of Kansas and Olathe resident, John Anderson. They were presented a copy of the resolution.

#### CHANGE OF CONFEREES

Speaker Neufeld announced the appointment of Rep. Sharp as a member of the conference committee on **S. Sub. for Sub. HB 2457** to replace Rep. Kelley.

On motion of Rep. Merrick, the House recessed until 2:30 p.m.

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#### AFTERNOON SESSION

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

#### INTRODUCTION OF GUESTS

Rep. Kiegerl introduced students from Spring Hill High School. These students have formed a volunteer club to serve the needy and senior citizens. The members of the club are: Gabby Werliein, Joe Ravnika, Katie Adair, Kyli Callahan, Lindsey Carrel, Mitchel Myer, Patricia Kline, Rachel Yohe, Stephanie Neimer, Tara Truitt and Valavia Grigoryeva. Accompanying the students were teachers Lynda Jochims and Kerri Rodden and Superintendent Dr. Barton Goering.

The House stood at ease until the sound of the gavel.

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Speaker Neufeld called the House to order.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2062**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2062**, 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 6, in line 10, by striking all after “of”; by striking all in line 11; in line 12, by striking “or”; in line 13, by striking “and amendments thereto” and inserting “committed prior to July 1, 2006, or K.S.A. 21-3411, and amendments thereto, aggravated assault against a law enforcement officer,”;

On page 8, in line 13, by striking “either”; also in line 13, by striking “or 21-3716”;

On page 9, in line 7, by striking “21-3412a, 21-3413,”; also in line 7, by striking “, 21-3415,” and inserting “and”; also in line 7, by striking all after “21-3439,”; in line 8, by striking “3443 and 21-3448” and inserting “and K.S.A. 2006 Supp. 21-3442,”; after line 11, by inserting the following:

“Sec. 5. K.S.A. 2006 Supp. 21-3448 is hereby amended to read as follows: 21-3448. (a) Battery against a mental health employee is a battery, as defined in K.S.A. 21-3412, and amendments thereto, committed against a mental health employee by a person in the custody of the secretary of social and rehabilitation services, while such employee is engaged in the performance of such employee’s duty.

(b) Battery against a mental health employee is a severity level 7, person felony.

(c) As used in this section “mental health employee” means an employee of the department of social and rehabilitation services working ~~in the state security program located at Larned state hospital, Osawatimie state hospital and Rainbow mental health facility, 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, at the sexually violent predator program located in Larned.~~

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

Sec. 6. K.S.A. 2006 Supp. 65-4150 is hereby amended to read as follows: 65-4150. As used in this act:

(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) “Deliver” or “delivery” means actual, constructive or attempted transfer from one person to another, whether or not there is an agency relationship.

(c) “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 the uniform controlled substances 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, ~~such as~~ *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 marihuana.

(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 marihuana, cocaine, hashish, ~~or~~ hashish oil, *phenylacetone (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 ~~tubes and devices~~ *pipes, glass or other heat resistant tubes or any other device used or intended to be used, 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 marihuana 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; ~~and~~

(M) ice pipes or chillers;

(N) *any smoking pipe manufactured to disguise its intended purpose*;

(O) *wired cigarette papers*; or

(P) *cocaine freebase kits*.

(d) "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or other legal entity.

(e) "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. 7. K.S.A. 2006 Supp. 65-4151 is hereby amended to read as follows: 65-4151. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:

(a) Statements by an owner or person in control of the object concerning its use.

(b) Prior convictions, if any, of an owner or person in control of the object, under any state or federal law relating to any controlled substance.

(c) The proximity of the object, in time and space, to a direct violation of the uniform controlled substances act.

(d) The proximity of the object to controlled substances.

(e) The existence of any residue of controlled substances on the object.

(f) Direct or circumstantial evidence of the intent of an owner or person in control of the object, to deliver it to a person the owner or person in control of the object knows, or should

reasonably know, intends to use the object to facilitate a violation of the uniform controlled substances act. The innocence of an owner or person in control of the object as to a direct violation of the uniform controlled substances act shall not prevent a finding that the object is intended for use as drug paraphernalia.

- (g) Oral or written instructions provided with the object concerning its use.
- (h) Descriptive materials accompanying the object which explain or depict its use.
- (i) National and local advertising concerning the object's use.
- (j) The manner in which the object is displayed for sale.
- (k) Whether the owner or person in control of the object is a legitimate supplier of similar or related items to the community, such as a distributor or dealer of tobacco products.
- (l) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise.
- (m) The existence and scope of legitimate uses for the object in the community.
- (n) Expert testimony concerning the object's use.
- (o) Any evidence that alleged paraphernalia can or has been used to store a controlled substance or to introduce a controlled substance into the human body as opposed to any legitimate use for the alleged paraphernalia.

(p) *Advertising of the item in magazines or other means which specifically glorify, encourage or espouse the illegal use, manufacture, sale or cultivation of controlled substances.*

Sec. 8. K.S.A. 2006 Supp. 65-4152 is hereby amended to read as follows: 65-4152. (a) No person shall use or possess with intent to use:

- (1) Any simulated controlled substance;
- (2) any drug paraphernalia to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the uniform controlled substances act;
- (3) any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, sell or distribute a controlled substance in violation of the uniform controlled substances act; or
- (4) anhydrous ammonia or pressurized ammonia in a container not approved for that chemical by the Kansas department of agriculture.
- (b) Violation of subsection (a)(1) or (a)(2) is a class A nonperson misdemeanor.
- (c) Violation of subsection (a)(3), other than as described in paragraph (d), or subsection (a)(4) is a drug severity level 4 felony.
- (d) Violation of subsection (a)(3) which involves the possession of drug paraphernalia for the planting, propagation, growing or harvesting of less than five marijuana plants is a class A nonperson misdemeanor.
- (e) For persons arrested and charged under paragraph (a)(4), bail shall be at least \$50,000 cash or surety, unless the court determines, on the record, that the defendant is not likely to re-offend, the court imposes pretrial supervision or the defendant agrees to participate in a licensed or certified drug treatment program.
- (f) *The fact that an item has not yet been used or did not contain a controlled substance at the time of the seizure is not a defense to a charge that the item was possessed with the intention for use as drug paraphernalia.*

Sec. 9. K.S.A. 65-4153 is hereby amended to read as follows: 65-4153. (a) No person shall sell, offer for sale, have in such person's possession with intent to sell, deliver, possess with intent to deliver, manufacture with intent to deliver or cause to be delivered within this state:

- (1) Any simulated controlled substance;
- (2) any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of K.S.A. 65-4162, and amendments thereto;
- (3) any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the uniform controlled substances act, except K.S.A. 65-4162, and amendments thereto; or



(4) any drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, sell or distribute a controlled substance in violation of the uniform controlled substances act.

(b) *Except as provided further*, violation of subsection (a)(1) is a nondrug severity level 9, nonperson felony.

(c) *Except as provided further*, violation of subsection (a)(2) is a class A nonperson misdemeanor. Any person who violates subsection (a)(2) by delivering or causing to be delivered within this state drug paraphernalia to a person under 18 years of age is guilty of a nondrug severity level 9, nonperson felony.

(d) *Except as provided further*, violation of subsection (a)(3) is a nondrug severity level 9, nonperson felony. Any person who violates subsection (a)(3) by delivering or causing to be delivered within this state drug paraphernalia to a person under 18 years of age is guilty of a drug severity level 4 felony.

(e) *Except as provided further*, violation of subsection (a)(4) is a drug severity level 4 felony.

(f) *Violation of subsection (a)(1) is a nondrug severity level 7, nonperson felony if such person is 18 or more years of age and the items involved were possessed with intent to sell, deliver or distribute; sold or offered for sale in or on, or within 1,000 feet of any school 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.*

(g) *Violation of subsection (a)(2) is a nondrug severity level 9, nonperson felony if such person is 18 or more years of age and the items involved were possessed with intent to sell, deliver or distribute; sold or offered for sale in or on, or within 1,000 feet of any school 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.*

(h) *Violation of subsection (a)(3) is a drug severity level 4 felony if such person is 18 or more years of age and the items involved were possessed with intent to sell, deliver or distribute; sold or offered for sale in or on, or within 1,000 feet of any school 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.*

(i) *Violation of subsection (a)(4) is a drug severity level 3 felony if such person is 18 or more years of age and the items involved were possessed with intent to sell, deliver or distribute; sold or offered for sale in or on, or within 1,000 feet of any school 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.*

(j) *Nothing in this section shall 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 description above, 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.*

(k) *As used in this section, the term "or under circumstances where one reasonably should know" that an item will be used in violation of this section, shall include, but not be limited to, the following:*

- (1) *Actual knowledge from prior experience or statements by customers;*
- (2) *inappropriate or impractical design for alleged legitimate use;*
- (3) *receipt of packaging material, advertising information or other manufacturer supplied information regarding the item's use as drug paraphernalia; or*
- (4) *receipt of a written warning from a law enforcement or prosecutorial agency having jurisdiction that the item has been previously determined to have been designed specifically for use as drug paraphernalia.*

New Sec. 10. (a) The legislature recognizes the important public health benefits of the appropriate and legal medical use of controlled substances, and also the significant risk to

public health that can arise due to the illegal diversion or abuse of such substances. The legislature finds that an electronic controlled substances prescription monitoring system could be a timely resource for physicians and other practitioners to assist them in the delivery of appropriate health care services, and also to be an investigative resource for law enforcement agencies to assist their efforts to discourage illegal diversion of controlled substances.

(b) In order to promote the public health and discourage the abuse of controlled substances, there is hereby established a controlled substances monitoring task force which shall develop a plan for the creation and implementation of: (1) A controlled substances prescription monitoring program; and (2) an electronic purchase log, which shall be capable of, in real-time, checking compliance with all state, federal and local laws concerning the sale of ephedrine and pseudoephedrine. Such plan shall include suggestions for future action by the legislature in regard to the prescription monitoring program and electronic purchase log. It is not the intent of the legislature, nor shall the prescription monitoring program developed by the task force be used to discourage or interfere with the prescribing of controlled substances by physicians and other practitioners for legitimate medical purposes.

(c) The task force shall consist of 11 members as follows: The attorney general or the attorney general's designee, one member appointed by the Kansas health policy authority, one member appointed by the director of the Kansas bureau of investigation, two members appointed by the board of pharmacy, one member appointed by the board of healing arts, one member appointed by the Kansas medical society, one member appointed by the Kansas association of osteopathic medicine, one member appointed by the Kansas pharmacists' association, one member appointed by the Kansas state dental association and one member appointed by the Kansas hospital association.

(d) The appointments shall be made within 30 days after the effective date of this act. The initial meeting of the task force shall be convened within 90 days after the effective date of this act by the board of pharmacy at a time and place designated by the board. The task force shall elect a chairperson and may elect any additional officers from among its members necessary to discharge its duties. All task force members shall serve without compensation.

(e) The task force shall report its findings and conclusions to the legislature on or before January 14, 2008.

Sec. 11. K.S.A. 2006 Supp. 65-1643 is hereby amended to read as follows: 65-1643. It shall be unlawful:

(a) For any person to operate, maintain, open or establish any pharmacy within this state without first having obtained a registration from the board. Each application for registration of a pharmacy shall indicate the person or persons desiring the registration, including the pharmacist in charge, as well as the location, including the street name and number, and such other information as may be required by the board to establish the identity and exact location of the pharmacy. The issuance of a registration for any pharmacy shall also have the effect of permitting such pharmacy to operate as a retail dealer without requiring such pharmacy to obtain a retail dealer's permit. On evidence satisfactory to the board: (1) That the pharmacy for which the registration is sought will be conducted in full compliance with the law and the rules and regulations of the board; (2) that the location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety; (3) that the pharmacy will be under the supervision of a pharmacist, a registration shall be issued to such persons as the board shall deem qualified to conduct such a pharmacy.

(b) For any person to manufacture within this state any drugs except under the personal and immediate supervision of a pharmacist or such other person or persons as may be approved by the board after an investigation and a determination by the board that such person or persons is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety; and no person shall manufacture any such drugs without first obtaining a registration so to do from the board. Such registration shall be subject to such rules and regulations with respect to requirements, sanitation and equipment, as the board may from time to time adopt for the protection of public health and safety.

(c) For any person to distribute at wholesale any drugs without first obtaining a registration so to do from the board.

(d) For any person to sell or offer for sale at public auction or private sale in a place where public auctions are conducted, any drugs without first having obtained a registration from the board so to do, and it shall be necessary to obtain the permission of the board in every instance where any of the products covered by this section are to be sold or offered for sale.

(e) For any person to in any manner distribute or dispense samples of any drugs without first having obtained a permit from the board so to do, and it shall be necessary to obtain permission from the board in every instance where the samples are to be distributed or dispensed. Nothing in this subsection shall be held to regulate or in any manner interfere with the furnishing of samples of drugs to duly licensed practitioners, to mid-level practitioners, to pharmacists or to medical care facilities.

(f) Except as otherwise provided in this subsection (f), for any person operating a store or place of business to sell, offer for sale or distribute any drugs to the public without first having obtained a registration or permit from the board authorizing such person so to do. No retail dealer who sells 12 or fewer different nonprescription drug products shall be required to obtain a retail dealer's permit under the pharmacy act of the state of Kansas or to pay a retail dealer new permit or permit renewal fee under such act. It shall be lawful for a retail dealer who is the holder of a valid retail dealer's permit issued by the board or for a retail dealer who sells 12 or fewer different nonprescription drug products to sell and distribute nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug product intended for human use by hypodermic injection; but such a retail dealer shall not be authorized to display any of the words listed in subsection (u) of K.S.A. 65-1626 and amendments thereto, for the designation of a pharmacy or drugstore.

(g) For any person to sell any drugs manufactured and sold only in the state of Kansas, unless the label and directions on such drugs shall first have been approved by the board.

(h) For any person to operate an institutional drug room without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1637a and amendments thereto and any rules and regulations adopted pursuant thereto.

(i) For any person to be a pharmacy student without first obtaining a registration to do so from the board, in accordance with rules and regulations adopted by the board, and paying a pharmacy student registration fee of \$25 to the board.

(j) For any person to operate a veterinary medical teaching hospital pharmacy without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1662 and amendments thereto and any rules and regulations adopted pursuant thereto.

(k) For any person to sell or distribute in a pharmacy a controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto, unless:

(1) (A) Such controlled substance is sold or distributed by a licensed pharmacist, a registered pharmacy technician or a pharmacy intern or clerk supervised by a licensed pharmacist; ~~and~~

(B) any person purchasing, receiving or otherwise acquiring any such controlled substance produces a photo identification showing the date of birth of the person and signs a log *and enters in the log, or allows the seller to enter in the log, such person's address and the date and time of sale.* The log or database required by the board shall be available for inspection during regular business hours to the board of pharmacy and any law enforcement officer;

~~or~~

(C) *the seller determines that the name entered in the log corresponds to the name provided on such identification and that the date and time entered are correct; and*

(D) *the seller enters in the log the name of the controlled substance and the quantity sold;*  
or

(2) there is a lawful prescription.

~~(f) For any person to sell or distribute in a pharmacy four or more packages or containers of any controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto, to a specific customer within any seven-day period.~~

*(l) For any pharmacy to allow customers to have direct access to any controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto. Such controlled substance shall be placed behind the counter or stored in a locked cabinet that is located in an area of the pharmacy to which customers do not have direct access.*

*(m) A seller who in good faith releases information in a log pursuant to subsection (k) to any law enforcement officer is immune from civil liability for such release unless the release constitutes gross negligence or intentional, wanton or willful misconduct.*

Sec. 12. K.S.A. 2006 Supp. 65-4113 is hereby amended to read as follows: 65-4113. (a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section are included in schedule V.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing the following narcotic drug or its salts:

Buprenorphine ..... 9064

(c) Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

(6) Not more than .5 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit.

(d) 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 (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) Propylhexedrine (except when part of a compound used for nasal decongestion which is authorized to be sold lawfully over the counter without a prescription under the federal food, drug and cosmetic act, so long as it is used only for such purpose)..... 8161

(2) Pyrovalerone ..... 1485

~~(e) Except as provided in subsection (g), Any compound, mixture or preparation containing any detectable quantity of ephedrine, its salts or optical isomers, or salts of optical isomers.~~

~~(f) Except as provided in subsection (g), Any compound, mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.~~

~~(g) The scheduling of the substances in subsections (e) and (f) shall not apply to any compounds, mixtures or preparations of ephedrine or pseudoephedrine which are in liquid, liquid capsule or gel capsule form.~~

Sec. 13. K.S.A. 2006 Supp. 65-7006 is hereby amended to read as follows: 65-7006. (a) It shall be unlawful for any person to possess ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance.

(b) It shall be unlawful for any person to market, sell, distribute, advertise, or label any drug product containing ephedrine, pseudoephedrine, red phosphorus, lithium metal, so-

dium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers if the person knows or reasonably should know that the purchaser will use the product to manufacture a controlled substance.

(c) It shall be unlawful for any person to market, sell, distribute, advertise or label any drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers or salts of isomers for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved pursuant to the pertinent federal over-the-counter drug final monograph or tentative final monograph or approved new drug application.

(d) *It shall be unlawful for any person to purchase, receive or otherwise acquire at retail any compound, mixture or preparation containing more than 3.6 grams of pseudoephedrine base or ephedrine base in any single transaction or any compound, mixture or preparation containing more than nine grams of pseudoephedrine base or ephedrine base within any 30-day period.*

(e) For persons arrested and charged under ~~this section~~ subsection (a), (b) or (c), bail shall be at least \$50,000 cash or surety, unless the court determines on the record that the defendant is not likely to re-offend, the court imposes pretrial supervision or the defendant agrees to participate in a licensed or certified drug treatment program.

~~(f)~~ (f) A violation of ~~this section~~ subsection (a), (b) or (c) shall be a drug severity level 2 felony. *A violation of subsection (d) shall be a class A nonperson misdemeanor.*;

And by renumbering the remaining sections accordingly;

Also on page 9, in line 17, before "K.S.A." by inserting "K.S.A. 21-3440 and 65-4153 and"; also in line 17, before "21-3731" by inserting "21-3441, 21-3448,"; also in line 17, by striking "and" and inserting a comma; in line 18, before "are" by inserting ", 65-1643, 65-4113, 65-4150, 65-4151, 65-4152 and 65-7006";

On page 1, in the title, in line 20, after "amending" by inserting "K.S.A. 65-4153"; in line 21, before "21-3731" by inserting "21-3448,"; also in line 21, by striking "and", where it appears for the first time, and inserting a comma; also in line 21, after "21-4704" by inserting ", 65-1643, 65-4113, 65-4150, 65-4151, 65-4152 and 65-7006"; in line 22, following "sections" by inserting "; also repealing K.S.A. 21-3440 and K.S.A. 2006 Supp. 21-3441";

And your committee on conference recommends the adoption of this report.

JOHN VRATIL  
TERRY BRUCE  
*Conferees on part of Senate*

MICHAEL R. O'NEAL  
LANCE KINZER  
JANICE L. PAULS  
*Conferees on part of House*

On motion of Rep. O'Neal, the conference committee report on **HB 2062** was adopted.  
On roll call, the vote was: Yeas 97; Nays 27; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Long, Lukert, Mast, Masterson, McCray-Miller, McKinney, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Ruff, Schroeder, Schwartz, Shultz, Siegfried, Spalding, Svaty, Swanson, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, Yoder.

Nays: Ballard, Carlin, Crow, Davis, Flaharty, Flora, Frownfelter, Henderson, Holland, Huntington, Kuether, Lane, Loganbill, Mah, McLachlan, Menghini, Neighbor, Roth, Ruiz, Sawyer, Sharp, Sloan, Storm, Tietze, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Garcia.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I reluctantly vote in favor of **HB 2062**. It lumps together seven bills into one. While the majority of the content is meritorious I find some parts objectionable. This kind of dilemma should not be acceptable to any representative. — MIKE KIEGERL

MR. SPEAKER: I vote NO on **HB 2062**. I do this because the Alexa's law provisions in this bill unnecessarily bring the issue of abortion into Kansas criminal statutes. Kansas criminal statutes are not the proper place to conduct a debate about when life begins. Without the Alexa's law provisions, I am supportive of the remaining contents of this bill.— LOUIS RUIZ, TOM HOLLAND, GERALDINE FLAHARTY, TERRY L. MCLACHLAN, PAUL DAVIS, ANNIE KUETHER, MARTI CROW, ANN E. MAH, STAN FROWNFEILER, JUDITH LOGANBILL, SYDNEY CARLIN, ANNIE TIETZE

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2185**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2185**, 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, in line 10, by striking "Grants" and inserting "Scholarships"; in line 11, by striking "institution"; in line 12, by striking all before the period and inserting "school of nursing at which the qualified applicant is enrolled"; in line 14, before "applicant" by inserting "qualified";

On page 10, in line 18, by striking "any", where it appears for the first time, and inserting "(A) Any"; in line 19, by striking all after "States"; in line 20, by striking all before the period and inserting "; or (B) membership in the Kansas army or air national guard"; by striking all in lines 23 and 24 and inserting the following:

"Sec. 11. K.S.A. 74-32,100 is hereby amended to read as follows: 74-32,100. ~~This act K.S.A. 74-32,100 through 74-32,107 and sections 16, 17 and 18, and amendments thereto,~~ shall be known and may be cited as the teacher service scholarship program act.

Sec. 12. K.S.A. 2006 Supp. 74-32,101 is hereby amended to read as follows: 74-32,101. As used in ~~this~~ the teacher service scholarship program act:

(a) "Executive officer" means the chief executive officer of the state board of regents appointed under K.S.A. 74-3203a, and amendments thereto.

(b) "qualified student" means a person who: (1) Is a resident of the state of Kansas; (2) has been accepted for admission to or is enrolled full time in a course of instruction leading to licensure as a teacher; and (3) has qualified for the award of a scholarship under the teacher service scholarship program on the basis of having demonstrated scholastic ability; or who has previously so qualified and remains qualified for renewal of the scholarship on the basis of remaining in good standing and making satisfactory progress toward completion of the requirements of the course of instruction in which enrolled;

(b) "Qualified student" means a person who: (1) Is a resident of the state of Kansas; (2)(A) has been accepted for admission to or is enrolled in a course of instruction leading to licensure as a teacher in a hard-to-fill teaching discipline or in an underserved area; (B) is licensed as a teacher and is endorsed to teach in a field which is not a hard-to-fill teaching discipline or is not in an underserved area, but has been accepted for admission to, or is enrolled in, a course of instruction leading to endorsement in a hard-to-fill teaching discipline or in an underserved area; or (C) is licensed as a teacher and has been accepted for admission to, or is enrolled in, a course of instruction leading to a master's degree in the field of education as a teacher in a hard-to-fill teaching discipline or in an underserved area; and (3) has qualified for the award of a scholarship under the teacher service scholarship program on

*the basis of having demonstrated scholastic ability, or who has previously so qualified and remains qualified for renewal of the scholarship on the basis of remaining in good standing and making satisfactory progress toward completion of the requirements of the course of instruction in which enrolled.*

(c) "Hard-to-fill teaching discipline" means ~~(1)~~ a teaching discipline in which there is a critical shortage of teachers as determined and specified by the state board of education; ~~and (2) the teaching disciplines of mathematics and science for any of the grades five through 12, and~~

(d) "Underserved area" means a geographic area of the state in which there is a critical shortage of teachers as determined and specified by the state board of education.

Sec. 13. K.S.A. 2006 Supp. 74-32,102 is hereby amended to read as follows: 74-32,102.

(a) There is hereby established the teacher service scholarship program. A scholarship may be awarded under the teacher service scholarship program to any qualified student and may be renewed for each such student who remains qualified for the scholarship. Determination of the students qualified for such scholarships shall be made by the executive officer. Scholastic ability shall be determined on the basis of any one or more of the following: (1) High ACT or SAT score; (2) rank in high school graduation class; (3) cumulative high school or college grade point average; or (4) any other indicator of scholastic ability which the state board of regents determines to be demonstrative of potential for successful completion of a course of instruction leading to licensure as a teacher. To the extent practicable and consistent with qualification factors, consideration shall be given to qualified students who are members of ethnic minority groups.

(b) A scholarship awarded under the program shall provide for payment to a qualified student of (1) an amount not to exceed 70% of the cost of attendance for an academic year at the teacher education school in which the qualified student is enrolled if such teacher education school is maintained by a state educational institution or (2) an amount not to exceed 70% of the average amount of the cost of attendance for an academic year at the teacher education schools maintained by the state educational institutions if the teacher education school in which the qualified student is enrolled is not a state educational institution. A qualified student may be awarded a scholarship for not more than four academic years of undergraduate study, except that a qualified student who is enrolled full time in a course of instruction leading to licensure in a teaching discipline for which graduate study is required may be awarded a scholarship for the duration of the course of instruction.

(b) *Within the limitations of appropriations therefor, the number of scholarships awarded and the amount awarded to each applicant shall be determined by the executive officer. The amount awarded shall be specified in the agreement. The amount awarded may vary depending upon the number of hours and the program in which the applicant is enrolled. For academic year 2007-2008, the amount awarded shall not exceed \$2,500 each semester or its equivalent. For academic year 2008-2009 and each year thereafter, the maximum amount that may be awarded shall be increased by an amount equal to the percentage increase in the CPI (urban) during the preceding fiscal year as certified to the executive officer by the director of the budget on August 15 of each year.*

(c) *If a student is not enrolled on a full-time basis, a student shall complete the course of study within the time period specified in the agreement and shall receive a proportionate amount of the scholarship allowed under subsection (b) based upon the number of hours enrolled in an academic period, and computed as a fraction of the total number of credit hours required for full-time enrollment.*

Sec. 14. K.S.A. 2006 Supp. 74-32,103 is hereby amended to read as follows: 74-32,103.

(a) An applicant for designation as a qualified student and for the award of a scholarship under the teacher service scholarship program shall provide to the executive officer, on forms supplied by the executive officer, information required by the executive officer.

(b) As a condition to awarding a scholarship under this act, the executive officer and the applicant shall enter into an agreement which shall require the applicant to:

(1) Complete the required course of instruction ~~leading to licensure as a teacher as specified in the agreement;~~

(2) *obtain and maintain necessary licensure and endorsement as specified in the agreement;*

~~(2)~~ (3) engage in teaching in Kansas in an underserved area or in a hard-to-fill teaching discipline and comply with such other terms and conditions as may be specified by such agreement;

~~(3)~~ (4) commence teaching on a full-time basis in Kansas in an accredited public or private elementary or secondary school in accordance with the agreement and continue teaching on a full-time basis for a period of not less than the length of the course of instruction for which the scholarship was awarded or commence teaching on a part-time basis in Kansas in an accredited public or private elementary or secondary school in accordance with the agreement and continue teaching on such a part-time basis for a period of time that is equivalent to full time, as determined by the state board of regents, multiplied by the length of the course of instruction for which the scholarship was awarded;

~~(4)~~ (5) commence teaching in Kansas on a full-time or part-time basis within six months after ~~certification~~ licensure and continue teaching for the period of time required by the agreement;

~~(5)~~ (6) maintain records and make reports to the executive officer as required by the executive officer to document the satisfaction of the obligations under this act and the agreement; and

~~(6)~~ (7) upon failure to satisfy an agreement to engage in teaching in an underserved area or in a hard-to-fill teaching discipline *as specified in the agreement and* for the required period of time under any such agreement, repay to the state amounts as provided in K.S.A. 74-32,104, and amendments thereto.

Sec. 15. K.S.A. 2006 Supp. 74-32,105 is hereby amended to read as follows: 74-32,105.

(a) Except as otherwise specified in the agreement, an obligation under any agreement entered into under the teacher service scholarship program shall be postponed: (1) During any required period of active military service; (2) during any period of service as a part of volunteers in service to America (VISTA); (3) during any period of service in the peace corps; (4) during any period of service commitment to the United States public health service; (5) during any period of religious missionary work conducted by an organization exempt from tax under section 501(c)(3) of the federal internal revenue code as in effect on December 31, 2000; (6) during any period of time the person obligated is unable because of temporary medical disability to teach; (7) during any period of time the person obligated is enrolled and actively engaged on a full-time basis in a course of study leading to a degree in the field of education which is higher than that formerly attained; (8) during any period of time the person obligated is on job-protected leave under the federal family and medical leave act of 1993; or (9) during any period of time the state board of regents determines that the person obligated is unable because of special circumstances to teach. Except for clauses (6), (8) and (9), an obligation under any agreement entered into as provided in the teacher service scholarship program shall not be postponed more than five years from the time the obligation was to have been commenced under such agreement. An obligation under any agreement entered into as provided in the teacher service scholarship program shall be postponed under clause (6) during the period of time the medical disability exists. An obligation under any agreement entered into as provided in the teacher service scholarship program shall be postponed under clause (8) during the period of time the person obligated remains on FMLA leave. An obligation to engage in teaching in accordance with an agreement under the teacher service scholarship program shall be postponed under clause (9) during the period of time the state board of regents determines that the special circumstances exist. The state board of regents shall adopt rules and regulations prescribing criteria or guidelines for determination of the existence of special circumstances causing an inability to teach, and shall determine the documentation required to prove the existence of such circumstances.

(b) An obligation under any agreement entered into as provided in the teacher service scholarship program shall be satisfied: (1) If the obligation has been completed in accordance with the agreement; (2) if the person obligated dies; (3) if, because of permanent physical disability, the person obligated is unable to satisfy the obligation; (4) if the person obligated fails to satisfy the requirements for a graduation from a teacher education program after making the best effort possible; (5) if the person obligated fails to satisfy all requirements for licensure to teach in Kansas or has been denied licensure after applying for a license to



teach and making the best effort possible to obtain such license; or (6) if the person obligated is unable to obtain employment as a teacher in an underserved area or in a hard-to-fill teaching discipline *as specified in the agreement* after making the best effort possible to obtain such employment and the person obligated otherwise completes the terms, conditions and obligations of the agreement.

New Sec. 16. (a) As used in this section:

- (1) "Board" means the state board of regents.
- (2) "Institution" means a state educational institution as defined by K.S.A. 76-711, and amendments thereto, and Washburn University.
- (3) "Program" means the teacher education competitive grant program established by this section.
- (4) "Hard-to-fill teaching discipline" means a teaching discipline in which there is a critical shortage of teachers as determined and specified by the state board of education.
- (5) "Underserved area" means a geographic area of the state in which there is a critical shortage of teachers as determined by the state board of education.
- (6) "Teacher education program" means a program specifically targeted at increasing the number of students who complete a course of instruction leading to licensure as a teacher in a hard-to-fill teaching discipline or who agree to teach in an underserved area.
- (b) There is hereby established the teacher education competitive grant program. Subject to the limitations of appropriations therefor, any institution which desires to establish or expand a teacher education program may submit an application for a competitive grant of moneys in an amount to be determined by the board for the purpose of paying the costs of establishing or expanding a teacher education program and any operating expenses related thereto. Grants shall be matched on the basis of \$2 from the teacher education grant program for \$1 from the institution receiving the grant. Grant moneys may be expended for creation of new teacher education programs or the expansion of existing teacher education programs provided by an institution.
- (c) In order to be eligible for a grant under this section, the institution shall submit to the board an application for a grant. The application shall be prepared in such form and manner as required by the board and shall be submitted at a time to be determined and specified by the board.
- (d) The board shall establish standards and criteria for reviewing, evaluating and approving applications for grants submitted pursuant to this section. All grants shall be awarded by the board in accordance with the standards and criteria established by the board. Within the limitations of appropriations therefor, the state board shall determine the amount and number of grants and be responsible for payment of grants to institutions.
- (e) Each institution which is awarded a grant under this section shall make such periodic and special reports of statistical and financial information to the board as it may request.
- (f) This section shall be part of and supplemental to the teacher service scholarship program.

New Sec. 17. At least 70% of the moneys appropriated to the state board for the purposes of the teacher service scholarship program shall be expended for the purpose of awarding teacher service scholarships under K.S.A. 74-32,102, and amendments thereto.

New Sec. 18. (a) On or before January 14, 2009, the state board shall submit a report to the legislature relating to the administration of the teacher service scholarship program and the teacher education competitive grant program. The report shall include the following information for the time period beginning on July 1, 2007 and ending on October 1, 2008:

- (1) The number of scholarships awarded under K.S.A. 74-32,102, and amendments thereto.
- (2) The average amount of scholarships awarded under K.S.A. 74-32,102, and amendments thereto.
- (3) The aggregate amount of scholarships awarded under K.S.A. 74-32,102, and amendments thereto.
- (4) The number of scholarships which were awarded under K.S.A. 74-32,102, and amendments thereto to applicants enrolled in courses of instruction leading to licensure as a teacher in hard-to-fill teaching disciplines and what those hard-to-fill teaching disciplines are.

(5) The number of scholarships which were awarded under K.S.A. 74-32,102, and amendments thereto to applicants enrolled in courses of instruction leading to licensure as a teacher in an underserved area and what those underserved areas are.

(6) The number of grants awarded under section 16, and amendments thereto, and the name of the postsecondary institutions to which the grants were awarded.

(7) The average amount of grants awarded under section 16, and amendments thereto.

(8) The aggregate amount of grants awarded under section 16, and amendments thereto, and the aggregate amount awarded to each postsecondary institution.

(b) The report also shall contain information relating to the need for the program and progress made under the program including, but not limited to:

(1) The number of vacant positions on July 1, 2007, in school districts in hard-to-fill teaching disciplines or in underserved areas.

(2) The number of vacant positions in hard-to-fill teaching disciplines or underserved areas on October 1, 2008.

(3) Other information deemed necessary by the state board.

New Sec. 19. The university of Kansas school of medicine shall review and evaluate the criteria used in the determination of medically underserved areas of the state for the purpose of the medical student loan act. On or before January 14, 2008, the university of Kansas school of medicine shall submit a report to the legislature relating to such review and evaluation and any other information deemed necessary by the school of medicine.

Sec. 20. K.S.A. 74-32,100 and 76-382 and K.S.A. 2006 Supp. 74-32,101, 74-32,102, 74-32,103, 74-32,105, 74-32,186 through 74-32,193, 74-32,201 through 74-32,208, 74-32,211 through 74-32,218, 76-729, 76-729, as amended by section 1 of 2007 House Bill No. 2425, and 76-729a are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in lines 16 through 20, and inserting the following: “AN ACT concerning postsecondary education, relating to fees and tuition; relating to financial aid programs; amending K.S.A. 74-32,100 and 76-382 and K.S.A. 2006 Supp. 74-32,101, 74-32,102, 74-32,103, 74-32,105 and 76-729 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 74-32,186 through 74-32,193, 74-32,201 through 74-32,208, 74-32,211, through 74-32,218 and 76-729a and 76-729, as amended by section 1 of 2007 House Bill No. 2425.”;

And your committee on conference recommends the adoption of this report.

DWAYNE UMBARGER

JAY SCOTT EMLER

LAURA KELLY

*Conferees on part of Senate*

CLAY AURAND

DEENA HORST

SUE STORM

*Conferees on part of House*

On motion of Rep. Aurand, the conference committee report on **HB 2185** was adopted.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze,

Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Garcia.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2267**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2267**, 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 18 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1, 2 and 3 and inserting the following:

"Section 1. K.S.A. 12-6a19 is hereby amended to read as follows: 12-6a19. (a) Whenever the construction of any water, *stormwater* or sanitary sewer improvement is initiated by petition pursuant to ~~subsection (2)~~ of K.S.A. 12-6a04, and amendments thereto, the governing body of the city may require the owners of property, which benefits from such *water, stormwater or sanitary sewer* improvement but which was not included within the original improvement district, to pay a benefit fee at the time the owners of such property request, by petition, to be served by such improvement.

The amount of such benefit fee shall not exceed the amount of the assessment, including principal and interest, which would have been levied against the property had it been included in the original improvement district. The benefit fee shall be assessed only against the property described in the petition requesting service by the *water, stormwater or sanitary sewer* improvement. Unless otherwise provided by the city, such benefit fee shall be due and payable at the time the property begins being served by the *water, stormwater or sanitary sewer* improvement, and shall be subject to the same interest, as assessments against property originally included in the improvement district for such *water, stormwater or sanitary sewer* improvement. Any benefit fees paid hereunder shall be applied: ~~(a)~~ (1) To the remaining principal and outstanding interest on the bonds issued to finance the *water, stormwater or sanitary water* improvement, with a resulting pro rata reduction of the assessments against property originally included in the improvement district for such *water, stormwater or sanitary sewer* improvement; or ~~(b)~~ (2) the city general bond and interest fund if any of the cost of the *water, stormwater or sanitary sewer* improvement was paid by the city at large.

(b) *Whenever the construction of any arterial street improvement is initiated by petition pursuant to of K.S.A. 12-6a04, and amendments thereto, the governing body of the city may require the owners of property, which benefits from such arterial street improvement but which was not included within the original improvement district, to pay a benefit fee at the time the owners of such property request, by petition, to construct a new street or improve an existing street that will be or is connected to such arterial street improvement and thereby benefited by such arterial street improvement. The amount of such benefit fee shall not exceed the amount of assessment, including principal and interest, which would have been levied against the property had it been included in the original improvement district. The benefit fee shall be assessed only against the property described in the petition requesting the construction of streets that will be connected to such arterial street improvement. Unless otherwise provided by the city, such benefit fee shall be due and payable at the conclusion of construction of the street improvement described in the petition, and shall be subject to the same interest, as assessments against property originally included in the improvement district for such arterial street improvement.*

*Any benefit fees paid hereunder shall be applied: (1) To the remaining principal and outstanding interest on the bonds issued to finance the arterial street improvement, with a resulting pro rata reduction of the assessments against property originally included in the improvement district for such arterial street improvement; or (2) the city general bond and interest fund if any of the cost of the arterial street improvement was paid by the city at large.*

*For purposes of this section, the term "arterial street" shall mean a street, boulevard, avenue or part thereof within the city or extending not more than three miles from the boundaries of the city, the primary function of which is, or shall be, the movement of through traffic between areas of concentrated activity within or without the city or the connection of one or more existing or proposed subdivisions within or without the city to other streets within the city.*

*The governing body of the city may designate, by resolution, all or any portion of a street or proposed street as an arterial street; such determination to be final and conclusive.*

(c) The provisions of this act shall be supplemental to any legal authority cities may exercise in imposing hookup or connection fees or other user or regulatory charges for water, stormwater or sanitary sewer service. The amount of any hookup or connection fee imposed pursuant to this section shall not exceed the actual cost of connecting the property to the water, stormwater or sanitary sewer.

Sec. 2. K.S.A. 2006 Supp. 12-6a01 is hereby amended to read as follows: 12-6a01. For the purpose of this act, the terms defined in this section shall have the meanings ascribed to them as follows:

(a) "Improvement" means any type of improvement made under authority of this act and the singular may include the plural, and includes reimprovement of a prior improvement.

(b) "To improve" means to construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend or to otherwise perform any work which will provide a new facility or enhance, extend or restore the value or utility of an existing facility.

(c) "Acquire" means the acquisition of property or interests in property by purchase, gift, condemnation or other lawful means, *including improvements authorized to be constructed under this act*, and may include the acquisition of existing property and improvements already owned by the city and previously financed by the issuance of revenue bonds, such acquisition to constitute a refunding of such revenue bonds and no additional refunding authority shall be required but nothing herein shall be construed to require a holder of any such revenue bonds to surrender bonds for refunding unless the provisions of such bonds allow the redemption thereof.

(d) "Cost" means all costs necessarily incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, necessary fees and expenses of consultants and interest accrued on borrowed money during the period of construction together with the cost of land, materials, labor and other lawful expenses incurred in planning and doing any improvement and may include a charge of not to exceed 5% of the total cost of an improvement or the cost of work done by the city to reimburse the city for the services rendered by the city in the administration and supervision of such improvement by its general officers, *any necessary reserves* and where property and improvements already owned by the city and previously financed by the issuance of revenue bonds is acquired the cost shall include not to exceed the principal amount of such outstanding revenue bonds plus the amount of matured interest, interest maturing within 90 days, and the amount of any call premium or purchase premium required.

(e) "Consultant" means engineers, architects, planners, attorneys and other persons deemed competent to advise and assist the governing body in planning and making of improvements.

(f) "Improvement district" means:

(1) An area deemed by the governing body to be benefited by an improvement and subject to special assessment for all or a portion of the cost of the improvement; or

(2) an area described in a petition submitted in accordance with subsection (c) or (d) of K.S.A. 12-6a04, and amendments thereto, and subject to a special assessment for all or a portion of the cost of the improvement.

(g) "Street" means street, alley, avenue, boulevard, or other public way or any part thereof.

(h) "Newspaper" means the official designated newspaper of the city, or if there is no newspaper published therein or no official newspaper, a newspaper of general circulation in the city authorized to publish legal notices.

(i) "Asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite and actinolite.

(j) "Asbestos-containing material" means any material or product which contains more than 1% asbestos.

(k) "Asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in any municipally owned building or privately owned building, which has been declared by the governing body to be for a public purpose and a benefit to the general health, safety and welfare or to the general economic development of the area within such privately owned buildings are located. Such project shall include, but not by way of limitation, any activity undertaken for:

- (1) The removal or encapsulation of asbestos-containing material;
- (2) any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation;
- (3) conducting inspections, reinspections and periodic surveillance of buildings;
- (4) performing response actions;
- (5) developing, implementing and updating operations and maintenance programs and management plans; and
- (6) all preparation, cleanup, disposal and postabatement clearance testing measures associated with such activities.

(l) "Lead control project" means any activity which is necessary or incidental to the control of any lead hazard in any municipally owned building or privately owned building, which has been declared by the governing body to be for a public purpose and a benefit to the general health, safety and welfare or to the general economic development of the area within such privately owned buildings are located. Such project shall include, but not by way of limitation, any activity undertaken for:

- (1) The removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead contaminated soil;
- (2) any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation;
- (3) conducting inspections, reinspections and periodic surveillance of buildings;
- (4) performing response actions;
- (5) developing, implementing and updating operations and maintenance programs and management plans; and
- (6) all preparation, cleanup, disposal and postabatement clearance testing measures associated with such activities.

(m) "Lead hazard" means any condition which causes exposure to lead that would result in adverse human health effects.

(n) "*Bonds*" means *general obligation bonds* or *special obligation bonds*.

Sec. 3. K.S.A. 12-6a02 is hereby amended to read as follows: 12-6a02. As a complete alternative to all other methods provided by law, the governing body of any city is hereby authorized to make, or cause to be made, municipal works or improvements which confer a special benefit upon property within a definable area of the city and may levy and collect special assessments upon property in the area deemed by the governing body to be benefited by such improvement for special benefits conferred upon such property by any such municipal work or improvement and to provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of such special assessments as hereinafter provided. Such work or improvements may include the following without limitation because of enumeration:

(a) Acquisition of (1) property or interest in property when necessary for any of the purposes authorized by this act and (2) *any improvement authorized to be constructed under this act.*

(b) To open, widen and extend streets and otherwise to improve paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes necessarily lying within curb lines.

(c) To improve main and lateral storm water drains and sanitary sewer systems and appurtenances thereto.

(d) To improve street lights and street lighting systems.

(e) To improve waterworks systems owned by the city and water distribution systems owned and operated by a water district established pursuant to K.S.A. 19-3501 et seq., and amendments thereto.

(f) To improve parks, playgrounds and recreational facilities.

(g) To improve any street or other facility by landscaping, planting of trees, shrubs and other perennial plants.

(h) To improve dikes, levees and other flood control works, gates, lift stations, bridges and streets appurtenant thereto.

(i) To improve vehicle and pedestrian bridges, overpasses and tunnels.

(j) To improve retaining walls and area walls on public ways or land abutting thereon.

(k) To improve property for off-street parking facilities including construction and equipment of buildings thereon for such purpose.

(l) Asbestos control projects and lead control projects.

Sec. 4. K.S.A. 12-6a14 is hereby amended to read as follows: 12-6a14. The total cost of any improvement made under the authority of this act shall be paid as follows:

(a) All costs made payable by the city at large which may be paid from general funds legally available for such purposes or from other general improvement funds available for such purposes may be paid from such funds.

(b) Costs payable by special assessments which have been paid in full prior to the date set by the governing body as provided in K.S.A. 12-6a10, *and amendments thereto*, shall be paid from assessments so collected.

(c) Costs payable by special assessments, to be paid in installments, and costs made payable by the city at large and not payable from available general funds, or other general improvement funds available to the governing body for such purpose, shall be paid by the issuance and sale of bonds of the city as provided by law.

(d) During the progress of any improvement the governing body may issue temporary notes of the city as provided by law *or may issue special obligation temporary notes of the city* to pay such costs, and upon completion of the work, bonds of the city shall be issued and sold as provided hereinbefore.

(e) The costs of more than one ~~(1)~~ improvement may be paid from a single issue and sale of bonds without other consolidation of the proceedings prior to the bond issue.

(f) The amount of any such general obligation bonds outstanding at any one time shall not exceed the bonded debt limitations of such city under the provisions of any law applicable thereto.

(g) *Any city may also issue special obligation bonds to refund any bonds and repay any temporary notes previously issued under this act.*

Sec. 5. K.S.A. 12-105a is hereby amended to read as follows: 12-105a. As used in this act and the act of which this section is amendatory, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the context shall otherwise require:

(a) "Municipality" means and includes county, township, city, school district of whatever name or nature, community junior college, municipal university, *city, county or district hospital*, drainage district, cemetery district, fire district, and other political subdivision or taxing unit, and including their boards, bureaus, commissions, committees and other agencies, such as, but not limited to, library board, park board, recreation commission, hospital board of trustees having power to create indebtedness and make payment of the same independently of the parent unit.

(b) "Governing body" means and includes the board of county commissioners, the governing body of a city, the township board (trustee, clerk and treasurer), board of education or other governing body of a school district, board of trustees of a community junior college,

board of regents of a municipal university, the body of a special district (such as a drainage, cemetery, fire or other) which has the power to create indebtedness and is charged with the duty of paying the same, and the board, bureau, commission, committee or other body of an independent agency of a parent unit.

(c) "Claim" means the document relating to and stating an amount owing to the claimant by a municipality for material or service furnished to the municipality, or some action taken by or for the municipality and for which the municipality may or may not be responsible in a liquidated or an unliquidated amount. A claim is liquidated when the amount due or to become due is made certain by agreement of the parties or is fixed by law.

(d) "Warrant" means an instrument ordering the treasurer of a municipality to pay out of a designated fund a specified sum to a named person or party who or which has filed a claim against the municipality.

(e) "Check" means an ordinary check drawn on a depository bank of a municipality by the treasurer of such municipality and payable to the holder of a warrant or warrants issued by the municipality.

(f) "Warrant check" means a combination of warrant and check. It is a negotiable instrument which orders a depository bank to pay to the order of the payee therein named. A warrant check authorizes the bank upon which drawn to charge the municipality's account with the amount stated therein.

(g) For the purposes of this act the term "audit" shall be construed to mean to examine and render an opinion as to allowance or rejection in whole or in part.

Sec. 6. K.S.A. 12-1232 is hereby amended to read as follows: 12-1232. The library board of a regional library shall consist of six ~~(6)~~ appointed members and, in addition thereto, the official head of each participating county or township shall *appoint a member of the governing body* to be an ex officio member with the same powers as appointed members. Each county or township participating in a regional library shall be equally represented on the library board, but in case such uniform representation cannot be obtained because of the number of counties or townships participating, the governing body shall agree on a method of rotating representation among the participating counties or townships. The official head of each participating county or township, with the approval of the governing body thereof, shall appoint the members from such county or township.

Terms of all members of the library board of any township library previously established under the authority of K.S.A. 80-804 shall expire on the effective date of this act and successors to such members shall be appointed in the manner and for the terms prescribed in this section.

The members first appointed shall be appointed, one ~~(1)~~ for a term expiring the first April 30th following date of appointment, two ~~(2)~~ for terms expiring the second April 30th following date of appointment, one ~~(1)~~ for a term expiring the third April 30th following date of appointment, and two ~~(2)~~ for terms expiring the fourth April 30th following date of appointment. Upon the expiration of the terms of members first appointed, succeeding members shall be appointed in like manner for terms of four ~~(4)~~ years. Vacancies occasioned by removal from the county or township, resignation or otherwise, shall be filled by appointment for the unexpired term. Except for the ex officio members of the board, no person holding any office in a participating county or township shall be a member of the library board while holding such office, and no person who has been appointed for two ~~(2)~~ four-year terms to the library board shall be eligible for further appointment to such board.

New Sec. 7. The board of directors of drainage district No. 2 of Finney county shall provide by the passage of a resolution for the staggering of terms of the board. At the next election of directors, one director shall be elected for a two-year term and two directors shall be elected for three-year terms. Election of directors thereafter shall be for three-year terms.

Sec. 8. K.S.A. 12-105a, 12-6a02, 12-6a14, 12-6a19 and 12-1232 and K.S.A. 2006 Supp. 12-6a01 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in lines 14 and 15 and inserting “AN ACT concerning municipalities; amending K.S.A. 12-105a, 12-6a02, 12-6a14, 12-6a19 and 12-1232 and K.S.A. 2006 Supp. 12-6a01 and repealing the existing sections.”;

And your committee on conference recommends the adoption of this report.

TIM HUELSKAMP  
ROGER P. REITZ  
MARCI FRANCISCO  
*Conferees on part of Senate*

MICHAEL B. BURGESS  
TED POWERS  
TOM SAWYER  
*Conferees on part of House*

On motion of Rep. Burgess, the conference committee report on **HB 2267** was adopted.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Garcia.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2360**.

On motion of Rep. O'Neal to adopt the conference committee report on **HB 2360**, the motion was withdrawn.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2393**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2393**, 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 18 through 43;

By striking all on pages 2 through 5;

By striking all on page 6 and inserting the following:

"Section 1. K.S.A. 2006 Supp. 23-495 is hereby amended to read as follows: 23-495. The court trustee shall have the responsibility:

(a) For collection of support or restitution from the obligor upon the written request of the obligee or upon the order of the court; and

(b) to compile a list of individuals who owe arrearages under a support order or have failed, after appropriate notice, to comply with a subpoena issued pursuant to a duty of



*support. The court trustee shall deliver such list to the secretary of social and rehabilitation services on a quarterly basis or more frequently as requested by the secretary.*

Sec. 2. K.S.A. 23-4,119 is hereby amended to read as follows: 23-4,119. (a) Whether or not a medical child support order has previously been entered, the court ~~may~~ *shall address the medical needs of the child, and if necessary, enter a medical child support order. Subject to any requirements in child support guidelines adopted by the supreme court pursuant to K.S.A. 20-165, and amendments thereto, the medical child support order may require either parent or both parents to furnish coverage under any health benefit plan as provided in this section, allocate between the parents responsibility for deductibles and copayments, allocate between the parents responsibility for medical costs not covered by any health benefit plan, include costs of coverage under a health benefit plan in the calculation of a current child support order, require cash medical support as an adjustment to a current support order, and make any other provision that justice may require. Before requiring either parent to provide coverage under any health benefit plan available to the parent after consideration of, the court shall consider whether the benefits of the plan are accessible to the child and the cost of coverage, including deductibles and copayments, in relation to the overall financial circumstances. In no event shall the court consider as a factor the availability of medical assistance to any person. Nothing in this section shall prevent the court from prospectively ordering a parent to provide coverage under any health benefit plan which may become available to the parent.*

(b) Except for good cause shown, if more than one health benefit plan is available for *and accessible* to a child, the court shall give preference to the plan: (1) Designated by court order or agreement of the parties, or, if none, then (2) in which the child already has benefits, or, if none, then (3) with terms closest to those designated by court order or agreement of the parties, or, if none, then (4) in which the parent or members of the parent's household have benefits, or, if none, then (5) in which the child will receive the greatest benefits.

(c) When a medical child support order has been entered, the obligor shall be deemed to have granted by operation of law a limited power of attorney to submit claims to a health benefit plan on the child's behalf and to endorse and negotiate any check or other negotiable instrument issued in full or partial payment of the child's claim. Except as otherwise provided in this subsection, the limited power of attorney shall be held by the obligee. If the child is receiving medical assistance from the secretary of social and rehabilitation services, the secretary of social and rehabilitation services shall be deemed the sole holder of the limited power of attorney with respect to payments subject to the secretary's claim for reimbursement. Upon termination of medical assistance in this state for the child, the secretary of social and rehabilitation services shall retain the limited power of attorney with respect to medical assistance already provided until the claim of the secretary for reimbursement is satisfied. If the child is receiving medical assistance under Title XIX of the federal social security act in another state or jurisdiction, the agency or official responsible for administering the Title XIX program in that state or jurisdiction shall be deemed the sole holder of the limited power of attorney with respect to payments subject to the claim of that agency or official for reimbursement. Upon termination of medical assistance in that state or jurisdiction for the child the agency or official administering the Title XIX program shall retain the limited power of attorney with respect to medical assistance already provided until the claim of that agency or official for reimbursement is satisfied.

(d) In any case in which a participating parent is required by a court or administrative order to provide health coverage for a child, the participating parent is eligible for family health coverage, and the child is otherwise eligible for family health coverage, without regard to any enrollment season restrictions the employer, sponsor or other administrator of a health benefit plan: (1) Shall permit the participating parent to enroll the child for coverage; or (2) if the participating parent is enrolled but has not applied for coverage for the child, shall permit the holder of a limited power of attorney pursuant to subsection (c) to enroll the child. A child enrolled under this subsection shall be treated, with regard to any pre-existing condition, as though enrollment occurred during the normal open enrollment period.

(e) When a child has been enrolled for coverage pursuant to subsection (d), the employer, sponsor or other administrator of a health benefit plan shall not disenroll or eliminate cov-

erage of the child unless the employer, sponsor or administrator is provided: (1) Satisfactory written evidence that the court or administrative order requiring the parent to provide health coverage is no longer in effect for the child and either the participating parent has requested a change or discontinuance of the child's coverage, or the child is otherwise ineligible for continued coverage; or (2) satisfactory written evidence, signed by all holders of a limited power of attorney pursuant to subsection (c), that the child is or will be enrolled in comparable health coverage through another insurer or health benefit plan which will take effect no later than the effective date of the disenrollment. An employer may also disenroll or eliminate coverage for the child if the employer has eliminated family health coverage for all of its employees.

(f) The provisions of this section and the income withholding act and amendments thereto shall apply to all orders for support, including all medical child support orders, entered in this state regardless of the date the order was entered.

Sec. 3. K.S.A. 2006 Supp. 39-756 is hereby amended to read as follows: 39-756. (a) (1) The secretary of social and rehabilitation services shall make support enforcement services required under part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.), or acts amendatory thereof or supplemental thereto, and federal regulations promulgated pursuant thereto, including but not limited to the location of parents, the establishment of paternity and the enforcement of child support obligations, available to persons not subject to the requirements of K.S.A. 39-709 and amendments thereto and not receiving support enforcement services pursuant to subsection (b). Persons who previously received public assistance but who are not receiving support enforcement services pursuant to subsection (b) may apply for or receive support enforcement services pursuant to this subsection.

(2) By applying for or receiving support enforcement services pursuant to subsection (a)(1), the applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in behalf of any family member, including the applicant, for whom the applicant is applying for or receiving support enforcement services. The assignment shall automatically become effective upon the date of application for or receipt of support enforcement services, whichever is earlier, and shall remain in full force and effect so long as the secretary provides support enforcement services on behalf of the applicant, recipient or child. By applying for or receiving support enforcement services pursuant to subsection (a)(1), the applicant, recipient or obligee is also deemed to have appointed the secretary or the secretary's designee as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person for whom the secretary is providing support enforcement services. This limited power of attorney shall be effective from the date support rights are assigned and shall remain in effect until the assignment is terminated in full.

(3) Nothing in this subsection shall affect or limit any existing assignment or claim for repayment of any unreimbursed portion of assistance pursuant to K.S.A. 39-709 and amendments thereto or affect or limit any subsequent assignment of support rights.

(b) (1) Upon discontinuance of all public assistance ~~in accordance with a plan under which federal moneys are expended on behalf of the applicant, recipient or child for: (A) Aid to families with dependent children, (B) medical assistance, or (C) the expenses of a child in the secretary's care or custody pursuant to K.S.A. 38-1501 et seq., and amendments thereto, or K.S.A. 2006 Supp. 38-2301 et seq., and amendments thereto, giving rise to an assignment of support rights pursuant to K.S.A. 39-709, and amendments thereto,~~ the secretary shall continue to provide all appropriate support enforcement services required under title IV-D of the federal social security act for the persons who were receiving assistance, unless the recipient requests that support enforcement services be discontinued.

(2) When support enforcement services are provided pursuant to subsection (b)(1), the assignment of support rights and limited power of attorney pursuant to K.S.A. 39-709 and amendments thereto shall remain in full force and effect. When the secretary is no longer providing support enforcement services related to support obligations accruing after the date assistance was discontinued, the assignment of support rights shall remain in effect to the extent provided in K.S.A. 39-756a, *and amendments thereto*.

(3) Nothing in this subsection shall affect or limit any existing assignment or claim for repayment of any unreimbursed portion of assistance pursuant to K.S.A. 39-709 and amendments thereto or affect or limit any subsequent assignment of support rights.

(c) The secretary shall fix by rules and regulations ~~a fee or~~ fees for services rendered pursuant to this section ~~as required by federal law or federal regulations, or both. Such fees shall conform to the requirements of title IV-D of the federal social security act. Any fees imposed by the secretary upon a person required to make payments under a support order shall be in addition to any amount the person is required to pay as support.~~

(d) ~~Subject to subsection (g) of K.S.A. 39-709 and amendments thereto, amounts Except as otherwise provided in this subsection, assigned support that is collected on behalf of persons while a person is receiving services pursuant to subsection (a) or (b) shall be paid to them unless the secretary of social and rehabilitation services retains an assignment of support rights pursuant to K.S.A. 39-709 and amendments thereto. Except as otherwise provided in subsection (g) of K.S.A. 39-709 and amendments thereto if such an assignment is retained by the secretary, current support payments shall be paid to the obligee and the secretary may retain any support arrearage to which social and rehabilitation services has a claim. Any support arrearage collected in excess of the amount assigned to social and rehabilitation services shall be paid to the obligee distributed as required by title IV-D of the federal social security act. If federal law authorizes the secretary to elect to distribute more support to any families than would otherwise be permitted, the secretary may make such election by adopting rules and regulations for that purpose.~~

(e) ~~In any action brought pursuant to this section or pursuant to subsection (g) of K.S.A. 39-709 and amendments thereto, or any action brought by a governmental agency or contractor, to establish paternity or to establish or enforce a support obligation, the social and rehabilitation services' attorney or the attorneys with whom such agency contracts to provide such services shall represent the state department of social and rehabilitation services. If any attorney provides legal services on behalf of the secretary in any case in which the secretary is furnishing title IV-D services, such attorney shall have an attorney-client relationship only with the secretary. The provisions of this subsection shall apply whether the attorney is an employee of the state, a contractor subject to the requirements of K.S.A. 75-5365, and amendments thereto, or an employee of such a contractor. Nothing in this section shall be construed to modify any statutory mandate, authority or confidentiality required by any governmental agency. Any representation No action by such attorney shall not be construed to create an attorney-client relationship between the attorney and any party person, other than the state department of social and rehabilitation services secretary.~~

Sec. 4. K.S.A. 2006 Supp. 32-918 is hereby amended to read as follows: 32-918. (a) Upon request of the secretary of social and rehabilitation services, the secretary of wildlife and parks shall not allow any license, permit, stamp, tag or other issue of the department of wildlife and parks to be purchased by any applicant except as provided in this section. The secretary of social and rehabilitation services may make such a request by providing the secretary of wildlife and parks, on a quarterly basis, a listing of names and other information sufficient to allow the secretary of wildlife and parks to match applicants against the list with reasonable accuracy. The secretary of social and rehabilitation services may include an individual on the listing if, at the time the listing is compiled, the individual owes arrearages under a support order in a title IV-D case or has failed, after appropriate notice, to comply with an outstanding warrant or subpoena directed to the individual in a title IV-D case. *The secretary of social and rehabilitation services shall include an individual on the listing if, at the time the listing is compiled, the individual owes arrearages under a support order, as reported to the secretary of social and rehabilitation services by the court trustee or has failed, after appropriate notice, to comply with a subpoena directed to the individual by the court trustee and as reported to the secretary of social and rehabilitation services by the court trustee.*

(b) If any applicant for a license, permit, stamp, tag or other issue of the department of wildlife and parks is not allowed to complete a purchase pursuant to this section, the vendor of the license, permit, stamp, tag or other issue of the department of wildlife and parks shall immediately deliver to the applicant a written notice, furnished by the state of Kansas, stating the basis for the action and how the applicant may dispute the action or request other relief.

*Such notice shall inform the applicant who owes arrearages in an IV-D case to contact social and rehabilitation services and in a non-IV-D case to contact the court trustee.*

(c) Immediately upon receiving a release executed by an authorized agent of the secretary of social and rehabilitation services *or the court trustee*, the secretary of wildlife and parks may allow the applicant to purchase any license, permit, stamp, tag or other issue of the department of wildlife and parks. The applicant shall have the burden of obtaining and delivering the release. The secretary of social and rehabilitation services *or the court trustee* may limit the duration of the release.

(d) Upon request the secretary of social and rehabilitation services shall issue a release if, as appropriate:

(1) The arrearages are paid in full or a tribunal of competent jurisdiction has determined that no arrearages are owed;

(2) an income withholding order in the case has been served upon the applicant's current employer or payor;

(3) an agreement has been completed or an order has been entered setting minimum payments to defray the arrearages, together with receipt of the first minimum payment; ~~or~~

(4) the applicant has complied with the warrant or subpoena or the warrant or subpoena has been quashed or withdrawn; *or*

(5) *the court trustee notifies the secretary of social and rehabilitation services that the applicant has paid the arrearages in full or has complied with the subpoena or the subpoena has been quashed or withdrawn.*

(e) Individuals previously included in a quarterly listing may be omitted from any subsequent listing by the secretary of social and rehabilitation services. When a new listing takes effect, the secretary of wildlife and parks may allow any individual not included in the new listing to purchase any license, permit, stamp, tag or other issue of the department of wildlife and parks, whether or not the applicant had been included in a previous listing.

(f) Nothing in this section shall be construed to require or permit the secretary of wildlife and parks to determine any issue related to *a child support order or related to the title IV-D case*, including questions of mistaken identity or the adequacy of any notice provided pursuant to this section. *In a title IV-D case*, the secretary of social and rehabilitation services shall provide an opportunity for fair hearing pursuant to K.S.A. 75-3306, and amendments thereto, to any person who has been denied any license, permit, stamp, tag or other issue of the department of wildlife and parks pursuant to this section, provided that the person complies with the requirements of the secretary of social and rehabilitation services for requesting such fair hearing. *In a non-IV-D case, the applicant shall contact the court trustee.*

(g) The term "title IV-D" has the meaning ascribed thereto in K.S.A. 32-930, and amendments thereto.

(h) The secretary of social and rehabilitation services and the secretary of wildlife and parks may enter into an agreement for administering the provisions of this section.

(i) The secretary of social and rehabilitation services and the secretary of wildlife and parks may each adopt rules and regulations necessary to carry out the provisions of this section.

(j) *Upon receipt of such list, the secretary of wildlife and parks shall send by first class mail, a letter to any new individual on the listing who has a current license, permit, stamp, tag or other issue of the department of wildlife and parks informing such individual of the provisions of this section.*

Sec. 5. K.S.A. 2006 Supp. 32-930 is hereby amended to read as follows: 32-930. (a) Except as provided in subsection (c), the secretary or the secretary's designee is authorized to issue to any Kansas resident a lifetime fishing, hunting or furharvester or combination hunting and fishing license upon proper application made therefor to the secretary or the secretary's designee and payment of a license fee as follows: (1) A total payment made at the time of purchase in the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto; or (2) payment may be made over a two-year period in eight quarter-annual installments in the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto. If payment is in installments, the license shall not be issued until the final installment has been paid. A person making installment payments shall not be required to obtain the appropriate annual license, and each installment payment shall be deemed to be such an annual license for a

period of one year following the date of the last installment payment made. If an installment payment is not received within 30 days after it is due and owing, the secretary may consider the payments in default and may retain any payments previously received. Any lifetime license issued to a Kansas resident shall not be made invalid by reason of the holder thereof subsequently residing outside the state of Kansas. Any nonresident holder of a Kansas lifetime hunting or combination hunting and fishing license shall be eligible under the same conditions as a Kansas resident for a big game or wild turkey permit upon proper application to the secretary. Any nonresident holder of a lifetime fishing license issued before July 1, 1989, shall be eligible under the same conditions as a Kansas resident for a big game or wild turkey permit upon proper application to the secretary.

(b) For the purposes of subsection (a), the term "resident" shall have the meaning defined in K.S.A. 32-701, and amendments thereto, except that a person shall have maintained that person's place of permanent abode in this state for a period of not less than one year immediately preceding the person's application for a lifetime fishing, hunting or furharvester or combination hunting and fishing license.

(c) (1) Upon request of the secretary of social and rehabilitation services, the secretary of wildlife and parks shall not issue a lifetime fishing, hunting or furharvester or combination hunting and fishing license to an applicant except as provided in this subsection. The secretary of social and rehabilitation services may make such a request if, at the time of the request, the applicant:

(A) Owed arrearages under a support order in a title IV-D case being administered by the secretary of social and rehabilitation services ~~or~~;

(B) had outstanding a warrant or subpoena, directed to the applicant, in a title IV-D case being administered by the secretary of social and rehabilitation services;

(C) *owes arrearages under a support order, as reported to the secretary of social and rehabilitation services by the court trustee; or*

(D) *has failed, after appropriate notice, to comply with a subpoena directed to the individual by the court trustee as reported to the secretary of social and rehabilitation services by the court trustee.*

(2) Upon receiving a release from an authorized agent of the secretary of social and rehabilitation services *or the court trustee*, the secretary of wildlife and parks may issue the lifetime fishing, hunting or furharvester or combination hunting and fishing license. The applicant shall have the burden of obtaining and delivering the release.

(3) The secretary of social and rehabilitation services shall issue a release upon request if, as appropriate:

~~(A)~~ (A) The arrearages are paid in full or a tribunal of competent jurisdiction has determined that no arrearages are owed;

~~(B)~~ (B) an income withholding order has been served upon the applicant's current employer or payor;

~~(C)~~ (C) an agreement has been completed or an order has been entered setting minimum payments to defray the arrearages, together with receipt of the first minimum payment; ~~or~~

~~(D)~~ (D) the applicant has complied with the warrant or subpoena or the warrant or subpoena has been quashed or withdrawn; *or*

(E) *the court trustee notifies the secretary of social and rehabilitation services that the applicant has paid the arrearages in full or has complied with the subpoena or the subpoena has been quashed or withdrawn.*

(d) (1) Upon request of the secretary of social and rehabilitation services, the secretary of wildlife and parks shall suspend a lifetime fishing, hunting or furharvester or combination hunting and fishing license to a licensee as provided in this subsection. The secretary of social and rehabilitation services may make such a request if, at the time of the request, the applicant owed arrearages under a support order or had outstanding a warrant or subpoena as stated in subsection (c)(1).

(2) Upon receiving a release from an authorized agent of the secretary of social and rehabilitation services *or the court trustee*, the secretary of wildlife and parks may reinstate the lifetime fishing, hunting or furharvester or combination hunting and fishing license. The licensee shall have the burden of obtaining and delivering the release.

(3) *The secretary of social and rehabilitation services shall issue a release upon request if the requirements of subsection (c)(3) are met.*

(e) Nothing in ~~this~~ subsection (c) or (d) shall be construed to require or permit the secretary of wildlife and parks to determine any issue related to *a child support order or related to the title IV-D case* ~~except~~ *including* to resolve questions of mistaken identity or determine the adequacy of any notice relating to ~~this~~ subsection (c) or (d) that the secretary of wildlife and parks provides to the applicant.

(f) "Title IV-D" means part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.) and amendments thereto, as in effect on December 31, 2001, relating to child support enforcement services.

~~(d)~~ (g) The secretary, in accordance with K.S.A. 32-805 and amendments thereto, may adopt rules and regulations necessary to carry out the provisions of this section.

Sec. 6. K.S.A. 60-2403 is hereby amended to read as follows: 60-2403. (a) (1) Except as provided in subsection (b) or (d), if a renewal affidavit is not filed or if execution, including any garnishment proceeding, support enforcement proceeding or proceeding in aid of execution, is not issued, within five years from the date of the entry of any judgment in any court of record in this state, including judgments in favor of the state or any municipality in the state, or within five years from the date of any order reviving the judgment or, if five years have intervened between the date of the last renewal affidavit filed or execution proceedings undertaken on the judgment and the time of filing another renewal affidavit or undertaking execution proceedings on it, the judgment, including court costs and fees therein shall become dormant, and shall cease to operate as a lien on the real estate of the judgment debtor. ~~Except as provided in subsection (b), when~~ *When* a judgment becomes and remains dormant for a period of two years, it shall be the duty of the ~~clerk of the court judge~~ to release the judgment of record when requested to do so.

(2) A "renewal affidavit" is a statement under oath, signed by the judgment creditor or the judgment creditor's attorney, filed in the proceedings in which the judgment was entered and stating the remaining balance due and unpaid on the judgment.

(3) A "support enforcement proceeding" means any civil proceeding to enforce any judgment for payment of child support or maintenance and includes, but is not limited to, any income withholding proceeding under the income withholding act, K.S.A. 23-4,105 through 23-4,118 and amendments thereto, or the interstate income withholding act, K.S.A. 23-4,125 through 23-4,137 and amendments thereto, any contempt proceeding and any civil proceeding under the ~~revised uniform reciprocal enforcement of support act (1966), K.S.A. 23-457~~ *uniform interstate family support act, K.S.A. 23-9,101 et seq.*, and amendments thereto.

(b) ~~(1) If a judgment for the support of a child becomes dormant before the child's emancipation, it shall be the duty of the clerk of the court to release the judgment of record when requested to do so only if the judgment has remained dormant for the period prior to the child's emancipation plus two years. When, after the child's emancipation, a judgment for the support of a child becomes and remains dormant for a period of two years, it shall be the duty of the clerk of the court to release the judgment of record when requested to do so.~~

~~(2) The provisions of this subsection shall apply only to those judgments which have not become void as of July 1, 1988. Except for those judgments which have become void as of July 1, 2007, no judgment for the support of a child shall be or become dormant for any purpose except as provided in this subsection. If a judgment would have become dormant under the conditions set forth in subsection (a), the judgment shall cease to operate as a lien on the real estate of the judgment debtor as of the date the judgment would have become dormant, but the judgment shall not be released of record pursuant to subsection (a).~~

(c) The time within which action must be taken to prevent a judgment from becoming dormant does not run during any period in which the enforcement of the judgment by legal process is stayed or prohibited.

(d) If a renewal affidavit is not filed or if execution is not issued, within 10 years from the date of the entry of any judgment of restitution in any court of record in this state, the judgment, including court costs and fees therein shall become dormant, and shall cease to operate as a lien on the real estate of the judgment debtor. Except as provided in subsection

(b), when a judgment becomes and remains dormant for a period of two years, it shall be the duty of the ~~clerk of the court~~ judge to release the judgment of record when requested to do so.

Sec. 7. K.S.A. 23-4,119 and 60-2403 and K.S.A. 2006 Supp. 23-495, 32-918, 32-930, 39-756 and 39-756b are hereby repealed.”;

And by renumbering section 5 as section 8;

On page 1, in the title, in line 12, by striking all after “concerning”; by striking all in lines 13 and 14; in line 15, by striking all before the period and inserting “child support enforcement; amending K.S.A. 23-4,119 and 60-2403 and K.S.A. 2006 Supp. 23-495, 32-918, 32-930 and 39-756 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 39-756b”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL  
TERRY BRUCE  
GRETA GOODWIN  
*Conferees on part of Senate*

MICHAEL R. O'NEAL  
LANCE KINZER  
JANICE L. PAULS  
*Conferees on part of House*

On motion of Rep. O'Neal, the conference committee report on **HB 2393** was adopted.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafarielli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Garcia.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6024—

By Representative Schwartz

A RESOLUTION congratulating and commending Jammie Layman for winning the title of Kansas Junior Miss 2007.

WHEREAS, Marshall County Junior Miss Jammie Layman of Marysville was named the 2007-2008 Kansas Junior Miss at the 47th annual Kansas Junior Miss Scholarship program at Belleville on March 17, 2007; and

WHEREAS, Kansas' Junior Miss scholarship program is an official preliminary of America's Junior Miss, the oldest and largest scholarship program for high school senior girls. The nonprofit program's goal is to honor young women who excel and encourage them to obtain a college education and assume roles of leadership in their communities and professions; and

WHEREAS, The categories in which the contestants were evaluated were scholastics, interview, talent, fitness and self-expression. Jammie, was named the winner from a field of 11 high school seniors by a panel of five judges and is the first winner ever from Marshall County. In addition to winning the title, Jammie was winner of the interview category and self-expression category; and

WHEREAS, Jammie will now proceed to compete in the National Junior Miss Scholarship program, which will be televised nationally, in June in Mobile, Alabama. At Mobile, Jammie will compete for a share of more than \$100,000 in cash scholarships and, as a participant of the Junior Miss program, will be eligible for scholarships from nearly 200 colleges and universities; and

WHEREAS, Jammie is a Senior at Marysville High School who is active in forensics, debate, chorus line and drama club and was a football cheerleader. Before her trip to the National Junior Miss Final, Jammie will compete in public forum debate at the National Catholic Forensics Grand National Tournament in May in Houston, Texas. Jammie is also active in Marysville Area Community Theatre; and

WHEREAS, Jammie is the daughter of Joe and Amy Krogman and the granddaughter of Ron and Dee Layman, all of Marysville: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend Jammie Layman for winning the title of Kansas Junior Miss 2007 and that we wish her continued success as she represents the state of Kansas at the National Junior Miss Scholarship program and beyond; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Representative Schwartz.

#### REPORTS OF STANDING COMMITTEES

Committee on **Taxation** recommends **Substitute for SB 215**, as amended by Senate Committee of the Whole, be amended by substituting a new bill to be designated as "HOUSE Substitute for Substitute for SENATE BILL No. 215," as follows:

"HOUSE Substitute for Substitute for SENATE BILL No. 215

By Committee on Taxation

"AN ACT concerning taxation; relating to franchise tax, threshold; amending K.S.A. 2006 Supp. 79-5401, as amended by section 1 of 2007 House Bill No. 2264, and repealing the existing section."; and the substitute bill be passed.

(**H. Sub. for Sub. SB 215** was thereupon introduced and read by title.)

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2598**, An act reconciling amendments to certain statutes; amending section 13 of 2007 Substitute for Senate Bill No. 354 and K.S.A. 8-234a, as amended by section 3 of 2007 Senate Bill No. 9, and 84-4-104, as amended by section 42 of 2007 Senate Bill No. 183, and K.S.A. 2006 Supp. 8-243, as amended by section 5 of 2007 Senate Bill No. 9, 8-247, as amended by section 3 of 2007 Substitute for House Bill No. 2042, 8-1325, as amended by section 11 of 2007 Senate Bill No. 9, 8-2117, 12-187, as amended by section 6 of 2007 Senate Bill No. 115, 12-189, as amended by section 7 of 2007 Senate Bill No. 115, 12-192, as amended by section 8 of 2007 Senate Bill No. 115, 12-1773, 16-1616, as amended by section 27 of 2007 Senate Bill No. 183, 19-101a, as amended by section 57 of 2007 Senate Bill No. 66, 19-101d, as amended by section 4 of 2007 House Bill No. 2058, 20-302b, 21-3413, 21-3612, 21-4714, 22-2401a, as amended by section 1 of 2007 Senate Bill No. 13, 28-170, 28-170a, 28-172a, 28-172b, 38-140, 39-709, 39-754, 39-756, 39-756a, 39-7,121d, 39-1305, 41-727, 44-703, as amended by section 1 of 2007 Senate Bill No. 83, 45-229, 59-104, 60-460, 60-2001, 61-2704, 61-4001, 65-1626, 72-6434, 72-8814, 74-2012, as amended by section 14 of 2007 Senate Bill No. 9, 74-4902, 74-5602, as amended by section 15 of 2007 Senate Bill No. 9, 74-7336, as amended by section 17 of 2007 Senate Bill No. 8, 75-2319, 75-5220, 75-7023, 75-7025, 75-7413, 75-7414, 79-32,117, as amended by section 21 of 2007



House Bill No. 2038, 79-32,120, as amended by section 22 of 2007 House Bill No. 2038, 79-32,138, as amended by section 23 of 2007 House Bill No. 2038, 79-3603, as amended by section 4 of 2007 House Bill No. 2171, 84-1-201, as amended by section 9 of 2007 Senate Bill No. 183, 84-2-103, as amended by section 33 of 2007 Senate Bill No. 183, 84-2a-103, as amended by section 35 of Senate Bill No. 183, and 84-9-102, as amended by section 48 of 2007 Senate Bill No. 183, and repealing the existing sections; also repealing section 11 of 2007 Substitute for Senate Bill No. 354 and K.S.A. 8-234a, as amended by section 2 of 2007 Substitute for House Bill No. 2042, 38-16,130, 59-104, as amended by section 18 of chapter 210 of the 2006 Session Laws of Kansas, and 84-4-104, as amended by section 62 of 2007 Senate Bill No. 308, and K.S.A. 2005 Supp. 12-1773, as amended by section 3 of chapter 192 of the 2006 Session Laws of Kansas, and K.S.A. 2006 Supp. 8-243, as amended by section 25 of House Bill No. 2010, 8-247, as amended by section 26 of 2007 House Bill No. 2010, 8-247, as amended by section 7 of 2007 Senate Bill No. 9, 8-1325, as amended by section 27 of 2007 House Bill No. 2010, 8-2117a, 12-187, as amended by section 1 of 2007 Senate Bill No. 112, 12-189, as amended by section 2 of 2007 Senate Bill No. 112, 12-192, as amended by section 3 of 2007 Senate Bill No. 112, 16-1616, as amended by section 44 of 2007 Senate Bill No. 308, 19-101a, as amended by section 9 of 2007 Senate Bill No. 115, 19-101d, as amended by section 1 of 2007 House Bill No. 2161, 20-302e, 21-3413a, 21-3612a, 21-4714a, 22-2401a, as amended by section 3 of 2007 House Bill No. 2068, 28-170c, 28-170d, 28-170e, 28-172e, 28-172f, 38-140a, 39-709d, 39-754a, 39-756b, 39-756c, 39-7,121f, 39-1305a, 41-727a, 44-703, as amended by section 1 of 2007 Senate Bill No. 235, 45-229a, 59-104a, 60-460a, 60-2001a, 60-4104a, 61-2704a, 61-4001a, 65-1626c, 72-6434a, 72-8814a, 74-2012, as amended by section 1 of 2007 House Bill No. 2374, 74-4902a, 74-5602, as amended by section 2 of 2007 House Bill No. 2068, 74-7336, as amended by section 16 of 2007 Substitute for Senate Bill No. 354, 75-2319a, 75-2319b, 75-5220a, 75-7023a, 75-7025a, 75-7413a, 75-7414a, 79-32,117, as amended by section 3 of 2007 House Bill No. 2031, 79-32,120, as amended by section 9 of 2007 House Bill No. 2419, 79-32,138, as amended by section 10 of 2007 House Bill No. 2419, 79-3603, as amended by section 1 of 2007 House Bill No. 2240, 84-1-201, as amended by section 47 of 2007 Senate Bill No. 308, 84-2-103, as amended by section 48 of 2007 Senate Bill No. 308, 84-2a-103, as amended by section 59 of 2007 Senate Bill No. 308, and 84-9-102, as amended by section 65 of 2007 Senate Bill No. 308, by Committee on Appropriations.

On motion of Rep. Merrick, the House recessed until 5:00 p.m.

## EARLY EVENING SESSION

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

### MESSAGE FROM THE SENATE

The Senate nonconcur in House amendments to **SB 30**, requests a conference and has appointed Senators Brungardt, Reitz and Gilstrap as conferees on the part of the Senate.

The President announced the appointment of Senator Hensley as a member of the conference committee on **S. Sub. for Sub. HB 2457** to replace Senator Kelly.

### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 30**.

Speaker Neufeld thereupon appointed Reps. Siegfried, Huebert and Peterson as conferees on the part of the House.

### CHANGE OF CONFEREES

Speaker Neufeld announced the appointment of Rep. Patton as a member of the conference committee on **SB 138** to replace Rep. Mast.

Also, the appointment of Rep. Patton as a member of the conference committee on **HB 2531** to replace Rep. Mast.

**REPORT ON ENGROSSED BILLS**

**HB 2032, HB 2081; S. Sub. for HB 2171; HB 2264, HB 2283; S. Sub. for HB 2405; S. Sub. for HB 2476** reported correctly engrossed April 4, 2007.

**S. Sub. for HB 2031; HB 2044, HB 2058, HB 2080, HB 2111, HB 2214, HB 2316, HB 2487, HB 2526** reported correctly re-engrossed April 4, 2007.

Also, **HB 2368** reported correctly re-engrossed April 5, 2007.

**REPORT ON ENROLLED BILLS**

**HB 2010, HB 2032, HB 2033; S. Sub. for Sub. HB 2035; HB 2038, HB 2073, HB 2080, HB 2081, HB 2111, HB 2112, HB 2169, HB 2202, HB 2214, HB 2240, HB 2283, HB 2314, HB 2316; S. Sub. for HB 2437; S. Sub. for HB 2485; HB 2487, HB 2526, HB 2528, HB 2535** reported correctly enrolled, properly signed and presented to the governor on April 6, 2007.

Also, **S. Sub. for HB 2031; HB 2044, HB 2058; S. Sub. for Sub. HB 2171; S. Sub. for HB 2264; S. Sub. for HB 2405; S. Sub. for HB 2476** reported correctly enrolled, properly signed and presented to the governor on April 9, 2007.

Also, **HB 2368** reported correctly enrolled, properly signed and presented to the governor on April 13, 2007.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6014** reported correctly enrolled and properly signed on April 25, 2007.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Thursday, April 26, 2007.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

